By Mr. STEVENS of Minnesota: Petition of the Minnesota legislature, for free lumber—to the Committee on Ways and Means.

Also, petition of Camp Merwin M. Carleton, Army of the Philippines, of St. Paul, Minn., for bill H. R. 18276 (badges for Philippine war service)—to the Committee on Military Affairs.

By Mr. VAN WINKLE: Petition of the boards of streets and water commissioners of Newark, N. J., against closing the drawbridges on the Passaic River—to the Committee on Rivers and Harbors.

By Mr. VOLSTEAD: Petition of L. E. Lien et al., for an amendment of the free-alcohol law—to the Committee on Ways and Means.

By Mr. WALDO: Papers to accompany bill H. R. 21204—to the Committee on the Merchant Marine and Fisheries.

By Mr. WEEKS: Petition of the Boston Society of Civil Engineers, for restoration of the appropriation for work of the States geological survey in gauging streams and otherwise investigating the water resources of the United States—to the Committee on Appropriations.

SENATE.

TUESDAY, *February 5, 1907.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

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

AFFAIRS IN THE INDIAN TERRITORY.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting copies of letters which have passed between the President and the Secretary in reference to the report of the Select Committee of the Senate on Affairs in the Indian Territory, etc.; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

CHESAPEAKE AND POTOMAC TELEPHONE COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Chesapeake and Potomac Telephone Company, of the District of Columbia, for the fiscal year ended December 31, 1906; which was referred to the Committee on the District of Columbia, and ordered to be printed.

DISPOSITION OF USELESS DOCUMENTS.

The VICE-PRESIDENT. On February 1 the Chair laid before the Senate a communication from the Secretary of the Treasury, transmitting schedules of papers, documents, etc., on the files of the Treasury Department which are not needed in the transaction of the public business, and had it referred to the Select Committee on the Disposition of Useless Papers in the Executive Departments. The Chair appoints as the committee on the part of the Senate the Senator from Alabama [Mr. PETTUS] and the Senator from New Hampshire [Mr. GALLINGER], and requests that the House of Representatives be notified thereof.

CREDENTIALS.

Mr. KITTREDGE presented the credentials of ROBERT J. GAMBLE, chosen by the legislature of the State of South Dakota a Senator from that State for the term beginning March 4, 1907; which were read, and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had passed the bill S. 925, an act for the construction of a steam vessel for the Revenue-Cutter Service for duty in the district of Puget Sound, with amendments in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 24541) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1907, and for other purposes.

The message further announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

H. R. 24046. An act to incorporate the Hungarian Reformed Federation of America;

H. R. 24928. An act authorizing the construction of a dam across the Snake River, in the State of Washington, by the Benton Water Company;

H. R. 25032. An act to amend an act entitled "An act for the protection of game in Alaska, and for other purposes," approved June 7, 1902;

H. R. 25043. An act to authorize the Atlanta, Birmingham and Atlantic Railroad Company to construct a bridge across the Chattahoochee River in the State of Georgia;

H. R. 25187. An act to amend "An act to provide for refunding taxes paid upon legacies and bequests for uses of a religious, charitable, or educational character, for the encouragement of art, and so forth, under the act of June 13, 1898," and for other purposes, approved June 27, 1902;

H. R. 25242. An act to authorize additional aids to navigation in the Light-House Establishment, and for other purposes; and

H. J. Res. 224. Joint resolution directing the Secretary of Commerce and Labor to investigate and report to Congress concerning existing patents granted to officers and employees of the Government in certain cases.

The message also announced that the House had passed a concurrent resolution requesting the President to return the bill (H. R. 20928) granting an increase of pension to Reuben A. George; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

S. 976. An act granting pensions to certain enlisted men, soldiers and officers who served in the civil war and in the war with Mexico;

H. R. 1142. An act for the relief of Ephraim Greenawalt;

H. R. 1443. An act for the payment of Robert D. Benedict for services rendered;

H. R. 1738. An act for the relief of Sarah A. Clapp;

H. R. 1808. An act for the relief of J. J. L. Peel;

H. R. 4299. An act for the relief of John Stinson;

H. R. 5167. An act for the relief of William H. Stiner & Sons;

H. R. 5651. An act for the relief of William H. Beall;

H. R. 9778. An act for the relief of Philip Loney;

H. R. 10015. An act for the relief of the estate of Capt. Charles E. Russell, deceased;

H. R. 10595. An act for the relief of Nye & Schneider Company;

H. R. 12560. An act for the relief of John C. Lynch;

H. R. 13031. An act granting an increase of pension to Thomas H. Leslie;

H. R. 13895. An act to correct the naval record of Michael Sheehan;

H. R. 14634. An act for the relief of George H. Chase;

H. R. 15594. An act for the relief of John B. Brown;

H. R. 18380. An act to complete the naval record of Charles W. Held;

H. R. 19749. An act to prescribe the duties of deputy collectors of customs;

H. R. 19752. An act for an additional term of court at Quincy, Ill.;

H. R. 22362. An act for the relief of Esther Rousseau;

H. R. 24932. An act for the extension of School street NW.;

H. R. 25034. An act to change the time of holding circuit and district courts of the United States for the middle district of Tennessee; and

H. J. Res. 207. Joint resolution declaring Sturgeon Bay, Illinois, not navigable water.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the legislature of the State of Minnesota, in favor of an appropriation for the construction of a canal in Aitkin County, Minn.; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

[H. F. No. 45.]

Joint memorial asking the Congress of the United States to appropriate a sufficient sum of money to construct a canal in the county of Aitkin, State of Minnesota, at the point hereinafter designated, for the purpose of relieving a large body of land located in said county from periodical overflow.

Whereas there exists in the county of Aitkin, in the State of Minnesota, upward of 100,000 acres of the most fertile land in the Mississippi Valley, which is subject to periodical overflow, caused by floods on the Mississippi River, at which times large bodies of cultivated land are flooded and crops, cattle, and farm machinery are destroyed; and

Whereas said Mississippi River at said point is under the jurisdiction of the United States, and the United States has constructed reservoirs above and below said point, designed for the purpose of controlling said floods; and

Whereas it is our belief that the construction of the canal hereinafter referred to would be an aid to said reservoir system as well as reclaiming said lands: Now, therefore, be it

Resolved by the legislature of the State of Minnesota in session assembled, That the Congress of the United States be, and it is hereby, requested to appropriate a suitable sum of money to construct a canal in the county of Aitkin, in the State of Minnesota, from a point on the Mississippi River in section 10, township 48, range 25 west of the fourth principal meridian, to a point on the Mississippi River in section 13, township 136 north of range 25 west of the fifth principal meridian, as shown on the annexed plat and marked "Proposed route No. 3."

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Resolved, That our Senators and Representatives in Congress are requested to urge this measure upon the attention of the Congress of the United States.

Resolved, That the secretary of state is hereby instructed to forward copies of these resolutions to the Vice-President of the United States, the Speaker of the House of Representatives, and to each of our Senators and Representatives in Congress.

Approved February 1, 1907.

UNITED STATES OF AMERICA,
STATE OF MINNESOTA,
DEPARTMENT OF STATE.

I, Julius A. Schmahl, secretary of state of the State of Minnesota, do hereby certify that I have compared the annexed copy with the original act in my office of H. F. No. 45, being a "Joint memorial asking the Congress of the United States to appropriate a sufficient sum of money to construct a canal in the county of Aitkin, State of Minnesota, at the point hereinafter designated, for the purpose of relieving a large body of land located in said county from periodical overflow," approved February 1, 1907, and that said copy is a true and correct transscript of said act and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State at the capitol, in St. Paul, this 1st day of February, A. D. 1907.

JULIUS A. SCHMAHL, *Secretary of State.*

The VICE-PRESIDENT presented the petition of J. Franklin Moulton, of Denver, Colo., praying for the enactment of certain legislation granting pensions to widows of soldiers of the civil war; which was referred to the Committee on Pensions.

He also presented a petition of the Property Owners' Association of Manila, P. I., praying for the enactment of legislation granting to the Banco Espanol Filipino the same treatment as that accorded to the Porto Rico Bank; which was ordered to lie on the table.

Mr. PLATT presented a petition of the executive committee of the Interchurch Conference on Federation, of New York City, N. Y., praying for an investigation into the existing conditions in the Kongo Free State; which was ordered to lie on the table.

He also presented petitions of the congregations of the Methodist Episcopal Church of Fredonia, the First Baptist Church of Hermon, and the Presbyterian Church of Westhampton, and of sundry citizens of Perry and West Glens Falls, all in the State of New York, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Oxford, N. Y., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. FRYE presented a memorial of the Maine Press Association, remonstrating against the adoption of certain changes in the postal laws relative to newspapers; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PERKINS presented a memorial of the Board of Trade of San Francisco, Cal., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the convention of the California State Federation of Labor, praying for the enactment of legislation to regulate the issuance of restraining orders and injunctions; which was referred to the Committee on the Judiciary.

He also presented a petition of the Board of Trade of San Francisco, Cal., praying that an appropriation be made for the construction of a breakwater at Hilo, Hawaii; which was referred to the Committee on Commerce.

He also presented a petition of sundry citizens of Los Angeles and Ontario, in the State of California, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of the Board of Trade of San Francisco, Cal., praying that an appropriation be made for the defense of the ports on the Pacific coast; which was referred to the Committee on Naval Affairs.

Mr. CURTIS. I present the memorial of John Bullette, relative to his claim against the Government of the United States under the treaty between the United States and the Cherokee Indians. I move that the memorial and accompanying papers be printed and referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. CURTIS. I present a concurrent resolution of the legislature of Kansas, in favor of an appropriation of $75,000 to protect the banks of the Missouri River at Elwood, in that State. I ask that the concurrent resolution be printed in the RECORD and referred to the Committee on Commerce.

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

House concurrent resolution No. 11.

Whereas the Missouri River at a point bordering on the city of Elwood, in Doniphan County, Kans., is washing and cutting away the land within said city, and endangering the homes of the people residing there; and

Whereas said city is in danger of being washed entirely away and the inhabitants of said city are in danger of great loss of property and of much suffering; and

Whereas no steps have ever been taken or means employed by the General Government to protect the banks along said river at said places; and

Whereas the sums of money heretofore appropriated by the Congress of the United States, and intended by Congress to be used in protecting the banks on both sides of said river at said place, have been used exclusively to protect the banks and property on the Missouri side only: Therefore, be it

Resolved by the house of representatives (the senate concurring therein), That the Senators and Representatives from Kansas in Congress be instructed to use every honorable effort to secure an appropriation by Congress of not less than $75,000, to be used exclusively on the Kansas side of said river to protect the banks thereof at the point where said river borders upon said city of Elwood; and that a copy of this resolution be sent by the secretary of state to each Senator and Representative in Congress from this State.

I hereby certify that the above concurrent resolution originated in the house, and passed that body January 30, 1907.

J. S. SIMMONS,
Speaker of the House.
D. Y. WILSON,
Clerk of the House.

Passed the senate January 31, 1907.

W. J. FITZGERALD,
President of the Senate.
W. F. CRITSINGER,
Secretary of the Senate.

Approved February 1, 1907.

E. W. HOCH, *Governor.*

Mr. CURTIS presented a petition of sundry citizens of Salina, Kans., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. DEPEW presented petitions of sundry citizens of Walden, Batavia, Westerleigh, Halsey Valley, Philmont, and Vermilion, all in the State of New York, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Cornwall and Firthcliffe, in the State of New York, praying for an investigation into the existing conditions in the Kongo Free State; which was ordered to lie on the table.

Mr. LATIMER presented a petition of the Dark Tobacco Planters' Protective Association, of Tennessee, Kentucky, and Virginia, praying for the enactment of legislation to repeal the internal-revenue tax on leaf tobacco; which was referred to the Committee on Finance.

He also presented a petition of the Commercial Club of Abbeville, S. C., praying for the passage of the so-called "reciprocal demurrage bill;" which was referred to the Committee on Interstate Commerce.

Mr. DU PONT presented a petition of sundry citizens of Southwest Wilmington, Del., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. PATTERSON (for Mr. TELLER) presented the petition of Hal Sayre, of the State of Colorado, and the petition of Mrs. Ella L. C. Dwinell, of the State of Colorado, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers; which were referred to the Committee on Claims.

He also (for Mr. TELLER) presented petitions of sundry citizens of Denver and Pueblo, all in the State of Colorado, praying for the enactment of legislation to extend the provisions of the present Chinese-exclusion law so as to include Japanese and Koreans; which were referred to the Committee on Immigration.

Mr. NELSON presented petitions of sundry citizens of Appleton, Le Sueur, and Chippewa County, all in the State of Minnesota, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. BURKETT presented a petition of sundry citizens of West Point, Nebr., praying for the adoption of a certain amendment to the present denatured-alcohol law; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Falls City, Nebr., praying for the enactment of legislation to regulate the employment of child labor; which was ordered to lie on the table.

He also presented the petition of John L. Thorburn, of the State of Nebraska, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers; which was referred to the Committee on Claims.

He also presented sundry affidavits to accompany the bill (S. 7294) granting an increase of pension to William P. Pattison; which were referred to the Committee on Pensions.

He also presented the petition of William Stull, of Omaha, Nebr., praying that an appropriation be made for the improvement of the Missouri River; which was referred to the Committee on Commerce.

He also presented petitions of sundry citizens of Orleans, Kenesaw, Alma, and Gearing, all in the State of Nebraska, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. McCREARY presented a petition of the Woman's Christian Temperance Union of Nicholasville, Ky., and a petition of sundry citizens of Columbus, Ky., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. LONG presented petitions of sundry citizens of Gray, Kingman, and Stafford counties, all in the State of Kansas, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Rice County, Kans., praying for the passage of the so-called "Crumpacker bill," relating to postal fraud orders; which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Newton and Wichita, all in the State of Kansas, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented a petition of the executive committee of the Inter-Church Conference on Federation, of New York City, N. Y., praying for the adoption of the so-called "Lodge resolution," to investigate the existing conditions in the Kongo Free State; which was ordered to lie on the table.

He also presented a petition of the Vermont Dairymen's Association, praying for the enactment of legislation raising the status of the dairy division, Department of Agriculture, to that of a bureau; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Marion County, Kans., praying for the enactment of legislation to regulate the employment of child labor, and also for the passage of the so-called "parcels-post bill;" which was ordered to lie on the table.

He also presented a concurrent resolution of the legislature of the State of Kansas, favoring an appropriation to relieve the encroachment of the Missouri River on the Kansas side at and near Elwood, Doniphan County, in that State; which was referred to the Committee on Commerce.

Mr. CLARK of Wyoming. I present a memorial of the conference of the Broadway Baptist Church, of Ardmore, Ind. T., relative to the sale of certain land in that city the title to which was acquired by the Government of the United States from Indian tribes under and by virtue of a treaty between the United States and the Choctaws and Chickasaws. I move that the memorial be printed and referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. CARMACK presented a petition of the Woman's Christian Temperance Union of McConnell, Tenn., and a petition of sundry citizens of Smithville, Tenn., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. FULTON presented a petition of the Woman's Christian Temperance Union of Milton, Oreg., and a petition of sundry citizens of Scotts Mills, Oreg., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. LODGE presented a petition of the Boston Society of Civil Engineers of Massachusetts, praying that an appropriation be made for the continuation of the hydrographic work of the Geological Survey; which was referred to the Committee on Appropriations.

CONSERVATION OF FORESTS.

Mr. WARREN. I have in my hand a petition, or rather a series of resolutions, adopted by the National Wool Growers' Association at their recent meeting in Salt Lake City. This is perhaps the oldest live-stock association in the world, having been organized in 1864, and also the largest one which we know anything about.

As the resolutions touch upon subjects being debated on this floor to some extent lately regarding forests, the grazing of public lands, etc., and as the resolutions are short, I ask unanimous consent that they may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

[Organized 1864.]

HEADQUARTERS THE NATIONAL WOOL GROWERS' ASSOCIATION OF THE UNITED STATES,
Cheyenne, Wyo., January 28, 1907.

The honorable members of the Senate and House of Representatives, Washington, D. C.

GENTLEMEN: I have the honor to transmit herewith copy of resolutions adopted by the woolgrowers and sheep breeders of the United States in forty-third annual convention assembled, Salt Lake City, Utah, January 19, 1907, and respectfully ask for your careful consideration of the same.

I.

Be it resolved, That we believe the general policy of the Government in conserving the forests for the future use of the people is right, but the method of administering the rules governing the same need remedying in many instances. We most earnestly protest against the creation of forest reserves in regions where there are no forests and where none can be created, thereby withdrawing from the use of the people lands which are of inestimable value for grazing purposes, and which can be used for no other purpose.

II.

SECTION 1. We ask that the Wool Growers' Association, now in session at Salt Lake City, Utah, appoint a committee of not to exceed three men from each of the arid States and Territories, active stockmen, to meet the Land Commission in the near future to confer with them relative to the Government control of the public domain, said committee to be instructed by this convention to try to show the Commission that under the now existing circumstances it would be better for all concerned to defer Government control of these domains until the forest-reserve policy is more definitely settled, and also discuss the most feasible and fairest way to all persons interested in these domains whereby one person's interests will not be ruined to build up another's. With due respect, this convention and the people owe this to the President of the United States, as Mr. Pinchot has explained to you.

SEC. 2. It is further recommended that a meeting with the United States Land Commission and the members of this committee at some convenient place in the very near future be held, said committee to name place of meeting.

III.

We protest against the present fees charged for grazing sheep in the forest reserves as being excessive. The fee charged for grazing sheep is greater in proportion to the amount of feed consumed than that charged for cattle.

IV.

We further demand an equitable division of the grazing ground in the forest reserves as between sheep and other kinds of stock, and where practicable that each kind of stock should be made to graze within its allotted district.

V.

We are unqualified in our indorsement of the present import tariff duties on wool, woolen fabrics, hides, meat, and meat animals, and oppose emphatically any legislation which shall tend to decrease or disturb the present prosperous condition of the wool and live-stock industry of the United States.

VI.

We favor the enactment of a law to require all railroads handling live stock in shipments of ten cars or more to maintain a speed limit of not less than 17 miles an hour including stops.

VII.

Whereas a bill has been introduced in the United States Senate by Senator BURKETT, known as Senate bill 7618, which authorizes the President of the United States to establish, from time to time, by proclamation, grazing districts upon the public land of the United States; and

Whereas we believe said bill to not be specific enough in some of its terms and provisions and does not make due allowance for the magnitude and variety of the interests and conditions involved, and, finally, will confer, if enacted, upon the Department and Bureau administrative officers certain powers practically legislative, and, further, does not make any provision whereby the various States interested may have a voice in the administration thereof: Therefore,

Be it resolved, By the forty-third annual convention of the National Wool Growers assembled, that we insist that if such a law be passed it be under joint Government and State control of the unreserved and unappointed lands of the United States. We view with jealous alarm any innovation that threatens to throw our affairs into confusion and which may deprive us of any voice in the management of our grazing privileges.

Be it further resolved, That we respectfully protest against the proposed Senate bill No. 7618 and urgently request the President of the United States to appoint a commission of live-stock men representative of the grazing interests which will be affected by the proposed legislation, which said commission shall be authorized to confer and act with the present Government Land Commission with a view to suggesting and formulating such amendments to said proposed law as may be deemed wise and proper and for the best interests of those concerned.

Be it further resolved, That the secretary of this association shall send a copy of these resolutions to the President of the United States and every Senator and Representative in Congress.

VIII.

Whereas we people of the United States are being buncoed daily by shoddy and cotton goods, misrepresented as wool; and

Whereas the United States Government does protect the people by means of pure-food laws and meat-inspection laws from food adulteration; and

Whereas it is right and just in the abstract that any government protect its people from frauds and counterfeits and adulteration: Therefore, be it

Resolved, That we have Government inspection to protect us from

shoddy and cotton counterfeits of wool, and we hereby request our Congressmen and the United States Senators to introduce, work, and vote for an act requiring manufacturers of goods and clothing to brand their product, designating the percentage of wool, cotton, shoddy, or any other material contained in said clothing and goods; and be it further

Resolved, That the President of the United States be made acquainted with this wish of the people of the United States so that he may recommend, if he deems proper, to Congress the necessary remedial legislation.

Respectfully submitted.

GEO. S. WALKER, *Secretary*.

CONSOLIDATION OF RAILWAY LINES IN INDIAN TERRITORY.

Mr. TILLMAN. I present an important memorial coming from the Oklahoma constitutional convention, remonstrating against the consolidation of certain lines of railway in the Indian Territory. The memorial is short, and I ask that it be read and referred to the Committee on Interstate Commerce.

The Secretary read the memorial, as follows:

Resolution No. 77. By the constitutional convention of the proposed State of Oklahoma.

[Introduced by Hon. R. L. Williams, District No. 108, on the 1st day of February, A. D. 1907, and adopted by unanimous vote of the convention.]

CERTIFICATE.

I hereby certify that the within resolution was introduced and passed by the constitutional convention on the date and in the manner above stated.

JNO. M. YOUNG, *Secretary*.

RESOLUTION.

Whereas the following special has been sent out from Washington:

FRISCO MERGER—CONGRESS ASKED FOR RIGHT TO CONSOLIDATE TERRITORY LINES.

WASHINGTON, *January 30*.

Frank Evans, assistant attorney of the Frisco, with headquarters at St. Louis, is here pushing a bill authorizing the Frisco Railway Company to consolidate several small branch lines in the Indian Territory. The bill has been reported favorably by the Committee on Indian Affairs and will be passed in a few days and go to the Senate. The lines to be consolidated into the Frisco system follow: St. Louis, San Francisco and New Orleans road, running from Hope, Ark., through the Indian Territory via Ardmore to the Red River, distance 280 miles; St. Louis and Oklahoma City road, from Sapulpa to Oklahoma City, distance 105 miles; St. Louis, Oklahoma and Southern, running from Sapulpa to Red River, distance 193 miles; Oklahoma City and Western road, running from Oklahoma City to the Red River on the west, distance 182 miles.

Therefore this constitutional convention hereby protests against the passage of any such act and memorializes Congress not to enact any such legislation as will permit the consolidation of said lines of railways, but to leave the new State of Oklahoma to investigate these matters and deal therewith as its legislature may see proper, and if it is necessary for the Congress of the United States to deal therewith, that it can be more properly done after the State of Oklahoma has two members in the United States Senate and five Representatives in the lower House, and for such reasons said protest is urged.

WM. H. MURRAY, *President*.

Attest:

JNO. M. YOUNG, *Secretary*.

Mr. CULBERSON. Mr. President, it is not material to me, of course, to what committee this protest shall go. The Senator from South Carolina asked its reference to the Committee on Interstate Commerce, but I call his attention to the fact that the resolution itself recites that this contemplated legislation is pending in the Committee on Indian Affairs.

Mr. TILLMAN. Yes; at the other end of the Capitol.

Mr. CULBERSON. At the other end of the Capitol?

Mr. TILLMAN. Yes. As one of those roads crosses the State line of Arkansas I suppose that interstate commerce is involved. I am indifferent as to which committee it goes, but I suggest that the Committee on Interstate Commerce is the proper committee for it to go in case the bill pending in the other House ever gets over here.

Mr. CULBERSON. I misunderstood the purport of the memorial, Mr. President, and therefore its disposition one way or the other does not matter.

The VICE-PRESIDENT. Without objection, the memorial will be referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 17618) granting an increase of pension to Anna F. Burlingame;

A bill (H. R. 19537) granting an increase of pension to Edward S. E. Newbury;

A bill (H. R. 19499) granting an increase of pension to Thomas Milson;

A bill (H. R. 19498) granting an increase of pension to Sarah Neely;

A bill (H. R. 19450) granting an increase of pension to Henry C. Eastep;

A bill (H. R. 19369) granting an increase of pension to John F. G. Cliborne;

A bill (H. R. 19175) granting an increase of pension to Josiah B. Arnott;

A bill (H. R. 19131) granting an increase of pension to Edward K. Mull;

A bill (H. R. 19042) granting a pension to Georgette K. Collum;

A bill (H. R. 18968) granting a pension to Vance Perkins;

A bill (H. R. 18602) granting an increase of pension to James E. Netser;

A bill (H. R. 18450) granting an increase of pension to Eliza Howell;

A bill (H. R. 18344) granting an increase of pension to William Todd;

A bill (H. R. 18245) granting an increase of pension to Samuel D. McCurdy;

A bill (H. R. 18213) granting an increase of pension to William Ingram;

A bill (H. R. 17831) granting an increase of pension to James Bowman;

A bill (H. R. 17783) granting an increase of pension to James West;

A bill (H. R. 17750) granting an increase of pension to John Gustus;

A bill (H. R. 17061) granting an increase of pension to Iva O. Shepardson;

A bill (H. R. 16978) granting an increase of pension to Max Mueller;

A bill (H. R. 16907) granting an increase of pension to Clarke S. Cole;

A bill (H. R. 16855) granting an increase of pension to Milton Peden;

A bill (H. R. 16391) granting an increase of pension to William Jackson;

A bill (H. R. 16046) granting an increase of pension to David Province;

A bill (H. R. 16322) granting an increase of pension to George C. Limpert;

A bill (H. R. 16020) granting an increase of pension to Andrew Brink;

A bill (H. R. 15903) granting an increase of pension to Henry S. Scudder;

A bill (H. R. 15353) granting an increase of pension to Abby J. Bryant;

A bill (H. R. 15189) granting an increase of pension to Sidney S. Skinner;

A bill (H. R. 15136) granting an increase of pension to George H. Justin;

A bill (H. R. 15012) granting an increase of pension to Oliver Curry;

A bill (H. R. 14777) granting a pension to Mary A. Clark;

A bill (H. R. 13960) granting an increase of pension to Thomas B. Manning;

A bill (H. R. 13920) granting an increase of pension to Oren D. Curtis;

A bill (H. R. 13835) granting an increase of pension to William Crane; and

A bill (H. R. 13769) granting an increase of pension to David Angel.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3204) granting an increase of pension to Charles H. Anthony;

A bill (H. R. 3002) granting an increase of pension to David C. Johnston;

A bill (H. R. 2878) granting an increase of pension to John M. Cheevers;

A bill (H. R. 2781) granting an increase of pension to Martin V. B. Wyman;

A bill (H. R. 21832) granting an increase of pension to John W. Wilkinson;

A bill (H. R. 21026) granting a pension to Delia S. Humphrey;

A bill (H. R. 2777) granting an increase of pension to Albert F. Durgin;

A bill (H. R. 2246) granting an increase of pension to Henry Damm;

A bill (H. R. 2049) granting an increase of pension to Henry Arey;

A bill (H. R. 1778) granting a pension to Jefferson L. Jennings;

A bill (H. R. 1373) granting an increase of pension to Florence Bacon;

A bill (H. R. 1233) granting an increase of pension to Lucretia Davis;

A bill (H. R. 1019) granting an increase of pension to Daniel B. Bayless;

A bill (H. R. 830) granting an increase of pension to Hezekiah Dezarn;
A bill (H. R. 529) granting an increase of pension to Francis L. Arnold;
A bill (H. R. 8718) granting an increase of pension to William T. Rowe;
A bill (H. R. 8673) granting an increase of pension to Marcena C. S. Gray;
A bill (H. R. 8586) granting an increase of pension to Milton J. Timmons;
A bill (H. R. 8164) granting an increase of pension to Jackson Mays;
A bill (H. R. 7918) granting an increase of pension to John M. Buxton;
A bill (H. R. 7538) granting an increase of pension to Thompson H. Hudson;
A bill (H. R. 7416) granting an increase of pension to Joseph R. Boger;
A bill (H. R. 7415) granting an increase of pension to George W. Brawner;
A bill (H. R. 6943) granting an increase of pension to Linas Van Steenburg;
A bill (H. R. 6887) granting an increase of pension to James E. Taylor;
A bill (H. R. 6880) granting an increase of pension to Marine D. Tackett;
A bill (H. R. 6589) granting an increase of pension to Manoah W. Dunkin;
A bill (H. R. 6575) granting an increase of pension to Rawleigh M. Monin;
A bill (H. R. 6491) granting an increase of pension to Albert Riley;
A bill (H. R. 6161) granting an increase of pension to Horatio Ernest;
A bill (H. R. 5856) granting an increase of pension to Martin Offinger;
A bill (H. R. 5854) granting an increase of pension to Jonas Gurnee;
A bill (H. R. 3977) granting an increase of pension to John Vorous;
A bill (H. R. 3352) granting an increase of pension to George R. Roraback; and
A bill (H. R. 5709) granting an increase of pension to Mary H. Patterson.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:
A bill (H. R. 12496) granting an increase of pension to Hurlbutt L. Farnsworth;
A bill (H. R. 12458) granting an increase of pension to Thomas J. Saylor;
A bill (H. R. 12355) granting an increase of pension to Thomas B. Thompson;
A bill (H. R. 12250) granting an increase of pension to Samuel Naus;
A bill (H. R. 19578) granting an increase of pension to Mary A. Rogers;
A bill (H. R. 12154) granting an increase of pension to Henry E. Collins;
A bill (H. R. 12095) granting an increase of pension to Atticus Lewis;
A bill (H. R. 12033) granting an increase of pension to George W. Irwin;
A bill (H. R. 11994) granting an increase of pension to Martha W. Wright;
A bill (H. R. 11980) granting an increase of pension to William H. Boulton;
A bill (H. R. 11754) granting an increase of pension to Charles W. Helvey;
A bill (H. R. 11740) granting an increase of pension to Robert R. Dill;
A bill (H. R. 11693) granting an increase of pension to James H. Davison;
A bill (H. R. 11535) granting a pension to Margarette R. Bacon;
A bill (H. R. 11523) granting an increase of pension to Robert L. Hamill;
A bill (H. R. 11098) granting an increase of pension to Joseph A. Robinson;
A bill (H. R. 10874) granting an increase of pension to Frederick Pfahl;
A bill (H. R. 10598) granting an increase of pension to Robert W. Mills;
A bill (H. R. 10188) granting an increase of pension to James L. Conn;
A bill (H. R. 9655) granting an increase of pension to William Crooks;
A bill (H. R. 9576) granting an increase of pension to Henry Wagner;
A bill (H. R. 9450) granting an increase of pension to Alexander Brown;
A bill (H. R. 9073) granting an increase of pension to Melissa McCracken; and
A bill (S. 7628) granting an increase of pension to John P. Wildman.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:
A bill (S. 7923) granting an increase of pension to William H. Brady;
A bill (S. 7553) granting an increase of pension to A. P. Clark; and
A bill (S. 2971) granting an increase of pension to H. O. Bennum.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:
A bill (S. 7555) granting an increase of pension to James T. Piggott;
A bill (S. 6245) granting an increase of pension to Susan Mahany; and
A bill (S. 7231) granting an increase of pension to Oscar F. Richards.

Mr. KEAN, from the Committee on Claims, to whom was referred the bill (S. 616) authorizing and directing the Secretary of State to examine and settle the claim of the Wales Island Packing Company, reported it without amendment, and submitted a report thereon.

Mr. SMOOT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:
A bill (H. R. 20616) granting an increase of pension to Isaac Fornwalt;
A bill (H. R. 19592) granting an increase of pension to William B. Corley;
A bill (H. R. 19613) granting an increase of pension to James A. Pryce;
A bill (H. R. 19775) granting an increase of pension to Greenup Meece;
A bill (H. R. 20008) granting an increase of pension to Caroline A. Smith;
A bill (H. R. 20125) granting an increase of pension to Mary Küchler;
A bill (H. R. 20126) granting an increase of pension to Margaret Pint;
A bill (H. R. 20243) granting an increase of pension to Anton Heinzen;
A bill (H. R. 20261) granting an increase of pension to Burris Subers;
A bill (H. R. 20283) granting an increase of pension to Henry D. Bole;
A bill (H. R. 20413) granting a pension to Eva Louise Eberlin;
A bill (H. R. 20446) granting an increase of pension to Andrew H. Groves;
A bill (H. R. 20455) granting an increase of pension to Harvey McCallin;
A bill (H. R. 20493) granting an increase of pension to Charles F. Connery; and
A bill (H. R. 20577) granting a pension to Mary Kaisted.

Mr. CARTER, from the Committee on Public Lands, to whom was referred the bill (H. R. 8970) authorizing the Commissioner of the General Land Office to quitclaim the title conveyed to the United States for land in forest reservations, under certain conditions, reported it with an amendment, and submitted a report thereon.

Mr. CLARK of Montana, from the Committee on the Library, to whom was referred the bill (S. 8292) providing for the completion by the Secretary of War of a monument to the memory of the American soldiers who fell in the battle of New Orleans at Chalmette, La., and making the necessary appropriation therefor, reported it without amendment, and submitted a report thereon.

BOARD ON GEOGRAPHIC NAMES.

Mr. PLATT, from the Committee on Printing, to whom was referred the resolution submitted by Mr. LODGE on the 28th ultimo, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Public Printer be ordered to print and bind 2,500 copies of the Third Report of the United States Board on Geographic Names for the use of the Board.

REPORT OF GOVERNOR OF OKLAHOMA FOR 1906.

Mr. PLATT, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Public Printer be, and he is hereby, authorized and directed to print from stereotype plates 1,500 additional copies of the report of the governor of Oklahoma for 1906 for the use of the Department of the Interior.

DOCUMENTARY HISTORY OF THE CONSTITUTION, ETC.

Mr. PLATT, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. WETMORE on the 22d ultimo, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the concurrent resolutions passed February 9, 1901, and May 10, 1902, providing for the publication of the Documentary History of the Constitution, and the Bulletins of the Bureau of Rolls and Library of the Department of State, are hereby continued in force and excepted from the limitation of one year, as provided in section 80 of the act of January 12, 1895, for the public printing and binding and the distribution of public documents.

ELIZABETH R. GORDON.

Mr. FULTON. I am directed by the Committee on Claims, to whom was referred the bill (S. 8040) for the relief of Elizabeth R. Gordon, to report it favorably without amendment, and I submit a report thereon. I call the attention of the junior Senator from Maine to the report.

Mr. FRYE. It is a very short bill, and I ask unanimous consent that it receive consideration.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the accounting officers of the Treasury to allow to Elizabeth R. Gordon, widow of George A. Gordon, deceased, late major Fifth United States Cavalry, the amount found due by the Second Auditor of the Treasury March 10, 1885, on account of the services of George A. Gordon as an officer of the Army, and appropriates $2,146.78 for the payment of this claim.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REVISION OF COPYRIGHT ACTS.

Mr. KITTREDGE. From the Committee on Patents I submit a report to accompany the bill (S. 8190) to consolidate and revise the acts respecting copyrights, heretofore reported favorably by me from the committee.

Mr. SMOOT. I desire to give notice that to-morrow there will be a minority report filed with the bill.

The VICE-PRESIDENT. The report just presented will be printed and lie on the table.

NINTH JUDICIAL CIRCUIT.

Mr. KITTREDGE. I report back with amendment, from the Committee on the Judiciary, the bill (H. R. 23394) to provide for an additional district judge for the northern and southern districts of California. I call the attention of the junior Senator from Washington to the bill.

Mr. PILES. I ask for the immediate consideration of the bill.

The Secretary read the amendment of the committee, which was to strike out all after the enacting clause and to insert:

That there shall be in the ninth judicial district two additional circuit judges, each of whom shall be appointed by the President, by and with the advice and consent of the Senate, and shall possess the same qualifications and shall have the same powers and jurisdiction and receive the same compensation prescribed by law in respect to circuit judges of the United States: *Provided*, That whenever one vacancy in the office of circuit judge in the ninth judicial circuit shall occur the same shall not be filled, and thereafter there shall be four circuit judges only in said court.

SEC. 2. That in the ninth judicial circuit at least one term of the circuit court of appeals shall be held each year in the city of Seattle.

SEC. 3. It shall hereafter be the duty of all circuit judges when not sitting in the circuit court of appeals, or engaged in work connected with said court, to hold terms of the circuit court and transact the business at chambers and otherwise, which devolves by law upon circuit judges.

SEC. 4. That there shall be in the northern district of California an additional district judge, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall possess the same qualifications and have the same powers and jurisdiction and receive the same compensation provided by law in respect to other district judges.

SEC. 5. That the senior circuit judge of the ninth circuit, or the resident circuit judge within the district, shall make all necessary orders for the division of business and the assignment of cases for trial in said district.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

Mr. FULTON. I should like to know what change is proposed. I should like to have some one in charge of the bill explain the change made by it.

Mr. PERKINS. The change as to an additional district judge?

Mr. FULTON. Yes; and as to the place of holding the courts.

Mr. PERKINS. The bill as originally introduced and considered by the committee provided that an additional judge should be appointed for both districts in California, and this designates the judge for the northern district of California. I understand that a judge can be assigned in the southern district if it is necessary under great pressure of business.

Mr. FLINT. The senior Senator from California has been absent from the Chamber; and I desire to state that the bill has been materially amended in this, that it not only provides for an additional district judge, but for two circuit judges. The provision in the amendment that the Senator from Oregon requests information about is in reference to the time of holding court by the circuit judges.

Mr. FULTON. The court of appeals.

Mr. FLINT. The court of appeals. The amendment provides that terms of the circuit court of appeals shall be held in Seattle the same as are now provided by law.

Mr. FULTON. If the Senator will allow me, I think I understand it now. The Senator from Wisconsin [Mr. SPOONER] has explained it to me. I understand that it does not interfere with the existing law authorizing a term of court to be held elsewhere in the Northwest—for instance, at Portland.

Mr. SPOONER. It does not.

Mr. FULTON. At the present time it may be held there.

Mr. CULBERSON. Mr. President, I understand there are already three circuit judges in the ninth circuit. This bill proposes to increase the number by two. That makes it, so far as the number of judges are concerned, the largest circuit in the United States, larger than the eighth, which has the greatest volume of business of any circuit in the country.

I should like to have some Senator familiar with the facts state the reason why this increase in the number of the judges is made. I am a member of the Committee on the Judiciary, but I was not impressed with the necessity for the appointment of two additional circuit judges for this circuit, making it larger than any circuit in the United States in the number of its judges, while the volume of the business there is not as great as in other circuits, particularly not as great as in the eighth circuit.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported as a substitute by the Committee on the Judiciary.

Mr. HEYBURN. I should like to have it read again.

The Secretary again read the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act to provide for additional circuit judges in the ninth judicial circuit, and for an additional district judge in the northern district of California, and for other purposes."

Mr. HALE. The Senator from Minnesota [Mr. CLAPP] announced that he would ask the Senate to proceed at the end of the routine morning business with the Indian appropriation bill. It is so important that the appropriation bills shall be pushed at present that I must hereafter object to the consideration of any bill, as the appropriation bill is ready for action.

ARMY APPROPRIATION BILL.

Mr. WARREN. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 23551) making appropriation for the support of the Army for the fiscal year ending June 30, 1908, to report it with amendments, and I submit a report thereon.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. WARREN. I wish to give notice that I shall undertake to call up the bill immediately following the consideration of the Indian appropriation bill now before the Senate. As that may occur to-morrow or the next day, I wish to insert in the RECORD a brief statement of the changes in figures in the bill, so that it may appear in the morning.

I should like to be permitted to say also in this connection, in view of the large increase made in the total, that the bill came from the House appropriating a little less than seventy-two and a half million dollars. It has been increased by the Committee on Military Affairs to about eighty-one and a half million dollars. The estimates originally made, under which the bill was prepared, were over $79,000,000. To that have been added estimates since made amounting to some $10,000,000, and requests from the War Department, not in the form of

official Treasury estimates, were for some $350,000. So the estimates amount really to something over $90,000,000.

The bill, as I have said, carries about eighty-one and a half million dollars. This entire amount is a direct carrying out of existing law, furnishing supplies that the law provides for, excepting, perhaps, three or four items, amounting to three hundred and odd thousand dollars, and these items are strictly in line with the general tenor of the bill.

The increases in the bill are partly due to the differences between appropriations made by the House and the Treasury estimates, where the members of the committee of the Senate felt that there should be some increase made, but a still larger amount and the main increase comes by reason of legislation enacted since the bill passed the House—that is to say, the "artillery efficiency bill," so called.

I ask that the figures I send to the desk may be inserted in the RECORD.

The VICE-PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

TREASURY ESTIMATES FOR THIS BILL.

As shown by Book of Estimates (H. Doc. 12)		$79,301,303.82
For expenses of Signal Service in Cuban pacification (H. Doc. 298)		100,000.00
For extra-duty pay to enlisted men employed as switchboard operators at interior posts (H. Doc 304)		8,000.00
For purchase of land for brigade post at Fort Oglethorpe, Ga. (H. Doc. 562)		921,549.00
For claims for damages to and loss of property (H. Doc. 12)		35,271.10
For expenses incident to increase in Artillery Corps, Treasury estimate additional, itemized as follows (S. Doc. 261):		
Signal Service of the Army	$2,700.00	
Pay, etc., of the Army	1,171,034.00	
Subsistence of the Army	332,776.35	
Regular supplies	1,275,511.07	
Incidental expenses	75,394.40	
Horses for cavalry, artillery, engineers, etc	100,000.00	
Barracks and quarters	4,367,119.00	
Transportation of the Army and its supplies	1,766,949.25	
Clothing and camp and garrison equipage	634,573.92	
Medical and hospital department	39,000.00	
Small-arms target practice	27,000.00	
		9,792,057.99
Total estimates		90,158,181.91

ADDITIONAL AMOUNTS RECOMMENDED BY WAR DEPARTMENT.

For Washington-Alaska military cable	$190,000	
For detail of officer, with rank, pay, and allowances of major, to Bureau of Insular Affairs	3,500	
For additional dental surgeon for Military Academy	1,800	
For acquisition of lands near Fort Taylor, at Key West, Fla	150,000	
		345,300.00
Total		90,503,481.91
Amount of bill as it passed House		72,291,876.89
Increase recommended by Senate committee (see items below)	$9,478,870.89	
Decrease recommended by Senate committee (see items below)	72,137.24	
Net increase		9,406,733.65
Total of bill as reported by Senate committee		81,698,610.54

The increase recommended is made of the following items:

For United States service schools	$5,000.00
For Washington-Alaska military cable	190,000.00
For expenses of Signal Service in Cuban pacification	50,000.00
For additional officer (major), Bureau of Insular Affairs	3,500.00
For additional dental surgeon for Military Academy	1,800.00
For contract surgeons	60,000.00
For enlisted men employed as switchboard operators at interior posts	8,000.00
For mileage to officers and contract surgeons	50,000.00
For flags to use in decorating graves of soldiers and sailors of Union Army in national cemeteries	2,000.00
For payment of 236 approved claims	35,271.10
For regular supplies	596,648.07
For barracks and quarters	1,372,227.00
For lands near Fort Taylor, Fla	150,000.00
For transportation of Army and its supplies	702,964.72
For clothing and camp and garrison equipage	20,000.00
For repair of Fort Matanzas	300.00
For engineer equipment of troops	10,000.00
For amounts allowed in estimate of expenses incident to increase in Artillery Corps, itemized as follows:	
Signal Service of the Army	
Pay, etc., of the Army	$1,171,034.00
Subsistence of the Army	332,776.35
Regular supplies	678,863.00
Incidental expenses	43,083.00
Horses for cavalry, artillery, engineers, etc	93,723.37
Barracks and quarters	2,495,497.00
Transportation of the Army and its supplies	960,828.00
Clothing and camp and garrison equipage	423,069.28
Medical and hospital department	22,286.00
Small-arms target practice	
	$6,221,160.00
Total increase recommended	9,478,870.89
Decrease:	
For 25 master electricians	$63,300.00
For additional pay for length of service	6,000.00
For claims at West Point, Ky	2,837.24
	72,137.24
Net increase	9,406,733.65

BILLS INTRODUCED.

Mr. TALIAFERRO. On behalf of my colleague [Mr. MALLORY], who is unavoidably absent from the Chamber, I introduce a bill.

The bill (S. 8302) granting a pension to Ella B. Morrow was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DANIEL introduced a bill (S. 8303) to establish the Foundation for the Promotion of Industrial Peace; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. PETTUS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 8304) for the relief of the estate of Samuel L. Gilbert, deceased;

A bill (S. 8305) for the relief of Jonathan Lewis;

A bill (S. 8306) for the relief of the heirs of Austin Nix, deceased;

A bill (S. 8307) for the relief of the estate of Aaron Turner, deceased; and

A bill (S. 8308) for the relief of the estate of Josiah White, deceased.

Mr. CLARKE of Arkansas introduced a bill (S. 8309) for the relief of the Grand Lodge of Free and Accepted Masons of the State of Arkansas; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. WHYTE introduced a bill (S. 8310) granting an increase of pension to Henry C. Hoover; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FULTON introduced a bill (S. 8311) granting an increase of pension to George W. Bennett, alias George Venette; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PATTERSON (for Mr. TELLER) introduced a bill (S. 8312) for the relief of Andrew B. Baird and James S. Baird, and to confirm all sales and dispositions heretofore made by the United States out of the confiscated land of the late Spruce M. Baird, their father, known as "Baird's ranch," in the Territory of New Mexico; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Private Land Claims.

Mr. PATTERSON introduced a bill (S. 8313) for the relief of the Mosca Milling and Elevator Company, a corporation doing business in the State of Colorado; which was read twice by its title, and referred to the Committee on Claims.

Mr. LONG introduced a bill (S. 8314) granting a pension to James P. Worrell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 8315) to reimburse the State of California for arms, ordnance and ordnance stores, quartermaster's supplies, medical property, signal property, and other stores, supplies, and property belonging to said State and furnished by the United States and lost or destroyed in the city of San Francisco, State of California, in the earthquake of April 18, 1906, and the fire subsequent thereto; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. HEYBURN introduced a bill (S. 8316) for the establishment of a park on the northern portion of the Coeur d'Alene Indian Reservation, in Idaho; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Indian Affairs.

Mr. SCOTT introduced a bill (S. 8317) granting an increase of pension to Anna Cox Stephens; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ANKENY introduced a bill (S. 8318) granting an increase of pension to Thomas B. Parks; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCREARY introduced a bill (S. 8319) for the relief of Dr. George M. Hendren; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 8320) granting an increase of pension to Albert Harris; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. NEWLANDS introduced a bill (S. 8321) granting a pension to Noah Miles; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CARTER introduced a bill (S. 8322) authorizing the President to appoint and place William H. Crook on the retired list of the Army with the rank of major; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McLAURIN introduced a bill (S. 8323) for the relief of Frank J. Ladner; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Public Lands.

Mr. FORAKER introduced a bill (S. 8324) to authorize the issue of patents to public lands in certain cases; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. LODGE introduced a bill (S. 8325) granting an increase of pension to Samuel W. Brown; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. TILLMAN introduced a bill (S. 8326) for the relief of Eliza Gribble, administratrix of James Richards, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. CULBERSON introduced a bill (S. 8327) to provide for the establishment of an immigration station at Galveston, in the State of Texas, and the erection in said city, on a site to be selected for said station, of a public building; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HEYBURN introduced a joint resolution (S. R. 90) providing for the issuance of patents in land and mining applications in certain cases; which was read twice by its title, and referred to the Committee on Public Lands.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LATIMER submitted an amendment proposing to appropriate $87,660 to enable the Secretary of Agriculture to make inquiries in regard to systems of road management throughout the United States, etc., intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

Mr. McENERY submitted an amendment proposing to make $40,000 of the appropriation of $150,000 for cotton boll weevil investigations immediately available, intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

Mr. BURKETT submitted an amendment proposing to appropriate $3,000 for widening and grading Minnesota avenue from Pennsylvania avenue northward as far as land may have been dedicated therefor, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. PATTERSON submitted an amendment proposing to appropriate $28,800 for a sewer in the valley of Broad Branch between Rock Creek and Soapstone Branch, etc., and $75,000 for beginning work on sewer on the west side of Rock Creek between P street and the Military road, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to appropriate $500,000 for the construction of a public building for post-office, court-house, and other public uses in Denver, Colo., upon site authorized to be purchased by Congress and selected by the Secretary of the Treasury, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GAMBLE submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment proposing to appropriate $57,000 for the erection of a drill hall and $16,500 for a band barracks at Fort Meade, S. Dak., intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also (by request) submitted an amendment authorizing the Secretary of the Treasury to transfer to the credit of John Bullette, out of the funds of the Cherokee Nation, the sum of $3,948.38, etc., intended to be proposed to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. HEYBURN submitted an amendment relative to the inclusion in forest reserves of sections Nos. 16 and 36 within public land States, etc., intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

He also submitted an amendment proposing to appropriate $10,000,000 for the purchase of certain land in the District of Columbia, to make present and future provision for the erection and maintenance of public buildings for the Government of the United States, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to appropriate $200,000 for completing the survey of the public lands within the State of Idaho, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. LODGE submitted two amendments intended to be proposed by him to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

JOHN M'KINNON, ALIAS JOHN MACK.

Mr. HALE submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return the bill (S. 1160) entitled "An act to correct the military record of John McKinnon, alias John Mack."

HOUSE BILLS REFERRED.

H. R. 24046. An act to incorporate the Hungarian Reformed Federation of America was read twice by its title, and referred to the Committee on the Judiciary.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

H. R. 24928. An act authorizing the construction of a dam across the Snake River, in the State of Washington, by the Benton Water Company;

H. R. 25043. An act to authorize the Atlanta, Birmingham and Atlantic Railroad Company to construct a bridge across the Chattahoochee River, in the State of Georgia; and

H. R. 25242. An act to authorize additional aids to navigation in the Light-House Establishment, and for other purposes.

H. R. 25032. An act to amend an act entitled "An act for the protection of game in Alaska, and for other purposes," approved June 7, 1902, was read twice by its title, and referred to the Committee on Territories.

H. R. 25187. An act to amend "An act to provide for refunding taxes paid upon legacies and bequests for uses of a religious, charitable, or educational character, for the encouragement of art, etc., under the act of June 13, 1898," and for other purposes, approved June 27, 1902, was read twice by its title, and referred to the Committee on Finance.

H. J. Res. 224. Joint resolution directing the Secretary of Commerce and Labor to investigate and report to Congress concerning existing patents granted to officers and employees of the Government in certain cases was read twice by its title, and referred to the Committee on Patents.

NORTHERN PACIFIC RAILROAD COMPANY.

Mr. HEYBURN submitted the following resolution; which was referred to the Committee on Pacific Railroads, and ordered to be printed:

Senate resolution 247.

Whereas Congress by act of July 2, 1864, created a corporation under the name and title "Northern Pacific Railroad Company," to construct and maintain a continuous railroad and telegraph line from Lake Superior to Puget Sound, and conferred upon said corporation a grant of more than 40,000,000 acres of public lands to aid in the construction of said railroad and telegraph line; and

Whereas whilst there have been two so-called "reorganizations" of the Northern Pacific property, one in the year 1875 and the other in the year 1896, neither was ratified by Congress, and it is charged that neither reorganization took place under any valid judicial sale, but that in each instance the alleged reorganization was effected by a mere exchange of securities; the stock of the original Federal corporation always remaining as a basis of ownership, said stock, after 1867, having been held in trust for a partnership association composed of J. Gregory Smith, of Vermont, and his associates, calling themselves "proprietors," the same being subsequently acquired from

said so-called "proprietors" by an unincorporated joint stock association of bondholders formed in the year 1875 as the reorganized "Northern Pacific Railroad Company," and on July 13, 1896, a majority of the shares of stock and obligations of this latter organization of 1875 having been delivered by J. P. Morgan & Co., reorganization managers, to the Wisconsin corporation, now known as the Northern Pacific Railway Company, in exchange for the latter's stock and bonds under the terms of a written agreement wherein the Northern Pacific estate was valued at $345,000,000, being $155,000,000 in excess of all indebtedness whatsoever, real or alleged, existing against it, over $215,000,000 in excess of the mortgage bonds thereupon issued by said Wisconsin corporation, and over $60,000,000 in excess of the entire stock and bonds issued by said Wisconsin corporation in fulfillment of the so-called "reorganization;" and

Whereas it is charged that the said so termed reorganization of 1896 was effected by a fraudulent conspiracy against the organization of 1875, and to the injury of the stockholders thereof, and that it results in a fraud upon the Government of the United States by wrongfully making it appear that the ownership of the Northern Pacific Railroad, telegraph line, and land grant is no longer vested in a corporation of Congressional creation over which Congress is possessed of direct and immediate legislative and visitorial power, and it appears that the said Wisconsin corporation in litigation against it instituted by the United States Government, hath undertaken to defend against the enforcement of the act of Congress of August 7, 1888 (Rev. Stat., sec. 5269), relative to the exercise of telegraphic franchises by railroad and telegraph companies subsidized by the United States and hath averred therein that it is not subject to the provisions of the said act of Congress because it never received any subsidy from the United States, and because it "is not engaged in operating its said railroad or telegraph lines under any right or franchise derived from the Government of the United States or from any act of Congress, but owns, operates, and maintains the said line of railroad and telegraph under and by virtue of the laws of the State of Wisconsin, under which it was incorporated and organized, and the laws of the several States in which the lines of railway and telegraph are situate; and

Whereas these matters are proper subject for investigation by Congress: Therefore,

Resolved, That a special committee, to be composed of five members of the Senate, be appointed to investigate fully and to make report as to all matters connected with the reorganization of the Northern Pacific Railroad property; in the course of said investigation to ascertain what title and estate in said railroad, telegraph line, and land grant is held or owned by the corporation created by Congress by act of July 2, 1864, and if said Federal corporation hath no title to or estate in any property, then to ascertain and report what reason, if any, exists why the said charter act of July 2, 1864, and its supplements should not be fully repealed by Congress.

Resolved, That said committee be empowered to enforce the attendance of witnesses and the production of all such records, books, papers, and documents as may be deemed necessary in the course of such investigation.

EXTENSION OF ALBEMARLE STREET NW.

The VICE-PRESIDENT laid before the Senate a message from the House of Representatives returning to the Senate, in compliance with its request, the bill (S. 7795) for the extension of Albemarle street NW., District of Columbia.

The VICE-PRESIDENT. Without objection, the bill will be recommitted to the Committee on the District of Columbia.

Mr. HANSBROUGH. I understand, Mr. President, that that action was heretofore taken on the motion of the chairman of the committee [Mr. GALLINGER] a few days ago.

The VICE-PRESIDENT. That action was taken before the bill had been returned to the Senate by the House of Representatives.

Mr. HANSBROUGH. If necessary, then, I move that the bill be recommitted to the Committee on the District of Columbia.

The motion was agreed to.

BRIDGE AT KANSAS CITY, KANS.

The VICE-PRESIDENT. The Chair lays before the Senate a message from the House of Representatives returning to the Senate, in compliance with its request, the bill (S. 7917) to authorize the Interstate Bridge and Terminal Railway Company, of Kansas City, Kans., to construct a bridge across the Missouri River.

Mr. LONG. I move that the bill returned from the House of Representatives be indefinitely postponed.

The motion was agreed to.

INDIAN APPROPRIATION BILL.

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

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 22580) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1908.

The reading of the bill was resumed at page 86, on line 21. The next amendment of the Committee on Indian Affairs was, under the subhead "Carson School," on page 87, line 3, after the word "Nevada," to insert "$50,300;" and in line 5, before the word "hundred," to strike out "fifty-two thousand one" and insert "one thousand eight;" so as to make the clause read:

For support and education of 300 Indian pupils at the Indian school at Carson City, Nev., $50,300, and for pay of superintendent, $1,800.

The amendment was agreed to.

The next amendment was, on page 87, after line 17, to insert:

That in carrying out any irrigation project which may be undertaken under the provisions of the act of June 17, 1902 (32 Stat. L., p. 388), known as the "reclamation act," and which may make possible and provide for, in connection with the reclamation of other lands, the irrigation of all or any part of the irrigable lands heretofore included in allotments made to Indians under the fourth section of the general allotment act, the Secretary of the Interior is hereby authorized to cancel all such allotments, including any trust patent which may have issued therefor, and in lieu thereof to reserve for and allot to each Indian having an allotment of such irrigable land and legally entitled to the same, 10 acres of irrigable land, which shall be exempt from the payment of any charges by the allottee assessed under the act of June 17, 1902 (32 Stat. L., p. 389), but such expense shall be borne by the United States: *Provided*, That any of the lands which may have been included in the canceled allotments and which are not needed or reserved for allotment in smaller areas shall be restored to the public domain, to be disposed of subject to the provisions of the above-mentioned reclamation act: *Provided further*, That the Secretary of the Interior be, and he hereby is, authorized to expend annually for ten years not to exceed $12,064 to repay to the reclamation fund moneys expended by him therefrom in extending the Truckee-Carson irrigation project to 4,800 acres of land in Churchill County, Nev., being a part of the lands embraced with other lands in Indian allotments which have either been voluntarily relinquished in consideration of receiving reallotments of 10 acres of irrigable land, or which it is proposed to cancel under authority of this act. There is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $12,060, being the first of ten installments, for the purpose of carrying out the provisions of this act.

Mr. HALE. I make the point of order, Mr. President, that this is a clean piece of general legislation upon an appropriation bill. I do not need to argue it, because the terms of the amendment which has just been read show that plainly enough without argument.

Mr. CLAPP. I call the attention of the Senator from Maine to the fact that the Department asks for this provision. I do not know, however, whether that makes any difference.

Mr. HALE. I understand that, but of course that does not bring the amendment within the rule.

The VICE-PRESIDENT. The Chair has examined the provision in advance——

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. And the Chair is prepared to rule on the point of order.

Mr. NEWLANDS. If the Chair is prepared to rule against it, of course——

The VICE-PRESIDENT. The Chair is very clearly of the opinion that the proposed amendment is subject to the point of order interposed by the Senator from Maine [Mr. HALE].

Mr. NEWLANDS. Mr. President, may I urge the Senator from Maine not to make that point of order? I do so in the interest of the Government itself. This great reclamation project now going on in Nevada is the reclamation of land belonging to the United States Government, which is about to be turned into homes for home seekers. The Indians have a large reservation in that vicinity. Arrangements have been made to divide up that reservation and allot the lands to the Indians. These lands will be of almost no service to the Indians in their present condition, for they have no water. In order to supply them with water, it is necessary to bring them under the present irrigation project that is now approaching completion. It is proposed, therefore, to substitute for their present large holdings of land, to allot to these Indians very much smaller holdings. The Government would supply to each one of these smaller holdings water from this irrigation project, and thus enable the Indian to cultivate the soil allotted to him.

It also provides that, so far as the Indian's smaller allotment is concerned, he shall not be called upon to make the compensatory payment required by the reclamation act. Under that act every settler is compelled to pay back to the Government a portion of the cost of reclamation in ten annual installments; but it would be obviously unfair to impose that payment upon the Indians to whom these lands have been allotted. It is therefore proposed that, so far as these small allotments are concerned, compensatory payments to the reclamation fund shall be paid out of the General Treasury. That is done under the general power and control of the General Government over these Indians as the wards of the nation.

The expenditure involved, as I understand, will be very small. The improvement is of the greatest importance. It is of the highest importance to the Indians, who are about to be released practically from the control of the Government by the destruction of this reservation, that they should have immediate means of livelihood. The Senator from Maine will recognize the fact that if these Indians are simply turned out upon the sagebrush, upon desert land, and obliged to depend upon such allotments for support, they will make a very meager support; in fact, they will be unable to make any support. In the interest, therefore, of the Indians it is important that this matter should be immediately adjusted.

This amendment has not been urged by any of the Senators or

by the Member from the State of Nevada. It came originally from the Indian Office in the interest of the Indians. I suggest that the interest of the Government, the interest of the Indians, and the interest of the entire reclamation project would be prejudiced by postponing legislation upon this subject.

Mr. HALE. I wish I could see my way clear to withdraw the point of order. But the trouble with an amendment of this kind, and with this amendment, is that it is a radical change of the irrigation law passed by Congress, and there is no opportunity for the Senate to fairly consider it as an amendment upon an appropriation bill.

The object and purpose of an appropriation bill, Mr. President, is not to carry such provisions as this, but simply to make appropriations to carry out existing law.

The Senator from Nevada advances some good reasons for the passage of a bill covering this point. We are now at the end of a Congress. There has been a long session and this session; there is a Committee on Irrigation for the consideration of such subjects-matter as this, and I do think that Senators interested in a project of this kind ought to have invoked the jurisdiction of the Committee on Irrigation to report any change of the irrigation law that Congress has established. I can not withdraw the point of order for the reason that there is no chance to fairly consider the matter on this bill.

Mr. NEWLANDS. Mr. President, would it not satisfy the Senator from Maine to suspend for a moment the making of his point of order and have this amendment referred to the Committee on Irrigation of the Senate? Then, if passed on favorably by that committee, let the proposition be considered on its merits by the Senate later on in connection with this bill.

Mr. HALE. I do not know that we can do that. We certainly can not do that on this bill. The Senator can introduce his bill, and I think he should have done so, and have it referred to that committee. If that committee can get a bill through, that is another thing.

I think I must insist upon the point of order. We can not do anything of the kind on this bill, as the Senator will see.

The VICE-PRESIDENT. The Chair sustains the point of order.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, under the subhead "Albuquerque School," on page 89, line 12, after the name "New Mexico," to insert "$50,300;" and in line 14, before the word "hundred," to strike out "fifty-two thousand one" and insert "one thousand eight;" so as to make the clause read:

For support and education of 300 Indian pupils at the Indian school at Albuquerque, N. Mex., $50,300, and for pay of superintendent, $1,800.

The amendment was agreed to.

The next amendment was, on page 89, line 20, to increase the appropriation for support and education of 300 Indian pupils at the Indian school at Albuquerque, N. Mex., etc., from $61,900 to $62,100.

The amendment was agreed to.

The next amendment was, under the subhead "Santa Fe school," on page 89, line 24, after the name "New Mexico," to insert "$50,300;" and in line 26, before the word "hundred," to strike out "fifty-two thousand one" and insert "one thousand eight;" so as to make the clause read:

For support and education of 300 Indian pupils at the Indian school at Santa Fe, N. Mex., $50,300, and for pay of superintendent, $1,800.

The amendment was agreed to.

The next amendment was, on page 90, after line 15, to insert:

That the Secretary of the Interior be, and is hereby, authorized to cancel the allotments made to members of the Jicarilla tribe of Indians in New Mexico, provided all the members of said tribe relinquish all their individual right, title, and interest in the allotted lands to the United States, or he may cancel any of said allotments upon the relinquishment thereof by the allottee or his heirs; and each Indian taking advantage of the foregoing provisions, and each unallotted member of the tribe, shall be allotted not exceeding 10 acres of agricultural land and not exceeding 640 acres of other land, the areas to be in the discretion of the Secretary of the Interior, and he shall cause patents to issue therefor in accordance with the fifth section of the act of February 8, 1887 (24 Stat. L., p. 388): *Provided*, That in making such allotments values shall be considered so as to make the allotments uniform in value as near as practicable.

That the Secretary of the Interior may dispose of all merchantable timber on allotments herein authorized during the term these are held in trust and on the surplus lands for twenty-five years, the proceeds therefor to be expended under his direction for purposes beneficial to the individual allottees hereunder and their heirs, or for families, as he may deem best, and no part of such proceeds shall be expended for community or common benefits other than irrigation, but shall be equitably apportioned as near as may be among the Indians entitled.

Mr. KEAN. Mr. President, I was going to make a point of order on that amendment, but I will withhold it to hear some explanation of it.

Mr. CLAPP. Mr. President, the Commissioner of Indian Affairs, on page 55 of the report, sets forth the reasons for this provision and points out the necessity for the reallotment of these lands. This, Mr. President, differs very materially from the amendment just tied up. As I read this amendment, it does not change any existing law. It simply provides for carrying out the process of allotment; and it hardly seems to me that it will be subject to the point of order if it is insisted upon. The Department recommends the provision, and I think it is a very worthy one.

Mr. McCUMBER. I should like to understand what the point of order is which is raised against this provision.

Mr. KEAN. The only point that could be raised—that it is general legislation.

Mr. McCUMBER. Mr. President, that again raises the question whether dealing with a specific tribe of Indians in an Indian appropriation bill intended to make appropriations for the Indian service, in determining how those appropriations shall be expended, referring not to anyone else, not even to Indians in general, but referring simply and solely to the Indians of a certain tribe and allowing said Indians a certain right and granting privileges, dealing with them particularly, is general legislation.

It has been suggested several times by the Senator from Maine [Mr. HALE], upon the proposition of general legislation, that any law which changes in the slightest degree a general law must of necessity be general legislation, and wherever there is no law upon the subject it is general legislation. Again, I desire to call the attention of the Chair to the fact that this is, we will say, a new law; there is no general legislation, we will say, upon the subject; it is absolutely a new law and, being a new law, affecting only a certain tribe, by its terms declaring that it affects only a certain tribe, how can it be considered to be general legislation or even legislation affecting a general law?

I do not want to go so far, and I believe Senators generally will not go so far, as to say that every bill which affects general legislation even is in itself general legislation.

I desire to call the attention of the Chair to this fact: We have, for instance, a general law providing that any soldier who served ninety days in the civil war may obtain a pension under certain conditions. We introduce a special bill here for John Doe, reciting that he has served but eighty-nine days and that he shall be placed under the provisions of the pension laws, notwithstanding the fact that he has only served eighty-nine days. So far as that special bill is concerned, it necessarily varies the general law so that it takes in one individual and one individual only. We are passing these special bills every day, and every one that we pass widens or changes the general law, so that it affects a particular individual; but that certainly the Senator would not claim to be general legislation.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Maine?

Mr. McCUMBER. With pleasure.

Mr. HALE. What the Senator is saying now is just what I want to be done. When we vary the general pension law by applying it to a single pensioner, one after another, in hundreds of cases, we submit separate bills. We do not try to put them all in an appropriation bill, because if we did, they would be subject to the point of order.

Mr. McCUMBER. Let me correct the Senator right there.

Mr. HALE. I do not think that the Senator's contention is sound.

Mr. McCUMBER. The place where we put it does not determine whether it is general or special legislation. If it would change a general law, it would change it whether it comes before us independently or whether it is placed upon an appropriation bill. To determine whether it is general or special we must determine not on what bill it is attached or whether presented separately, but what the effect of it may be.

Mr. HALE. That is just where it arises under the provision of the rule that general legislation shall be excluded, and the question whether a proposition affecting one man is or is not general legislation does not arise except when it is sought to be put upon an appropriation bill. However, I do not wish to interrupt the Senator further.

Mr. McCUMBER. Suppose that in this bill we should insert a provision that a certain Indian of a certain tribe who had been wounded in the line of his duty as policeman should draw a pension, should come under the pension laws. Would that be a change of the general pension laws?

Mr. HALE. Undoubtedly, on an appropriation bill.

Mr. McCUMBER. What I contend is that it does not make any difference whether it is on an appropriation bill or not. The proposition is that a general law can not be attached to an appropriation bill, and it does not become a general law because it is so attached any more than it would be a general law if it came in independently. The bill to which it is at-

tached or whether it comes in independently can not govern the question of its character as being general or special legislation.

It seems to me that dealing directly with a tribe and for the purpose of benefiting that tribe and dealing with the subject which is dealt with on the Indian appropriation bill, it is not general legislation.

Mr. CLAPP. Mr. President, I can see a vast difference between placing a provision in an appropriation bill to pension an Indian, which I think is clearly objectionable, and a provision that simply disposes of the property of Indians which they have received and held under treaty.

Mr. McCUMBER. It would be objectionable because it would not be pertinent to anything that is in the bill, but not because it is general legislation.

Mr. CLAPP. It would differ materially from this.

Mr. HALE. Mr. President, I am glad the Senator from North Dakota has raised this point, because the Senate may as well consider it now as at any other time. The rules of the Senate and the course of legislation do not in any way recognize what is claimed here as special legislation. The distinction is broad and clear between private legislation and general legislation, and although a subject-matter may be confined to one State or one class or one community and does not apply to the whole United States, the Congress in enacting it is not passing private legislation, but general legislation, and not special legislation. The volumes of the statutes make the division, and it does not follow because an amendment to an appropriation bill does not cover the whole country that it is, therefore, special legislation and can be considered. It is dealing with general law. If you may divide a subject-matter that has been embraced by general legislation and take up piecemeal separate portions of it and report it upon an appropriation bill, you may thus emasculate the rule as to general legislation.

Take, for instance, the great question of irrigation. That was a subject in which the West was interested, and not the country generally, but nobody raised the point that it was not general legislation. It confined itself to a portion of the United States, but it was passed by Congress as general legislation. If you can take that general law of irrigation, on the ground that it is special legislation, and provide on an appropriation bill for certain propositions relating to irrigation and making law only applying to one reservation or to one Territory or to one State or to a group of States, you have destroyed the whole theory upon which "general legislation" is placed in the rules.

The Senator from North Dakota has before made the point that it is not general legislation, because it does not apply to all the country. Within the last few years——

Mr. McCUMBER. If the Senator will permit me, I have made no such claim.

Mr. HALE. I think the RECORD will show that the Senator has made that point. But I leave that.

Take the instance of legislation we had upon Alaska. It applied not to Maine, not to Wisconsin, not to Minnesota, not to the Dakotas. It applied to one single and distinct body of land, territory belonging to the United States. But nobody ever claimed that it was special legislation. Should we now attempt in an appropriation bill to change that legislation by certain new provisions of law relating to certain matters in Alaska and only to certain matters in Alaska, just as these matters refer only to a particular tribe or a reservation, the body of our general parliamentary law would be destroyed and you could put anything upon an appropriation bill.

I think the trouble is that Senators do not realize the purpose and object of an appropriation bill. It is in terms to appropriate money to carry out existing law, not law that does not exist, not law that is created in an appropriation bill, but existing law; and it never was intended when the rules were originally framed, when the Committees on Appropriations were created in both House and Senate, or by the old committees that had charge of appropriations, that the mission of appropriation bills should be anything else than to appropriate money to carry out existing law. All the mischief that has come by reason of these propositions and these amendments on appropriation bills has come from forgetting this fundamental and cardinal proposition.

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Colorado?

Mr. HALE. Certainly.

Mr. PATTERSON. The Senator from Maine suggests that appropriation bills are intended to make appropriations under existing laws. It seems to me that anyone who has paid any attention whatever to the general appropriation bills must realize that if that is the intention and the purpose it is most thoroughly and completely ignored in every Congress. You can hardly take up any appropriation bill which does not contain provisions not related to appropriations under existing laws or for the purpose of carrying out or enforcing existing laws. The importance of that is to show a general interpretation placed upon such bills by Congress.

When the framers of the rule used the term "general legislation" it could not have been the purpose to exclude from an appropriation bill a matter which first is germane—it must be germane—and at the same time is not general legislation. If the Senator has the Revised Statutes on his desk—he has there a book that looks like it—which is intended to contain all of the general laws now in force, he will find in it no such legislation as is proposed in this amendment to the pending bill. But it is treated by the compilers of the statutes—and because Congress enacts the statutes after they have been compiled it is treated by Congress itself—as special legislation, as local in its character, not pertaining to all the country and not pertaining to all the people of the country, and therefore it is incorporated in a separate volume in which local or individual legislation is contained.

It seems to me that the point made by the Senator from North Dakota [Mr. McCUMBER] is perfectly valid. It is not general legislation. Ask any lawyer at first blush what he understands by "general legislation," and I think his statement would be it is legislation that refers to all the people.

Mr. McCUMBER. May I call the attention of the Senator to the fact that it may be general legislation, although it applies simply to a genus or species, so long as it is general in its application to all those? It may still be general legislation. Thus a law that deals only with the pensions of soldiers, while it does not affect anybody but soldiers, is general legislation.

Mr. PATTERSON. It relates to all of a particular class.

Mr. McCUMBER. Yes; and is general legislation.

I wish to explain that I do not think it must apply to everybody in the United States or in the country generally, but it must apply generally to a class or a species.

Mr. PATTERSON. It seems to me perfectly clear that if there were an amendment added by the Senate committee to the Indian appropriation bill which related to one particular individual, and the legislation was germane to the bill, it would not be general legislation in any sense of the term.

Mr. HALE. That point is met by the rule—clause 1 of Rule XVI:

> No amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation.

Such an amendment would be obnoxious to that clause without regard to the other point.

Mr. PATTERSON. But I was speaking of legislation that does not appropriate money.

Mr. McCUMBER. May I call the Senator's attention to the fact that that rule refers to measures which would take money from the United States Treasury? But this is a payment out of funds belonging to the Indians themselves. It is not a general appropriation.

Mr. HALE. That is another point—about the money. A general provision may not contain anything about taking money from the Treasury. That is not the point raised here.

Mr. PATTERSON. It seems to me that where legislation refers to a group that may be distinguished, segregated, set apart, comprising relatively few of the entire population, it is not general legislation within the meaning of the rule.

Mr. HALE. I am very glad the Senator has made that point, and I hope the Chair has noted it carefully, because that brings out what I have stated, that the Senator from North Dakota had made that point here and he now rather shrinks from it. The Senator from Colorado does not shrink from it. He makes the general proposition that legislation, no matter how broad it may be, establishing new law, which applies only to a distinctive class and not to all the people of the United States, is special and not general legislation. I take issue directly with the Senator on that point.

Mr. PATTERSON. With the modification made by the Senator from North Dakota it seems to me that the point is perfectly well taken. Any general legislation ought to be contained in the Revised Statutes of the United States.

Mr. HALE. Not necessarily. There is a great deal of general legislation that has been passed since the statutes were revised which is found in the volumes of the United States Statutes.

Mr. McCUMBER. We call them "the general statutes."

Mr. HALE. We call them "general statutes." So the division is marked and clear between general and private legislation.

Mr. PATTERSON. Can the Senator state a rule under which general and private legislation may be differentiated—some rule by which the Chair would be able to determine unerringly whether legislation is general or private? I will not use the word "private." The language of the rule is "general legislation." Can the Senator state a rule by which the Chair can unerringly hold that a certain proposition is or is not general legislation?

Mr. HALE. Like any other provision of the rules, that must depend upon the judgment and the discretion of the presiding officer when the appropriation bill is before the Senate. He must settle that. The framers of the rule, when they put the restriction in the rule—and this rule was framed, I think, by the Committee on Rules when my colleague was chairman of it—did not consider that it was necessary to make a bill of items of what constituted general legislation; but the line had been up to that time so well recognized between general and private legislation that the Committee on Rules did not think it necessary to do any more than to declare in terms, in order to protect appropriation bills, that general legislation should not be incorporated in them. And that is left——

Mr. PATTERSON. I desire to make just a suggestion to the Senator from Maine, and then I will refrain from interrupting him further.

The rule provides that legislation which is general and not germane is inimical to general appropriation bills.

Mr. HALE. No; the provision——

Mr. PATTERSON. It is not any proposition that is not general which may be added to an appropriation bill. It must be germane to the bill.

Mr. HALE. The Senator now is thinking about another clause of the rule, which has nothing to do with this clause.

Mr. PATTERSON. I am thinking now of the third clause of the sixteenth rule, and that is the rule which provides against general legislation upon an appropriation bill. I think it is on page 15 of the Manual, or page 16—one or the other.

Mr. McCUMBER. Page 16.

Mr. PATTERSON. That legislation must first be germane.

Mr. HALE. That is distinct.

Mr. PATTERSON. And then it shall not be general.

Mr. HALE. Yes; but the two are entirely distinct.

Mr. PATTERSON. Yes; you may have private legislation, which, if it was not germane, would have to be ruled out in all probability, and you may have an amendment germane and yet proposing general legislation, and it would be ruled out under the rule. But where you have a proposition that, first, is germane to the bill, and then that does not come under the head of general legislation, so that it affects the country at large, it seems to me it was intended by the framers of the rule, and by Congress in adopting it, and in the almost uniform practice of Congress since I have been in this body, as an examination of the appropriation bills for many years back will disclose, that such amendments belong to the bill and shall be passed upon by the body of the Senate.

Mr. HALE. I am glad the Senator makes that point distinct—that the provision must apply to all the country, or it is not general legislation.

When the Senator from Colorado rose I was coming to another point which he suggests very properly and fittingly. He says that observation of the appropriation bills will sustain him in the proposition that just such provisions as this or kindred to it have been enacted upon appropriation bills. They have been. They have been incorporated upon a great many appropriation bills by unanimous consent, where no point of order was raised, as is raised here; and that does not carry the force of the settlement of the question except to the extent that the Senate has submitted to it.

The other day, in considering this bill, I withdrew the point of order in one case, a point of order which I believed was clearly strong and good parliamentary law, because I was convinced, on the statement of the Senator in charge of the bill, that it was one of those cases where we agree, and nobody opposes it, to putting provisions on an appropriation bill that do not under this rule and this body of rules belong there. We are doing that all the time. We shall do it again at this session. Other committees besides the Committee on Indian Affairs will report such amendments. Quite likely in some rare cases the Committee on Appropriations will do so, calling the attention of the Senate to the fact that the amendment is subject to the point of order.

I may as well say that the reason why the point is made here and is insisted upon with as much force as we can put behind it is that this bill for the first time is covered and loaded and shingled with these amendments that are not proper here. It is wholesale. The chairman seems very fair and reasonable in his conduct of the bill, and when points of order are made that clearly appeal to him, he has not insisted that an undue time shall be taken up in discussion. I do not know how it is that all these matters came upon this bill, but I do say that in my experience in Congress I have never seen an appropriation bill which, from start to finish, from the first page to the end, had so many propositions of this kind, amendments subject to the point of order, some of them carrying immense sums of money, some of them reviving old claims, several of them being mere private claims, which go out upon the rule being invoked. It is because the bill is so dangerous in that regard and different from every other bill that I have ever seen that Senators, not only I myself, but other Senators, old Senators, have invoked the rule. I am not charging the chairman of the committee with being unduly in favor of any of these things. I think he is not. I think he is conducting the bill with great wisdom and discretion, as he always does.

Mr. President, I accept the distinction, the point as made by the Senator from Colorado [Mr. PATTERSON], that any legislation on an appropriation bill is not general legislation unless it is general in its application to all the people of the United States. I am entirely willing to take the ruling of the Chair upon that.

Mr. McCUMBER. I wish the Senator from Maine, in discussing this question, had given us his definition of the word "general" as applied to legislation, and the word "special" as applied to legislation. Necessarily the one is intended to be the opposite of the other.

Mr. HALE. Where does the Senator get the word "special?"

Mr. McCUMBER. I take "special" as being the opposite in meaning of the word "general."

Mr. HALE. No; "private" legislation is the opposite. The rules never have said anything about "special" legislation.

Mr. McCUMBER. I differ with the Senator upon the question whether the word "private" is the opposite of the word "general." The word "general" has its opposite word, which would be "special." The Senator gives the opposite meaning of the word "general" as though it were "private," which is more restricted than the word "special." Suppose a treaty had been made with a tribe to sell its reservation, and that treaty with that particular tribe were incorporated in one of these appropriation bills, as we have from time to time done. Is that treaty general legislation? Is that agreement with a special tribe general legislation?

Mr. HALE. That is covered by clause 4, which says——

Mr. McCUMBER. It may be irrelevant, but we must not confuse the idea of general legislation with irrelevant legislation. There may be many pieces of legislation attempted to be placed in this bill, which possibly would be open to the objection of absolute irrelevancy, but that does not make them general legislation.

Mr. HALE. If the Senator will allow me——

Mr. McCUMBER. Certainly.

Mr. HALE. The rules are very exhaustive. They provide for all cases that may arise. The question the Senator has submitted about a treaty being general legislation is taken care of by clause 4 of this rule, which says:

> No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

The rules are exhaustive upon everything. They deal with general legislation; they deal with private legislation, and there is nowhere in the body of the rules, from beginning to end, any reference to or any use of the word "special." It has been introduced by Senators themselves who are seeking for a distinction which will relieve them from the general proposition about general legislation. The rules deal only with "general" and "private."

Mr. McCUMBER. I am trying as much as I can to get at the meaning of the word "general." I want to separate it entirely from the question of relevancy or irrelevancy. The opposite of the word "private" is not "general." It is "public." We have "public" and "private." We have "general" and "special." Neither of them is synonymous with the other of the opposite side by any means.

Mr. HALE. I think if the committee had selected the term "public legislation" it would have covered. I am glad the Senator used that illustration. I think if the committee had used the term "public legislation," as opposed to "private," the two would cover everything; but they chose to put in the word "general."

Mr. McCUMBER. You can see the difference. Private legislation might refer to one individual. Thus a private pension bill would be the proper name for a bill to pension a single individual. But that is more restricted than "special legislation." We may have special legislation, because it deals with

a limited or in a special manner with a special subject. Let us take the word "general" as it is given in the dictionary. The first definition is:

Of or pertaining to genus or kind; pertaining in common to all as of a class, group, order, race, or community.

It is to be general as applied to any of those; that the law would be general. Although it would affect only one community, or one race, or one class, or one group, it would still be of a general character.

Taking the third definition, it is as follows:

Large or unlimited in scope, meaning, or contents; not restricted in application or jurisdiction; opposed to *particular* or *special*.

In brief, to be opposed to particular or special—

Hence, indefinite or vague.

Now, coming down to the synonyms, we have the following:

Common, universal. *Universal* applies to all, without exception; *general* applies to all with possible or comparatively slight exceptions.

That would bring it within the general definition. The only way that we can understand clearly the meaning of a word is to also comprehend the true meaning of the word of exactly the opposite intent. Taking the two, special and general, and the definition as we understand it of the word "general," it seems to me that it is only general legislation when it applies generally and universally to a class or to a kind. If it is brought into smaller dimensions than a class or kind, but applies to a few or to a special group or subdivision, then it ought to be considered as special legislation and not general legislation.

Mr. CLAPP. Mr. President, should like to ask the Senator from Maine a question, not in any spirit of criticism, but to get his specific view. Where there is a treaty with an Indian tribe, does he regard legislation designed to allot the lands and close up the affairs of that tribe as objectionable and subject to the point of order on an Indian appropriation bill?

Mr. HALE. Yes; I should consider that, although it applies only to one tribe, it is general legislation.

Mr. CLAPP. I will state the reason why I asked the question. It is true that this bill contains a good deal of constructive legislation, aside from the matter of some claims. The presence of the constructive legislation is due largely to the suggestion of the Commissioner of Indian Affairs.

I do not say that to place the responsibility on him, because I had supposed that legislation designed to close up the affairs of a tribe who held their reservation under treaties would be proper in the bill. It has been customary. There has got to be a great deal of additional legislation of this kind as the time approaches when the affairs of the tribes are wound up and closed up. For that reason I asked the question, because if that is the case there should be bills brought in for that specific purpose instead of putting them into this bill.

Mr. HALE. The Senator has struck what, Mr. President, is the remedy. There is a Committee on Indian Affairs for the purpose of considering precisely such matters.

The Senator uses another word that is almost as broad as the term "general legislation" when he says there is a good deal of constructive legislation upon this bill. Now, appropriation bills are not for constructive legislation.

I hope hereafter in the early stages of the session the Committee on Indian Affairs—for it has got to have these subjects before it, as the Senator says, in closing up Indian affairs in great volume and extent—will, in its meetings, deliberate and decide upon proper bills for this purpose and bring them in here, as the Senator from Wyoming [Mr. WARREN] the other day brought up a measure, and he reported from his committee this morning a measure adding eight or nine or ten million dollars to the artillery branch of the service. He did not claim that that was proper on an appropriation bill, because it so distinctively and only applied to one class—a portion of the Army, as a reservation embraces a portion of the Indians—but he did what I hope the Senator will do hereafter. He reported his bill from his committee as a separate measure, had it considered by the Senate, and it passed both bodies and was approved by the President. Then he reported, as he had a clear right to do under the rules, a provision in the Army appropriation bill for the appropriation of the money necessary to carry out the existing law.

If the Senator from Wyoming had put that proposition on the Army appropriation bill as an amendment, I certainly would have made the point of order against it, and no doubt it would have been sustained. It was a provision that did not apply to the whole Army, but only to one branch of it; it was special; it was segregated; it was a part of the running establishment; and he did what I hope the Committee on Indian Affairs will do hereafter. I hope they will report the bills which involve legislation and involve the appropriation of money and let the two Houses pass them, and then we will provide the money on the appropriation bill.

Mr. CLAPP. Mr. President, I perhaps ought to add a word, that there may be no misunderstanding of my reference to the Commissioner. He ought not to be in any manner responsible for any mistake that has been made in placing this provision on the bill. There has always been a great deal of legislation on the Indian appropriation bill. So far as placing what I have termed "constructive legislation" on it is concerned, while the legislation was suggested by him I was responsible for placing it on the bill. He is laboring very hard and very earnestly to gradually close up and bring to a termination the affairs of the Indian tribes; he desires to get some of this constructive legislation; and it was my own misapprehension of what perhaps is the strict rule that resulted in this class of legislation being placed on the bill.

Mr. PATTERSON. Mr. President, I would not indulge at all in this controversy were it not that there are some matters in the bill in which my colleague is interested, and also some matters in which at least one of my constituents is interested. Whenever the decision is made I suppose it will be an end to all controversy, and we are really saving time by taking a little time now. At least that is the way I shall feel whenever the decision of the Chair is made.

I wish to call the attention of the Chair to definitions found in Bouvier's Law Dictionary. It seems to me they are applicable and that they solve the matter on the side the Senator from North Dakota [Mr. MCCUMBER] is contending for. I read from page 877 of 1 Bouvier:

The later constitutions of many of the States place restrictions upon the legislature as to passing special laws in certain cases. In some States there is a provision that general laws only may be passed in cases where such can be made applicable. Provisions requiring all laws of a general nature to be uniform in their operation do not prohibit the passage of laws applicable to cities of a certain class having not less than a certain number of inhabitants, although there be but one city in the State of that class.

With that class of legislation we are all familiar.

The wisdom of these constitutional provisions has been the subject of grave doubt.

See Cooley's Constitutional Limitations, etc.

When thus used the term "general" has a twofold meaning. With reference to the subject-matter of the statute, it is synonymous with "public" and opposed to "private."

Citing a number of cases and Sedgwick on Statutory Limitations.

But with reference to the extent of territory over which it is to operate it is opposed to "local," and means that the statute to which it applies operates throughout the whole of the territory subject to the legislative jurisdiction.

Citing a number of authorities.

Further, when used in antithesis to "special," it means relating to all of a class instead of to men only of that class.

Citing a number of authorities.

When the constitution forbids the passing of special or local laws in specified cases, it is within the discretion of the legislature to decide whether a subject not named in the constitution is a proper subject for general legislation. The fact that a special law is passed in relation thereto is evidence that it was thought that a general law would not serve, and in such a case clear evidence of mistake is required to invalidate the enactment.

It seems to me, Mr. President, that when the term "general legislation" is used it is opposed, so far as the operation of the legislation is concerned, to local, and it means that the statute or the legislation to which it applies operates throughout the whole of the territory subject to the legislative jurisdiction.

Now, the whole of the United States and outlying territory is the territory that is subject to the jurisdiction of Congress, and it follows almost as a corollary to my mind that where legislation affects simply a group of persons, as a tribe or a band of Indians, or the particular land that is occupied by a tribe or a band of Indians, that that legislation from the very necessity of the case is local legislation as distinguished from general legislation.

It is true that whether an act of Congress relates to an individual or the interests of an individual or to a number of individuals it is general in so far as it is an act of Congress. If there are but a dozen individuals who may be designated by name, and the legislation is intended to confer some special benefit upon that dozen or to deprive them of some privilege or right that they had theretofore enjoyed, it is general in the sense that it is a law that is passed by the lawmaking power of the country, but it is local so far as those people are concerned.

And more especially would it be local, Mr. President, it seems to me, if the proposed legislation related to some particular, identical piece of territory in which they had an interest, and that the legislation was intended to affect, and the legisla-

tion could only relate to that particular piece of land, without including any other than the special individuals or the particular special piece of land. If that does not constitute something that is the very converse of general legislation, then I can hardly imagine what is either special legislation or private legislation.

The framers of the rules, and the Senate in adopting the rules, used the very broadest general term that could be used for the purpose of excluding proposed amendments under that particular rule, general legislation, legislation that is applicable not to any particular piece of land, but legislation that is applicable to the entire country. If there were a number of cities or towns scattered all over the country and the legislation related to those towns scattered all over the country, then it would be general legislation.

The VICE-PRESIDENT. The Senator from Colorado will kindly suspend while the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. Senate resolution No. 214, that a duly qualified entryman is entitled to patent up land, etc.

Mr. CARTER. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Montana asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered. The Senator from Colorado will proceed.

Mr. PATTERSON. But, as I understand, the particular item that is now in controversy and all the rest that may be challenged by the Senator from Maine, they relate to specific segregated portions of land, and they relate to specific bands or tribes of Indians, one band or one tribe, and, since only general legislation in the broad sense is excluded under the paragraph of the rule that is applicable in this case, it seems to me that whatever does not come under the head of general legislation, however else it may be designated, whether as private legislation or special legislation, is not inimical to the rule. If that is the doctrine to be applied, it seems to me that the point of order made by the Senator from Maine is not well taken.

Mr. DEPEW. Mr. President, it seems to me that the matter under discussion here is not one to be decided by the dictionary or by a critical examination of the meaning of words. What was the intent of the Committee on Rules when it framed these rules and what was the intent of the Senate when they were adopted? As I have always understood them in reference to appropriation bills, the words were employed for the purpose of making appropriation bills appropriation bills and nothing else. So that Senators who were not interested in that particular class of appropriations might be absent without fearing that legislation would take place in the bill which would be against anything which they believed and thought ought to pass.

I know that in the Indian appropriation bills especially there has been at different times just that class of legislation which the Senator from Colorado [Mr. PATTERSON] calls local, because it applies to a particular tribe or particular piece of land; and yet it is well known that some of the greatest outrages that have ever been perpetrated upon the Indians have been done under these general clauses.

There are in the United States a number of highly intelligent, philanthropic people, men and women, who meet every year at Lake Mohonk or other places for the purpose of looking after these wards of the nation, and they discover that, rigid as may have been their examination of the files of the two Houses of Congress, there has been put in by the Senate, by way of amendment, which seldom comes to the public and goes to the newspapers, after the bill has passed the House, clauses which accomplish just the outrage that they are organized to prevent.

Mr. CLAPP. May I ask the Senator a question?

Mr. DEPEW. Certainly.

Mr. CLAPP. Of course these suggestions probably do not apply to any recent legislation.

Mr. DEPEW. I will say to the Senator I have in mind the tribe of Poncas and the legislation in respect to them, which was about as bad as anything which is alleged against the actions in the Kongo Free State.

Mr. CLAPP. When was the Poncas legislation passed?

Mr. DEPEW. Ten or twelve years ago.

Mr. CLAPP. I do not make it as any criticism, but I want to correct the Senator—I am not doing it to oppose the Senator's argument as to special legislation—but the worst legislation that was ever passed occurred in general legislation. It was the law under which, inadvertently perhaps, the United States Government released all control over every Indian who took an allotment, so far as regulating the sale of liquors to Indians was concerned. That was general legislation passed in 1887.

Mr. McCUMBER. Let me ask the Senator, if he will permit me——

The VICE-PRESIDENT. Does the Senator from New York yield to the Senator from North Dakota?

Mr. DEPEW. Certainly.

Mr. McCUMBER. I ask the Senator if, also, the law removing restrictions generally was not done by general law and not on an appropriation bill.

Mr. CLAPP. Yes, sir.

Mr. McCUMBER. The law known as the "Curtis law."

Mr. CURTIS. Mr. President——

The VICE-PRESIDENT. Does the Senator from New York yield to the Senator from Kansas?

Mr. DEPEW. Certainly.

Mr. CURTIS. The Senator is mistaken about the Curtis law removing restrictions. The Curtis law did nothing of the kind. I simply want to make this correction so that it may be known to members of the Senate.

Mr. DEPEW. Mr. President, if a separate bill for the specific object of taking the lands away from these Indians which the Government has assigned to them and on which they are living in comfort and happiness, and dividing it up among speculators who rush over the borders and get it, is put in a bill and passes the ordeal of committees and debate in the House and Senate, then there is an opportunity for the Senators and the Members of the House and these benevolent bodies to find out what is being done, and the chances of wrong being done under such circumstances are exceedingly limited. But when an appropriation bill has passed the House and everybody who looks into that matter interested in Indians knows what it is and it goes to the Senate there is very little scrutiny or knowledge as to what are the amendments put in here, because the general presumption is that there will not be specific legislation for special purposes.

Now, take some of the provisions which are in this bill. How do we know, without it having been properly debated, the justice or the injustice of breaking up an Indian reservation, of taking away the lands which the Government has assigned for these Indians to live upon and to have their homes, and then as an act of alleged extreme generosity allowing them a minimum, as this item does here, of 10 acres of good land and 600 acres of arid land? How do we know whether the Indian is competent to irrigate arid land? How do we know whether he is an engineer, or they have engineers among them who can provide reservoirs and ditches and all the paraphernalia necessary for making such lands valuable? If these Indians are to be assigned lands upon which they can live they ought at least to be assigned lands which they are accustomed to cultivate and know how to cultivate.

But I am opposed to all this kind of legislation in appropriation bills, whatever I might do if a bill relating to a specific subject came up, so that there would be an opportunity for those who are interested, who understand these questions, and know about the Indians, their needs, and wants could be heard.

Now, I come back to my original proposition, that general and special legislation under the rule prohibiting general legislation in appropriation bills means that these bills should make appropriations to carry out the specific purposes which these bills are designed, and that anything else is general legislation and falls under the prohibition.

Mr. McCUMBER. Mr. President, the Senator from New York has given us another idea of what was intended by the word "general." In substance, he states that the object of the rule was that no legislation other than mere appropriations should be considered in appropriation bills.

I should like to ask the Senator, then, why an intelligent House and Senate, if they intended that there should be no legislation, did not say "no legislation" instead of saying "no general legislation?" The very fact that they used the words that there should be "no general legislation" in the bill carries with it the idea that they considered that there might be special legislation other than the mere fact of an appropriation. Otherwise it would have been easy to have said that no legislation other than that of a mere appropriation shall be considered in appropriation bills. If that had been their intention it was the easiest thing in the world to have said it. The very fact that they did not say so, but added another term, "general," presupposes therefore that it would not exclude the word "special" and also presupposed that the intent of Congress was that special legislation might be inserted in these appropriation bills.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. KEAN. I make the point of order that it is general legislation.

The VICE-PRESIDENT. The Chair has given this subject as much consideration as has been possible since the bill was presented to the Senate. He has examined the practice and proceedings of the Senate during a number of sessions of Congress when Indian appropriation bills have been under consideration. He has discovered that the divergence of view disclosed this morning in the debate is not entirely new.

The Senate has frequently put upon appropriation bills amendments proposing general legislation clearly in contravention of the rule. This has been done without objection, and therefore affords no guide for the ruling of the Chair.

The precise definition of what is general legislation within the intendment of the rule is not to be found, so far as the Chair has been able to discover, in connection with bills such as the one under consideration.

The Chair has examined the language of the amendment with some attention, and it seems as though it is, in effect, an amendment of the act passed in 1887, and that it falls within the classification of general legislation. It does not seem to the Chair that it is fairly embraced within the definition which is generally entertained with respect to the subject-matter of an appropriation bill.

It seems to the Chair that the amendment is clearly in contravention of the rule of the Senate, and the point of order is therefore sustained.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, under the subhead "Senecas of New York (treaty)," at the top of page 92, to strike out:

For interest, in lieu of investment, on $75,000, at 5 per cent, per act of June 27, 1846, $3,750.

For interest, at 5 per cent, on $43,050 transferred from the Ontario Bank to the United States Treasury, per act of June 27, 1846, $2,152.50.

And to insert:

That the Secretary of the Treasury is hereby authorized and directed to place on the books of the Treasury to the credit of the Seneca Indians of New York the sum of $118,050, being the value of the stocks held in trust for the Indians and taken by the United States and canceled under authority of the act of June 27, 1846 (9 Stat. L., p. 35), said amount to be deposited in the Treasury to draw interest at 5 per cent per annum until Congress shall direct the principal to be paid to the Indians, and the Secretary of the Interior is authorized to pay per capita to the members of the Seneca tribe of New York the said sum, under such rules and regulations as he may prescribe, in the same manner as provided by the act of April 21, 1904 (33 Stat. L., p. 201).

Mr. McCUMBER. I will ask the Senator from New York if he desires to interpose the objection to this provision?

Mr. DEPEW. What is the provision? My attention was diverted for a moment.

Mr. McCUMBER. The provision on page 92. It is of the same character as the one we have been discussing; but in this case it relates to the New York Indians. If the Senator from New York does not wish to raise the point of order, I raise the point of order that it is general legislation.

Mr. HALE. It is of the same kind as the other.

Mr. CLAPP. I want to call attention to the word "directed," on page 92, line 11. I had intended to move to strike that out.

The VICE-PRESIDENT. The amendment to the amendment of the committee, proposed by the Senator from Minnesota, will be stated.

The SECRETARY. On page 92, line 11, it is proposed to amend the amendment by striking out the words "and directed;" so as to read:

That the Secretary of the Treasury is hereby authorized to place on the books of the Treasury, etc.

The amendment to the amendment was agreed to.

Mr. DEPEW. So far as the item under consideration is concerned, I do not know where it came from; but certainly no one has appealed to me on the subject, and I have not read it closely enough to know whether the objection of the Senator from North Dakota is valid or not; but if it comes within the opinion which I have heretofore expressed, I think it ought to go out.

Mr. McCUMBER. Mr. President, the legislation seems to be entirely the same as that on page 90. That on page 90 was to correct errors where there have been errors, and matters somewhat complicated in allotment by cancellation of the allotments and reallotting. This is to change general laws in exactly the same way. I believe that both amendments are really good legislation and proper legislation. I therefore withdraw the point of order, feeling that the amendment should go through, because it is proper in this case, as it was in the other.

The VICE-PRESIDENT. The Senator from North Dakota withdraws the point of order.

Mr. CLAPP. If the Senator will pardon me, I will suggest that that amendment might be passed over to allow the Senator from New York [Mr. DEPEW] an opportunity to look it up and familiarize himself with it.

The VICE-PRESIDENT. Does the Senator from Minnesota wish the amendment passed?

Mr. CLAPP. Oh, no; let the reading of the bill proceed.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 93, line 1, after the word "all," to strike out "$11,902.50" and insert "$124,050;" so as to read:

In all, $124,050.

The amendment was agreed to.

The next amendment was, under the subhead "Cherokee School," an page 93, line 12, after the name "North Carolina," to insert "$26,820;" and in line 15, before the word "dollars," to strike out "twenty-eight thousand three hundred and twenty" and insert "one thousand five hundred;" so as to make the clause read:

For support and education of 160 pupils at the Indian school at Cherokee, N. C., $26,820, and for pay of superintendent, $1,500.

The amendment was agreed to.

The next amendment was, under the head of "North Dakota," on page 93, after line 23, to insert:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to cause an additional allotment of not less than 2½ acres nor more than 10 acres of timber land to be made to each member of the Standing Rock band of Sioux Indians, to whom allotment is made under the act of March 2, 1889, entitled "An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations, and to secure the relinquishment of the Indian title to the remainder, and for other purposes:" *Provided*, That this act shall benefit those members only who are alive and in being at the close of the work of allotting said Indians under said act of March 2, 1889, and said additional allotments shall be subject to the provisions of the said act of March 2, 1889, and the amendments thereto.

The amendment was agreed to.

The next amendment was, on page 94, after line 16, to insert:

That article 3 of the act approved April 27, 1904 (33 Stat. L., p. 321), modifying and ratifying the agreement with the Indians of Devils Lake Reservation, in North Dakota, is hereby so far modified so as to permit the payment of the annual installments provided for in said article to be made in the month of April of each year, instead of in June.

Mr. HALE. That only operates to change the time of payment?

Mr. CLAPP. That is all.

I move that the word "so," at the beginning of line 22 of the amendment, on page 94, be stricken out.

The VICE-PRESIDENT. The amendment proposed by the Senator from Minnesota to the amendment will be stated.

The SECRETARY. On page 94, line 22, after the word "modified," it is proposed to amend the amendment by striking out the word "so;" so as to read:

Is hereby so far modified as to permit the payment, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 95, after line 3, to insert:

That the Secretary of the Interior be, and he is hereby, authorized, with the consent of the Indians to be obtained in such manner as he may deem best, to cause an allotment of 80 acres to be made from the lands of the Fort Berthold Reservation, including the lands to be restored, to each member of the several tribes belonging on and occupying said reservation, now living and to whom no allotment has heretofore been made; and where any allotment of less than 80 acres has heretofore been made, the allottee, if now living, shall be allowed to take an additional allotment, which with the land already allotted shall not exceed 80 acres.

The amendment was agreed to.

The next amendment was, under the subhead "Fort Totten School," on page 95, line 22, after the word "Dakota," to insert "$54,575;" and in line 24, before the word "dollars," to strike out "fifty-six thousand two hundred and seventy-five" and insert "one thousand seven hundred;" so as to make the clause read:

For support and education of 325 Indian pupils at the Indian school, Fort Totten, N. Dak., $54,575, and for pay of superintendent, $1,700.

The amendment was agreed to.

The next amendment was, under the subhead "Wahpeton School," on page 96, line 7, after the name "North Dakota," to insert "$16,800;" and in line 9, before the word "hundred," to strike out "eighteen thousand three" and insert "one thousand five;" so as to make the clause read:

For the support and education of 100 Indian pupils at the Indian school at Wahpeton, N. Dak., $16,800, and for pay of superintendent, $1,500.

The amendment was agreed to.

The next amendment was, on page 96, after line 12, to insert:

For sinking and constructing a well and necessary machinery or apparatus for supplying said school with water therefrom, $15,000, or so much thereof as may be necessary, said sum to be immediately available.

The amendment was agreed to.

The next amendment was, on page 96, line 17, to increase the total appropriation for the support and education of 100 Indian pupils at the Indian school at Wahpeton, N. Dak., from $20,300 to $35,300.

The amendment was agreed to.

The next amendment was, under the head of "Oklahoma," at the top of page 97, to insert:

That the act of June 5, 1906, entitled "An act to open for settlement 505,000 acres of land in the Kiowa, Comanche, and Apache Indian Reservation, in Oklahoma," be, and the same is hereby, amended so as to permit the allotment of those children of enrolled members of the Kiowa, Comanche, and Apache tribes who were not allotted under the provisions of said act because they were not of known Indian parentage: *Provided, however,* That the total number of allotments made hereunder shall not exceed twenty-five.

The amendment was agreed to.

The next amendment was, on page 97, after line 19, to insert:

That all restrictions as to sale and encumbrances as to 40 acres each of the lands heretofore allotted in Oklahoma to No wa hi, Darwin Hayes, Red Plume and Shoe, Cheyenne and Arapahoe Indians, are hereby removed.

Mr. CLAPP. It is due to the Commissioner to say that he has filed a protest against that amendment.

Mr. CURTIS. I desire to call the attention of the Senator to the fact that under public law No. 149, approved May 8, 1906, the parties named in this amendment have the right to go before the Secretary of the Interior and if they make a proper showing they may receive a patent. I think for that reason the amendment should be rejected.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 98, after line 4, to insert:

That there be, and is hereby, appropriated out of any money in the Treasury not otherwise appropriated, the sum of $215,239, the same being the difference between 32½ cents per acre heretofore paid to the Mexican Kickapoo Indians in the Territory of Oklahoma and the amount realized by the United States for their surplus land in Oklahoma, the said sum to be paid by the Secretary of the Treasury to Pah-ke-tah and Martin J. Bentley, the authorized representatives of said Indians, through any national bank by them designated; the said sum to be immediately available and the indorsements of the warrant issued in payment thereof to be deemed to be a receipt in full for all claims of every kind whatsoever of the said Mexican Kickapoo Indians against the United States, and said payment shall be considered and deemed a final settlement of all claims of every kind whatsoever of said Indians against the United States.

That the Attorney-General of the United States be, and he hereby is, authorized and directed to immediately investigate any and all conveyances purporting to have been executed and acknowledged in the Republic of Mexico, of lands situated in Oklahoma and heretofore allotted to Mexican Kickapoo Indians now nonresident in the United States, and if the said conveyances or any of them appear to have been procured by fraud or fraudulently executed he shall, by his assistant specially employed, appear and defray the costs of proceedings in the proper courts on behalf of said Indians and their trustees to cancel and to set aside said conveyances and to clear the title of said Indians and their trustees to said land from any and all cloud thereon, the result of such fraudulent conveyances. He is further directed to prosecute in the proper courts any and all parties to said frauds, and he is authorized to employ for said purposes some suitable attorney as his assistant who has the confidence of said Indians. For said purposes and the payment of costs in suits to set aside said fraudulent conveyances there be, and hereby is, appropriated out of any money in the Treasury not otherwise appropriated the sum of $25,000, the same to be immediately available.

Mr. HALE. I do not know much, if anything, about the merits of this amendment, but I call the attention of the chairman of the committee to the provision in the first clause of Rule XVI. It is not such a provision as we have been before discussing. It is as follows:

And no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session.

Of course the amendment is subject to that point. As to the merits of the claim I do not know anything whatever.

Mr. CLAPP. Mr. President, before I discuss the amendment at all, I wish to suggest that on line 1, page 99, after the word "Mexico," the words "or elsewhere" be inserted.

This claim is based, as partially appears from the language of the amendment, upon the sale of land by the Government that it acquired from the Indians under a treaty. My idea was that that relieved it of the objection, and as to that point I was favorable to placing it in the bill. It is a matter in which the senior Senator from Colorado [Mr. TELLER] is very much interested, and as we have passed several other matters in the bill, I suggest that for the present we pass the pending amendment. Of course, if we reach it finally before he returns to the Senate, we will have to dispose of it.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from North Dakota?

Mr. CLAPP. Certainly.

Mr. McCUMBER. Before the Senator asks that that amendment be passed over, I have here a very brief statement of the question, which I should like to have the Secretary read. It will give us in a nutshell the whole matter. It is only two pages.

The VICE-PRESIDENT. The Secretary will read as requested by the Senator from North Dakota.

The Secretary read as follows:

The Kickapoo Indians, to which the pending bill relates, and now known as the Mexican Kickapoo Indians, is that majority division of the Kickapoo Indian tribe referred to in the fourth article of the treaty of June 28, 1862, and who elected to emigrate to the Indian Territory and who afterwards, during the civil war, went to Mexico and became known as the Mexican Kickapoos.

Speaking abstractly, these Indians had an absolute title to more than 750,000 acres of land in eastern Kansas. By the treaty of 1862 this tract was reduced to 150,000 acres, and out of that a diminished reserve was set aside for those who elected to remain in Kansas, leaving 123,832 acres.

A stipulation contained in article 4 of the treaty of 1862 provided that this land should be sold at not less than $1.25 an acre, and that the sum so received ($167,290) should be invested in Indian Territory land, and the lands which were purchased and upon which these Indians were settled in conformity with the said article 4 of the treaty of 1862 were obtained from the Creek and Seminole Indians at 30 cents per acre. And while the United States should have purchased 557,633 acres, the amount actually purchased and set aside for these Indians by Executive order was 206,466 acres.

In 1891, by an alleged treaty, the Kickapoos ceded to the United States 183,965 acres, for which the United States paid them 32½ cents an acre and which was sold by the United States for $1.50 per acre, which would have left a balance due the Kickapoo Indians of $215,239.

Had the United States fully and honestly complied with the terms of the treaty of 1862 these Kickapoos would have been entitled to the full proceeds of the 123,832 acres at $1.25 an acre. These lands were sold to the Atchison and Pike's Peak Railway Company, and had the Indians received the quantity of land due them in the Indian Territory the acreage would have amounted to 557,633 acres, or a total surplus of 535,132 acres, which, at $1.50 per acre, would have amounted to $737,948. By any consistent line of computation the Government of the United States owes these Indians the above-cited difference, growing out of the last two treaties made with them. In addition to which in law and in equity, and as held in the New York Indian case and others, these Indians are entitled to the difference between 50 cents an acre and $1.25 an acre on 600,000 acres of land ceded by them under the terms of the treaties of 1862 and 1864, or a total of $1,188,448.

Mr. LONG. Do I understand the Senator from Minnesota to request that this item go over?

Mr. CLAPP. Yes.

Mr. LONG. Before that is done, I ask, in connection with the paper that has just been presented by the Senator from North Dakota [Mr. McCUMBER], that a letter from the Commissioner of Indian Affairs, found on page 66 of the report, be printed in the RECORD.

Mr. CLAPP. I would call the attention of the Senator to the fact that on page 61 of the report begins the discussion of this matter and includes the law in question. Before it goes over——

Mr. KEAN. Why not put the whole of it in the RECORD?

Mr. CLAPP. It is already in the report.

Mr. KEAN. Yes; but if part of it is going to be printed in the RECORD, why not the whole of it?

Mr. CLAPP. Very well. Then, I will ask that the report on this question, commencing with the word "Oklahoma," on page 61 of the report, and going down to the word "Osages," on page 73, be printed in the RECORD.

The VICE-PRESIDENT. Is there objection to the request? The Chair hears none, and permission is granted.

The matter referred to is as follows:

OKLAHOMA—KICKING KICKAPOOS—HISTORY OF THAT TRIBE OR BAND OF INDIANS KNOWN AS "MEXICAN KICKAPOOS."

On October 25, 1824, the Kickapoo Indians, in company with the Shawnee Indians, presented themselves to the alcalde of the city of Austin, in the then Republic of Mexico, to whom they stated that they were being crowded and pursued by the Anglo-Saxon race in the North, and that they desired to acquire land and a home with the Mexican people. This alcalde took up the matter with his superior officer, the governor of the province, representing to him that the Shawnees and those affiliating with them were both "entertaining and industrious," and he believed that if they were given some territory to the north of the capital, which was often in those days raided and harassed by the attacks of the Wacos, Comanches, and other hostile and refractory Indians who then lived in and infested that region, they would be a protection to the capital.

The King of Spain, Charles III, made a concession to these Indians, granting to them all that tract of country lying north of where the San Antonio road crosses the San Angelo River, the boundary to continue up said river to its source, then east to the Sabine River, and down said river to the crossing of the San Antonio road, and accordingly the Kickapoos, Shawnees, and some Cherokees and Delawares who affiliated with them, settled upon this tract, where they resided from about the year 1825 to 1842, at which time the Indians had one permanent village on this tract, containing more than 700 inhabitants.

The provisional government of Texas, during the time it was a Republic, through its duly appointed commissioners, made a treaty with these Indians wherein this grant to them was ratified. Afterwards a second treaty was made whereby the Republic of Texas acquired this tract, and the Indians were, by consent and at the expense of the State, moved to another grant of land, 40 miles square, northwest of the present capital of Texas, which is known and designated in the annals of Texas as a "service grant." The Indians occupied this

tract and the plains of western Texas until the time of the early agitation preceding the civil war. When Gen. Sam Houston counseled with the Indians and persuaded them to move out of the State of Texas, he advised them that there was going to be war and that they had better move into the Indian Territory where they would be less liable to molestation, and accordingly the Indians moved. Some settled on the Little Red River, in southwestern Indian Territory, and the Shawnees and Kickapoos settled farther north. The Shawnees occupied the country along the Little River, which is now in Pottawatomie County, Okla., and the Kickapoos occupied the country along the North Canadian River and Squirrel Creek, between the present cities of Shawnee and Tecumseh, Okla.

The acute agitation growing out of the civil war proved exceedingly annoying to these wild Indians. First the North and then the South appealed to the Indians to take sides with them. The Shawnees, who were their neighbors on the south, were loyal to the United States; they removed to Walnut, Kans., where the able-bodied members of the tribe enlisted and became a part of Company K of the Fourteenth Kansas Cavalry. The Seminoles, who occupied the country immediately to the east, were owners of slaves, and naturally sympathized with the South. Chief Big George (Mah che ma net), of the Kickapoos, who in history should be known as their Tecumseh, said to his people: "We do not understand what these white people are wanting to fight about; none of them have injured us, and why should we stain our hands with their blood? We will leave and go to the wilds of Texas, and take no part in this fight." And accordingly the Kickapoos, in the early fall of 1862, broke camp and started south a thousand strong, their objective point being the Little Concho River, Tom Green County, Tex. In December of that year they arrived at the ranch of William Tankersley, which is 2 miles from the present town of Knickerbocker, Tex.

Mr. Tankersley, who, though very old, is still living and prominently known in Texas, states that the Kickapoos appeared at his ranch, having with them a large herd of horses, in the early winter of 1862. Though alone at his home, he states that he invited the Kickapoos to camp, which they did, getting water from his well to prepare their dinner, and that he sold them such provisions as he could spare. He had known many of them years before. They had assisted him in recovering stock that had been stolen from him by the Comanches and other thieving Indians who then roamed over the great plains of Texas. He says he invited them to make a permanent camp on his possessions on the river, 4 miles from his ranch house, and that after dinner they proceeded to the place designated by him. The next day a large company of Confederate cavalry appeared at his place, inquiring for the Kickapoos. He assured the officer in command that he need not be concerned about the Kickapoos—that they were friendly and would, during the war, be a protection to him and the neighboring ranchmen against the raids of other hostile Indians who had become emboldened because of the absence of many of the Texans, who were absent on account of the war. To this the officer replied that the Kickapoos had many fine horses, which interested him more and would be of more value to the Confederacy than Indian friendship, and he proceeded to pursue and attack the Kickapoos.

When the Indians saw the cavalry approaching, they sent forward an old buck bearing a white flag, and accompanied by an aged squaw on either side. As soon as the cavalry came within range, this trio was ruthlessly shot down and the main camp charged upon. Though not anticipating this attack, the Indians offered stubborn resistance, and sixteen cavalrymen fell from their horses mortally wounded. Then the cavalry retreated for reenforcements, and did not venture to return for their dead for two days. The Kickapoos hastened to break camp, and started for Mexico, thinking that Texas had declared war upon them, and the path of death they left behind them is a matter of Texas history. They forded the Rio Grande River and entered Mexico at the north end of the Sierra del Carmin Range. They followed down this range far into the State of Coahuila, finally taking up their home at Nacimiento.

The whole region around this place was then occupied by the fierce and murderous Lipans, Apaches, and Comanches, who had driven the Mexican population entirely out of the northern part of the State and as far south as the city of Muzquis, Mexico.

The State and Federal authorities welcomed these Indians, because they were a protection to the peaceful native population of the country and in remembrance of the protection that these same Indians had been to them when Texas was a part of the Republic, in 1824. The President, Benito Juarez, made a service grant to them and a treaty with them, by the terms of which the Kickapoos agreed to and did render the Mexican army valuable service in exterminating the Lipans and in subduing and driving the Comanches beyond the borders of Mexico.

Thus it will be seen that these Indians, from 1824 to 1874, a period of fifty years, had lived practically all their lives either in Texas, when it was a part of Mexico, or in the present Republic. As a matter of fact all the Kickapoo Indians of the age of 20 years or over, at the time of the opening of their land in Oklahoma, were native-born Mexicans. Even Big Jim (Wah pah meh ah peto) (Plain Straight Road), the last chief of the Shawnees and the grandson of Tecumseh, was born on the Angelo River, in what was then Mexico, where he died. By reason of their nativity and of race similarity and their acquisition of the Mexican language, these Indians naturally consider Mexico their home.

For several years after the civil war they continued to raid the country east of the Rio Grande River, stealing large herds of horses and cattle from Texans, which they drove across the Rio Grande River, where they were secure with their plunder. A considerable renegade element of Mexicans operated with and encouraged them in this, and they were a constant source of annoyance and danger to the border ranchmen of Texas.

The cavalry stationed at Fort Bracket and Fort Stockton were kept constantly employed in pursuing these and more often other Mexican Indians who then preyed upon the west Texas ranchmen. All the cavalry could do was to follow the Indians to the Rio Grande River, and the Indians, once on the other side, were immune from further pursuit.

Major MacKenzie, then in charge of the cavalry at Fort Bracket, became so exasperated by his repeated failure to check or capture these Indians, that, without instruction from the War Department, and in total disregard of international law, he headed his command across the Rio Grande River and followed the Indians through one of the most rugged and mountainous countries on the American Continent to the Kickapoo Reservation, 150 miles from the Rio Grande River in the interior of Mexico, where he shot down and murdered the Indians who resisted, capturing the women and children and all who would submit to capture and then returning them as prisoners of war to the American side. It so happened at the time of the MacKenzie raid that a very considerable number of the male adults of the tribe were absent on a hunting expedition, and upon their return where the wife and all the children had been taken the father followed and united with his family where they were temporarily held as prisoners of war at San Antonio, Tex.

From the time of this raid until the military authorities arrived with the Kickapoos as prisoners of war in what later by Executive order became known as the Kickapoo country, about one year's time was consumed. The records of the war department of Mexico, which were made on account of the international agitation growing out of the MacKenzie raid, show that 176 Indians escaped capture by the American military and remained in Mexico.

In 1876 the reservation of the Kickapoos in Oklahoma was set aside for them by Executive order, and pursuant to the treaty of 1863 with the Kansas Kickapoos, which provided for those in Kansas and the absentees who were known as the Mexican Kickapoos. Between that time and 1890 they maintained communication more or less with their relatives in Mexico. And they all continued to speak the Spanish or Mexican language, while none of them could speak English.

In 1891 the Jerome Commission went to the Kickapoo Reservation in Oklahoma for the purpose of negotiating a treaty for the purchase of their surplus lands and providing for an allotment of 80 acres for each Indian. A council was held, and at that council one man voted in favor of the proposition and every other vote was against it. The Kickapoos refused to consider any question as to the sale of their land or the allotments of their lands in severalty. Later another council was held and the Indians voted as before, though a treaty was prepared by the Commission, and on August 16, 1891, two delegates, one a white man, were appointed to accompany a white man by the name of John T. Hill to Washington, the Commission having agreed and stipulated in the proposed treaty that this man Hill should receive $5,000 for aiding the Commission in seducing or deceiving these Indians into making some kind of a treaty that would stick.

The instructions given to this delegation were to make no sale of the lands, but to protest against any treaty or sale except that if nothing else could be gotten or done to take a diminished reservation. In 27 Statutes, 559, appears what purports to be an authorization signed by the adult males of the tribe. As a matter of fact, these names were forged, and are, with very few exceptions, names of parties who either did not exist or who can not now be identified on the allotment roll since made. A few can be, and these few have always insisted that they never knowingly made any agreement providing for the allotment of their lands in severalty. In 1895 the surplus lands of the Kickapoos or those in excess of an allotment of 80 acres each to them were opened to homestead entry and settlement, and this was followed by the immediate destruction of practically all the game in that country. Prior to that time there had been a considerable quantity of deer and wild turkeys, but within three months the white settlers had killed or driven off everything of this character and had stolen or killed practically all the stock of the Kickapoos.

That element of the Kickapoo tribe known as "Kicking Kickapoos" steadily refused to recognize the legality of the treaty of their allotment. They lived in a village near what is now Wellston, Okla., upon lands that had been set aside for school purposes. The Territory of Oklahoma had leased these lands to white settlers, who were demanding possession, and in the winter of 1896 the Indian agent then in charge of the agency having under its jurisdiction the Kickapoos had recommended to the Department of the Interior that a company of cavalry be sent from Fort Reno to assist the agent in forcibly ejecting the Indians from these school lands, and to aid him in herding the Indians out on their allotments in the North Canadian Valley, 15 miles south from the school lands. He thought the presence of the cavalry would aid him in compelling the Indians to accept their allotments and to cause them to recognize his authority over them.

The Kickapoos in some way became aware of his intentions, and a delegation consisting of their strongest men came to Washington to see the President, and to learn from his own lips if the supposed great and good Government of the United States was going to insist on this lying, as they put it, and fraudulent treaty being put into effect by military force. Notwithstanding the fact that this treaty paid them 35 cents an acre for their land, when the other more civilized tribes surrounding their reservation who could speak English were paid $1.25 and $1.50 an acre, and that everybody connected with the Government knew that the treaty was the basest kind of forgery and deception, the Commissioner of Indian Affairs, the Hon. D. M. Browning, told them when they called on him that they were a pack of dirty, kicking scoundrels, and ordered them out of the Indian Office, and warned them not to return, sent his messenger to Beveridge's Hotel, telling the proprietor to kick them out into the street; that they were a lot of dirty, kicking vagabonds; that the Government had no use for them, and would not pay for any subsistence or shelter that he might give them.

They then appealed to President Cleveland, who, in the presence of the writer, told them that he was aware that they had been robbed and deceived; that he was ashamed of his countrymen for such doings; that, while he could not undo the great wrong that had been done them, he was willing, so far as was in his power, to aid them; that they should not only be fed and sheltered while in Washington, but should be provided with clothes and any other necessities; that if they would try to make the best of their sad situation he would ask Congress to appropriate money to enable them to erect new homes and to improve their lands and to start life anew, and that he would permit them to nominate their own agents.

Both the Secretary of the Interior and the Commissioner of Indian Affairs, in view of having so harshly treated the Indians and of their prejudice against them because they would not yield to imposition, strongly opposed the President's disposition, and the Secretary insisted that they should not be permitted to nominate their agents; but the President's well-known will prevailed, and he in every way fulfilled his promise to the Kickapoos. This just and reasonable treatment inspired the confidence of the Indians, but increased the prejudice of the Indian Department against them, and the heads of the divisions of the Indian Office from that day to this have despised the Kickapoo Indian.

The Indians, under the new condition brought about by the President's interference, moved onto their allotments, built houses, broke new lands, and became tillers of the soil in earnest, and in 1901 they were in a prosperous and progressive condition. At this time the Department, over their protest, put them under the jurisdiction of a bonded school superintendent, and a new and different policy was adopted. In a few weeks after this change their mules were stolen and driven away by white people; a trader's store was established by friends of the agent, near the agency, which destroyed the credit of the Indians elsewhere, and with the result that the Indians had to pay twice as much for goods as they had heretofore.

The renegade element of neighboring tribes found that they could

prey upon these Indians and without interference, and the Kickapoos again fell into a state of disaffection. They said: "The Government has quit our agent, and we will quit the Government and go back to Mexico, where we can have our own agents and have some voice in the conduct of our affairs." And they moved, and would be contented and successful in their new location if their affairs could be taken entirely out of the hands and control of the Indian Department and they left to do for themselves as the other half of the tribe has done for forty years in Mexico.

A special agent was detailed during the summer of 1905 by the Department, who visited the President of the Republic of Mexico and the governor of the State in which the Kickapoos had their home, advising the executive officers of the Federal and State governments that a renegade element of wild American Indians was being located in their country, and against the will and wish of the United States, and that his great and good Government had sent him to warn its sister Republic of the character and of the danger of these undesirable emigrants.

That one vicious, disreputable white man had induced the Indians to come into their country, and to properly portray the character of this man he cited the gullibility of the American Congress and the fact that the great Department of the Interior had sent him to Mexico to investigate and report whether or not this white man had secured legislation from the American Congress by improper methods.

At the instigation of this agent of the Department of the Interior and under the above representations, he elicited the aid and support of the Mexican courts, and American citizens were put in duress and deprived of their liberty that he might interrogate them, under an order of the Mexican courts, as to whether they were guilty of bribing Senators and Congressmen of the American Congress in procuring legislation to carry out this awful scheme of aiding a few Indian families to be reunited in the Republic of Mexico.

Telegrams and letters were sent to other agents of the Department in the United States, who, at their instigation, were interviewed, and whose slanderous and libelous statements and publications were such that the party assailed was compelled to seek redress by instituting suit in the United States district court for damage and libel.

The resolution, which was agreed to in the United States Senate, directing the Secretary of the Interior to advise the Senate why he had not issued patents to the Kickapoo Indians, as directed by the act of March 3, 1905, relates to seven Kickapoo Indians who voluntarily put their land into a pool to be sold and to provide a fund with which to purchase a home for all the Kickapoos in Mexico. These seven particular allotments were selected for this purpose by the Kickapoos because some of them were valuable on account of being near the city of Shawnee, and others were the allotments of aged and childless persons. These lands were to be taken and disposed of, each of the allottees was to at first receive some small sum of money, and after the land had been purchased, and a tract satisfactory to them, if any money remained after deducting the necessary expenses incurred in the transaction, any balance should be paid to the Indians according to their several interests.

It is contended by the Department that the Indians were not paid a sufficient sum for these lands, when, as a matter of fact, the agreement with the Indians was made in good faith and has been carried out as far as possible, and the only reason that the entire deal has not been consummated has been that the Department of the Interior has not done as the law directed and has thrown insurmountable obstacles in the way of lands being acquired in Mexico by sending its agents there to prejudice the Government against permitting the Indians to acquire lands in that country.

The property that the Kickapoos have elected to own in Mexico, and on which to establish their permanent homes, is a tract of land containing 238,000 acres and now grazes 10,000 head of white-faced cattle, and out of the herds ranging upon this land fine beef cattle may be taken at any season of the year. The tract of land is an enormous basin and is beyond question the choicest grazing lands in the entire Republic; is surrounded by mountains, which practically fence it, some of them rising to an elevation of nearly 9,000 feet; beyond these mountains lie the great desert wastes of Mexico—so designated, not because the lands are barren of vegetation, but because no surface water is found.

These lands abound with blacktail deer and will probably for centuries to come be an ideal hunting ground. It has been demonstrated that this specie of deer practically live without water. The enormous yuca, with its bloom stem, though like yuca flamentosa, but a thousand times larger, is full of moisture and blooms almost constantly, and while it kills and poisons the cattle kind it does not poison the deer, because he is of the bovine species and has no gall. The plan proposed is that the cattle on this large ranch shall not only furnish the Indians a large part of their subsistence, but will yield a revenue sufficient to provide their other limited necessities, and that when their estate in the United States is finally disposed of enough of their funds be invested in bonds of the Republic of Mexico so that the interest on these bonds will forever pay the taxes on their estate there.

REVEREND DEAR SIR: The Oklahoma Kickapoo Indians, who have been within the limits of my parish since they came over to this country, tell me that you have been their friend, and therefore request me to write to you, giving you an idea of their status here and asking you to see that their interest money and lease money should be forwarded to them at Eagle Pass, Tex.

They understand that a rumor has gone forth that they are about to return to the United States, because the Mexican Government had ordered them to leave the country. To all of which they ask me to give a denial in their behalf.

For my part I can state that the Mexican Government is not at all opposed to their remaining in this country. What the Government will not allow them is this, to settle at El Nacimiento on the lands of the Mexican Kickapoos. For although the Oklahoma and Mexican Kickapoos belong to the same tribe and, moreover, are connected by numerous tribal relationship—in some cases the nearest possible, for instance, brother and brother, father and son, mother and son—the Government deems it more convenient to keep them apart; as I was of a different opinion (and still I am) last year in March I went to Mexico City to see our President, D. Porfirio Diaz, about this affair. I tried my best to convince him of the advantages which might be had by rejoining the two branches of the tribe, but in vain. That is the reason why the Oklahoma Kickapoos had to leave again the land of "El Nacimiento," on which they had established themselves right after returning to this country, considering that place was their home when they had arrived to stay. The President, as well as the secretary of colonization, De Manuel Gonzales Cosio, told me the said Indians might buy some landed property or farm whereon to live without any fear of being troubled as long as they would obey the law and respect the property of the landowners when hunting or cutting timber, etc.

This is precisely what these Indians have been about since then. At present they are considering the purchase of either the hacienda De Piedra Blanca, or that of Zamore. The first named is very suitable for cattle raising and surrounded by extensive hunting grounds in the mountains. It is situated at about 40 leagues northwest from here; the other, a very short distance from the town, is all first-class farming land, with an abundance of water for irrigation. But what can they do without having at their disposal the money to which they are entitled, or at least being sure of getting it in time? Therefore, they shall be very grateful to you, dear Father, if you will have the kindness to help them to get their money. Before concluding this letter allow me to state the following facts:

First. The Kickapoos consider Mexico as their country, in accordance with the traditions of their tribe (with regard to their traditions, I may mention that they keep with great care two large-sized silver medals of merit with the respective diplomas, Medalla Grande de Merizo de Capitan, with which King Charles III of Spain decorated two of their chiefs).

Second. The Mexican Government under Benito Juarez rewarded their valuable services in the war against the hostile tribes of the Comanches, Lipans, and others with the grant of two squares each of land at El Nacimiento.

Third. The Oklahoma Kickapoos went to the Indian Territory a little more than thirty years ago, not spontaneously, but obliged by force, for in 1874 a Captain MacKenzie, making with his soldiers an inroad into this State, came to El Nacimiento when most of the Indians were absent on a hunting exposition, and after capturing all the Indians he could take by surprise, principally women and children, he took them along to the United States as prisoners of war. Of this I myself have been an eyewitness.

Thanking you beforehand for anything you may do in favor of the Oklahoma Kickapoos, I remain, dear Father,

Very sincerely, yours in Christ,

FRANCISCO DE P. ANDRES,
Presbyter, Muzpuiz, Coahuila.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, April 5, 1906.

Hon MOSES E. CLAPP,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.

SIR: In response to the oral request of your committee, at the instance of Senator La Follette, for a report on an amendment to the Indian appropriation bill which he had in mind to propose, I beg to submit the following:

The amendment is preceded by a preamble of considerable length, and is intended for the relief of the Mexican Kickapoo tribe of Indians in Oklahoma.

By the first paragraph of the preamble the fact that the "treaty" was concluded with these Indians on the 9th of September, 1891, is stated. The second paragraph declares that these Indians ceded 183,965 acres to the United States at 32½ cents per acre. The third paragraph declares that the Government is disposing of the lands not allotted in severally to these Indians at $1.50 an acre, while the concluding paragraph of the introduction declares that the Indians concluded the "treaty" under a misunderstanding as to the price to be paid.

It enacts that there shall be appropriated, out of any money in the Treasury not otherwise appropriated, the difference between the amount paid the Indains and the sum that the lands would bring at $1.50 per acre, or $215,239.

It is provided that after a census is made by some person nominated by the chief and council of the tribe, whose appointment shall be indorsed by the Secretary of the Treasury, the roll so prepared shall be made in triplicate and approved by the chief and councilmen of the tribe. It is to include the names of all members living on the 1st day of May, 1906. The census and enrollment are to be attested under oath by the persons appointed to make the census and enrollment, and it is to bear the approval of the Secretary of the Treasury before any payments are made.

It is further provided that the money appropriated shall be divided equally and distributed among the Indians so enrolled, the shares of the minors to be paid to the parents or next of kin having the care and custody of the minors, and the receipt of the United States from the payee in every instance is to be deemed a receipt in full for all demands on the United States and shall be held to be a final settlement by and between the Government and the Mexican Kickapoo tribe of Indians and all members thereof to whom payment or distribution is made.

Before treating of the provisions of the amendment, it is deemed advisable to invite attention to the history of these people and to examine the title they had to the lands for which it is now proposed to pay them. I quote the office records.

As far back as 1863 or 1864 a considerable number of the Kickapoos, then living in Kansas, being dissatisfied with the provisions of the treaty of June 28, 1862 (13 Stat. L., 623), left their reservation and went to Mexico, joining a number of their people who had gone there some years before. These Indians became a source of annoyance to the frontier settlements in Texas.

By the act of July 15, 1870 (16 Stat. L., 359), $25,000 was appropriated to collect bands of Kickapoos and other Indians roaming on the borders of Texas and Mexico and locate and subsist them in the Indian Territory. By the act of March 3, 1871 (16 Stat. L., 569), $40,000 more was appropriated for the removal of these Indians to a reservation within the United States and for their subsistence thereon. The efforts made under these acts failed.

A commission was appointed to make another attempt to remove them to some point in the Indian Territory. This commission in 1873 succeeded in removing three or four hundred of them to Indian Territory, where they were joined by 114 others in 1875. In 1876 they were reported as numbering 312, while in 1883 they numbered 418.

These Indians were located on the lands for which the amendment proposes to pay them. The tract on which they lived was bought by the United States from the Creek Indians under the provisions of the treaty concluded June 14, 1866 (7 Stat. L., 786), article 3. The Creeks were paid 30 cents per acre. After the Kickapoos were removed to this tract of land on motion of this Office the President, on August 15, 1883, by Executive order set aside the lands under consideration for the use and occupancy of the Kickapoo Indians.

Here, then, is their title to the lands for which it is now proposed to pay them an additional sum over and above the price agreed on. Their care and control was a constant source of trouble and annoyance, the Indians refusing to do anything for themselves or to take any steps which would lead to the breaking up of their tribal relations and their savage mode of life.

Finally an agreement was concluded with them on September 9, 1891, which was approved by the act of March 3, 1893 (27 Stat. L., 557). By this agreement the Kickapoos ceded, conveyed, transferred, and relinquished, forever and absolutely, without any reservation whatever, all their claim, title, and interest of whatever kind or character to the lands in question. Each member was given the right to an allotment, and they were paid $64,650.

In this connection attention is invited to the provisions of article 5 of the agreement, specifying the amount of money that shall be paid to the Indians. It reads:

"In addition to the allotments above provided for and the other benefits to be received under the preceding articles, and as the only further consideration to be paid for the cession and relinquishment of the title above recited, the United States agree to pay the said Kickapoos," etc.

As to the allegations that the representatives of the Indians concluded the agreement under a misunderstanding as to the price to be paid, I think the history of the transaction as it appears on the Government records wears enough of the guise of regularity to call for further investigation before accepting the charge of deception, either intentional or accidental, as proved. The commissioners appointed to obtain the agreement first negotiated with the Indians in Oklahoma, and the form the agreement was to take was there drawn up under date of June 21, 1891, but the matter was held open and finally completed on the 9th of September, 1891, in this city, the cause for the delay being that the Indians did not wish to take lands in severalty, but preferred a diminished reservation in common.

In their report the commissioners say that negotiations were suspended in Oklahoma because only four members of the tribe would sign the contract as drawn. After the commission left the reservation the Indians began to hold general councils of all their people and kept this up for six or seven weeks. On August 21, 1891, the Indians asked the commissioners to meet them at Oklahoma City, which they did. The Kickapoos were then represented by seven men, whom the commissioners say they knew to be head or leading men of the tribe. They exhibited a power of attorney or instrument of authority empowering three men named therein to make an agreement for the sale of their reservation, but stipulating that the agreement should be concluded in this city. All the details of the agreement were settled at Oklahoma City except this matter of allotment or holding the reservation in severalty.

The delegation and the commissioners came here and discussed the matter fully with the Secretary of the Interior, who decided on September 9, 1891, that the Indians should take allotments in severalty. The names of fifty-one persons were then signed to the agreement by the three men alleged to be empowered to act for the tribe. Agent Patrick certified that from the best of his information the male adults of the tribe numbered about fifty, and that he was certain they did not exceed fifty.

On return of the delegation of Indians to Oklahoma, Agent Patrick reported on November 5, 1889, that a council was called, but nothing was done because of the absence of the interpreter who accompanied the delegation; that afterwards another council was held, at which the agreement was explained and a vote taken, nearly unanimous satisfaction being expressed. Afterwards there appears to have been a split, one faction expressing itself as dissatisfied and the other as pleased with the agreement. These two factions were of nearly equal strength.

From the records, therefore, it appears that the Government has twice paid for the lands, and the proposed amendment would authorize a third payment. First, it bought the lands of the Creeks at 30 cents an acre, then purchased the possessory right of the Kickapoos for a little more than 32 cents, which was stipulated to be the final and only compensation they were to receive, and the proposed amendment is designed to give them something more than $1.17 per acre additional. The committee may form its own conclusions as to how much of a title the Kickapoos had to the land. All that they received was obviously a mere gratuity given them in the hope of inducing them to settle down in one place and become citizens.

Now, as to the means proposed for making this payment. The provision that a census shall be made by some person nominated by the chief and council of the tribe, who shall be indorsed by the Secretary of the Treasury, is open to objection. First, the Treasury Department having nothing to do with Indian affairs, any legislation which seeks to transfer to it administrative duties for which the Interior Department is maintained introduces a foreign element to no advantageous purpose, as far as I can see; second, there is no recognized chief of the Kickapoos, who are divided into two bands of about equal number, each headed by a person who claims to be chief. Practically all of one faction are in Mexico and all of the other in Oklahoma. It seems to me that any provision of this kind should authorize an enrollment through the usual channels, either by a person to be specially employed or an inspecting officer regularly commissioned under the Interior Department. The provision that the roll shall be first approved by the chief and councilmen is open to objection on the same lines.

I am of the opinion that the amendment would be strengthened by adding the clause—

"That any of such Indians and their descendants who shall have permanently left or may hereafter permanently remove from the United States shall thenceforth be no longer wards of the Government, and shall not be recognized by any Department thereof as being entitled to any benefits as Indians."

I am not seeking to interpose any objections to this measure, but feel it my duty to say that there is nothing in the records of my Office which I feel would warrant my giving it an affirmative approval.

Very respectfully,

F. E. LEUPP, *Commissioner*.

The representatives of the tribe submit the following:

STATEMENT IN RELATION TO THE KICKAPOO INDIANS OF OKLAHOMA FOR THE DIFFERENCE BETWEEN 32½ CENTS PER ACRE AND $1.50 PER ACRE.

Under the stipulations of an alleged treaty, concluded with the Mexican Kickapoo Indians in the office of the Secretary of the Interior, in the city of Washington, dated September 9, 1891, the Kickapoo Indians ceded to the United States 183,965 acres, at 32½ cents per acre.

These ceded lands were, under the act of March 3, 1893, open to homestead entry at $1.50 per acre; and it is the contention of the Kickapoo Indians, first, that they never made any treaty, that the alleged treaty was never in any sense understood by them, and, second, it is contended for them that had the treaty been made understandingly they would have been entitled to the difference between 32½ cents per acre and $1.50 per acre, received by the Government.

In support of the contention that the treaty was never understood, that the Kickapoos were not of a disposition that would entitle anyone to believe they would entertain a proposition to take their land in severalty, brief reference is here made to the report of the Indian agent in charge of the Indians immediately preceding the time of the making of the alleged treaty. On page 364 of the Commissioner's annual report for the year 1891 will be found the following paragraph:

"It is exceedingly difficult to get them to accept any innovations into their customs and usages of living. Especially has it proven a tedious process in the case of allotment. The Cherokee Commission met this tribe in council in 1890 and once during the present year, at all of which councils the common result was reached, the Indians absolutely refusing to treat for the sale of the residue as surplus land.

"At the last meeting with them the argument was presented that they were situated on their present location merely by Executive order, a clemency that at any time might be revoked and the same power used to remove them to other land; that they should take advantage of the present opportunity to secure a permanent home and a good competency arising from the sale of the surplus. To this they replied that the reservation was no larger than sufficient for their needs; that to become definitely located would be to destroy their visiting feasts and dances; that if they did not own the reservation it would not be right to dispose of that which did not belong to them, and if it was theirs they did not wish to sell it. The Commission could do nothing further with them, and here the negotiations for the present were ended."

Quoting further from the same page in support, "the past year, owing to the failure of the crops from drought, they were almost in a condition of famine, several of them actually starving to death. On representation of the facts, I obtained authority to purchase for them seven months' rations out of the fund appropriated for the support of Kickapoos. After the provisions were purchased, they actually refused to enroll for the purpose of drawing the same, notwithstanding their starving condition, and the rations had to be sold. The cause of this was their fear that the enrollment might in some way serve to force an arbitrary allotment upon them.

"The facts are that no actual enrollment had been made of these Indians by their consent and that at the time of the execution of the alleged treaty the agent in charge of them could only give their number approximately.

"The signers to the alleged power of attorney, authorizing the execution of a treaty in Washington, were the names of Indians who have never been identified as being Kickapoos and the names of those who had been dead long prior to the making of the treaty. That some few of the Kickapoo Indians did authorize a delegation to come to Washington is probably true, but they did so with the understanding that they were sending the delegates to protest against the making of a treaty. It is proper in the consideration of this matter to take into account the fact that but one Kickapoo at the time of the making of the alleged treaty spoke any English, and he very imperfectly; that none of them could read or write, and that the adopted white man in their tribe, Joseph Whipple, who did the interpreting, was through self or a commission constituted chief, adopted into the Kickapoo tribe to aid in deceiving them into disposing of their reservation. Attached hereto and marked "Exhibit A," and made a part of this statement, is the testimony of Benjamin F. Beveridge, who says: "About the 10th of September this man Whipple became very much dissatisfied. He said that Hill was to be paid $5,000 for fooling the Indians into a treaty, and that Hill had agreed to pay him $5,000 and give him a good time in Washington for helping to fool the Indians; that he had misinterpreted to them, and was afraid that he would be killed when he went back to the Oklahoma country for lying to them, because they did not understand they were making any treaty; that he thought Hill was acting in bad faith with him, and he said if Hill did not pay him, he would go back to the Secretary of the Interior and give the whole thing away."

It is deemed proper to invite attention to other circumstantial evidence relating to this matter. The Kickapoo Reservation was bounded on the south by the Potawatomie country, and was claimed by them and the Shawnees. These Indians were well advanced in civilization and though their land to them was acquired from the same owners as was the Kickapoo Reservation and that they were only squatters upon the land, yet they were paid $1.50 per acre for their surplus. Their lands were classified, and the standard allotment they received was 160 acres of first-class, or 320 acres of second-class land. The Sac and Fox Indians to the east were each given a quarter section of land, while the Kickapoos, who could neither read nor write, and who were defenseless as against their names being signed by mark and witnessed by some unscrupulous person, were given 32½ cents per acre for their surplus land, and an allotment consisting of only one-half or one-fourth the amount that their more enlightened neighbors received. It will be remembered that the Cherokees, who disposed of their land at about the time of the ratification of the alleged Kickapoo treaty, were paid for similar lands $2.50 per acres, and it is a fact that no other tribe of Indians in Oklahoma of the numerous tribes of friendly Indians who were settled upon the Creek, Seminole, Choctaw, and Chickasaw lands received less than $1.25 per acre.

It is contended for the Kickapoo Indians that by treaty stipulation they had an absolute title to all the land embraced within the Executive order which was designated at the Kickapoo Reservation. Under the fourth article of the treaty of June 28, 1862, these Indians relinquished 150,000 acres of land in what is now part of Brown County, Kans., and without consideration, except the following proviso contained in said section 4, which reads: "And upon such land being assigned in common, the persons to whom it is assigned shall be held to have relinquished all title to lands assigned in severalty and in the proceeds of the sales thereof whenever made. Or, should a majority of the adult males of said class decide to remove to the Indian country south of Kansas, then and in that case their new home shall be limited to the quantity above described, but shall be as large as can be purchased with the proceeds of the sale of the tract to which they would have been entitled had they determined to remain upon the present reservation, computing the same at the rate of at least $1.25 per acre.

And accordingly, during the year 1860, more than a thousand Kickapoos removed to and settled in the Canadian Valley in what later became known as the "Kickapoo country." Here they opened fields, split rails, and inclosed the land, expecting to acquire title to the land as provided by the treaty stipulation above quoted. The acute agitation growing out of the civil war caused these Indians to temporarily abandon their location; but it appears that when the United States again removed them to the Indian Territory, it was deemed that they still were entitled to these lands, and they were accordingly set aside for them.

That the Government of the United States owes these Indians the difference contended for there can be no question in equity or otherwise.

Under date of April 24, 1906, Hon. HENRY M. TELLER, in speaking of this matter, as shown by the CONGRESSIONAL RECORD of that day, page 5889, said: "The amendment may be amenable to a point of order. The chairman of the committee seems to think it is. The Government of the United States bought this land from these people, who had the title and sold it. The Supreme Court of the United States declared in a similar case that the Government must respond as trustee to the Indians for the full amount it received for the land. Ordinary rules of law would also require the trustee to do that. The law does not allow the trustee to make any money out of the ward's property, and that is all there is in this claim."

Speaking further on the subject, Senator CLAPP said: "Is not this a case where the evidence showed that a man came up here with one Indian and negotiated a treaty and got $5,000 for negotiating it, and the money was paid him by the Government?" To which Senator TELLER replied: "That is exactly what did happen in this case. It was a most scandalous affair under any phase of it." And further on in his remarks the Senator said: "But independent of that, Mr. President, the Government of the United States was dealing with its ward. It took its title from its ward and then sold the land for a different sum from what it responded to these Indians. The Supreme Court of the United States in a case some years ago entitled, as I recollect, 'The New York Indians,' settled that question. I need not say to the lawyers here that it is the rule that a trustee is never allowed to make any money out of the property of his ward. He is not allowed to deal with them in that way."

Quoting from the Commissioner's annual report for 1891, page 364, which is the statement of the Indian agent who had charge of the Kickapoo Indians in 1891, and is dated July 1, 1891, and in which he says: "The Cherokee Commission met this tribe in council in 1890 and once during the present year, at all of which councils the common result was reached—the Indians absolutely refusing to treat for the sale of the residue of surplus lands."

So we have the certificate of a Government official that the Indians did not make any treaty, and the meeting referred to by him was beyond any question the last meeting held with the Indians by said Commission, because the treaty bears date of September 9 and the power of attorney authorizing the treaty is dated June 21, 1891.

Mr. W. S. Field, of this city, but formerly of Oklahoma, was present at that last conference, and we believe his testimony, if called before the committee, will corroborate this statement.

At the last council referred to, which was at or near the present site of Wellston, Okla., a line was drawn as a means of voting as to whether the Indians would accept allotments and sell the surplus or not, and those who favored the proposition were invited to cross the line. Only one adult Kickapoo voted in favor of the proposition, his minor stepson voting with him.

The Kickapoos have presented themselves before your honorable committee seeking a final settlement of their affairs with the United States. They have peaceably and without expense to the Government sought to establish themselves in the Republic of Mexico. They need the funds due them to acquire a home in that country, as, unfortunately for them, the act of June 21, 1906, failed to give them the relief designed by the framers of the law.

MEXICAN KICKAPOOS.

This is a restless, suspicious, and stubborn tribe of Indians. They will sacrifice all comforts and benefits allowed them by the Government rather than deviate from their own nonprogressive notions, for fear of putting themselves in jeopardy of being civilized. They, like Big Jim's band of Upper Shawnees, refuse to patronize schools or allow themselves to be enrolled or enumerated.

The past year, owing to the failure of crops from drought, they were almost in a condition of famine, several of them actually starving to death. On representation of the facts, I obtained authority to purchase for them seven months' rations out of the funds appropriated for the support of Kickapoos. After the provisions were purchased they actually refused to enroll for the purpose of drawing the same, notwithstanding their starving condition, and the rations had to be sold. The cause of this was their fear that the enrollment might in some way serve to force an arbitrary allotment upon them.

It is extremely difficult to get them to accept any innovation into their customs and usages of living. Especially has it proven a tedious process in the case of allotments. The Cherokee Commission met this tribe in council twice in 1890 and once during the present year, at all of which councils the common result was reached—the Indians absolutely refusing to treat for the sale of the residue as surplus lands.

At the last meeting with them the argument was presented that they were situated on their present location merely by Executive order—a clemency that might at any time be revoked and the same power used to remove them to other lands; that they should take advantage of the present opportunity to secure permanent homes and a good competence arising from the sale of the surplus. To this they replied that their reservation was no larger than sufficient for their needs; that to become definitely located would be to destroy their visiting, feasts, and dances; that if they did not own the reservation it would not be right to dispose of that which did not belong to them, and if it was theirs they did not wish to sell. The Commission could do nothing further with them, and here the negotiations for the present were ended.

In my opinion these Indians will ultimately accept the propositions of the Commissioners. They are by nature so suspicious that they are slow to comprehend meaning and grasp situation. But that the opening to settlement of the adjoining reservations already treated for and the influx of white settlers will illustrate the error of their present ways and show them that their old tribal relations and savage instincts are no longer best or tenable, I feel confident.

DISTRICT OF COLUMBIA,
United States of America, ss:

On this 18th day of January, personally appeared before me the undersigned authority, Benjamin F. Beveridge, who, being by me first duly sworn, deposes and says:

I have resided in the city of Washington, D. C., for more than thirty years last past, and was, in the month of September, in the year 1891, engaged in the hotel business in said city. That on or about the 1st of September, 1891, a delegation arrived at the Baltimore and Ohio depot, from Oklahoma Territory, consisting of two Kickapoo Indians and two white men, one of whom, I was told, was an adopted Kickapoo Indian. His name was Joe Whipple.

I remember distinctly the arrival of said party because I sent a carriage to meet them, which the white man, John T. Hill, who seemed to be in control of the party, refused to take. He engaged another carriage and drove with his party direct to the Indian Office. The Commissioner of Indian Affairs detailed a messenger who brought the party on foot to my house.

The two white men seemed to guard and to prevent any person from talking to the two full-blood Indians who were with them. Joe Whipple, the adopted Indian of the party, told me that he and Hill had brought the Indians to Washington to try to get them to make a treaty; that he spoke the Kickapoo language, and would do the interpreting.

About the 10th of September this man Whipple became very much dissatisfied. He said that Hill was to be paid $5,000 for fooling the Indians into a treaty, and that Hill had agreed to pay him $500 and give him a good time in Washington for helping to fool the Indians; that he had misinterpreted to them and was afraid that he would be killed when he went back to the Oklahoma country for lying to them, because they did not understand they were making any treaty; that he thought Hill was acting in bad faith with him, and he said if Hill did not pay him he would go back to the Secretary of the Interior and give the whole thing away. During the winter of 1895 a delegation of Kickapoo Indians also stayed at my house. They were very persistent in declaring to me that they had not made any treaty, and said they never would take their allotments.

BENJAMIN F. BEVERIDGE.

Subscribed and sworn to before me this 18th day of January, 1907.
[SEAL.] JOHN S. WOOD, *Notary Public.*

TREATY WITH THE KICKAPOO INDIANS, JUNE 28, 1862.

ART. 4. To those members of said tribe who desire to hold their lands in common there shall be set apart from the present reservation of the tribe an undivided quantity sufficient to allow one-half section to each chief, one-quarter section to each other head of family, and 40 acres to each other person, and said land shall be held by that portion of the tribe for whom it is set apart by the same tenure as the whole reserve has been held by all of said tribe under the treaty of 1854. And upon such land being assigned in common the persons to whom it is assigned shall be held to have relinquished all title to lands assigned in severalty and in the proceeds of sales thereof whenever made, or should a majority of the adult males of said class decide to remove to the Indian country south of Kansas, then, and in that case, their new home shall not be limited to the quantity above designated, but shall be as large as can be purchased with the proceeds of the sale of the tract to which they would have been entitled had they determined to remain upon the present reservation, computing the same at the rate of at least $1.25 per acre: *Provided,* That the purchase of such new home shall be made by the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, and at such locality within said Indian country as he may select: *And provided also,* That such new home shall be purchased and the Indians entitled removed thereto within the period of two years after the completion of the survey herein provided for. And such Indians shall be entitled to the benefits of their full proportion share of all assets belonging to said tribe in the same manner that they would have been entitled had such removal not been made, deducting therefrom the necessary expenses of their removal.

The Commissioner says:

"My two latest predecessors, Commissioners Browning and Jones, both announced and I have myself repeated, that the Indian Office will not raise any serious objection to a provision for the payment to the Kickapoos of the sum conveyed by this paragraph, provided always that Congress understands what it is doing when it votes. This will be a free gift of $215,239, because the Indians have already been paid for their land, which, indeed, they never owned in the first place. This whole matter has been reviewed from time to time by the Indian Office, by reference to its records, and no fact has been more persistently set forth than the gratuitous character of the proposed appropriation. The present paragraph, however, goes a step further and proposes that the money shall be paid to Martin J. Bentley and an Indian unknown to this Office named Pah ke tah. It remains with Congress to say, after it shall have looked thoroughly into the character of these trustees, whether it wishes to place such a sum of money in their hands for payment in turn to the Indians.

"There is just one feature of the paragraph which would, under some conditions, make me feel disposed to approve it. That is, that 'said payments shall be considered and deemed a final settlement of all claims of every kind whatsoever of said Indians against the United States.' As these Indians are now in Mexico, or are under influences designed to take them there, I feel that it is most important, in case of the payment of any large sum to them, that their account with the Government be closed forever. From their mode of life and the auspices under which they conducted their exodus, I feel very certain that the time is not far distant when they will be returning to the United States in a condition of pauperism, and I should prefer to see the Government protect itself against any possible claim from these people as its wards. They have been duly warned of what to expect if they persist in their present course. Their civil status puts it out of the question for the Indian Office to do anything more with them than warn them; and if they persist in what we regard as their waywardness, I think the lessons of experience for them, which will be also lessons of observation for other Indians similarly situated, may prove very wholesome in the end."

Referring to the provision for bringing suit, the Commissioner says:

"I consider this legislation highly desirable because it may result in the final settlement of the question whether Martin J. Bentley, who has had charge of the Kickapoo Indians who migrated to Mexico, or the Department of the Interior, which, from conscientious motives, has done its best to defeat his plan, has presented the situation the more honestly to the public. If the charges which the Department has brought against Mr. Bentley are true, he ought to be severely punished. If the counter charges he brings against representatives of the Government are true, they ought to be severely punished. It is impossible that both sides should be right. If both are wrong, then by all means, in justice to everybody, let us find it out."

Mr. CLAPP. Before the amendment is passed, I should like to have the words "or elsewhere" inserted in line 1, page 99.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 99, line 1, after the words "Re-

public of Mexico," it is proposed to amend the committee amendment by inserting the words "or elsewhere."

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The amendment of the committee as amended will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, under the subhead "Chilocco School," on page 99, after the word "Oklahoma," to insert "$116,400;" and on page 100, line 2, before the word "dollars," to strike out "one hundred and nineteen thousand four hundred" and insert "two thousand five hundred;" so as to make the clause read:

For support and education of 700 Indian pupils at the Indian school at Chilocco, Okla., $116,400, and for pay of superintendent, $2,500.

The amendment was agreed to.

The next amendment was, on page 100, line 6, to reduce the total appropriation for support and education of 700 Indian pupils at the Indian school at Chilocco, Okla., etc., from $144,400 to $143,900.

The amendment was agreed to.

The next amendment was, under the subhead "Osages (treaty)," on page 100, line 18, after the date "1838," to strike out "and said sum shall draw interest at 5 per cent per annum," and insert:

And said sum shall be distributed to the members of said tribe of Osage Indians in Oklahoma entitled thereto equitably per capita, and paid in the same manner as provided by the act of April 21, 1904, 33 Statutes at Large, page 201, it being the purpose of this provision to close said account and distribute said funds.

So as to make the clause read:

That the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury to the credit of the Osage tribe of Indians in Oklahoma the sum of $69,120, the amount due the tribe under the sixth article of the treaty of June 2, 1825 (7 Stat. L., p. 153), being the value of fifty-four sections of land set apart by said treaty for educational purposes, per Senate resolution of January 9, 1838, and said sum shall be distributed to the members of said tribe of Osage Indians in Oklahoma entitled thereto equitably per capita and paid in the same manner as provided by the act of April 21, 1904, 33 Statutes at Large, page 201, it being the purpose of this provision to close said account and distribute said funds.

The amendment was agreed to.

The next amendment was, at the top of page 101, to strike out:

For interest on $69,120, at 5 per cent per annum, being value of fifty-four sections of land set apart by treaty of June 2, 1825, for educational purposes, per Senate resolution of January 9, 1838, $3,456.

The amendment was agreed to.

The next amendment was, under the subhead "Pawnees (treaty)," on page 101, after line 24, to insert:

That there is hereby granted to the town of Pawnee, in Pawnee County, Okla,, for park, educational, and other public purposes, all of that part of section 32, in township 22 north, range 5 east, Indian meridian, in said county, described as follows, to wit: Commencing at the northwest corner of the northeast quarter of the northwest quarter of section 32, in township 22 north, range 5 east, Indian meridian, in said county; thence running due east on the north line of said section 32 forty-four one-hundredths chain, more or less, to the west boundary line of the Morris road; thence in a southwesterly direction along the west boundary line of said Morris road 16.25 chains; thence west parallel with the north line of said section 7 chains to a point; thence in a southwesterly direction parallel with the west line of said Morris road and 7 chains distant therefrom to a point in the center of the main channel of Black Bear Creek; thence in a southwesterly direction following the center of the channel of said creek to the dividing line between the northeast quarter of the southeast quarter and the northwest quarter of the southwest quarter of said section; thence north on said dividing line extended to the north line of said section, the same being the place of beginning; and the said lands hereby granted being a portion of the Pawnee Indian Reservation set apart for agency and school purposes at the Pawnee Agency in said county under act of Congress approved February 8, 1887, as amended by act of Congress approved February 28, 1891, and in accordance with the instructions from the Acting Commissioner of Indian Affairs dated March 17, 1891, the said lands hereby granted to said town of Pawnee being subject to the rights of way of the Eastern Oklahoma Railway Company and the Arkansas Valley and Western Railway Company heretofore acquired.

That the said lands are to be held and used by the said town of Pawnee for park, educational, and other public purposes: *Provided*, That the board of trustees of said town may authorize the board of education of said town to use the same for the erection and maintenance of school buildings thereon and the necessary grounds for use in connection therewith: *Provided further*, That Pawnee Indian children shall be admitted to any school thus maintained, free of charge and on terms of equality with the white pupils in such school: *Provided further*, That said city shall pay $1.25 per acre for said land.

The amendment was agreed to.

The next amendment was, under the subhead "Sacs and Foxes of the Mississippi (treaty)," on page 103, after line 24, to strike out:

For interest on $200,000, at 5 per cent, per second article of treaty of October 21, 1837, $10,000.

The amendment was agreed to.

The next amendment was, on page 104, after line 2, to strike out:

For interest on $800,000, at 5 per cent, per second article of treaty of October 11, 1842, $40,000: *Provided*, That the sum $1,500 of this amount shall be used for the pay of a physician and for purchase of medicine.

The amendment was agreed to.

The next amendment was, on page 104, after line 8, to insert:

That the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury, to the credit of the Sacs and Foxes of the Mississippi tribe of Indians, the unappropriated sums of $200,000 due under the second article of the treaty of October 21, 1837 (7 Stat. L., p. 540), and $800,000 under second article of treaty of October 11, 1842 (7 Stat. L., p. 596); and the Secretary of the Interior is authorized to pay per capita to the members of the tribe entitled thereto the said sum, under such rules and regulations as he may prescribe, in the same manner as provided by the act of April 21, 1904 (33 Stat. L., p. 201).

The amendment was agreed to.

The next amendment was, on page 104, line 26, before the word "dollars," to strike out "fifty-one thousand" and insert "one million and one thousand;" so as to make the clause read:

In all, $1,001,000.

The amendment was agreed to.

The next amendment was, under the head of "Oregon," on page 105, line 4, to increase the appropriation for support and civilization of the Klamaths, Modocs, and other Indians of the Klamath Agency, Oreg., including pay of employees, from $5,000 to $8,000.

The amendment was agreed to.

The next amendment was, under the subhead "Salem School," on page 105, line 13, after the word "Oregon," to insert "including Alaskan Indians and Esquimaux, $100,700;" and in line 16, before the word "dollars," to strike out "one hundred and two thousand seven hundred" and insert "two thousand;" so as to make the clause read:

For support and education of 600 Indian pupils at the Indian school, Salem, Oreg., including Alaskan Indians and Esquimaux, $100,700, and for pay of superintendent, $2,000.

Mr. CLAPP. Before we pass this amendment on page 105, line 14, at the suggestion of the Department I move to substitute the word "natives" for "Indians."

The VICE-PRESIDENT. The amendment of the Senator from Minnesota to the amendment of the committee will be stated.

The SECRETARY. After the word "Alaskan," in the amendment of the committee, in line 13, page 105, it is proposed to strike out "Indians" and insert "natives."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 106, after line 5, to insert:

That the Secretary of the Interior be, and he is hereby, authorized to purchase from Karl A. Torgerson and Charles E. Heyn 80 acres of land, more or less, now occupied by John Smith and Jane Isaac, allottees of the Grande Ronde Indian Reservation in Oregon, and to pay for said lands the sum of $650, and to use for this purpose $132.67 of the funds now in the Treasury belonging to the Grande Ronde Indians and derived from the sale of their surplus unallotted lands, and the further sum of $550, or so much thereof as may be necessary, which is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided*, That the lands so purchased shall be patented to the said John Smith and Jane Isaac as a part of their respective allotments.

The amendment was agreed to.

The next amendment was, under the head "Pennsylvania," on page 107, after line 7, to strike out:

For employees' quarters, $5,000.

Mr. CLAPP. At the time that amendment was made the committee had in mind the possibility of beginning at this time to gradually eliminate nonreservation schools, and Carlisle being the farthest from the Indians, it intended to commence with that school. This thought was abandoned, and if the school is to be retained, probably the House provision ought also to be retained.

Mr. McCUMBER. I want to ask a question. I did not know that that theory had been abandoned.

Mr. CLAPP. It was abandoned as to this bill. We do not report anything of the kind.

Mr. McCUMBER. That is rather a surprise to me. I supposed that it was agreed upon at one time by the committee. I was not present at any time when any change was made.

Mr. CLAPP. Yes; at a subsequent meeting of the committee it was agreed not to report it at this session.

Mr. McCUMBER. May I ask the Senator, then, what was done with the other school down at Hampton, Va.?

Mr. CLAPP. That was also left out.

Mr. McCUMBER. No provision was made for discontinuing either of them?

Mr. CLAPP. No.

The VICE-PRESIDENT. The question is on the amendment reported by the committee.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 107, line 9, to reduce the total appropriation for support and education at Indian school at Carlisle, Pa., for transportation of pupils, etc., from $169,000 to $164,000.

Mr. CLAPP. That will have to be disagreed to.

The amendment was rejected.

Mr. CLAPP. Returning to page 104, I ask that the vote by which the Senate committee amendment was adopted be reconsidered and that the amendment be passed over for the present.

The VICE-PRESIDENT. Without objection, the vote is reconsidered, and the amendment will be passed over.

Mr. KEAN. Which one is that?

Mr. CLAPP. The whole thing.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 108, after line 3, to insert:

PINE RIDGE AGENCY.

That the Secretary of the Interior be, and he is hereby, authorized and directed to pay for buildings and repairs of buildings and for water supply at Pine Ridge Agency, S. Dak., $10,000.

Mr. CLAPP. I move, on page 108, to strike out line 5 of the Senate amendment, including the words "authorized and directed to pay" in line 6, and that the word "for" commence with a capital F.

The VICE-PRESIDENT. The Secretary will state the proposed amendment to the amendment.

The SECRETARY. On page 108, in the committee amendment, it is proposed to strike out—

That the Secretary of the Interior be, and he is hereby, authorized and directed to pay—

And to begin the word "for" with a capital F; so as to read:

For buildings and repairs of buildings and for water supply at Pine Ridge Agency, S. Dak., $10,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 108, line 11, after the words "South Dakota," to insert "$33,400;" and in line 14, before the word "dollars," to insert "one thousand six hundred;" so as to make the clause read:

For the support and education of 200 Indian pupils at the Indian school at Chamberlain, S. Dak., $33,400, and for pay of superintendent, $1,600.

The amendment was agreed to.

The next amendment was, on page 108, line 23, after the words "South Dakota," to insert "$62,825;" and in line 25, before the word "dollars," to strike out "sixty-four thousand six hundred and twenty-five" and insert "one thousand eight hundred;" so as to make the clause read:

For support and education of 375 Indian pupils at the Indian school at Flandreau, S. Dak., $62,825, and for pay of superintendent, $1,800.

The amendment was agreed to.

The next amendment was, on page 109, line 1, after the word "improvements," to insert "including completion of industrial and domestic building and veneering old building;" in line 3, before the word "thousand," to strike out "five" and insert "eight;" and in the same line, after the word "dollars," to insert "of which $3,000 shall be immediately available;" so as to make the clause read:

For general repairs and improvements, including completion of industrial and domestic building and veneering old building, $8,000, of which $3,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 109, line 5, to increase the total appropriation for support and education of 375 Indian pupils at the Indian school at Flandreau, S. Dak., from $69,625 to $72,625.

The amendment was agreed to.

The next amendment was, under the subhead "Pierre School," on page 109, line 9, after the word "South Dakota," to insert "twenty-five thousand one hundred and fifty dollars;" and in line 12, before the word "dollars," to strike out "twenty-six hundred and fifty" and insert "one thousand five hundred;" so as to make the clause read:

For support and education of 150 Indian pupils at the Indian school at Pierre, S. Dak., $25,150, and for pay of superintendent, $1,500.

The amendment was agreed to.

The reading was continued to the end of line 18, on page 109.

Mr. CLAPP. Before we leave the Pierre School, it seems that the boiler house has burned since this bill was prepared, and I send to the desk an amendment to be inserted between lines 14 and 15, on page 109.

The VICE-PRESIDENT. The Senator from Minnesota proposes an amendment, which will be stated.

The SECRETARY. On page 109, after line 14, it is proposed to insert—

For rebuilding and repairing boiler house and installing and equipping heating and lighting plant, $4,000, to be immediately available.

The amendment was agreed to.

Mr. CLAPP. That will necessitate a change of the total. In line 18, I move to amend it so as to read:

In all, $47,650.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 109, line 21, after the words "South Dakota," to insert "$42,150;" and in line 24, before the word "dollars," to strike out "forty-three thousand seven hundred and fifty" and insert "one thousand six hundred;" so as to make the clause read:

For support and education of 250 Indian pupils at the Indian school, Rapid City, S. Dak., $42,150, and for pay of superintendent, $1,600.

The amendment was agreed to.

The next amendment was, on page 110, line 1, after the word "For," to strike out "office building" and insert "employees' quarters;" so as to make the clause read:

For employees' quarters, $3,000.

The amendment was agreed to.

The next amendment was, on page 110, after line 6, to insert:

That the Secretary of the Interior be, and he is hereby, authorized to pay to Jane E. Waldron, for judgment obtained in the United States circuit court for the district of South Dakota in the case entitled "Jane E. Waldron *v.* Black Tomahawk and Ira Hatch, agent of the Cheyenne River Agency," and to reimburse her for expenses incurred in said case, $3,860.39: *Provided*, That before said amount is paid the said Jane E. Waldron shall satisfy said judgment, and shall also file a receipt in full of all claims.

The amendment was agreed to.

The next amendment was, on page 110, after line 16, to insert:

That jurisdiction be, and hereby is, conferred upon the Court of Claims of the United States to hear, determine, and render final judgment for any balance found due, with the right of appeal as in other cases, in the claim of the Medawakanton and Wahpakoota bands of Sioux Indians, otherwise known as "Santee Sioux Indians," for any annuities which may be due to said bands of Indians under and by virtue of the treaties between said bands of Indians and the United States, dated September 29, 1837 (7 Stat. L., p. 538), and August 5, 1851 (10 Stat. L., p. 954), as if the act of forfeiture of the annuities of said bands, approved February 16, 1863, had not been passed; and said act of forfeiture and all subsequent acts and parts of acts and treaties inconsistent with this act are hereby repealed for the purposes hereof: *Provided*, That the court, in rendering judgment, shall ascertain and include therein the amount of accrued annuities under the treaty of September 29, 1837, up to the date of the passage of this act, and shall determine and include the present value of the same and the capital sum of said annuity, which shall be in lieu of said perpetual annuity granted in said treaty; and to ascertain and set off against such amount so found all payments or other provisions, of every name and nature, made to or for said bands by the United States, or to or for any members thereof under the authority of any act of Congress, excluding treaties, since said act of forfeiture was passed, which are properly chargeable against said unpaid annuities.

Upon the rendition of such judgment, and in conformity therewith, the Secretary of the Interior is hereby directed to determine which of said Indians now living took part in said outbreak, and to prepare a roll of the persons entitled to share in said judgment by placing on said roll the names of all living members of the said bands residing in the United States at the time of the passage of this act, excluding therefrom the names of those found to have participated in the outbreak; and he is directed to distribute the proceeds of such judgment, except as hereinafter provided, per capita, to the persons borne on the said roll.

Proceedings shall be commenced by petition verified by any of the attorneys for said Indians who are thereunto authorized by contract with said Indians, on file in the Department of the Interior, approved by the Commissioner of Indian Affairs June 29, 1897, and by the Secretary of the Interior July 12, 1897, or their assignees or associates, and the said cause shall be advanced on the docket of the Court of Claims, and of the Supreme Court of the United States if the same shall be appealed; and the court shall find and award to the attorneys of said Medawakanton and Wahpakoota bands of Sioux Indians who have conducted said cause a sum equal to 10 per cent of the amount of said judgment, and distribute the sum thus awarded to the attorneys and their associates as their respective interests may appear under agreements between themselves, which may be filed with the court, and the Secretary of the Treasury is hereby directed to pay the said sum of money to the said attorneys immediately upon the rendition of final judgment and certification of the same to the Secretary of the Treasury by the clerk of the Court of Claims, which sum is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the same to be reimbursed from the proceeds of such judgment.

And the Secretary of the Interior is hereby authorized and directed to apply, out of any funds to the credit of said Indians, the sum of $2,500, or so much thereof as may be necessary, to be expended under the direction of the attorneys of said Indians in said cause in the taking of testimony therein and defraying the expenses of printing incidental thereto.

Mr. SPOONER. I should like to ask the Senator in charge of the pending bill whether there is any objection to this provision going over?

Mr. CLAPP. None at all.

Mr. KEAN. I thought I would make a point of order upon it.

Mr. SPOONER. The point of order can be made just as well when it comes up again.

Mr. KEAN. Does the Senator think it had better be passed over now?

Mr. TILLMAN. Why should we continue to defer the settlement of points of order on a matter like this? This amendment is very indefinite. It is an appropriation of an unknown sum of

money, without any report to tell us just how much is involved. It may involve one million or five millions.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Massachusetts?

Mr. SPOONER. Certainly.

Mr. LODGE. If the Senator from Wisconsin wants to have it passed over of course I have no objection, but I think we might as well settle it now.

Mr. SPOONER. I do not care about its being passed over.

Mr. LODGE. Then let us settle it now.

Mr. SPOONER. It is a matter which affords a legitimate subject for very considerable debate.

Mr. LODGE. It is clearly out of order.

Mr. SPOONER. It is an old acquaintance.

Mr. CLAPP. The Senator will pardon me for a moment. I do not care to discuss the point of order, but I do desire to call the attention of the Senator from South Carolina [Mr. TILLMAN] to the fact that on page 76 and succeeding pages of the hearings before the committee there is a full account of this matter.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield further to the Senator from Massachusetts?

Mr. SPOONER. I do.

Mr. LODGE. I have read over what the Senator from Minnesota refers to, but it does not seem to me to meet the objection of the Senator from South Carolina at all. It does not give the amount of money that is involved here. It gives what is intended to dispose of in the way of claims.

The amendment provides that the attorneys shall be paid out of the Treasury of the United States, after which the United States is to be reimbursed from the award. It appropriates a sum of money to enable the attorneys to carry on the case against the Government. It seems to me it is as objectionable legislation of that kind, so far as the attorneys go, as I have ever seen.

Mr. SPOONER. The heart of it, if the Senator will permit me, is line 4, page 111, where it repeals the act of forfeiture of the annuities of said bands, approved February 16, 1863.

Mr. TILLMAN. Why should it repeal that? Nobody tells us why.

Mr. SPOONER. That act was passed shortly after these Indians committed the massacre at New Ulm.

Mr. TILLMAN. Why should the lawyers get in it?

Mr. SPOONER. I am not talking about that. If the suit is authorized to be brought, and lawyers are legally employed, and they conduct the suit, they should be paid. The question is whether this forfeiture ought to be repealed and the suit be permitted to be brought. That is the question for the Senate to determine.

Mr. LODGE. Time is precious at this period of the session. This amendment makes a charge on the Treasury not estimated for, and it provides for the payment of a claim. I make the point of order against it.

The VICE-PRESIDENT. The Chair has examined the proposed amendment with some care, and is clearly of the opinion that it is in contravention of the rule, and therefore sustains the point of order.

Mr. CLAPP. I wish to call attention to one thing: In reporting a provision sending the claim to the court we could hardly state what the court should find. The number of acres are stated here, as well as all the other information available.

Mr. SPOONER. There is nothing due these Indians confessedly under the treaty of 1837 as annuities unless this provision is enacted into law, because it repeals the act of 1863, which, because of the murders and outrages which these bands had committed, forfeited those annuities. The Government in 1863 appropriated nearly a million dollars out of the Treasury to pay the people who still lived after the outbreak of Indians in northern Minnesota for damages which resulted from their course of conduct. It is a very large subject.

Mr. GAMBLE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Dakota?

Mr. SPOONER. Certainly.

Mr. GAMBLE. Mr. President, I think it is true that a million or a million and a half dollars was appropriated by the Federal Government and paid over to the State of Minnesota to be used by the State in liquidating the damages. But that sum was charged up against these forfeited annuities.

This is not unusual legislation, because the Sisseton and Wahpeton claim, which was very nearly in line on facts with this claim, was, in 1901, referred to the Court of Claims to return findings. But owing to the indefiniteness of the reference no findings could be returned by the Court of Claims and at the last session of Congress the claim of the Sisseton Indians, under substantially the same facts and in the same language, was referred to the Court of Claims. Hence this is following the rule that then prevailed.

Now, a word or two in regard to the facts. Under the treaty of 1837, on account of the cession of lands of these Indians, I think, east of the Mississippi River, a perpetual annuity of $15,000 was agreed to be paid to them, and on account of the cession of nearly 15,000,000 acres largely in Minnesota and Iowa, under the treaty of 1851, $61,450 was to be paid annually for fifty years; and for a certain number of years those annuities were paid. On account of the massacre and the outrage that came in 1862 in the State of Minnesota, Congress forfeited those annuities. Appropriations of money have been made since for the benefit of both of these tribes. This reference is proposed to the Court of Claims to find the fact whether or not there be any moneys due these Indians. If the act of forfeiture had not been passed, something like three million, or upward of three million, dollars would be due them. But, as already stated, a million and a half dollars was appropriated by the Government and charged up to these Indians, which was paid to the settlers. Large sums of money have been, as gratuities, under treaties and voluntarily, given by the Government to these Indians to such an extent that it is claimed by the Department that more has been paid than would be sufficient to liquidate their entire claim.

Now, it is insisted (and the matter has been before the Senate, I am sure, a good many times before, and fully discussed) that these facts should be determined. I have no apology to offer for the outrages that were committed by these Indians in 1862.

Mr. CLAPP. Will the Senator from South Dakota pardon me for a moment?

Mr. GAMBLE. Certainly.

Mr. CLAPP. As to those outrages, I may say that years ago, when they were far fresher in the memory of the people of Minnesota than they are to-day, my predecessor, Senator Davis, investigated this matter very thoroughly and favored the repeal of that forfeiture law. I understand these Indians are now in South Dakota very largely, but I do not believe there is any feeling in my State against them, nor is there any feeling that the forfeiture which Congress undoubtedly had no authority to make at the time should any longer stand on the statute books of the country.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from North Dakota?

Mr. GAMBLE. I will be through in a moment.

Mr. McCUMBER. Very well, I will wait.

Mr. GAMBLE. I wish to call attention further to the fact, as there have been some severe criticisms, that on account of these outrages, I think something like 296 or 306 Indians were by a military court tried and condemned. The court ran with such expedition that I think thirty or forty or fifty were condemned in a single day. The records of those trials were gone over by President Lincoln and the findings were reversed as to all but 39, and they were executed and justice was meted out. I will correct myself there. I think something like 37 were convicted for committing the massacre. The others were engaged in actual warfare. A limited number of these Indians are residents of my State. They are largely residents of the State of Nebraska, to which State they were removed. Many, especially of the half breeds, live in the State of Minnesota.

Mr. President, all that is asked here, after a very exhaustive examination and hearing, is that this matter shall be referred to the Court of Claims to find the facts and return a judgment. No money is to be paid unless there is an appropriation by Congress in liquidation of that judgment as it sees fit. It is entirely proper, it seems to me, that an appropriation of $2,500, or whatever it may be, should be authorized from the funds of the Indians to secure the evidence, to pay for the printing, etc., in order that these matters may be properly presented to the Court of Claims.

Now, as I said, I do not care to go into the facts at large. I have simply said what I did in justification of the report that is made here. The matter has been repeatedly reported heretofore. It is entirely in line with the Sisseton case that has twice been referred to the Court of Claims.

Mr. McCUMBER. Mr. President, there are one or two very important features in this case which I do not think have been touched upon. I have not read the bill carefully enough to know exactly what the terms of the pending amendment are, but I desire to call the attention of the Senator from Wisconsin and other Senators to the treaty of 1837, which granted the an-

nuities. That treaty provided in express terms that these bands, or the Sioux tribe, were not to make war upon white citizens. It also provided in express terms that if members of the tribe should pillage the country or commit any offenses the Government would pay for anything they destroyed and deduct it from those annuities. So the very thing that the Indians did in 1862, unless it can be regarded as a war by the entire Sioux Nation, was provided for under the terms of the treaty.

Then the question naturally arises, was this a war by the Sioux Nation against the white settlers or was it an uprising by a large number of irresponsible members of that tribe? I believe it has been well established that the majority of the Sioux Nation was opposed to the outbreak. All the old men spoke against it. Many of them attempted to check the impetuosity of the younger men of the tribe who joined in this great slaughter of 1862.

After the war was over the annuities were forfeited. They were forfeited of course upon the assumption that the entire Sioux Nation, the party with whom the treaty had been made, had engaged in a war against the United States. Of course, as a penalty against the Sioux Nation, under the rules that would govern any people in war with another, we had a right, legally and morally, to forfeit those annuities; but if it was not a war by the Sioux Nation, but merely a war or an uprising by certain bands of that nation, without the authority of the entire nation, then it was provided for in the very treaty. And inasmuch as we have paid those sums to the white settlers affected, and probably paid everything, I have myself come to the conclusion that the forfeiture never ought to have been made.

We forfeited annuities in the case of many Indian tribes, and I do not think there is a single instance left in which we forfeited the annuities of Indians because of uprisings where we have not reinstated them. This is the only one. Last year we showed rather conclusively that what were known as the "lower bands," the Wahpetons and Sissetons, except a very few of them, did not engage in this great massacre. We established also that practically all those who did engage in it, so far as we can ascertain, were punished, some of them by imprisonment and others by being hanged, and those who were not reached in that way were persons who escaped entirely from the tribe, and that there are none of them left——

Mr. CLAY. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Georgia?

Mr. McCUMBER. Certainly.

Mr. CLAY. As I understand the amendment, those who participated in the outrages would not draw anything under its provisions?

Mr. McCUMBER. They would not, if you can find them.

Mr. CLAY. I notice this——

Mr. McCUMBER. But I want to say to the Senator that I have no doubt that every one of them could show that he did not participate. Remember, this was in 1862, and it is probable that most or very many of those who participated are now dead, and those who are left, if there are any, we will admit we could scarcely identify at this time.

Mr. CLAY. I notice that the amendment provides—

Upon the rendition of such judgment, and in conformity therewith, the Secretary of the Interior is hereby directed to determine which of said Indians now living took part in said outbreak, and to prepare a roll of the persons entitled to share in said judgment by placing on said roll the names of all living members of the said bands residing in the United States at the time of the passage of this act, excluding therefrom the names of those found to have participated in the outbreak; and he is directed to distribute the proceeds of such judgment, except as hereinafter provided, per capita, to the persons borne on the said roll.

Mr. McCUMBER. I understand, and I can say in explanation that my information is there are not now living fifty that we could say engaged in any degree in that massacre, and they for the most part are those who took a minor part in it and suffered imprisonment. So their names are known. The information is already within the Department. So practically it would be very easy to segregate those from the rest.

I desire to say just one word upon the attorney feature of this case. I intended, as I read the amendment over very rapidly, to offer an amendment, so that instead of 10 per cent, to provide for a reasonable attorney's fee to be determined by the court. But inasmuch as we have already relieved in the same manner those of two of the bands constituting the Sioux at that time, I can see no injustice in applying the same law to the remainder of them, the other two bands, if they come under similar conditions.

Mr. GAMBLE. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from South Dakota?

Mr. McCUMBER. Certainly.

Mr. GAMBLE. I will say to the Senator from North Dakota that I have prepared an amendment in regard to the provision for attorney's fee, embodying in the amendment, if it shall be passed, the same provision that was in the Sisseton provision last spring. In other words, it would be left to the Court of Claims to pass upon the amount.

Mr. TILLMAN. Mr. President, I rise to a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from South Carolina rises to a parliamentary inquiry. He will state it.

Mr. TILLMAN. Has this amendment gone out on the point of order raised by the Senator from Massachusetts?

The VICE-PRESIDENT. It has.

Mr. TILLMAN. What is the use of this discussion?

Mr. McCUMBER. I do not know, unless it would be to have the Senator who made the point of order withdraw it, which he might possibly do in justice to all of those bands of Indians. The point of order was made without considering or going into the merits of the case, and we have passed many amendments of like character. But, Mr. President, I simply submit that we ought to treat all of these Indians alike. We have allowed the other two bands of the same tribe to go to the Court of Claims and establish the facts.

Mr. SPOONER. Will the Senator from North Dakota permit me to ask him a question?

Mr. McCUMBER. Certainly.

Mr. SPOONER. When did that occur?

Mr. McCUMBER. At the last session; last winter, I think. The case is now pending in the Court of Claims.

Mr. GAMBLE. It was referred on a prior occasion, I think in 1901.

Mr. McCUMBER. I will say to the Senator that it was fully argued on the floor here, and it was passed after argument.

Mr. LODGE. In a separate bill?

Mr. McCUMBER. No; it was in the appropriation bill.

Mr. SPOONER. Mr. President, only a word. My information as to the real effect of this proposition if it were enacted into law, in dollars and cents to the Government, as well as in some other respects, came to me from a conversation with Senator Platt of Connecticut, one of the most faithful Senators who ever served in this body as well as one of the ablest. He was bitterly opposed to it after a searching investigation of the facts. I think it is an extraordinary proposition, outside of the questions which have been suggested here.

The Senator from South Dakota is quite mistaken, as I understand the amendment, in his statement, that it will call upon the Court of Claims only to report the facts.

Mr. GAMBLE. And to render judgment.

Mr. SPOONER. Ah, the Senator said, report the facts. It says:

That jurisdiction be, and hereby is, conferred upon the Court of Claims of the United States to hear, determine, and render final judgment for any balance found due, with the right of appeal as in other cases, in the claim of the Medawakanton and Wahpakoota bands of Sioux Indians, otherwise known as Santee Sioux Indians, for any annuities, etc.

It would be impossible to confer any greater jurisdiction upon the Court of Claims. The Court of Claims can not issue out of its court execution against the Government. All final judgments rendered by the Court of Claims are to be appropriated for by Congress, and they generally are appropriated for by Congress.

The Chair has ruled upon this proposition, and I do not intend to take any time in discussing the suggestion that Congress had not the constitutional power to forfeit annuities by the act of 1863. That is a question upon which lawyers may be very well divided. I knew something of some of these Indians myself once; and long before the Senator from South Dakota I expect ever heard of South Dakota I marched 800 or 900 miles across that territory, and I think, outside of a fort, that I saw no habitation but at Yankton, which was then a little hamlet between Fort Randall and up about where the Northern Pacific now crosses the Missouri, near Bismarck. The Indians remaining of that tribe up there at that time did not have a very enviable reputation. Of course it is perfectly easy for these Indians to show that no Indian now alive participated in that massacre. They can establish the saintship of all the living Indians by each other's testimony. There is a history somewhere, upon which I can lay my hands, of the outbreak in Minnesota.

Mr. McCUMBER. If the Senator will allow me right there, I must say that there are undoubtedly very many of the Indians who engaged in that massacre who are alive other than those who are known to have engaged in it, and who are still members of the band, but I think all of them have joined other bands in other sections of the country.

Mr. SPOONER. I think the Senator was absolutely correct in his statement that it will turn out, if this suit is permitted to be brought, that there are no Indians of those bands now alive who participated in the massacre.

Mr. McCUMBER. The Senator is mistaken, if I may correct him. I said there are about fifty who are known, all of whom I think suffered terms of imprisonment.

Mr. GAMBLE. I will state in reply to the Senator from Wisconsin that I myself have seen some of the Indians who were recognized and known as having participated in the devastation and destruction in Minnesota. My information is, as stated by the Senator from North Dakota, that there are about fifty still living, and those Indians are largely across the river at Fort Niobrara, in the State of Minnesota, and only in limited numbers are they with the Flandreaus in my State. I think a large number of the mixed bloods are in the State of Minnesota.

I wish to make just one further suggestion. I understand it to be a historical fact that there were certain treaties abrogated with the Five Civilized Tribes during the war, and that every dollar of their annuities was restored to them, and in addition there was paid an excess price for their land over and above that agreed to in the original treaty.

Mr. SPOONER. Was that a premium or a reward for massacring the whites?

Mr. GAMBLE. I am simply stating the fact. Of course, I have not undertaken any justification of it. But there was a terrible punishment imposed upon a large number of these Indians. Four hundred of them were imprisoned for some four or five years, and during that time I think 160 of them died in prison, 39 of them were executed, and between 800 and 900 of them fled as fugitives from justice and have remained since that time in Canada. Not a dollar is appropriated to them, because they were largely the guilty people.

I think it is shown in the record here that upward of 1,500 of these people were taken up to the military post between Minneapolis and St. Paul to be protected, not only from the Indians, but from the white people. Many of them had rescued and had risked their lives to rescue the white settlers and protect them. They were the enemies of the Indians. The white people thought they were their enemies, and the Indians had to flee for protection. I am speaking of the innocent; and the innocent should not be punished for the limited number of guilty, who already have been punished so severely.

Mr. SPOONER. At the very last session, I think, before Senator Quay left this Chamber we appropriated some money to a number of Indians who rescued the children and one or two women from one of these bands.

Mr. GAMBLE. I am sorry to say that that proposition failed in conference. We passed it in the Senate a number of times.

Mr. SPOONER. The Senator speaks about the terrible punishment. I know a woman whose husband was killed at this massacre, who carried two of her children 60 miles through swamps——

Mr. HALE. In her arms?

Mr. SPOONER. In her arms, without food, lying among the trees and concealing herself by day and traveling by night. She came out a maniac, with her mind destroyed for twenty years afterwards. A long time has elapsed, but the horror of that outbreak, which was no ordinary outbreak, remains. It took a great many troops to put it down. It is fresher in my memory, though I did not live in Minnesota, than it is in the memory of others who were more remote from that region.

I wish to say, Mr. President, this debate shows what the Senator from Maine has been constantly contending for, that no proposition of this kind ought ever to find a place in an appropriation bill. If this is a meritorious proposition, why not introduce a bill covering it, so that it may not in the last hours of the session be brought here, but may be investigated by a committee and thoroughly debated on the floor of the Senate?

Mr. GAMBLE. If the Senator will pardon me, I will state that this identical bill was favorably reported by the Committee on Indian Affairs.

Mr. SPOONER. Is it on the Calendar?

Mr. McCUMBER. It was on the Calendar under Rule VIII, but went over under objection to Rule IX. It has been on the Calendar since the last session of Congress.

Mr. SPOONER. Having gone over under objection, it finds its way into the appropriation bill. I do not think it is good legislation.

Mr. McCUMBER. Mr. President, I wish simply to ask the Senator from Massachusetts, in view of the fact that we have passed exactly the same character of legislation for the other two bands and in view of the fact that many Senators have not looked into this and many other matters are to be passed over, that he will withhold for the present his objection. Of course, that is entirely within his power. It may be raised at any other time in the proceeding, but I wish he would withhold it for a short time.

Mr. LODGE. Mr. President, I do not intend to withdraw the point of order, but I am perfectly willing to withhold it. I only made the point of order now in the hope of saving time on the bill. If the Senator from South Dakota wants me to withhold it, of course I will do so. I will withhold it, Mr. President, and ask that the amendment be passed over.

The VICE-PRESIDENT. The Senator from Massachusetts withholds his point of order, and the amendment will be passed over.

The reading of the bill was continued.

The next amendment of the Committee on Indian Affairs was, under the subhead "Sioux, Yankton tribe (treaty)," on page 115, line 2, after the word "For," to strike out "nineteen" and insert "nineteenth;" so as to make the clause read:

For nineteenth of twenty installments (last series), to be paid to them or expended for their benefit, per fourth article of treaty of April 19, 1858, $15,000.

The amendment was agreed to.

The next amendment was, on page 115, after line 16, to insert:

For erecting laundry building and equipment thereof at Canton, S. Dak., Indian Insane Asylum, $6,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 116, after line 14, to insert:

That the Secretary of the Interior be, and he is hereby, authorized, with the consent of the Indians of the respective reservations, to be obtained in such manner as he may deem best, to cause an allotment of 320 acres of land to be made to each woman belonging on the Pine Ridge Reservation or Cheyenne River Reservation, in South Dakota, or on the Standing Rock Reservation, in North Dakota and South Dakota, now living, and who is not entitled to and has not received an allotment under existing law by reason of her having been a married woman at the date of the order of the President authorizing allotments on the reservation to which she belongs: *Provided*, That the allotments as made hereunder shall be subject to the provisions of the act of March 2, 1889, entitled "An act to divide a portion of the reservation of the Sioux Nation in Dakota into separate reservations, and to secure the relinquishment of the Indian title to the remainder, and for other purposes," and the amendments thereto.

The amendment was agreed to.

Mr. CLAPP. The amendments following, commencing on line 8, page 117, down to and including line 9, on page 118, should go out.

The next amendment was, on page 117, after line 7, to insert:

That jurisdiction be, and hereby is, conferred upon the Court of Claims to hear, determine, and render final judgment upon the claim of Esther Rousseau, for horses belonging to her and killed and destroyed upon the Cheyenne River Indian Reservation, or elsewhere, in the State of South Dakota, by the Indian agent in charge of said Cheyenne River Indian Reservation and other persons under his authority, with right of appeal as in other cases.

The amendment was rejected.

The next amendment was, on page 117, after line 15, to insert:

That a petition may be filed by the attorneys of the said Esther Rousseau in said court within forty days from the approval of this act, and service of said petition shall be had by filing copies thereof with the Attorney-General and the Secretary of the Interior, and answer thereto shall be filed in said court within sixty days after the service of the petition.

The amendment was rejected.

The next amendment was, on page 117, after line 21, to insert:

The court may receive and consider all papers, depositions, records, correspondence, and documents heretofore filed in the Executive Departments of the Government, together with any other evidence offered, and shall render a judgment or decree thereon for such amount, if any, without interest, as the court shall find legally or equitably due to the said Esther Rousseau.

The amendment was rejected.

The next amendment was, on page 118, after line 3, to insert:

Said cause shall be advanced on the calendar of said court, and the amount for which judgment may be rendered, when paid to the party named in said judgment, or her duly authorized and accredited attorneys, shall be received in full and final settlement of the claim for said unlawful destruction of said horses.

The amendment was rejected.

The next amendment was, on page 118, after line 9, to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to certain Sioux Indians at the Rosebud Agency, S. Dak., losses claimed to have been sustained by said Indians on account of property taken from them in the years 1876, 1877, and 1878, as reported by J. M. Lee, Ninth United States Infantry, acting Indian agent, $8,200.

The amendment was agreed to.

The next amendment was, under the subhead "Southern Utah School," on page 118, line 24, after the word "Utah," to insert "$12,525;" and on page 119, line 2, before the word "dollars," to strike out "thirteen thousand seven hundred and twenty-five" and insert "twelve hundred;" so as to make the clause read:

For support and education of seventy-five pupils at the Panguitch Indian school in southern Utah, $12,525, and for pay of superintendent $1,200.

The amendment was agreed to.

The reading of the bill was continued to page 120, line 10.

Mr. CLAPP. On page 120, lines 6 and 7, an amendment was adopted by the committee, but in some manner it was left out in the printing. I should like to send it up and have it read and ask for its incorporation in the bill.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 120, after line 6, insert:

That the sum of $5,000, for the purchase of lands and sheep for the San Juan Piute Indians, and $10,500, for the support and civilization of the Kaibab Indians in Utah, etc., appropriated in the Indian act for the fiscal year 1907, are hereby reappropriated and made available for the use of the Piute Indians in southern Utah and northern Arizona.

The amendment was agreed to.

The reading of the bill was continued. The next amendment of the Committee on Indian Affairs was, under the head of "Washington," on page 120, after line 16, to insert:

For rebuilding and repairing the sawmill on the Tulalip Indian Reservation, $2,000.

The amendment was agreed to.

The next amendment was, at the top of page 121, to insert:

For the construction of a telephone line on the Yakima Reservation, $4,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 121, after line 7, to insert:

That the Secretary of the Interior, in his discretion, is hereby authorized, with the consent of the Indians, to be obtained in such manner as he may deem best, to sell, under rules and regulations to be prescribed by him, any tract or part of any tracts of land heretofore set apart and reserved for cemetery and church purposes in the Indian addition to the city of Tacoma, Wash., not now needed for these purposes, and to use the proceeds of said sale for fencing and otherwise improving the part or parts now used, occupied, or needed for the cemetery and the church.

The amendment was agreed to.

The next amendment was, under the subhead "Spokanes (treaty)," on page 122, after line 11, to insert:

In payment of the Indians residing on the Colville Reservation for the cession by said Indians to the United States of 1,500,000 acres of land opened to settlement by an act of Congress "To provide for the opening of a part of the Colville Reservation in the State of Washington, and for other purposes," approved July 1, 1892, being the full sum set aside and held in the Treasury of the United States in payment for said land under the terms of the act approved June 21, 1906, ratifying the agreement ceding said land to the United States under date of May 9, 1891, $1,500,000.

The amendment was agreed to.

The next amendment was, under the subhead "Hayward School," on page 123, line 6, after the word "Wisconsin," to insert "$35,570;" and in line 9, before the word "dollars," to strike out "thirty-seven thousand and seventy" and insert "one thousand five hundred;" so as to make the clause read:

For the support and education of 210 pupils at the Indian school at Hayward, Wis., $35,570, and for pay of superintendent, $1,500.

The amendment was agreed to.

The next amendment was, under the subhead "Tomah School," on page 123, line 16, after the word "Wisconsin," to insert "$42,050;" and in line 19, before the word "dollars," to strike out "forty-three thousand seven hundred and fifty" and insert "one thousand seven hundred;" so as to make the clause read:

For support and education of 250 Indian pupils at the Indian school, Tomah, Wis., $42,050, and for pay of superintendent, $1,700.

The amendment was agreed to.

The next amendment was, under the subhead "Chippewas of Lake Superior," on page 124, after line 6, to insert:

Any adult Oneida Indian to whom any trust patent has been issued prior to the 8th day of May, 1906, containing any restrictions upon the right of alienation may file a petition in the United States district court for the eastern district of the State of Wisconsin, alleging that such Indian is competent to manage his or her affairs, or that the interests of said Indian would be served and promoted by the removal of all restrictions as to sale, incumbrance, or taxation upon the land heretofore allotted in severalty under the provisions of any act of Congress to said Indian; and if upon the hearing of said petition the court is satisfied as to the truth of the matters alleged in such petition, it shall make its findings of fact and order for judgment accordingly, and the record of a copy of said findings and order, with judgment, shall be entered in the office of the register of deeds in and for the county in which said land is situated; and thereupon the trust patent so heretofore issued shall be held and deemed a patent in fee simple, and thereafter all restrictions as to sale, incumbrance, or taxation of the land described therein shall be removed.

Mr. CLAY. I desire to ask the Senator in charge of the bill if this is not rather peculiar legislation and something new? Heretofore when we desired to remove restrictions in regard to the sale of Indian lands have we not left it to the Secretary of the Interior, or has Congress provided what restrictions should be made? This amendment simply authorizes the Indians to petition the court and the court to hear the facts and determine whether the restriction shall be removed and the Indian be allowed to sell his land.

Mr. CLAPP. The Commissioner does not favor this provision very strongly. My own judgment is that it is the proper way to reach this question. It is true that heretofore we have provided that an Indian may have his restrictions removed by applying to the Secretary, or, as in the case of some of the Indians in my own State last year, I had a law passed removing their restrictions, which exceeded my most sanguine expectations in the favorable outcome of the legislation. But these Indians are citizens of a State. They can only bring their case before the Department through agents, and in many cases they are induced to believe that they must employ some one to accomplish that for them.

The Secretary of the Interior can not know these Indians; he must act only on the advice of subordinates, and it does seem to me, while this was not initiated by myself, that it is a very wise departure; that where allotment restrictions are to be removed as to individual Indians by anyone it should be done by the court instead of by a Department residing hundreds or thousands of miles away and relying upon subordinates for information.

That is all I have to say. It is a matter that pertains to the State of Wisconsin. The Senator from Wisconsin [Mr. LA FOLLETTE] is here, and if there is any further discussion desired I think he will be able to explain it fully.

Mr. CURTIS. Mr. President, I make the point of order against the amendment that it changes existing law and that it is general legislation.

Mr. LA FOLLETTE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Wisconsin?

Mr. CURTIS. Certainly.

Mr. LA FOLLETTE. I ask to have read a communication from one of the members of this tribe.

The VICE-PRESIDENT. The Secretary will read the communication in the absence of objection.

Mr. LA FOLLETTE. I will say just a word, with the permission of the Senator, if he will yield me the floor. Of course, I understand that the point of order can be insisted upon and the proposed amendment forced out. I am very certain that it would be an injustice to these Indians if that should be done. They are citizens of the State; they are in a highly civilized condition, and the terms of the court are held in close proximity to where these Indians are located. They find it very difficult to get action by the Indian Office simply because their cases can not be reached. The communication sets forth the fact that but two of them have succeeded in having their cases acted upon within the last year, I think. I should say that the writer of this letter is an Indian, one of the members of this tribe, a very intelligent and capable man.

The VICE-PRESIDENT. The Secretary will read, as requested by the Senator from Wisconsin.

The Secretary read as follows:

FEBRUARY 2, 1907.

DEAR SIR: Without intending to impute any motive repugnant to good intentions to the Commissioner of Indian Affairs, the desire of the Oneidas to have a right to appear before a competent tribunal in proceedings to remove restrictions as to sale of their land arises in the fact that great delay often occurs when applications are made through the Indian Office for a determination whether or not applicants for patents in fee simple are competent to care for their property.

Two years ago a large number of the Oneidas filed applications for patent in fee simple. Two of the number engaged attorneys to secure the patents for them; the balance of the number left the matter to be attended to by the Indian agent. The two who engaged attorneys have had their patents over a year; of the balance not more than five have received any consideration, notwithstanding that the agent recommended the applicants and their names were inserted in the Indian appropriation bill approved June 21, 1906, and the Secretary of the Interior was authorized to issue patents, in his discretion, to them.

The Commissioner admits that there are a large number of Oneidas who are competent to care for themselves. All desire patents in fee simple. Yet it has taken two years and more for five Indians to get their patents on the strength of that knowledge.

The Commissioner has issued directions to the Indian agent at Oneida to investigate every application carefully for the purpose of ascertaining whether a patent issued would be cared for or not, and to advertise to the reservation for the production of any objections which might be in the knowledge of any person showing that the applicant ought not to be given a patent, and to inform all applicants that if they engaged any assistance in securing their patents in the way of attorneys, such action would be deemed evidence that the applicant is incompetent to care for himself, etc.

* * * * * * *

That intelligent Indians should refuse to expose themselves to any such proceedings is not to be wondered at. The amendment proposed is in line with all American law and is based in a high sense of justice and equity. If the Indian Department has any suspicion that any Oneida is going to fool the honorable court of the district named, it will be its duty to appear forthwith before it and apprise it of the intended fraud.

Real experience has taught the Oneidas to regard the intentions of the Indian Department as coming from a conscientious desire to do good, but very slow in execution. In fact, we regard the Indian who would willingly leave his interests to be cared for by the Indian Department as conclusively incompetent.

Very respectfully, DENNISON WHEELOCK.

Hon. ROBERT M. LA FOLLETTE,
United States Senate, Washington, D. C.

Mr. LA FOLLETTE. Mr. President, I will also ask to have read by the Secretary all that the Commissioner of Indian Affairs says in opposition to this provision. I have marked in the document which I send to the desk the portion which I desire to have read.

The VICE-PRESIDENT. The Secretary will read as requested by the Senator from Wisconsin.

The Secretary read as follows:

ONEIDA RESTRICTIONS REMOVED.

The Commissioner submits the following:

"Although I do not know of any particular reason why this paragraph should not be enacted, I do not see exactly what need there is for it. Under existing law, any Indian who is capable of caring for his affairs is entitled to a patent in fee; and I think I am safe in saying that no Oneida Indian who has asked for a patent in fee simple has been denied it. I know the Oneida Indians more or less well, and I am confident that a large number of them are competent to care for their own affairs and ought not to be denied a fee to their lands. A number of patents have already been ordered by the Secretary to be issued to the Oneidas, and perhaps a dozen applications are yet pending here. I dare say that a good many more are still before the superintendent at the agency, as, under departmental instructions he must post a notice for thirty days, so that anyone having evidence to offer can do so.

"The only question that arises in my mind as to the wisdom of passing this paragraph is that which would arise in connection with any special provision of legislation where a general provision already exists. But if the Senate does not agree with me, or if it believes that the United States district court for the eastern district of Wisconsin would be better qualified than the Department to pass upon the competency of any allottee, it will be all right to transfer jurisdiction to that court, especially as the Indian, if he is incompetent, will have to fall back upon the State of Wisconsin, and not the United States, for support in case he becomes a pauper."

Mr. LA FOLLETTE. Mr. President, I do not know that I can say anything that will induce the Senator to withhold the point of order which he has made against the amendment. I will say that I would not under any circumstances favor it if I believed that a single Oneida Indian who would be given the right to alienate his property would not be as capable of taking care of it as the average citizen in Wisconsin. I believe that that is true with respect to this particular band or tribe of Indians.

I believe further that the court there, on the ground, where testimony can be taken, and much more testimony than can or will be taken if a hearing is had here before the Indian Department, is in a vastly better position to judge what is best for the Indian in each case.

Mr. CURTIS. Mr. President, I am satisfied if the Senator from Wisconsin [Mr. LA FOLLETTE] had looked into the record and examined the cases where the United States court in years gone by was permitted to grant citizenship to Indians he would not insist upon this amendment. This policy has been tried before by the Government, and it was a decided failure. The United States courts were busy. Applications were made for Indians by people who desired to purchase their land and others who desired to have the land placed upon the tax roll. As a result, in a majority of cases where the court acted, the Indians lost their lands by tax titles or were robbed of them by people who desired to secure the title. I believe it would be a very unwise policy to put this matter into the hands of any United States judges or United States courts. The act of May 8, 1906, not yet a year old, was passed to meet just such cases as this. If the members of the tribe referred to by the Senator from Wisconsin are competent—and I know that many of them are—to transact and manage their own affairs, they can go to the Secretary of the Interior under that act—not as the Senator from Wisconsin says they did years and years ago, but under the act of May 8, 1906—and have the restrictions removed. I am satisfied if they pursue that course their interest will be protected much more fully than it will be if the matter is left to the United States court. I hope Congress will never make the mistake of referring the question of removing restrictions to the United States judges.

Mr. CLAPP. Mr. President, personally I do not think the United States courts should have any jurisdiction in this case. The State courts should, in my humble judgment, have jurisdiction; but anyone who has had experience with the present system would turn to almost anything as better than the present one.

In the first place, they have to depend upon agents and employees who are far removed, susceptible to influences, making contracts, and sometimes attorneys getting contracts. I have in my office a roll, I think, of 100 Indians who were induced to sign an agreement to pay $150 apiece to get their restrictions removed in my own State. That taught them one lesson, which was that they should not squander their money in that way. They do not have to pay to get their rights and to get justice from the Government. I believe that it is a mistake to handle these individual allotments through the mechanism of the Department of the Interior. I believe it should be passed upon by a tribunal of some sort in the community where the Indians live.

Restrictions rest upon an Indian upon the ground that he is incapable of doing business, and the tribe becomes the subject of guardianship at the hands of the court and not at the hands of the executive officer. The whole theory of an executive officer dealing with incapacity and guardianship, in my humble judgment, is a false theory.

I have no interest in this particular item. It comes from the State of Wisconsin, and is not even in my own State; but I do believe, with the experience I have had in this matter, that if these restrictions are to be removed as to individual Indians they should be removed by some tribunal in the neighborhood where the Indian is living and where it can know something of the qualifications and not depend upon some subordinate clerk or agent of the Department.

Mr. McCUMBER. I simply want to say, in answer to the suggestion of the Senator from Minnesota [Mr. CLAPP], that any tribunal that we can arrange for in any State in the Union where they have Indians will be a tribunal to assist the man who wants to get the land to get it. That is the result wherever it has been tried.

Let us suppose, now, that we select any tribunal—suppose a court, if you see fit, in a county in the State of Minnesota. A wants to get the land of the Indian B, and he applies to have the restrictions removed. A appeals. B says he knows how to take care of his property, because he wants to sell, and A swears that B can take care of his property, because he wants to buy, and he probably will get two or three more friends to testify that B is absolutely capable of taking care of his property, and the restrictions will be removed. In twenty minutes after the restrictions have been removed, in practically every case, there will be a transfer of the land; and in twenty days after the Indian has received his money he will be begging for some place to live, and the white man will have both his land and his money. That has been the experience.

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Minnesota?

Mr. McCUMBER. Certainly.

Mr. CLAPP. Now, granting the result which the Senator from North Dakota states, that when an allottee sells his property he soon squanders his means, yet if we are going to have any plan, the question is which is the better for disposing of these restrictions in individual cases. I would ask if there is anything in the position of an Indian agent calculated to lift him up to such altruistic heights that he is less susceptible to these influences than would be the courts—probate, district, or otherwise—to influences brought to bear upon them?

Mr. McCUMBER. That is very easily answered, Mr. President. The Secretary of the Interior acts for and on behalf of the Indian. The Secretary of the Interior will take it for granted, unless the contrary be established beyond any question, that the Indian is not capable of taking care of his property. The Secretary of the Interior acts as the friend of the Indian. He acts as one who desires to protect him in his property rights and to shield him from being deprived of them. On the other side, your local influence wants to get the property away from the Indian. The Secretary's influence is to keep the Indian's property for him. That is the difference, and it is all the difference in the world.

Mr. CLAPP. That argument, Mr. President, proceeds upon the theory that the Secretary is personally supervising and investigating these matters. He can not do it. He must accept the information furnished him by his subordinates, the agents and others upon whom he relies. There is nothing in my experience with them that leads me to believe that they are less susceptible to influences than are the ordinary courts.

Mr. McCUMBER. They may not be less susceptible to influences, Mr. President, but I think the Senator will agree with me that the sentiment, not only of the head of the Interior Department, but of every one in the Department, is to protect the Indian and to shield him in his property rights. The Secretary in and out of season has been making a strenuous fight against any attempt to dispossess the Indian of his property, and all of the subordinates in the Department have seconded the desire of the head of the Department. So you have that force at work all the time, actuated by that sentiment—to protect the Indian. On the other hand, removing the judge from this position to that in the State, you will have every influence desiring to get the property away from the Indian, and the result will be that in every instance he will lose his property.

I believe, Mr. President, that the Secretary would refuse applications in probably two-thirds of the cases. Any court that you might select in the State would grant them, probably, in nine-tenths of the cases.

Mr. CURTIS. Mr. President, I shall insist upon the point

of order, and, in answer to the Senator from Minnesota, I will state that I think any Indian competent to manage his own affairs has judgment enough to apply to the Interior Department to have restrictions removed. If he has not, then he is not competent to manage his own affairs.

Mr. CLAPP. Mr. President, I concede that; but suppose he has not sense enough to manage his own affairs, and is induced to apply under the manipulation of others to the subordinate? That is the weak point in this thing—the subordinate, upon whom devolves the duty of making the report, perfecting the evidence, and submitting it to the Secretary of the Interior.

Mr. CURTIS. The answer made by the Senator from Wisconsin [Mr. LA FOLLETTE] is a direct answer to the question asked by the Senator from Minnesota, that out of all the applications made only five have been granted.

The VICE-PRESIDENT. The Senator from Kansas [Mr. CURTIS] interposes a point of order. The Chair thinks the amendment proposes general legislation within the contemplation of the rule, and is therefore out of order. The Chair therefore sustains the point of order.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, under the subhead "Shoshone School," on page 125, line 7, after the word "Wyoming," to insert "$28,225;" and in line 9, before the word "dollars," to strike out "thirty thousand and twenty-five" and insert "one thousand eight hundred;" so as to make the clause read:

For support and education of 175 Indian pupils at the Indian school, Shoshone Reservation, Wyo., $28,225, and for pay of superintendent, $1,800.

The amendment was agreed to.

The next amendment was, under the subhead "Shoshones and Bannocks (treaty)," on page 126, line 7, before the word "thousand," to strike out "one hundred" and insert "twenty-five;" so as to make the clause read:

For the purpose of carrying out the provisions of article 4 of the agreement ratified by the act of March 3, 1905, entitled "An act to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation, in the State of Wyoming, and make appropriation for carrying the same into effect," $25,000 of the amount specified by said fourth article to be immediately available and to be reimbursed from the proceeds derived from the sale of surplus lands, as provided by said act.

Mr. CLAPP. Mr. President, there is a mistake in that amendment. In line 7 "one hundred" should be restored and "twenty-five" should be stricken out. Then, on line 8, after the word "article," should be inserted "$25,000;" so that it will read:

Twenty-five thousand dollars, to be immediately available.

The VICE-PRESIDENT. The question is on agreeing to the amendment in line 7, striking out "one hundred" and inserting "twenty-five."

The amendment was rejected.

The VICE-PRESIDENT. The Senator from Minnesota now moves an amendment, which will be stated.

The SECRETARY. On page 126, line 8, after the word "article," it is proposed to insert "$25,000;" so as to read:

For the purpose of carrying out the provisions of article 4 of the agreement ratified by the act of March 3, 1905, entitled "An act to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation, in the State of Wyoming, and make appropriation for carrying the same into effect." $100,000 of the amount specified by said fourth article, $25,000 to be immediately available and to be reimbursed from the proceeds derived from the sale of surplus lands, as provided by said act.

The amendment was agreed to.

The next amendment was, on page 126, after line 10, to insert:

That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $1,401, the same to be immediately available for meandering the north bank of the Pope Agie River through township 2 south, range 2 east; townships 1 and 2 south, range 3 east; township 1 south, range 4 east, and the south bank of Big Wind River, through townships 1 north and 1 south, range 4 east, and township 3 north, range 3 west, surveying fractional townships 1 and 2 south, range 2 east, and making such retracements and resurveys as may be necessary in the diminished Shoshone Indian Reservation, Wyo.

Mr. HALE. Mr. President, what is the force—I suppose perhaps it has some application in surveying—of the word "meandering," in line 14?

Mr. CLAPP. It is not only surveying the river, but, as I understand, fixing the course in the field notes and subsequently on the plat, so that the river is not only a boundary, perhaps, but the field notes and the plat show where that boundary is. I understand that is what they call "meandering" a stream or "meandering" a lake.

Mr. HALE. Is that a word commonly in use in surveys?

Mr. CLAPP. I think so. It is commonly used in connection with water courses.

Mr. HALE. I suppose so.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 126, after line 22, to insert:

That the Secretary of the Interior be, and he hereby is, authorized, with the consent of the Indians of the Shoshone Reservation, Wyo., to be obtained in such manner as he may deem best, to lease for a term not exceeding twenty-five years, lot 1 of section 2 in township 1 south of range 1 west of the Wind River meridian, in said reservation, for the erection of a sanatorium, at such rate of rental and subject to such rules and regulations as he may prescribe.

Mr. TILLMAN. Mr. President, I should like to ask the Senator to explain who is going to run this sanatorium and for what purpose, and what has the Secretary of the Interior got to do with running sanatoriums?

Mr. CLAPP. There are several questions——

Mr. CLARK of Wyoming. Mr. President——.

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Wyoming?

Mr. CLAPP. Certainly.

Mr. CLARK of Wyoming. I was going to suggest that a full explanation of this amendment may be had from a letter of the Secretary of the Interior to be found on page 82 of the report, which is perhaps more concise than an explanation would be.

Mr. TILLMAN. Probably the Senator can give it to us in a few words.

Mr. CLARK of Wyoming. I can give it to you in a very few words. Close by the Shoshone or Wind River Agency is a great health hot spring. There is no rule or regulation or law under which that spring can be taken advantage of, and there have been numerous applications made by outside parties to lease that spring and prepare baths for the use of the Indians and others. The Secretary has no authority under the law to make any such lease for any business purpose. The object of the amendment is to give the Secretary authority to lease for that purpose this particular piece of land that has been reserved from allotment for the benefit of the Indian tribes, for the benefit of the troops who are stationed near there, and for the benefit of others who may go there. That is the sum and substance of it.

Mr. TILLMAN. Well, if it is in the interest of health and a utilization of some of nature's blessings in the shape of good mineral water, I can see some sense in it; but there is no explanation of it here.

Mr. CLARK of Wyoming. Of course there could not be an explanation of it in the bill, but there is an explanation of it in the report accompanying the bill.

Mr. TILLMAN. I do not ask for it in the bill. The provision is worded very vaguely and indefinitely. I should think if this were a good thing we might as well buy it from the Shoshone Indians and let Uncle Sam own it, as he does the Hot Springs of Arkansas. Then we could take care of it for all future time, instead of for twenty-five years, and get some fellow stuck in there with a lease, and after that come along with another amendment to purchase it.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. CLAPP. If agreeable now, I should like to move the Department amendments which I called attention to as we progressed with the reading and which were printed and laid on the table. The first is on page 7.

The VICE-PRESIDENT. The Senator from Minnesota proposes an amendment, which will be stated.

The SECRETARY. On page 7, after line 4, it is proposed to insert:

That the Secretary of the Interior is hereby authorized and directed, from time to time, to designate any individual Indian belonging to any tribe whom he may deem to be capable of managing his or her own affairs, and he may cause to be apportioned and allotted to any such Indian his or her pro rata share of any tribal or trust funds on deposit in the Treasury of the United States to the credit of the tribe or tribes of which said Indian is a member, and the amount so apportioned and allotted shall be placed to the credit of such Indian upon the books of the Treasury, and the same shall thereupon be subject to the order of such Indian: *Provided*, That no apportionment or allotment shall be made to any Indian until such Indian has first made an application therefor.

Mr. HALE. It is difficult to tell from merely listening to the reading what is the scope of the amendment. Will the Senator explain just what it refers to, how much of an innovation it is, and what its purpose is?

Mr. CLAPP. I will.

Mr. SPOONER. Let the amendment be again stated.

The VICE-PRESIDENT. The Secretary will again state the amendment.

The Secretary again read the amendment proposed by Mr. CLAPP.

Mr. CURTIS. May I ask the Senator from Minnesota a question?

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Kansas?

Mr. CLAPP. Certainly.

Mr. CURTIS. Is that the same as the bill which was recommended by the Secretary of the Interior and the Commissioner of Indian Affairs?

Mr. CLAPP. I can not say whether it is or not. I was going to make a statement to the Senate covering the entire subject.

Mr. CURTIS. Does the Department recommend the adoption of that amendment?

Mr. CLAPP. The Commissioner of Indian Affairs does. I will state for the benefit of the Senate that some time ago the proposition was made, and discussed somewhat in the committee, of providing for placing the funds standing to the credit of the Indian tribes to the credit of the individual Indians, and a bill passed the House of Representatives this winter which provided that the President might designate from time to time any individual Indian or any tribe that he might deem capable of managing his or their own affairs, and then, after he had thus designated the Indian as capable of managing his own affairs, or the tribe of managing theirs, segregation was to be made and the money paid subsequently under the direction of the Secretary of the Interior. The Senate committee in December reported that bill with amendments, and instead of devolving this duty upon the President, which, it seemed to the committee, was entirely beneath the dignity of the Presidential office, it left the duty incumbent on the Secretary, and then provided that when he found an Indian so capable of managing his or her own affairs he might cause to be allotted to any such Indian his or her pro rata of the tribal funds.

Now, the House provided that before an individual Indian could have his share paid him he must file a release of all subsequent accretions to that fund. While it is true that a man engaged in business association may sometimes, for the sake of taking his capital out, be required to make some concession, the accretions to an Indian fund do not depend upon an individual Indian's share remaining in that fund. It comes from sources wholly independent of the question whether that Indian's share remains there or not, and the committee was very clearly of the opinion that he ought not to be required to release his right in order to obtain his share of the fund as it then existed.

Then the committee proceeded on the theory that, if the Secretary found that the Indian was capable of managing his affairs, somewhere the string should be cut loose and the restraint and control over the Indian as to that particular fund should cease. Consequently they reported this bill with these amendments. I have the following letter from the Commissioner:

DEPARTMENT OF THE INTERIOR,
OFFICE COMMISSIONER OF INDIAN AFFAIRS,
Washington, January 30, 1907.

MY DEAR SENATOR CLAPP: Will you kindly offer on the floor, if it meets with your approval, an amendment embracing the text of House bill 5290, Fifty-ninth Congress, second session, which you reported with the amendments of your committee on December 17, 1906? This is the bill "providing for the allotment and distribution of Indian tribal funds," which passed the House and was somewhat made over by your committee.

I consider the completion of this act a very important matter, especially in view of some of the new legislation we are contemplating in the Indian appropriation bill. If this were left out, we should find ourselves in the position of permitting the Secretary to give noncompetents their share of tribal funds before any provision were made to take care of the competent Indians. That would be rather a "cart-before-the-horse" arrangement. With this proposed amendment and the one enabling us to relieve the necessities of some of the very old, decrepit, maimed, or otherwise incompetent people we should have a very good system, easily workable, and resulting in the greater good to the greatest number.

I hate to add to your burdens as chairman conducting the bill through the Senate, but I know you believe as much as I do in furthering constructive legislation, and that both of us have to sink our prejudices for keeping the appropriation bill strictly an appropriation bill for the sake of getting work done.

Sincerely, yours,

F. E. LEUPP, *Commissioner.*

Hon. MOSES E. CLAPP,
United States Senate, Washington, D. C.

It is not the bill the House passed. That bill, as I say, provided that the Indian should not have his share until he released his rights, and it also provided that after he had been found capable of managing his own business and was put on the roll for that particular purpose the money should still be subject to further control.

I think that is all I care to say, unless some questions are asked.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from South Carolina?

Mr. CLAPP. With pleasure.

Mr. TILLMAN. It seems to me this is a better way to distribute these funds than to wait and get the Indians tired out, some of them dead, and then have lawyers employed to come here and lobby through this distribution. I am inclined to think this is a good provision.

Mr. CLAPP. Of course the chairman of the committee understands that this and many of the amendments which he will offer are subject to points of order, and he simply leaves it to the Senate to determine whether the exigencies warrant permitting them to go on the bill.

Mr. HALE. The amendment as read appears to be very sweeping, very far-reaching, embracing not one, but all tribes, and is a method of selecting by the Commissioner, to control all of these hundreds and perhaps thousands of allotments. It does not seem to have been either adopted by the House or by the committee of the Senate in reporting the bill, and comes to us, as the Senator says, at the suggestion of the Commissioner of Indian Affairs.

Mr. CLAPP. Will the Senator from Maine pardon me?

Mr. HALE. Certainly.

Mr. CLAPP. The Senator must have misunderstood me. The Senate Committee on Indian Affairs did report the House bill amended so as to read now as this proposed amendment does. That was done some time ago.

Mr. HALE. In this bill?

Mr. CLAPP. No; not in this bill.

Mr. TILLMAN. It was an independent bill?

Mr. HALE. An independent bill. But, as I say, on this bill neither the House nor the committee here have reported it. The Commissioner seems to be anxious for it. I am free to say that on the subject of allotments, which we had up rather extendedly at the last session——

Mr. CLAPP. This is not an allotment of land, but an allotment of money.

Mr. HALE. I know it is not an allotment of land. I will say an apportionment. That is a better word. I do not know much about this. Other Senators with more experience in dealing with the Indians know more about it. But I can see that it is a very sweeping amendment, and the Senator has been, as he has been all through the bill, very frank about it. The amendment is subject, if any Senator knows enough about it to believe it is dangerous legislation, to the point of order. But I only rose to make the inquiries and to say that I realize, without knowing whether it is going to work well or not, that it is a very general and sweeping amendment.

Mr. SPOONER. Mr. President, I have hesitated whether to make a point of order on this amendment or not. Every stage of this Indian drama—and the curtain will be rung down before long; I do not know that anyone is justified in an attempt to delay it—is toward, in a large sense, the complete spoliation of the Indian, in my judgment. I have, during the last four or five years especially, observed that tendency, and the almost absolute impossibility of resisting it. A great many good people in the United States who have very, very much had at heart the well-being of the Indian have, I think, unwittingly conspired with those who desired very much the spoliation of the Indian to bring about a condition of affairs which is swiftly leading to that result. I have had occasion to say this much before on the floor of the Senate.

There are a great many Indians who are capable of taking care of their own affairs. I do not know but that that remark could accurately be applied to a third of the Indians of the United States. I am not in a position to know. I think myself a very great mistake was made in the allotment of lands to the Indians, except in special cases and under peculiar circumstances. In my own State there were allotted to Indians lands rich in timber, of great value. The timber was sold, and sold under the supervision of the Department. I do not know, but I venture to say that most of those Indians have not retained to any great extent the proceeds of the sales of the timber on their allotments. They were made citizens—taken out from the guardianship of the United States. Their entire relation to the Government changed. Lands have passed into their hands. They are citizens, having a right to manage their own affairs, except where restrictions and reservations have precluded it.

Then, in every Indian bill—not so much in this—which has come before the Senate for years have been found very sweeping provisions for the removal of restrictions upon the power of alienation. That will all be done sooner or later, and I think sooner than later. Perhaps the homestead will be guarded—protected in the Indian from the white man—longer than the remainder of the tract which he owns.

Then comes this general proposition, which in one guise and another has presented itself here for some years now, to clean up the books of the Government on Indian trust funds. I do not know how much money is held by the United States now in trust for the Indians. But I believe it will not be very long until there will not be much money held in the Treasury by the Government in trust for the Indians. I believe it will not be very long after this general policy shall be adopted and these funds segregated and turned over to the individual Indians before the Indian upon whom it is bestowed or to whom it is paid will be without funds.

Mr. HALE. He will be relieved.

Mr. SPOONER. Yes; he will be relieved.

Mr. BRANDEGEE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Connecticut?

Mr. SPOONER. I will yield, although I will take but a moment.

Mr. BRANDEGEE. It is just for a question.

Mr. SPOONER. Certainly.

Mr. BRANDEGEE. Did I understand the Senator correctly? I understood him to say that when the Indian was declared to be a citizen of the United States he was thereby removed from the guardianship of the Government.

Mr. SPOONER. Very largely.

Mr. BRANDEGEE. But not entirely?

Mr. SPOONER. I think so far as restrictions existed upon the power of alienation at the time he was made a citizen, perhaps they would continue. I doubt the power of the Government after the Indian had been made a citizen of the United States and had obtained an allotment or is obtaining one to restrict him.

Mr. CURTIS. May I answer the question?

Mr. SPOONER. Certainly.

Mr. CURTIS. The Supreme Court has decided that the Indian to whom an allotment is made is still under the guardianship of the Government until the prohibition of alienation in his patent expires. Under the act of 1887 patents have issued, but the fee is not in the Indian for twenty-five years. The Supreme Court has held that so far as that land is concerned and so far as his personal property is concerned the Indian is still under the guardianship of the Government of the United States.

Mr. BRANDEGEE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Connecticut?

Mr. SPOONER. Certainly.

Mr. BRANDEGEE. I wish to ask the Senator from Kansas whether that was the case of an Indian who owned the fee of his land and was a member of a tribe which had formerly owned the land in common, or whether it was——

Mr. CURTIS. It was a case in the Northwest, where an allotment had been made under the act of 1887 to members of a tribe, and the patent had been issued with the twenty-five years' restriction, and before the expiration of the twenty-five years the county authorities attempted to tax the real estate and to tax the personal property. In that case the Government intervened in behalf of the Indian, and the Supreme Court held that the Government was still the guardian of the Indian and that the State had no right to tax his land or his personal property.

Mr. McCUMBER. May I ask the Senator from Kansas if he refers to the Rickert case?

Mr. CURTIS. I think it is the Rickert case. I have it here on my desk.

Mr. McCUMBER. The South Dakota Rickert case.

Mr. CURTIS. The case of United States *v.* James A. Rickert.

Mr. SPOONER. I have had a feeling that these trust funds in the Treasury, held for the benefit of Indians, might very well and wisely be held by the Government for some years yet, until this experiment in full citizenship and education toward ability to manage his own affairs might have been more thoroughly developed.

As it is said, a bill has passed the House and is pending in the Senate——

Mr. TILLMAN. Here it is.

Mr. CLAPP. Pending in the very form in which it is reported now.

Mr. TILLMAN. Reported from the committee.

Mr. SPOONER. A bill has passed the House and is pending in the Senate in the form which I understand this amendment takes. I think I shall make the point of order on this amendment, in order that the Senate may deal with the bill itself relating to this subject, so that there can be a little fuller debate upon it and larger consideration of it without delaying an appropriation bill.

Mr. McCUMBER. With the permission of the Senate, I wish to make one statement with reference to what has been said by the Senator from Wisconsin [Mr. SPOONER]. I want every Senator here to understand that this Government is reaching the stage of a crisis in its dealings with the Indians. If the present law can not be modified in the matter of restrictions; if the law which we passed last winter continuing the restrictions for twenty-five years and which was based for the most part upon the Rickert case that has been cited by the Senator from Kansas [Mr. CURTIS] is unconstitutional, then within fifteen years at the longest practically every acre of Indian land will have passed into the hands of white men. We will then have in the United States an army of pauper Indians subject to the tender mercies of the white people in the several States in which they reside, to be cared for and supported by those States or driven out of the States. The probabilities are that the only Mecca that will be open to the Indian will be Mexico, if in some way he can get money enough to get to Mexico, where possibly he may be allowed to settle among those of his own kind.

Our mistake was made from the very beginning of the Government in its treatment of the Indians. The mistake has been continued tenaciously up to the very present time. That mistake was the theory that we could make a white man out of the Indian, with proclivities inherited from thousands upon thousands of years of an environment so different from that surrounding the white people that it was impossible at this late period to make him over. We have found, when it is too late, I fear, to rectify our errors, that we have made a mistake all the way along; that we can not make a white man out of the Indian; that we can not make him self-supporting unless we give him a certain amount of land that will be inalienable for all time and keep him on that land, when he will possibly be able to take care of himself in a meager way, if he resides upon that land. That he will absolutely dispose of the land is the record all over the United States wherever the restriction has been removed.

I deny, Mr. President, that one-third or one-quarter or one one-hundredth of the Indians—those who are real Indians, not white Indians—are capable of taking care or will take care of their property if you turn it over to them. The Senator from Kansas [Mr. CURTIS] has cited the Rickert case as one which will give us authority, as I understand him, still to deal with the Indian as the ward of the Government. All that that case decided was that when the Government had given an Indian an allotment, with a restriction upon the alienation of that allotment, its taxation by the State was contrary to the trust that was created in the restriction itself; that the State could not deprive the Indian of the lands which were held in trust and given as a trust; and then on the personal property——

Mr. CURTIS. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Kansas?

Mr. McCUMBER. Certainly.

Mr. CURTIS. Will the Senator permit me to read two lines of the decision?

Mr. McCUMBER. Yes.

Mr. CURTIS. I read as follows:

> These Indians are yet wards of the nation, in a condition of pupilage or dependency, and have not been discharged from that condition. They occupy these lands with the consent and authority of the United States; and the holding of them by the United States under the act of 1887, and the agreement of 1889 ratified by the act of 1891, is part of the national policy by which the Indians are to be maintained as well as prepared for assuming the habits of civilized life, and ultimately the privilege of citizenship.

Mr. McCUMBER. That is the position I attempted to sustain myself on, although not entirely satisfactorily to myself, when I insisted that if we had any rights whatever it was under the theory that the Indians were still wards of the Government, and as wards of the Government we had control over their property, and while we had stated to them as wards that at a certain time we would release the property from restrictions, yet if we found before the expiration of that time that they were unfit to take care of that property, they still being wards, we might continue the restrictions for a further period. I am afraid the cases will not sustain me to that extent.

Mr. CURTIS. May I interrupt the Senator?

Mr. McCUMBER. With pleasure.

Mr. CURTIS. I am glad to say that recently the Supreme Court has taken a position which, in my opinion, sustains the views entertained by the distinguished Senator from North Dakota.

Mr. McCUMBER. I shall be very glad if the Senator can point out a case in which the Supreme Court has sustained the position I took at that time.

Now, coming to the matter of personal property, the local or county authorities also levied a tax upon the Indian's personal property. That personal property——

Mr. STONE. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Missouri?

Mr. McCUMBER. I will yield in a moment, when I shall have finished the sentence.

That personal property was also the gift of the Government, but no restriction was placed upon it. The court held that notwithstanding the fact that no restriction was placed upon the sale of that property, it was given to the Indian for a specific purpose, and inasmuch as he was still under the pupilage of the Government, the Government had a right to hold that property, and that the Indian held it practically as a gift from the Government for a specific purpose, which could not be taken away by the State.

Now I yield to the Senator from Missouri.

Mr. STONE. I did not wish to interrupt the Senator from North Dakota. I desired to ask the junior Senator from Kansas to state the case he referred to, that we might have the opportunity of examining it.

Mr. McCUMBER. I will state to the Senator from Kansas that the Senator from Missouri asked what case the Senator from Kansas referred to.

Mr. CURTIS. I have it here.

Mr. McCUMBER. While the Senator is looking that up, I will state that this case seems to me to be entirely out of harmony, at least according to my theory and the theory of the Senator from Kansas, with the Heff case, which grew out of the matter of the sale of intoxicating liquors. That seemed to insist, and went upon the broad ground, as I remember, that when we had given the Indian an allotment and had made him a citizen of the United States we had released our control over him as a ward of the Government. That was my understanding of the Heff case, and the two seemed to be diametrically opposed to each other, unless we do not consider the two lines read by the Senator from Kansas as really governing in the decision.

Mr. CURTIS. In the Intermarried White Persons case *v.* The Cherokee Nation, decided November 5, 1906, the question was raised that the agreement of 1902 was a treaty and therefore binding upon the Government and could not be changed. The Supreme Court sustained the position taken by the Senator from North Dakota. I will read the language:

> Counsel for claimants speak of the act of 1902 as a "treaty," but it is only an act of Congress and can have no greater effect.

If it is only an act of Congress, Congress has the right to amend it at any time it sees fit, and under the decision in the tax case, which was read, Congress has control during the twenty-five years' period, and may change the law any time before the twenty-five years expire. In other words, I maintain that Congress, in its wisdom, at any time before the jurisdiction of the United States has ceased over the allottees and lands may increase the restrictions as well as remove them.

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Minnesota?

Mr. McCUMBER. I yield.

Mr. CLAPP. The Intermarried White Persons case simply dealt with the same principle that was involved in the Lone Wolf case, that, notwithstanding treaties, so far as the Indian tribes and all that went, they were subject to the laws of the United States, and we could pass laws and amend the laws. But it does not go into the question how far the property rights of an Indian citizen can be interfered with.

Mr. McCUMBER. There is no question about this. The Rickert case does declare, although I do not know that it was necessary for the court so to declare in that case, that the Indian whose property was taxed, notwithstanding the fact that he had his allotment, nothwithstanding the fact that he had been made a citizen of the United States, was a ward of the nation. In the Heff case, under similar conditions and reciting the fact of his allotment and that he had been made a citizen of the United States, it was directly held that the Government had lost its control over him.

Mr. SPOONER. May I interrupt the Senator from North Dakota?

Mr. McCUMBER. Certainly.

Mr. SPOONER. It would not seem necessary for the court to pass upon the question of the continued wardship in order to hold that land subject to a restriction for twenty-five years upon the power of alienation could not be taken away from the Indian by the exercise of the power of taxation by the State.

Mr. McCUMBER. I am compelled to accede to that.

Mr. SPOONER. But the Senator was proceeding to speak of the ground upon which the Supreme Court put the exemption of the personal property of the Indian from taxation, and was interrupted. I do not remember the decision specifically. Did it put it upon the same ground?

Mr. McCUMBER. It was practically placed upon the same ground—that the Government had presented and made a gift to this Indian of certain property which was necessary for his civilization, and that the State was undertaking to take away that which the Government had given to the Indian for the purpose of civilizing him. That was the basis really, although they recite the other fact as a condition, and assert that the Indian is a ward of the Government.

Mr. SPOONER. That is, Congress already having made a citizen of him, it was necessary that he should retain his personal property in order to become a civilized citizen?

Mr. McCUMBER. A civilized citizen. That is practically what it means.

So, Mr. President, I for one am perfectly satisfied, and I hope the Senator will stand on his point of order. As I have stated, I believe the time is coming when we have got to do something with these Indians. We ought to keep every acre of land that we possibly can and every dollar of annuity that we possibly can which belongs to the Indian, to have it ready to utilize for his benefit when the crisis arrives, which will be in less than fifteen years, in most cases in about five years.

Mr. CLAPP. I understand the Senator from Wisconsin made a point of order against the amendment.

The VICE-PRESIDENT. The Senator from Wisconsin made the point of order against the amendment. The Chair sustains the point of order.

Mr. CLAPP. Then I offer the amendment I send to the desk.

The SECRETARY. After line 18 on page 20 insert:

> That the Secretary of the Interior may, on the approval of this act, require all moneys desired to be conserved for Indians, individually or as a tribe, not otherwise secured, to be deposited in national banks which have been or may be designated as depositories of public moneys pursuant to law; and all depositories of public moneys shall be liable for such deposits in the same manner as for deposits of moneys of the United States.

Mr. LONG. I should like to have the amendment explained.

Mr. CLAPP. The amendment first came up on a proposition to require all deposits to be placed in banks that had been designated as public depositories. The committee rejected that amendment. Subsequently the Department sent to me with its approval the amendment which I have just offered. I may say, however, that the reason why the Government does not deposit in the public depositories is that sometimes they are quite at a distance, and so they deposit in banks closer by, requiring the banks to give security. The amendment as it is drawn now and offered simply provides that the Secretary may, whenever he wants to, deposit any public funds in these depositories.

Mr. LONG. It does not compel him to do it.

Mr. CLAPP. No, sir. It is in full accord with the view of the Department.

Mr. LONG. I ask that the amendment be again read.

Mr. CULBERSON. I did not hear the explanation of the Senator from Minnesota as to the rule at present. Where is the money now deposited?

Mr. CLAPP. As a rule it is deposited, as a matter of convenience, in those banks that are nearest to the reservations. Earlier the Department deposited the money with public depositories. Many of those banks are at a great distance, and so the Department adopted the rule of depositing in a bank in the vicinity of the agency, requiring the bank to give security. The amendment simply provides that the Secretary may, if he wishes, place it in a public designated depository.

The amendment was agreed to.

Mr. CLAPP. On page 24, after line 10, I move to insert what I send to the desk.

The SECRETARY. On page 24, after line 10, insert:

PIMA INDIANS.

> That the Secretary of the Interior may, in his discretion, use such part of the $300,000 heretofore appropriated for an irrigation system for the Pima Indians in the payment of such Indians' proportionate part of the construction of the Salt River project, and such funds may be transferred to the reclamation fund, to be expended by that Service in accordance with its rules and regulations; the Indians to receive a credit upon the reclamation charge assessed against their lands under the Salt River project for the amount so transferred.

Mr. HALE. Has the committee of which the Senator is chairman considered this proposition?

Mr. CLAPP. I do not think it was considered in the preparation of the bill. It was informally considered. As I said, I am now offering the amendments suggested by the Department.

Mr. HALE. I understand, but I did not know but that in some way in its deliberations the committee had considered the amendment.

Mr. CLAPP. No, sir.

Mr. HALE. What does the Senator himself think about it?

Mr. CLAPP. I think it ought to be done. Here is a full explanation from the Commissioner that I can have read if desired.

Mr. HALE. I think it had better be read.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE COMMISSIONER OF INDIAN AFFAIRS,
Washington, January 29, 1907.

MY DEAR SENATOR CLAPP: I hand you herewith an item I should be very glad to see incorporated in the Indian appropriation act, where it seems to me to have a legitimate place, as it provides for a method of using money which has been already appropriated. This item refers to the provision which the Government has tried to make for the Pima Indians, a very worthy tribe who were originally good farmers, but who were so unfortunate as, through ignorance of the law, to let white settlers appropriate the water which was necessary to irrigate their little farms. Their case has aroused general public sympathy, and two years ago the Congress gave its approval to a plan for procuring water from other than old sources, and voted an appropriation on the strength of statistics furnished by the Reclamation Service as to the cost of the proposed undertaking. The plan the Reclamation Service had in mind had never been passed upon by the engineers of the Indian Service, and it was assumed that the Reclamation Service would conduct the work. As the appropriation, however, was made so that it could be used only by the Indian Office, the Reclamation Service withdrew from the enterprise, leaving the Indian Office to carry out certain plans which it had not had any direct share in preparing.

After a considerable survey and study of the situation, this Office made a tentative arrangement with the Reclamation Service whereby, if it made possible to use the money voted to the Indian Office for carrying out the reclamation plans, the whole problem of irrigating the Pima farms would be solved, and at far less expense than originally contemplated, besides relieving this service of the responsibility of keeping a number of expensive trained persons on the spot to handle the machinery.

The construction of the Roosevelt dam and the attendant system of irrigation by the Reclamation Service has developed a larger supply of water power than the reclamation project now in hand would need. Therefore, by permitting the Pima Indians to participate in the reclamation project and obtain their power from the Reclamation Service plant every proper interest, including economy of cost, will be promoted.

As will be seen, the paragraph which I hand you is simply permissive and will not be exercised unless we have positive assurances of the result.

Sincerely, yours,

F. E. LEUPP,
Commissioner.

Hon. MOSES E. CLAPP,
United States Senate, Washington, D. C.

The VICE-PRESIDENT. Is there objection to the amendment?

Mr. HALE. I do not see any objection to the amendment for one. In this statement of the Commissioner an incident is referred to in the line of what the Senator from Wisconsin [Mr. SPOONER] has brought to our attention, the spoliation of the Indians. He says that these Pimas had a good country, had good farms, and were thrifty, but that certain whites obtained a control and use of their water property and cut them off and obliged them to resort to this proposition in order to maintain their farms and to cultivate them. Does the Senator know what the incident was by which the whites spoliated the Indians of their water supply?

Mr. CLAPP. I do not. It occurred before I became familiar with the case.

The amendment was agreed to.

Mr. CLAPP. On page 26, after line 9, I offer an amendment. This did not come directly to the chairman of the Senate Committee on Indian Affairs, but was sent to the chairman of the House Committee on Indian Affairs. I ask that the amendment be read and that the letter from the Commissioner of Indian Affairs also be read.

The VICE-PRESIDENT. The Secretary will read the amendment proposed by the Senator from Minnesota.

The SECRETARY. Insert after line 9, page 26:

That section 3 of the act approved January 12, 1891, entitled "An act for the relief of the Mission Indians in the State of California," be, and the same is hereby, so amended as to authorize the Secretary of the Interior to select, set apart, and cause to be patented to the Mission Indians such tracts of the public lands of the United States, in the State of California, as he shall find upon investigation to have been in the occupation and possession of the several bands or villages of Mission Indians, and are now required and needed by them, and which were not selected for them by the Commission as contemplated by section 2 of said act; and to appraise or cause to be appraised the value of any improvements belonging to any person to whom any valid existing rights have attached under the public-land laws of the United States, or to the assignee of such person where such improvements are situated within the limits of any reservation selected, enlarged, or defined under the provisions of this act: *Provided,* That no patent issued under the provisions of this act shall embrace any tract or tracts to which valid existing rights have attached in favor of any person under any of the United States laws providing for the disposition of the public domain, unless such person shall acquiesce in and accept the appraisal provided for in this act in all respects, and shall thereafter, upon demand and payment of such appraised value, execute a release of all claims and title thereto.

The amendment was agreed to.

The VICE-PRESIDENT. Does the Senator from Minnesota desire the letter accompanying the amendment read?

Mr. HALE. Let it be printed in the RECORD.

Mr. CLAPP. I ask that the letter be printed in the RECORD.

The VICE-PRESIDENT. Without objection, the letter will be printed in the RECORD without reading.

The letter is as follows:

FEBRUARY 1, 1907.

Hon. JAMES S. SHERMAN,
Chairman Committee on Indian Affairs,
House of Representatives.

MY DEAR MR. SHERMAN: I am in receipt of your letter of January 31, 1907, wherein you acknowledge the receipt of one from the Secretary of the Interior inclosing Office letter of January 28, with other inclosures and a proposed bill having reference to the various Mission Indian reservations in California.

You say that the matter is rather voluminous and one with which you are not familiar, but that your impression was that in the blanket appropriation of $100,000 carried by the Indian appropriation act for the fiscal year 1907 the interests of all California Indians were taken care of; that you see no possible objection to the bill, provided it is not one that involves a great expenditure of money, but that you are unable to determine from a hurried reading of the matter what the probable cost of the execution of this bill in a statute would be, and request information relative thereto.

The proposed bill does not involve any expenditure of money other than that carried by the appropriation mentioned. The passage of the bill referred to will enable this Office to secure to the Indians of the various Mission reservations such public lands as are at present in their use and occupation, without drawing on the $100,000 appropriated at the last session except in cases where valid existing rights of persons to lands within the proposed additions to the various reservations have to be purchased. In these cases it is contemplated paying for such improvements out of last summer's appropriation. By the adoption of this procedure the money already appropriated can be used for the purchase of lands and other incidental expenses for the Indians in neighborhoods where the public lands have been exhausted.

Favorable action should be had on the proposed bill at this session, if possible, in order that the additions may be made and the improvements already thereon be paid for before the appropriation for the benefit of the Indians of California has been exhausted.

Very respectfully,

F. E. LEUPP, *Commissioner.*

Mr. CLAPP. On page 42 I offer an amendment to come in after line 13, to do away with the Choctaw courts.

The SECRETARY. On page 42 insert after line 13:

That upon the passage of this act tribal courts of the Choctaw and Chickasaw nations shall be abolished, and no officer of said courts shall thereafter have any authority whatever to do or perform any act theretofore authorized by any law in connection with said courts or to receive any pay for the same; and all civil and criminal causes then pending in any such court in said nations shall be transferred to the proper United States court in said Territory by filing with the clerk of the court the original papers.

The amendment was agreed to.

Mr. CLAPP. On page 37 the committee reported an amendment for recording leases in the Indian Territory and it was passed over. I offer an amendment as a substitute for the Senate committee amendment. I have conferred with the Senator from Kansas [Mr. CURTIS], who made the point on the other amendment. I ask to have it read.

The VICE-PRESIDENT. The amendment proposed by the Senator from Minnesota will be read by the Secretary.

Mr. LODGE. That includes also a portion of page 36.

Mr. CLAPP. Yes; it follows line 20, page 36.

Mr. LODGE. It is a substitute for the whole of that?

Mr. CLAPP. Yes, sir.

Mr. LONG. That amendment has already been agreed to.

Mr. CLAPP. No; it was passed over on the suggestion of the junior Senator from Kansas [Mr. CURTIS].

Mr. LONG. It was afterwards called up by the Senator from Wyoming [Mr. CLARK], and the amendment presented by the Senator from Wyoming was agreed to.

Mr. LODGE. No; it was not agreed to. The Senator from Wyoming said that he would prepare an amendment.

Mr. LONG. He prepared it, and it was agreed to.

Mr. LODGE. I am surprised that he should have done that in my absence, for I made objection to the amendment.

The VICE-PRESIDENT. The Chair will state that the amendment at the bottom of page 36 was amended and agreed to, and the amendment beginning at the top of page 37 was passed over.

Mr. CLAPP. There are two amendments there, one relating to the fees, for which the substitute proposed by the Senator from Wyoming was adopted. Then the amendment on page 37, which provides for the recording of the leases, was passed over.

Mr. LODGE. I should like to hear the substitute which was adopted read, for I was prepared to make a point of order on the amendment, and it was only on the understanding that a satisfactory substitute would be presented that I withheld it.

If it was done in my absence, I shall renew the point of order when the bill is in the Senate.

Mr. CLAPP. That is entirely satisfactory; but let us dispose of this amendment.

Mr. LODGE. I have no objection to the other amendment being disposed of.

The VICE-PRESIDENT. The amendment proposed in the nature of a substitute by the Senator from Minnesota will be read.

The SECRETARY. In lieu of the amendment at the top of page 37 insert:

The filing heretofore or hereafter of any lease in the office of the United States Indian agent, Union Agency, Muskogee, Ind. T., shall be deemed to impart notice.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. McCUMBER. That seems to be a very short amendment, but I did not quite catch the meaning of it. I ask to have it read again.

The Secretary again read the amendment.

Mr. McCUMBER. Why should not the Senator use the usual words "shall be constructive notice?"

Mr. CLAPP. I have no objection to that amendment to the amendment.

The SECRETARY. So as to read: "Shall be deemed constructive notice."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CLAPP. On page 104 the amendment between lines 9 and 24, inclusive, was passed over this afternoon. After consultation with the senior Senator from Iowa [Mr. ALLISON], I ask that the amendment be rejected.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. The committee amendment is to insert, after line 8, page 104, the words down to and including line 24.

The VICE-PRESIDENT. Without objection, the amendment is disagreed to.

Mr. KEAN. Is that the million-dollar amendment?

Mr. CLAPP. No; it relates to the Sac and Fox Indians.

Mr. CURTIS. I desire to ask if the words "and directed," in line 10, remain?

Mr. CLAPP. The committee amendment is rejected. It goes out.

Mr. KEAN. That is not the $1,000,000 amendment?

Mr. LODGE. No; the $200,000 for the Sacs and Foxes.

Mr. CLAPP. On page 110 I offer an amendment between lines 6 and 7.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After line 6, page 110, insert:

That any adult allottee in the Standing Rock Indian Reservation in South Dakota to whom a trust or other patent containing restrictions upon alienation has been or shall hereafter be issued for an allotment along the right of way of the Chicago, Milwaukee and St. Paul Railway Company or the Chicago, Milwaukee and St. Paul Railway Company of South Dakota, in said reservation, may, with the consent of the Secretary of the Interior, and not otherwise, and under such regulations as he may prescribe, sell and convey to either of said companies, for railroad purposes, all or any part of his allotment. The lands along said right of way allotted to any minor may, in like manner, be sold to either of said companies by the Indian agent or other officer in charge of the reservation, acting for and on behalf of such minor.

And any deed executed hereunder, when approved by the Secretary of the Interior, shall convey title as fully as if a fee-simple patent had issued for the lands covered thereby, but without such approval shall be absolutely null and void.

The money received from the sale to said companies of lands allotted to a minor may be paid, in the discretion and under the direction of the Commissioner of Indian Affairs, to the parent or other person having custody of such minor, for his support and education. Any such money not needed for such minor's support and education shall, when so directed by the Commissioner of Indian Affairs, be deposited in the United States Treasury to the credit of such minor and paid to him when he attains his majority, or, in case of his death, to his heirs, the money thus deposited to draw interest at the rate of 3 per cent per annum.

The amendment was agreed to.

Mr. CLAPP. The Senator from Kansas [Mr. CURTIS] has an amendment to offer.

Mr. McCUMBER. While the Senator is looking it up, I ask the Senator from Minnesota what has been done with the provision in the bill which seeks to repeal the restriction clause which we passed last year? Has that been acted on?

Mr. CLAPP. No; that was passed over.

Mr. President, I give notice that to-morrow morning at the close of the routine business I will ask for the consideration of this bill. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 6, 1907, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 5, 1907.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

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

Mr. DAVIDSON. Mr. Speaker, in the remarks of the gentleman from Illinois [Mr. RAINEY], on page 2105, appears a map, which locates the northern terminal of the proposed Lake Erie and Ohio River Ship Canal at Cleveland, whereas, as a matter of fact, under the bill passed by this House at the last session the northern terminal of that canal is at or near Ashtabula, a point 54 miles east of Cleveland.

Mr. CLARK of Missouri. Mr. Speaker, if the gentleman will permit me, I would suggest that the gentleman from Illinois [Mr. RAINEY] is not here. I do not know anything about the matter in controversy and do not want to defend him, but suggest the gentleman defer until he is present.

Mr. DAVIDSON. I am perfectly willing to let the matter go over until the gentleman from Illinois is here.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the matter go over until the gentleman from Illinois is present. Is there objection? [After a pause.] The Chair hears none.

RIVER AND HARBOR BILL.

Mr. BURTON of Ohio. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 24991, the river and harbor appropriation bill, and pending that motion I ask unanimous consent that general debate on this bill close at 3 o'clock and 10 minutes.

Mr. SULLOWAY. Mr. Speaker——

The SPEAKER. Does the gentleman from Ohio yield?

Mr. BURTON of Ohio. Mr. Speaker, I withdraw my motion for the present.

REUBEN A. GEORGE.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent for the present consideration of the concurrent resolution which I send to the desk.

The SPEAKER. The Clerk will report the concurrent resolution.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return the bill H. R. 20928, entitled "An act granting an increase of pension to Reuben A. George."

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

The joint resolution was agreed to.

RIVER AND HARBOR APPROPRIATION BILL.

The SPEAKER. The gentleman from Ohio asks unanimous consent, pending his motion to go into Committee of the Whole House on the state of the Union, that all general debate may close to-day at 3 o'clock and 10 minutes. Is there objection? [After a pause.] The Chair hears none.

The motion was agreed to; and accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 24991, the river and harbor appropriation bill, Mr. CURRIER in the chair.

The CHAIRMAN. The gentleman from Ohio [Mr. KEIFER] is entitled to the floor and has thirty-five minutes remaining.

Mr. KEIFER. Mr. Chairman, I shall be obliged to curtail the scope of the remarks I should have liked to submit.

When I was last on the floor, I was about to comment on an appropriation proposed in the bill of $400,000 to improve Hilo Harbor, Hawaii. This is a harbor of one of the small islands. The bill also carries an appropriation of $200,000 for improving Honolulu Harbor, Hawaii, but nothing for Pearl Harbor at Honolulu, now almost useless for want of a wider and deeper channel. Our larger ships can not enter it. If it were fortified, our war ships could not enter it. The latter is deemed the most important to be fortified for the holding and defense of the Hawaiian Islands.

This House is now asked to spend $600,000 to improve two island harbors in Hawaii, but nothing for its defense. Surely we are proposing to be generous to any country that may come along and occupy them. This, under present circumstances and in the absence of a purpose to fortify Hawaii, looks like baiting it as an inducement to some country to take it. This condition in Hawaii invites war. Wisdom dictates that we should provide for the defense of our island possessions as well as to improve them.

But I must refrain from further pursuing this line of discussion.

I do not deny the constitutional right to appropriate money for the improvement of rivers and harbors where necessarily international or interstate commerce will result, and where their improvement will be of national importance, but it may well be doubted whether mere local streams or inlets, having no interstate relation and where no general public utility will result, can be improved at the expense of the Federal Treasury without violating the Constitution of the United States.

The bill contains appropriations for improvements in only thirty-three of the States—twelve are "not in it." I do not believe the civil war gave any new construction to the Constitution. It did settle, and forever, that the States were a union of States, not a mere league of States dissoluble at will; that it was constitutional to preserve the Union and perpetuate it under one flag. This result did not take from the States or the people their hitherto constitutional and reserved rights within the Union.

The power under the Constitution to make internal improvements has always been questioned, especially by the framers of the Constitution. The right to make river and harbor appropriations has been denied, and none were made until long after the Constitution went into effect. As early as 1806 it was proposed to build the Cumberland road. Those who favored the construction of the Cumberland road at the national expense justified it because it was interstate, and this view even was vehemently denied by others, and bills for its construction and maintenance were so often vetoed on the ground that they were unconstitutional that the road was never completed and its maintenance was long since abandoned.

There is no provision in the Constitution for internal improvements, but from the beginning appropriations were made for such harbors, beacons, buoys, etc., as were generally regarded as being strictly within Federal jurisdiction.

The views of the Presidents of the United States and of our greatest statesmen have in later years and in this bill been entirely ignored. The idea, somehow or other, seems to now prevail that the Constitution has undergone a substantial change, that States with once vested powers, as the Constitution was formerly construed, have been moved out and the United States have moved in. There are some powers given exclusively to the United States. There are others given exclusively to the States, and there are still others in which the States may exercise concurrent powers and where the United States may, if they choose to do so, intervene, but whenever intervention comes on the part of the United States which interferes with State powers, then the State powers are superseded. But there is nothing in the matter of internal improvements that vests the United States with a right to depose the States in the exercise of powers that are local in their character. There is no such thing as concurrent powers as to internal improvements between the States and the United States. It was decided in Ex parte Seibold (100 U. S., 371) that where the United States undertook and had the constitutional right to exercise powers that could be exercised by States the United States became at once supreme in the matter, and there could be no conflict; that the States simply became dispossessed of any further power in relation to the matter and there was no possibility of a conflict either, the United States' authority superseding the other. Rightly construed, there never can be any conflict between Federal and State authority. Where the United States is given exclusive power or jurisdiction it is always supreme, and where they are, by the Constitution, not given any right they can exercise none; that where a State has exclusive jurisdiction the United States can not interfere at all, and that where a right may be exercised by a State with a reserved right in the Federal Government to come in, as in the case of elections for Senators and Representatives in Congress (sec. 4, Art. II, Constitution), and make regulations relating to the same thing, such regulations become the sole and supreme law. I quote from the syllabi of the case already mentioned:

10. The exercise of such power can properly cause no collision of regulations or jurisdiction, because the authority of Congress over the subject is paramount, and any regulations it may make necessarily supersede inconsistent regulations of the State. This is involved in the power to "make or alter."

11. There is nothing in the relation of the State and national sovereignties to preclude the cooperation of both in the matter of elections of Representatives. If both were equal in authority over the subject, collisions of jurisdiction might ensue; but the authority of the National Government being paramount, collisions can only occur from unfounded jealousy of such authority.

And from the opinion (pp. 386, 392):

So in the case of laws regulating the elections of Representatives to Congress, the State may make regulations on the subject; Congress may make regulations on the same subject, or may alter or add to those already made. The paramount character of those made by Congress has the effect to supersede those made by the State, so far as the two are inconsistent, and no further. There is no such conflict between them as to prevent their forming a harmonious system perfectly capable of being administered and carried out as such.

* * * * * * *

The power of Congress, as we have seen, is paramount, and may be exercised at any time, and to any extent which it deems expedient; and so far as it is exercised, and no further, the regulations effected supersede those of the State which are inconsistent therewith.

There can be no doubt about the right of the States, if they choose to exercise it, to provide for internal improvements of a purely local character; and this being true, the General Government in entering on the work of improvements of such character will unwarrantedly invade their rights, and, as we have seen, must necessarily oust them of all such rights, at least to the extent it interferes. But if the Federal Government has no right to make internal local improvements within a State, then all attempts to do so are unconstitutional and an invasion of a right reserved to the States and to the people. In the case of South Carolina *v.* United States (199 U. S. Rept., p. 451) it is said:

The two governments, National and State, are each to exercise their powers so as not to interfere with the free and full exercise by the other of its powers. Not only, therefore, can there be no loss of free and independent autonomy to the States through their union under the Constitution, but it may not be unreasonably said that the preservation of the States and the maintenance of their governments are as much within the design and care of the Constitution as the preservation of the Union and maintenance of the National Government. The Constitution in all its provisions looks to an indestructible Union, composed of indestructible States.

It is proposed in this bill, Mr. Chairman, as I understand it, and as it seems to be interpreted by its distinguished chairman, for the United States to move into the States and undertake to do local work there in the way of improving rivers and creeks, inlets, and so forth, purely local in their character. It is my purpose to review somewhat the position, as I have already stated, of the earlier Presidents and some of the later ones on this subject. First, I desire to say that the great objection to this river and harbor bill, and, perhaps, all river and harbor bills, is that they are a combination of local and general appropriations that is expected to bring together the friends of all of the favored localities and to vote for all of the appropriations. The earlier Presidents of the United States denounced this as highly improper, and insisted that if appropriations for the improvement of any of the rivers and harbors was desired that they should be made by separate bills.

A brief review of the history of internal improvements, especially relating to rivers and harbors, may be of some interest. In doing this we shall see how Congress has progressed in asserting a right, originally denied, of making internal improvements, until it now assumes to exercise it without limitation and regardless of the character of the improvements, and to insure success, provides for them in omnibus bills, instead of by separate bills where the merits or demerits of particular improvements would be considered.

Before coming to important vetoes by Presidents of bills appropriating money for internal improvements and for rivers and harbors, let us first see how the practice of making such improvements, at the expense of the Federal Treasury, commenced, and what constitutional difficulties were encountered. The initial step was not taken until long after the Constitution went into effect.

On March 29, 1806, three commissioners were authorized by Congress, to be appointed by President Jefferson, to lay out a national road from Cumberland, Md., to the Ohio River. A like road was then projected through Georgia to New Orleans, and later another like road was projected from Maysville, Ky. None of these were ever completed.

As early as 1824 the policy was entered to appropriate money for roads, canals, rivers, and harbors, its expenditure to be under the direction and control of the President, and for such improvements as he might deem of national importance, and nothing was appropriated for purposes not for the common defense or general welfare and which did not promote commerce among the States. And it was all along contended that appropriations for even such purposes should be made by separate bills.

President Arthur (Mess., etc., vol. 8, pp. 122–123, 138) ably reviews in his messages of August 1 and December 4, 1882, this character of legislation, giving some of its history.

We have now reached a time when all river and harbor appropriations are made exclusively in omnibus bills.

The true test probably of the constitutional right to appropriate money to improve rivers and harbors or to appropriate money for other internal improvements must rest on that provision of the Constitution granting that—

Congress shall have power to regulate commerce with foreign nations, *among the several States*, and with the Indian tribes. (Art. I, sec. 8, par. 3.)

It has been said that it was a sufficient warrant for internal improvements to invoke that part of clause 1 of the same section of the Constitution which authorizes Congress to "provide for the common defense and general welfare of the United States."

But this is too broad a claim and leads to absolute centralization. Thus construed under pretense of "common defense" or "general welfare," Congress might assume unlimited power in all things. Common defense is an inherent right of every nation as well as of an individual. So as to a State's right to provide for its general welfare. But both rights are functional as to its sovereign existence. In a sense every law that is passed is intended to be for the "common defense" or for the "general welfare," yet it was not intended by the framers of the Constitution to vest in Congress all legislative power and strip States of rights guaranteed to them or reserved to the people by the Constitution and not prohibited by the express provisions of the Constitution. (Art. X.)

Those who maintained that Congress had power to build at the expense of the United States the Cumberland (or National) road put the constitutional right to do so mainly on the interstate-commerce provision. They did not pretend that Congress could build a common road wholly within a State. To attempt to do this even now would nowhere and in no State be tolerated, though it might be for the "general welfare."

If the words "general welfare" were used in the Constitution as intending to mean "general welfare" of the whole United States, then with only here and there the appropriations proposed in the bill would be constitutional.

Of the 346 places sought to be improved by the bill not a large number of them would stand the test.

Thomas Jefferson, when revenues were likely to exceed expenditures, regretting that there was no constitutional right to expend money for internal improvements, especially for the improvement of rivers and harbors and canals, in his annual message to Congress December 2, 1806, recommended that the Constitution be amended so as to give it power to appropriate money for such purposes, using this language:

> I suppose an amendment to the Constitution, by consent of the States, necessary, because the objects now recommended are not among those enumerated in the Constitution, and to which it permits the public moneys to be applied.

He had in 1803 pronounced his own action in acquiring the Louisiana purchase unconstitutional and suggested that the Constitution should be amended to make his action legal.

President Madison, in his annual message of December 5, 1815, made a recommendation for a like amendment of the Constitution and for the same reason—that is, that the Constitution did not grant any right to appropriate money for internal improvements. He was one of the framers of the Constitution.

James Monroe, in his annual message to Congress of December 2, 1817, declared Congress had no Constitutional power to make appropriations for such improvements, and he also recommended that the Constitution be amended so as to give such right. He used this language:

> Taking into view the trust with which I am now honored, it would be improper, after what has passed, that this discussion should be revived with an uncertainty of my opinion respecting the right. Disregarding early impressions, I have bestowed on the subject all the deliberation which its great importance and a just sense of my duty required, and the result is a settled conviction in my mind that Congress do not possess the right. It is not contained in any of the specified powers granted to Congress, nor can I consider it incidental to or a necessary means, viewed on the most liberal scale, for carrying into effect any of the powers which are specifically granted. In communicating this result I can not resist the obligation which I feel to suggest to Congress the propriety of recommending to the States the adoption of an amendment to the Constitution which shall give to Congress the right in question.

And in his annual message, dated December 3, 1822, he referred to his prior veto of a bill which proposed to adopt a system of internal improvements, and concluded by again recommending that an amendment to the Constitution was the only way to give Congress the power to adopt such a system. These are the words he uses:

> Believing that a competent power to adopt and execute a system of internal improvement has not been granted to Congress, but that such a power, confined to great national purposes and with proper limitations, would be productive of eminent advantage to our Union, I have thought it advisable that an amendment of the Constitution to the effect should be recommended to the several States.

President Monroe, in his message vetoing a bill relating to the Cumberland road, again says that only an amendment to the Constitution would vest such power in Congress. He expressed himself as follows:

> I am of opinion that Congress does not possess this power; that the States individually can not grant it, for although they may assent to the appropriation of money within their limits for such purposes they can grant no power of jurisdiction or sovereignty by special compacts with the United States. This power can be granted only by an amendment to the Constitution and in the mode prescribed by it.

President Jackson, in his annual message dated December 1, 1834, suggests that an amendment to the Constitution is necessary to confer power on Congress to make internal improvements national in character. He expressed his views on the subject thus:

> If the people of the United States desire that the Public Treasury shall be resorted to for the means to prosecute such works, they will concur in an amendment of the Constitution prescribing a rule by which the national character of the works is to be tested and by which the greatest practicable equality of benefits may be secured to each member of the Confederacy.

I come now more particularly to vetoes by Presidents.

President Madison vetoed, March 3, 1817, a bill for the improvement of roads, canals, and water courses, on the ground of its unconstitutionality. He there discusses the "*common defense and general welfare*" clause of the Constitution and denies that it gives Congress the right to enact such a bill. He uses the following language in his veto message:

> The legislative powers vested in Congress are specified and enumerated in the eighth section of the first article of the Constitution, and it does not appear that the power proposed to be exercised by the bill is among the enumerated powers or that it falls by any just interpretation within the power to make laws necessary and proper for carrying into execution those or other powers vested by the Constitution in the Government of the United States.
>
> "The power to regulate commerce among the several States" can not include the power to construct roads and canals and to improve the navigation of water courses in order to facilitate, promote, and secure such a commerce without a latitude of construction departing from the ordinary import of the terms strengthened by the known inconveniences which doubtless lead to the grant of this remedial power to Congress.
>
> * * * * * * *
>
> A restriction of the power "to provide for the common defense and general welfare" to cases which are to be provided for by the expenditure of money would still leave within the legislative power of Congress all the great and most important measures of Government, money being the ordinary and necessary means of carrying them into execution.

President Jackson, in a veto message of May 27, 1830, reviewed the whole subject of constitutional power of Congress to appropriate money for internal improvements, and in the same message he pronounced them unconstitutional and declared that Thomas Jefferson had exceeded his constitutional authority in paying $15,000,000 for the Louisiana Territory to Bonaparte. He concluded that no appropriation is constitutional for any class of works which are not "*of a general, not local, national, not State, character.*" He uses language as follows:

> Such grants have always been professedly under the control of the general principle that the works which might be thus aided should be "of a general, not local, national, not State, character." A disregard of this distinction would of necessity lead to the subversion of the Federal system.

He affirms Madison's views of the unconstitutionality of internal improvements not national in character. And he shows that under the "*common defense and general welfare*" clause of the Constitution it would give Congress all power if it was subject to the construction often claimed for it. He denied that the clause granted any right to appropriate money generally for internal improvements. In vetoing the bill in question President Jackson coincided in part, at least, with Madison, and in his veto message quoted the following:

> A bill was passed though both Houses of Congress and presented for his (Madison's) approval, "setting apart and pledging certain funds for constructing roads and canals and improving the navigation of water courses in order to facilitate, promote, and give security to internal commerce among the several States and to render more easy and less expensive the means and provisions for the common defense." Regarding the bill as asserting a power in the Federal Government to construct roads and canals within the limits of the States in which they were made, he objected to its passage on the ground of its unconstitutionality, declaring that the assent of the respective States in the mode provided by the bill could not confer the power in question; that the only cases in which the consent and cession of particular States can extend the power of Congress are those specified and provided for in the Constitution, and superadding to these avowals his opinion that "a restriction of the power 'to provide for the common defense and general welfare' to cases which are to be provided for by the expenditure of money would still leave within the legislative powers of Congress all the great and most important measures of Government, money being the ordinary and necessary means of carrying them into execution."

In a veto message of May 31, 1830, Jackson reaffirms the same views.

Jackson again, in vetoing a bill for the improvement of certain harbors and rivers—December 6, 1832—pronounced it unconstitutional, saying, among other things, that—

> It is obvious that such appropriations involve the sanction of a principle that concedes to the General Government an unlimited power over the subject of internal improvements, and that I could not therefore approve a bill containing them without receding from the positions taken in my veto of the Maysville road bill and afterwards in my annual message of December 6, 1830.

President Jackson, in speaking of a bill to improve the navigation of the Wabash River, declared it unconstitutional, and he further declared that there is little danger of violations of the Constitution affecting personal rights, but that the danger was

great where money and selfish motives may be involved. I quote from his annual message of December 1, 1834:

We are in no danger of violations of the Constitution by which encroachments are made upon the personal rights of the citizen. The sentence of condemnation long since pronounced by the American people upon acts of that character will, I doubt not, continue to prove as salutary in its effects as it is irreversible in its nature. But against the danger of unconstitutional acts which, instead of menacing the vengeance of offended authority, proffer local advantages and bring in their train the patronage of the Government we are, I fear, not safe. To suppose that because our Government has been instituted for the benefit of the people it must therefore have the power to do whatever may seem to conduce to the public good is an error into which honest minds are too apt to fall.

President Tyler, June 11, 1844, vetoed a river and harbor bill, holding it unconstitutional, and also because the improvement of a river or harbor for the benefit of one place might be rank injustice to another or other places. He expressed himself on the subject as follows:

The power to remove obstructions from the water courses of the States is claimed under the granted power "to regulate commerce with foreign nations, *among the several States*, and with the Indian tribes;" but the plain and obvious meaning of this grant is that Congress may adopt rules and regulations prescribing the terms and conditions on which the citizens of the United States may carry on commercial operations with foreign states or kingdoms and one which the citizens or subjects of foreign states and kingdoms may prosecute trade with the United States or any of them. And so the power to regulate commerce *among the several States* no more invests Congress with jurisdiction over the water courses of the States than the first branch of the grant does over water courses of foreign powers, which would be an absurdity.

* * * * * * *

The application of the revenue of this Government, if the power to do so was admitted, to improve the navigation of the rivers by removing obstructions or otherwise would be for the most part productive only of local benefit. The consequences might prove disastrously ruinous to as many of our fellow-citizens as the exercise of such power would benefit. I will take one instance furnished by the present bill—out of no invidious feeling, for such it would be impossible for me to feel, but because of my greater familiarity with locations—in illustration of the above opinion: Twenty thousand dollars are proposed to be appropriated toward improving the harbor of Richmond, in the State of Virginia. Such improvement would furnish advantages to the city of Richmond and add to the value of the property of its citizens, while it might have a most disastrous influence over the wealth and prosperity of Petersburg, which is situated some 25 miles distant on a branch of James River and which now enjoys its fair portion of trade. So, too, the improvement of James River to Richmond and of the Appomattox to Petersburg might, by inviting the trade to those two towns, have the effect of prostrating the town of Norfolk. This, too, might be accomplished by not adding a single vessel to the number now engaged in the trade of the Chesapeake Bay or bringing into the Treasury a dollar of additional revenue. It would produce, most probably, the single effect of concentrating the commerce now profitably enjoyed by three places upon one of them.

President Polk, August 3, 1846, vetoed a river and harbor bill on the ground of its unconstitutionality, saying:

The Constitution has not, in my judgment, conferred upon the Federal Government the power to construct works of internal improvements within the States or to appropriate money from the Treasury for that purpose.

He also vetoed a like bill December 15, 1847, for like reasons.

President Pierce also, on August 4, 1854, vetoed a bill for completing certain public works classed as internal improvements. He also vetoed, May 19, 1856, a bill appropriating money to remove obstructions in the mouth of the Mississippi because unconstitutional. He did not believe that it was constitutional to appropriate money for the improvement of the mouth of the great Mississippi River, but things have changed. Mr. Chairman, I remember a few years ago, when we were considering the question of appropriating money for levees for the Mississippi River, of hearing a distinguished Member of Congress from the State of Mississippi state the reason why it was not advisable any longer to press the question of constitutionality. He said he had been a strict Jackson Democrat, but when he was down in his district along the east bank of the Mississippi River in the time of a flood, when the waters of that great stream had overflowed much of his district and many of his constituents were in the attics of their houses, with their heads out at holes they had constructed, and he delivered a constitutional argument to them attempting to demonstrate that it was unconstitutional to levee the Mississippi River, there was not one of them who would listen to it. [Laughter.]

President Grant vetoed, June 30, 1876, a bill which related to certain improvements of the Fox and Wisconsin rivers in Wisconsin, because it was not shown to be of a public character.

I may observe here that at another time President Grant, when he encountered the matter of approving a river and harbor measure that was tacked onto a general appropriation bill, approved the bill, but notified the Secretary of War to see to it that the money appropriated for the local purposes relating to rivers and harbors should never be expended, and it never was.

President Arthur, August 1, 1882, vetoed a river and harbor bill, principally for the reason that it contained appropriations for purposes not for the "common defense and general welfare and which did not promote commerce among the States." He said:

My principal objection to this bill is that it contains appropriations for purposes not for the common defense and general welfare and which do not promote commerce among the States. These provisions, on the contrary, are entirely for the benefit of the particular localities in which it is proposed to make the improvements. I regard such appropriations of the public money as beyond the powers given by the Constitution to Congress and the President.

I feel the more bound to withhold my signature from the bill because of the peculiar evils which manifestly result from this infraction of the Constitution. Appropriations of this nature, to be devoted purely to local objects, tend to an increase in number and in amount. As the citizens of one State find that money, to raise which they in common with the whole country are taxed, is to be expended for local improvements in another State, they demand similar benefits for themselves, and it is not unnatural that they should seek to indemnify themselves for such use of the public funds by securing appropriations for similar improvements in their own neighborhood. Thus, as the bill becomes more objectionable, it secures more support. This result is invariable and necessarily follows a neglect to observe the constitutional limitations imposed upon the lawmaking power.

President Cleveland vetoed, May 29, 1896, a river and harbor bill largely for the same reasons assigned by President Arthur. He gave construction to the "general-welfare" clause of the Constitution, denying that it gave Congress power to appropriate money to improve rivers and harbors. Among other things he declared:

Many of the objects for which it appropriates money are not related to the public welfare, and many of them are palpably for the benefit of limited localities or in aid of individual interests.

On the face of the bill it appears that not a few of these alleged improvements have been so improvidently planned and prosecuted that after an unwise expenditure of million of dollars new experiments for their accomplishment have been entered upon.

* * * * * * *

I am convinced that the bill now under consideration opens the way to insidious and increasing abuses and is in itself so extravagant as to be especially unsuited to these times of depressed business and resulting disappointment in Government revenue.

* * * * * * *

To the extent that the appropriations contained in this bill are instigated by private interests and promote local or individual projects their allowance can not fail to stimulate paternalism and encourage a sentiment among our people, already too prevalent, that their attachment to our Government may properly rest upon the hope and expectation of direct and especial favors and that the extent to which they are realized may furnish an estimate of the value of governmental care.

Mr. Chairman, he did, it is true, in that message step aside a little from the veto on constitutional grounds.

Now, I have about finished my review and I want to turn back a little. These matters that were discussed ably many years ago have apparently undergone great changes. One of the great controversies over the matter of internal improvement arose in relation to the construction and maintenance of the national roads, and I think I can read with some interest—perhaps some profit—some of the arguments pro and con on the subject of internal improvement, and especially some that relate to rivers and harbors and national roads. I have here a copy of a speech made in 1838 by Thomas Corwin, and as I recollect it this was the final farewell to appropriations in Congress for the National or Cumberland road. There were intellectual giants in those days, and they did not lightly assume powers not plainly granted by the Constitution. If I occupy a minute or two in reading from this speech it will better show you the character of the discussion than if I undertake to state it. A question was pending before Congress as to the right to appropriate further to maintain the Cumberland or National road, and in the course of the discussion, among other things, the great Corwin said:

Yesterday my friend from Kentucky [Mr. Calhoun], with a power of argument and generosity of sentiment equally honorable to his head and heart, spoke in favor of this bill. He adverted to certain objections made by his colleagues [Messrs. Graves and Underwood]. They had opposed the bill as partial in its operation, as giving to the three States through which the road passes a disbursement of money which Kentucky was not permitted to enjoy. He said the disbursements in Indiana would flow into Louisville, in Kentucky, where goods, and even liquors, would be bought, with which the labor on the road would be paid. Upon this another gentleman from South Carolina [Mr. Pickens] takes fire. "This, said he, "shows the demoralizing tendency of the system! This is the motive to vote appropriations, that money be raised to buy whisky for the poor laborer to drink!" Sir, I have no objection to the gentleman's moral lectures, but do not see the necessity of throwing his moral sensibilities into convulsions at the sight of a glass of punch, while he can look with a sanctimonious composure at broken promises and violated national faith.

Mr. Speaker, I have one word to say before I sit down to the gentleman from Kentucky [Mr. Underwood]. He spoke the other day in opposition to this bill. He did not deny that the Cumberland road might be useful; but, as he could obtain no money here to enable his people to build dams and make slackwater navigation on Green River—

Where is Green River to-day?—

he could not help us to make a road on the northern side of the Ohio. And then the gentleman proceeded, in a grave disquisition upon our constitutional powers, to make roads and improve rivers. What says

the Constitution? "Congress shall have power to regulate commerce with foreign nations, *among the several States*, and with the Indian tribes." What is the gentleman's commentary? "You have," says he, "a clear and undoubted right to improve rivers, but not so of roads." And why, Mr. Speaker, why? Do you, sir, remember the reason for this distinction? It was this: "Providence," says the gentleman, "has marked out rivers as the proper channels and avenues of commerce." What a beautiful and exalted piety is here shedding its clear light upon the dark mysteries of constitutional law! And then how logical the conclusion! Thus runs the argument: "Since it is not the will of God that commerce should be carried on on dry land, but only on the water, the powers over commerce given in the Constitution by our pious ancestors must be understood as limited by the Divine commands; and therefore," says he, "you have power to remove sandbars and islands and blow up rocks out of rivers and creeks to make a channel which Providence has begun and left unfinished, but beware," he would say, "how you cut down a tree or remove a rock on the dry land to complete what Providence has begun there. You have no power by law to do this last; besides it is impious; it is not the will of God."

Mr. Speaker, I know of no parallel to this charming philosophy, unless it is found in the sayings of Mause Hedrigg, an elderly Scotch lady who figures in one of Sir Walter Scott's novels. In one of her evangelical moods she rebuked her son Cuddie for using a fan or any work of art to clean his barley. She said it was "an awesome denial o' Providence not to wait his own time, when he would surely send wind to winnow the chaff out of the grain." In the same spirit of enlightened philosophy does the gentleman exhort us in Ohio, Indiana, and Illinois to cease our impious roadmaking and wait the good time of Providence, who will, as he seems to think, surely send a river to run from Cumberland over the Alleghenies, across the Ohio, and so on in its heaven-directed course to St. Louis. Mr. Speaker, the gentleman from Kentucky is not the author of this theory. Our Atlantic brethren, especially of the South, have long held the same doctrine. They have long since discovered that our glorious Constitution was nothing more at last than a fish—made for the water, and which can only live in the water. According to their views, he is a goodly fish, of marvelous proper uses and functions while you keep him in the water; but the moment he touches dry land, lo, he suffocates and dies. The only difference between this school of constitutional lawyers and the gentleman from Kentucky is this: He believes your Constitution is a fish that thrives in all waters, and especially in Green River slack water; whereas his brethren of the South insist that he can only live in salt water. With them the doctrine is, wherever the tide ceases to flow he dies. He can live and thrive in a little tide creek which a thirsty mosquito could drink dry in a hot day, but place him on or under the majestic wave of the Mississippi and in an instant he expires. Mr. Speaker, who can limit the range of science? What hand can stay the march of mind? Heretofore we have studied the science of law to help us in our understanding of the Constitution. Some have brought metaphysical learning to this aid. But now, in the middle of the nineteenth century, these labors are all ended. Ichthyology, sir, is the key to open all the doors that have hitherto barred our approaches to truth. According to this new school of philosophy, if you just teach coming generations the "nature of fish," those great problems in constitutional law that vexed and worried the giant intellects of Hamilton, Madison, and Marshall are at once revealed and made plain to the dullest peasant in the land. Sir, if I appear to trifle with this grave subject, the fault is not mine; it arises from the singular nature and contrarient character of those arguments which I am most unwillingly compelled to combat.

The Cumberland road was completed only to Springfield, Ohio, about 1839. It for a time was controlled by the Federal Government, then passed to the State of Ohio.

I know, Mr. Chairman, my time will not permit me to read further from this great speech delivered in 1838, relating to the matter of appropriations for national roads in this country. In 1839, according to my recollection, the National road was finished from Cumberland to Springfield, Ohio, my home. The line of it was cut out clear through, I believe, to St. Louis. Further appropriations being refused, in time the National Government surrendered its control to the State of Ohio over that part of the road in Ohio. I introduced the last bill into the Congress of the United States, and had it passed through both Houses, finally surrendering all right, power, control, or liability of the United States to the State of Ohio over that part of the Cumberland road, and then after that the State of Ohio surrendered all that right to counties, so that the National road in Ohio has gone back to the county-road system and is now so maintained, without toll.

We have long since ended the business of national road improvements, but river and harbor bills still come up blooming. If Green River, Kentucky, is not remembered in this bill the Kentucky River is remembered, with a direct cash appropriation of $100,000 and an authorization of $450,000 more to build locks and dams, and that sort of thing has been going on for about eighty years.

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

Mr. KEIFER. Yes.

Mr. JAMES. If I understand correctly, you were arguing that Congress has no authority to make improvements on the rivers.

Mr. KEIFER. I did not state it so broadly as that. I said for these local improvements that were purely State.

Mr. JAMES. Now, I understood you to say last week, when you were making a speech on this bill, that your district, so far as appropriations in this bill were concerned, was *de bonis non*.

Mr. KEIFER. You bet. [Laughter.]

Mr. JAMES. Now, if the committee had dealt liberally with your district, would that have thrown any light upon the constitutionality of it?

Mr. KEIFER. Not a particle. And my complaint about brethren here is that their constitutional sense is gathered from the number of dollars found in the bill for the benefit of their particular localities. I am, however, clearly of the opinion that an improvement could be made through my district, such as was recommended by George Washington and Thomas Jefferson, both before and after the Constitution of the United States took effect, and that is to connect by a ship canal on the line of the Miami and Erie Canal, the Ohio with Lake Erie by a channel through which the commerce of the world could flow; and if we build that I will have no constitutional scruples about our power to do it, and I will still not be in favor of purely local river and harbor improvements.

Mr. JAMES. That would elucidate the Constitution.

Mr. KEIFER. Not a bit.

[Here the hammer fell.]

Mr. DAVIDSON. Mr. Chairman, the historical data just given us by the gentleman from Ohio [Mr. KEIFER] is decidedly interesting and instructive, but I would like to say to the gentleman, in all kindness, that while he has been taking a recess from political activity in this House the procession has moved forward; public sentiment has grown until to-day it is generally recognized that the development of the waterways of the country is one of the most commendable projects undertaken by the National Government, and one which adds materially to the commercial development of the country.

Mr. Chairman, I wish to direct the attention of this committee to the pending bill, and to the sins of omission and commission charged against the Rivers and Harbors Committee. If the committee has sinned, it appears that it is in omission rather than in commission. So far as the discussion has given us light upon the bill, but one item has been criticised, and that in a humorous vein, probably for the purpose of putting it upon a parallel with other projects which it is desired to include in the bill and which the committee is charged with the sin of omission for not including. I refer to the Cold Spring Inlet or Cape May project. It is true there is no commerce there at present. It is true there is no national or public harbor at this place. It is only fair to this House, therefore, that a statement concerning this project be made. I was not a member of the subcommittee that considered this, but I will give the facts as I understand them.

A harbor, land locked, safe from every storm, 500 acres in area, has been constructed on the New Jersey coast between the mouth of the Delaware River and Sandy Hook, a coast 123 miles in length, subject to severe storms, and without a harbor of refuge or a place where a boat can seek safety in time of storm.

Mr. MADDEN. Will the gentleman yield?

Mr. DAVIDSON. Yes.

Mr. MADDEN. How far from this place is the nearest harbor of refuge?

Mr. DAVIDSON. The nearest harbor of refuge is at the mouth of the Delaware River, about 17 miles south, to be reached by an entrance which is decidedly dangerous when ice floes are jamming out of the Delaware River. A few years ago seventeen vessels sunk at their anchors and others were torn loose and carried out by the ice and never heard of afterwards.

Mr. MADDEN. The gentleman stated a moment ago that there was no harbor within 123 miles of this place. I wanted to give him an opportunity to correct that statement.

Mr. DAVIDSON. The gentleman from Illinois is absolutely mistaken. I said there was no harbor of refuge on the New Jersey coast from the mouth of the Delaware River to New York, a distance of 123 miles.

Mr. MADDEN. What is the particular harbor that the gentleman just referred to?

Mr. DAVIDSON. I have said that the harbor does not yet exist. If the gentleman will take his seat, he will get some information. This proposed harbor is but a short distance comparatively from the mouth of the Delaware River, but the mouth of the Delaware River and harbor of refuge connected therewith is, as I have stated, one of the most dangerous entrances on the coast at a time of storm and when the ice is going out of the river. Now, this proposed harbor and inner basin has been constructed to a depth of 35 to 40 feet over an area of 500 acres, at a cost of nearly $5,000,000. The only thing the Government is asked to do is to build a channel connecting the outer ocean with the inner harbor.

Mr. MADDEN. How does the recommendation of the expenditure of $1,200,000 in this instance compare with the statement of the chairman of the Committee on Rivers and Harbors to the effect that it was the policy of the committee never to

make a recommendation for an appropriation except where the tonnage was sufficient to warrant the expenditures?

Mr. DAVIDSON. Oh, the chairman of the Committee on Rivers and Harbors never made any such statement. There are appropriations in this bill for projects where there is no commerce, and the gentleman knows, if he knows anything about waterway improvement, that there are many places where the improvement must be made before there can be any commerce. The 45,000,000 tons of commerce that goes through the Soo Canal was absolutely impossible before the canal was built.

Mr. MADDEN. I am very glad to have the gentleman make that admission; very glad.

Mr. DAVIDSON. The gentleman may get what satisfaction he can out of it. The tonnage through the St. Clair River of 55,000,000 tons was not possible until the Government stepped in and deepened the channel.

Now the Cape May project is for the Government to construct a channel half a mile long to connect with the inner harbor. Under the provisions of the bill by which the inner harbor becomes a public harbor, all necessary land for lighthouse purposes, engineers' quarters, and all those things, is to be donated to the Government free of cost. In addition to the large amounts contributed by private parties and by Atlantic City to create this inner harbor, amounting to about three and one-half million dollars, we require them to contribute one hundred thousand more, upon the condition that the Government shall dig a channel to connect the inner harbor with the outside waters, so that boats of the deepest draft can enter in time of storm or can come in for purposes of commerce.

There are two lines of railway expending a large amount of money and creating terminal facilities there. That they will benefit from this I have no doubt.

Mr. MADDEN. Isn't this intended for a summer resort?

Mr. DAVIDSON. Oh, the gentleman knows that Atlantic City is a summer resort.

Mr. MADDEN. Is it not owned by wealthy individuals that have summer homes there?

Mr. DAVIDSON. When the gentleman made his speech he read the advertisement of a realty company and imitated the barker at a side show with admirable ability in describing the inducements that the realty company offered to people who would buy their land. The fact is there isn't an expenditure of money made in the United States upon any harbor or river but what it benefits some railroad or some real estate company, and I do not know but what it is just as laudable for men in the real estate business to advertise as it is for men in any other business. The mere fact that a real estate advertiser saw fit to print something of this kind on the back of a calendar seems to have convinced the gentleman from Illinois that this project was an unworthy one.

Mr. MADDEN. Will not the gentleman from Wisconsin admit to the House that the real estate company who advertises so beautifully owns all the real estate on the harbor for which this House is being asked to appropriate $1,200,000?

Mr. DAVIDSON. I do not know whether it is true or not, nor do I care. The fact is that the harbor will be a public harbor. I believe commerce will be developed there, but in any event this improvement ought to be adopted to make a harbor of refuge on the coast of New Jersey. Since 1879 fifty-six vessels have been wrecked on this coast, with considerable loss of life. This of itself is enough to convince me that the Government can well afford to spend the amount here recommended toward this harbor of refuge. The fact that the project is favorably recommended by the Board of Engineers, by the legislature of New York, the Maritime Association of New York, the Maritime Exchange of Philadelphia, Delaware Bay and River Pilots' Association, and a large number of captains and masters of vessels ought to convince every member of this committee of its worth. So much for the sin of commission.

Mr. MADDEN rose.

The CHAIRMAN. Will the gentleman yield?

Mr. DAVIDSON. I will not yield at this time. I will give the gentleman a chance to ask questions later on.

Now, what are our sins of omission? The first one is the charge that we have failed to make provision for a survey for a 35-foot channel in the Delaware River. We have made liberal provision for the completion of a 30-foot channel in the Delaware River. To obtain a 30-foot channel in the Delaware River from Philadelphia to its mouth requires some 60 or 70 miles of dredging, and to maintain a 30-foot channel dredging to a depth of 32 feet is necessary. There is a tremendous amount of silt carried down the Delaware River. It is only exceeded as a silt-bearing stream by the Missouri. The question of the cost of maintaining a 35-foot channel is a very serious one.

Philadelphia has done more for itself in the improvement of its harbor than any other city in the United States, and this is to its credit. It is a city very nearly 100 miles inland. It is a city of large commerce. But large as its tonnage is, the question arises, Can a city nearly 100 miles inland expect always to be upon the same footing as a city on the coast? We have Boston, New York, and Baltimore—cities on the Atlantic coast—each of tremendous tonnage. Philadelphia wants the same depth of channel. Its tonnage entitles it to the best channel we can give it, but the application of the same principle would carry deep water to Albany, on the Hudson; to Richmond, on the James; to Jacksonville, on the St. Johns River. Therefore it becomes a question for us to seriously consider how far up we can carry deep water to an inland city. But the most serious question is the one which involves the maintenance of a 35-foot channel in this river, and whether it can be done at anything like a reasonable rate. If it can, I want to see them have a 35-foot channel. But no one can determine that fact until we have first obtained a 30-foot channel and then had some experience in maintaining it. Then engineers can tell with some degree of certainty how much it will cost to maintain a channel 5 feet deeper. This, gentlemen, is the reason why we have not thought it was good business policy to undertake to find out now what it would cost to make and maintain a 35-foot channel.

What are the other sins of omission? Practically a sin of omission is charged by the distinguished gentleman from Missouri [Mr. BARTHOLDT] and his colleague because we have cut down the appropriation for that portion of the Mississippi River between the mouth of the Missouri and the mouth of the Ohio. In connection with this a map was exhibited, by which the attempt was made to show that the committee had been partial to other localities as against that portion of the Mississippi River. They told us that the Lake region had $19,473,000 in this bill, and that this was one of the reasons why this portion of the Mississippi had not received what it was entitled to. Gentlemen, I want to say to you in all candor that in the framing of this bill there never has been since I have been on that committee a question of sectionalism or of politics. Neither one of those things has ever entered into the committee room. We undertake to dispose of every project on its merits in comparison with the other projects throughout the country, and recommend to your consideration a bill which does fair and equal justice to all portions of the country.

It is true this bill carries about nineteen and one-half million dollars for the harbors and connecting channels of the Great Lakes, but, gentlemen, that appropriation gives benefit to over 240,000,000 tons of commerce. This is divided among a number of States in which are harbors located on some of the Great Lakes, as follows: New York, 14,377,000 tons; Ohio, 39,950,000 tons; Michigan, 15,577,000 tons; Wisconsin, 15,388,000 tons; Minnesota, including harbor at Superior, Wis., 38,213,000 tons, and Illinois, 20,060,000 tons. It includes 45,000,000 tons of commerce which last year passed through the canal at Sault Ste. Marie, and 55,508,000 tons which passed through the Detroit River during the last season.

Of the nineteen and one-half million dollars referred to, $6,200,000 is for an additional lock at the Soo. This additional improvement is absolutely necessary in order that the tremendous tonnage passing that point may not be delayed through any accident which might happen to the existing lock.

Of the nineteen and one-half million dollars referred to, $6,970,000 is for the construction of an alternative channel in the Detroit River. It is said that during the navigable season of the year a boat passes a given point in the Detroit River every seven and one-half minutes. Think of that tremendous tonnage of 75,000,000 passing through that river, and then realize, if you can, what it means to have a boat sink and block the channel. This has occurred several times. When such an accident happens all navigation must cease, and boats will be at anchor for miles and miles on either side of this obstruction awaiting its removal in order that they may pass on.

It seemed to the committee absolutely necessary that an additional channel be provided so that there may be no possibility of delay to the tonnage which must necessarily pass through that river.

This is why we have put nineteen and one-half million dollars on the Lakes and their connecting channels. It is because the tonnage is there; it is because the business is there that demands this appropriation. We have recommended in this bill $4,000,000 for the Ohio River. We do it because the Ohio River carries a commerce of over 13,000,000 tons. The Mississippi River, between the mouth of the Missouri and St. Paul, has a tonnage of 4,089,000. For this section of the river we have appropriated $2,000,000. For the lower Mississippi, from the mouth of the Ohio down to the Passes, and which has a tonnage of three and a half millions, we have appropriated something

like $9,000,000, I believe. Now, gentlemen, coming to this portion of the river, for which my friend from Missouri so severely criticises the committee, from the mouth of the Ohio to the mouth of the Missouri, the figures show that the tonnage was 7,125,000. The figures also show that of that amount 6,684,000 tons were transferred by ferries. That is commerce which simply crosses the river at the city of St. Louis from one side of the river to the other on a line of ferryboats. That commerce does not need the removal of snags above or sand bars below. It is simply a transfer across the river where there is plenty of water at all seasons of the year. Take that amount out of this tonnage, and I take it out because in no other harbor which I have quoted has that kind of tonnage been included—

Mr. BARTHOLDT. Will my friend permit an interruption here?

Mr. DAVIDSON. Oh, yes.

Mr. BARTHOLDT. When he started his argument, he stated that the result of these improvements is commerce; that the improvement must first be made, and that the commerce will follow in many cases. Well, that is exactly our argument. Our argument is that we can not have the commerce as long as you leave that stretch of the river unimproved, which, in our judgment, is the most important.

Mr. DAVIDSON. Yes. I thank the gentleman, but before answering his question, I want to show the net tonnage for the river from the mouth of the Missouri to the mouth of the Ohio. Subtract the amount transferred by ferries and you have a net tonnage of 440,554 tons. Why, the gentleman from Illinois [Mr. RAINEY] said that he had difficulty in finding how the committee could appropriate money for Raccoon Creek, yet I say to you that the tonnage of that creek, for which we recommend $15,000 in this bill, almost equals the tonnage of the Mississippi River from the mouth of the Missouri to the mouth of the Ohio. [Applause.] Now, the gentleman from Missouri [Mr. BARTHOLDT] interrupts me to say that you have to spend the money first; that you have to improve a river before the tonnage will come. What have we been doing for this particular part of the Mississippi River? What have we spent on this most important stretch of the river? We spent, from 1890 to 1905, $8,819,999.96. On this particular stretch of river we have spent altogether over $12,000,000, and all it has produced is 440,554 tons of commerce. We have spent money enough, if that is what they wanted to get commerce. In 1893, 1894, and 1895 we spent $758,000 a year, and in 1897, 1898, and 1899 we spent $673,000 each year.

Mr. BURTON of Ohio. Will my colleague excuse me for an interruption? I may say that that amount is larger than the total amount spent upon the Rhine River by the Government of Germany, with a commerce of 30,000,000 of tons.

Mr. BARTHOLDT. You spent the money, but did not give us the water. That is the reason we did not have any commerce.

Mr. DAVIDSON. In the hearings held in the hotel at St. Louis two years ago I asked one of the leading board of trade men what was the fact as to the navigability of the stream at that time, as compared with twenty or thirty years ago. He said the navigable stage of the Mississippi River had never been as good as it was at that time. We have been spending this money to improve this stream. They say we have not given them water, but we have given them more water than they ever had before as a continuous navigable channel. The project for that river provides for a 6-foot channel from the mouth of the Missouri to St. Louis, an 8-foot channel from St. Louis to Cairo, and a 10-foot channel from Cairo to New Orleans. The 8-foot channel has been maintained throughout the entire season from St. Louis to Cairo and a 9-foot channel has been maintained during the entire season from Cairo to New Orleans.

Now, with that tremendous appropriation since 1890, or the last sixteen years, of $8,819,000, they ought to produce results, they ought to do business; but what have they done? Let me read to you the commercial statistics of the city of St. Louis, as far as water transportation is concerned. In the year 1899 the tonnage amounted to 669,815; in the year 1900 it amounted to 757,590. In the year 1901 it commenced to go down; 1900 was the high-water mark of the tonnage of the city of St. Louis. In 1901 it was 672,000; in 1902 it was 641,000; in 1903 it was 352,000; in 1904 it was 377,000; and in 1905, 370,000.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DAVIDSON. I will ask for ten minutes' additional time, and I will be as brief as I can.

The CHAIRMAN. The gentleman is recognized for ten minutes.

Mr. BARTHOLDT. Will the gentleman permit an interruption?

Mr. DAVIDSON. I can not permit further interruptions, as my time is limited.

The persistent campaign of misrepresentation and abuse which the leading newspapers of St. Louis have conducted against the Rivers and Harbors Committee, and especially against its chairman, comes with poor grace, when it is known that there has been a continuous falling off in the transportation of commerce to and from the city of St. Louis during the last fifteen years, notwithstanding the fact that during that time nearly $9,000,000 have been expended on that stretch of the Mississippi River. In addition, I am informed that of the leading packet lines engaged in traffic on the Mississippi River not one is owned by capitalists of St. Louis. It is true a few gentlemen residing in St. Louis own stock in some of these packet lines, and it is also true that a few small boats outside of those engaged principally in ferriage are owned in that city.

A few years ago a transportation company was organized at St. Louis, and at one time they had in operation on the Mississippi River 13 towboats and 102 freight barges. This, I think, was in 1889. In that year this company did business to the extent of 549,464 tons of freight. This, however, was its high watermark. Steadily each year thereafter its volume of business decreased. The building of new boats ceased in 1893, and at each opportunity thereafter it sold some of those they had. In 1904 its fleet had been reduced to three towboats and thirty-two barges, and during that year those were sold to the Monongahela River Coal and Coke Company, of Pittsburg, and the St. Louis company went out of business.

Mr. BARTHOLDT. Does the gentleman decline to answer a question?

Mr. DAVIDSON. I can not yield.

Mr. Chairman, I believe I have shown to the committee that this stretch of the river has, during the last few years, had a more permanent channel for navigation purposes than ever before in its history, and yet notwithstanding this and the large amount of money expended, the traffic has steadily decreased, and but little use is made of the river by the great industrial institutions of the city of St. Louis. This of itself is, in my judgment, sufficient reason for the action of the committee in reducing the appropriation for this portion of the river.

There is, however, another very good reason why a larger appropriation should not be made. You are all aware of the project for a deep waterway from Chicago to the Gulf. From Lockport to St. Louis this proposed waterway had been surveyed and an estimate made of its cost of construction. The plan recommended for that portion of it along the Mississippi River from Grafton to St. Louis proposes the construction of a dam near Alton which will create a pool sufficient to form a 14-foot channel a distance of 15½ miles from Grafton to the mouth of the Missouri. From this point to the city of St. Louis, a distance of about 23 miles, it is proposed to construct a lateral canal along the side of the river. The construction of such a canal and the diversion of the traffic through it from the Mississippi River would make it unnecessary to further permanently improve that portion of the river.

The board of engineers to whom this deep-waterway project was referred in its report says:

> From Cairo to New Orleans the present project contemplates a depth of 10 feet, and, while a depth of 9 feet has been practically secured, to maintain it calls for an expenditure of approximately $300,000 per year. So far as known, no estimate for increasing this depth to 14 feet has ever been made, but it is clear to the board that it would involve enormous expenditure and for a portion of the distance at least the construction of a lateral canal.

If, therefore, as a part of the deep-waterway project, a lateral canal is necessary from the mouth of the Missouri to St. Louis, and a lateral canal probably necessary for at least a portion, if not all, the distance from St. Louis to Cairo, why should we at this time provide money for permanently improving that portion of the river when we have already provided in this bill for a survey for an extension of the deep-waterway project from St. Louis to the Gulf, and when we are so strongly assured by the gentlemen interested in that project that this deep waterway is bound to come. The committee must remember that the appropriation recommended for this portion of the Mississippi River is entirely sufficient to maintain the existing channel and to repair the existing permanent revetment work. In view of all these circumstances, I submit that the appropriation recommended for that portion of the Mississippi River between the mouth of the Missouri and the mouth of the Ohio is entirely sufficient, and sound business judgment would not warrant any larger appropriation at this time.

The deep-waterway project from Chicago to St. Louis is another sin of omission charged against the Rivers and Harbors

Committee. For several days we have listened to able addresses on the benefits of waterway improvement generally, and especially of the benefits to accrue from the construction of this particular waterway. No one who has spoken in behalf of this project has informed this committee how many locks would be necessary, how many reaches or pools would be constructed, how much material would have to be removed, what difficulties there are to overcome, and even some have had trouble, in answer to questions propounded, to tell how many miles in length this waterway would be.

This is a great project. As originally conceived it was for a 14-foot waterway from Chicago to St. Louis. As the campaign in its behalf has progressed, it has grown and lengthened until now it is not only a project for a 14-foot waterway from Chicago to St. Louis, but is heralded generally as a deep waterway from the Lakes to the Gulf, and of sufficient depth to float the largest battle ships.

The amendment upon which the committee will be asked to vote not only makes provision for the construction of a 14-foot waterway, but an additional amount of $1,600,000 is included for the purpose of putting the miter sills of the locks down to a depth of 20 feet, indicating that at some future time the promotors of this proposition propose to make it of that depth.

Many reasons have been given why this project should be adopted, but the gentleman from Illinois [Mr. RAINEY] advanced one or two which are unique, to say the least. If I remember correctly, the gentleman urged that this waterway was necessary in order that boats to engage in traffic on the Gulf might be built at the shipyards on the Great Lakes.

Is it not possible to build shipyards on the Gulf coast where such boats may be constructed?

Again, he said that it would afford an opportunity for boats engaged in traffic on the Lakes during the summer to go south and engage in coastwise traffic on the Gulf during the winter.

He evidently is not aware that boats operating on the fresh water of the Lakes are constructed different in many respects from those intended to operate on the salt seas, and it would seem as if it would be necessary for boats operating on the Gulf to remain there continuously if they were to do a successful business.

An additional reason for the construction of this waterway was that it would afford an opportunity to bring battle ships to the Great Lakes to confront any enemy which might bring its battle ships through the Welland Canal and thus endanger our northern frontier. I believe he expresses the opinion that the *Dreadnought*, England's greatest sea fighter, could be lightened sufficiently to come through the Welland Canal, and this 14-foot waterway would enable our largest battle ships to come up from the Gulf. The draft of the *Dreadnought* loaded is 27 feet, and lightened by the removal of everything possible to remove would be 24 feet. Our largest battle ships draw from 25 to 27 feet loaded and from 22 to 24 feet lightened; even the cruisers draw 20 feet before receiving their turrets, guns, ammunition, and coal supply. Hence something better than a 14-foot waterway is necessary, if it is to afford a channel for our Navy. But why do we omit this project? I will tell you.

In the first place, of what value to the commerce of the country is a 14-foot waterway from Chicago to St. Louis unless the same depth is continued to the Gulf? Why should we expend $31,000,000 to construct a channel of this depth to St. Louis and there let it end in a pocket, from which the only escape would be a channel 9 feet in depth? If this waterway is to be of benefit to the commerce of the country, and especially in connection with the completion of the Panama Canal, it must be extended to the Gulf, so that boats loading on the Lakes or at Chicago could at least take their loads to New Orleans for transfer to ocean-going vessels. If a transfer from a bottom drawing 14 feet to one drawing 9 feet is made necessary at St. Louis, then there is no reason why the channel from Chicago to St. Louis should exceed a 9-foot depth.

Had the promoters of this project been willing to accept a proposition to construct an 8 or 9 foot channel to St. Louis and there connect with the present navigable channel in the Mississippi River of the same depth, it is possible we might have met them. Such a channel would be of material benefit not only in actually carrying commerce, but in regulating the freight charges on all commerce originating in or transferred through that section.

We have included in this bill a provision for a survey from St. Louis to the Gulf in order that we may know whether it is practicable to obtain and maintain a 14-foot channel either within the banks of the Mississippi River or by a lateral canal.

We believe we ought to know whether such a channel is possible of construction and of maintenance, and, in addition, what it will cost not only to construct but to maintain it, and then to have some estimate as to the commercial benefits which may reasonably be expected therefrom.

We would justly be entitled to the severest criticism if we placed in this bill any provision for commencing work on any project unless we were able to tell you whether it was possible to complete it, how much it would cost to complete it, and something about the benefits which it is expected will be derived from it. Why, therefore, should we make an exception in this case? Why appropriate money to construct the first link of this deep waterway without knowing whether it is possible to construct the second, without which the first is practically of no value?

The friends of this project, notably the gentleman from Illinois [Mr. MADDEN], and the other gentleman from Illinois [Mr. RODENBERG], and the other gentleman from the same State [Mr. RAINEY], each assert that the drainage canal which has been constructed by the city of Chicago at an expense of nearly $50,000,000 was to form a part of this great waterway, and that it would be donated to the Government of the United States to be used for the purposes of navigation, providing the Des Plaines and Illinois rivers were improved by the General Government. They have offered an amendment making provision for $5,000,000 cash appropriation and $26,000,000 under the continuous-contract system to complete this work, and yet there is not in that amendment any reference to the provision under which this drainage canal is to be donated to the Government. There has been nothing filed so far as I am aware with this Congress, or with the Rivers and Harbors Committee, that would bind either the State of Illinois, or the city of Chicago, or the Sanitary District, to convey free of cost to the Government this drainage canal.

Mr. RAINEY. It is provided in the laws of Illinois; the statute provides it.

Mr. DAVIDSON. What law of Illinois?

Mr. RAINEY. The act of 1889.

Mr. DAVIDSON. I thank the gentleman for this information. We now understand that this canal is to come to the Government, under the provisions of the act of the legislature of the State of Illinois. We have been told that it comes free of cost. Let me read to you section 24 of the act referred to:

> When such channel shall be completed and the water turned therein to the amount of 300,000 cubic feet of water per minute, the same is hereby declared a navigable stream, and whenever the General Government shall improve the Des Plaines and Illinois rivers for navigation to connect with this channel, said General Government shall have full control over the same for navigation purposes, but not to interfere with its control for sanitary or drainage purposes.

You will note that section provides for making the drainage canal a navigable channel, but it reserves to the sanitary district the absolute control for sanitary or drainage purposes.

Section 23 of the same act is as follows:

> If at any time the General Government shall improve the Des Plaines or Illinois rivers, so that the same shall be capable of receiving a flow of 600,000 cubic feet of water per minute, or more, from said channel, *and shall provide for the payment of all damages which any extra flow above 300,000 cubic feet of water per minute from such channel may cause to private property, so as to save harmless the said district from all liability therefrom*, then such sanitary district shall, within one year thereafter, enlarge the entire channel leading into said Des Plaines or Illinois rivers from said district to a sufficient size and capacity to produce and maintain a continuous flow throughout the same of not less than 600,000 cubic feet per minute, with a current of not more than 3 miles per hour, and such channel shall be constructed upon such grade as to be capable of producing a depth of water not less than 18 feet throughout said channel, and shall have a width of not less than 160 feet at the bottom.

Under this act the drainage canal becomes a navigable channel, and may be used as such, providing the Des Plaines and Illinois rivers are improved to an extent capable of receiving a flow of 600,000 cubic feet of water per minute. In order to avail ourselves of the use of this canal we must make the lower extension of sufficient capacity to take care of at least 600,000 cubic feet per minute, and we must save harmless the sanitary district from all liability for damages which any extra flow above 300,000 cubic feet of water per minute may cause.

Now, we have been told by gentlemen representing the sanitary district that it is absolutely necessary for drainage and sanitary purposes that they shall have permission to flow 600,000 cubic feet per minute from Lake Michigan into this canal. They demand the right to increase that to 840,000 cubic feet per minute as the sanitary necessity increases.

In a hearing had before the Rivers and Harbors Committee on the Niagara Falls bill, Mr. Robert R. McCormick, president of the sanitary district of Chicago, said:

> Ten thousand cubic feet per second (which means 600,000 cubic feet per minute) is not enough to preserve the health of Chicago. The drainage canal, which has been built at a cost already of $50,000,000, is the only means by which Chicago can be drained and the drinking water kept clean. It is planned to have an eventual flow of 14,000

cubic feet per second. * * * There are two or three reasons why 14,000 feet is the minimum. One is that we have to reverse the flow of the Chicago River and the Calumet River. It takes about 6,000 cubic feet a second to reverse the Chicago River and it will take 4,000 cubic feet a second to reverse the Calumet River. That makes the 10,000 cubic feet that the committee of engineers has spoken of. To carry off other sewage from different parts of the city and to connect up the sewerage system will take an additional 4,000, making 14,000 feet a second.

Mr. Isham Randolph, chief engineer of the Sanitary District, at the same hearing, said:

The capacity of the Chicago River for flow was 150,000 cubic feet of water per minute. We have been engaged for some years in deepening and widening that river. We are widening it to about 200 feet. We are deepening it to 26 feet. This gives a volume of flow through the river at a limit of a mile and a quarter per hour of 480,000 cubic feet of water per minute. The Thirty-ninth street conduit will discharge into the south branch of the Chicago River 120,000 cubic feet of water per minute. This will give us 600,000 cubic feet of water through our main drainage canal. * * * There is growing up to the south of us within the city limits a district which is going to be very populous. This district is all discharging now into the Calumet River, which flows directly into Lake Michigan. It is necessary for the proper protection of Chicago that the Calumet River should be reversed. We will require for that project 4,000 cubic feet of water per second, making the total of 14,000 cubic feet of water per second for which we ask.

These gentlemen, authorized to speak for the Sanitary District, have told us that 10,000 cubic feet per second or 600,000 cubic feet per minute must flow through the drainage canal as a present necessity, and that with the reversal of the Calumet River 4,000 cubic feet additional will be required, making in all 14,000 cubic feet per second, or 840,000 cubic feet per minute.

When the report of the board of engineers who investigated this project was submitted but 250,000 cubic feet per minute was being discharged. On account of this discharge and as a result thereof 224 lawsuits have been brought against the trustees of the Sanitary District of Chicago for flowage damages, the claims aggregating $4,409,180. If this is a result of discharging 250,000 cubic feet per minute, who can measure the damage to all the property lying in the valley of the Illinois and Des Plaines rivers when 600,000 cubic feet per minute has been turned through the drainage canal, and still more, who can measure the damages which will result from the flow of 840,000 cubic feet per minute, and who will pay these damages? The Government of the United States.

The act of the Illinois legislature which I have quoted says that the Government must hold the sanitary district free from liability for all damage in excess of 300,000 cubic feet per minute. The president and the chief engineer of the sanitary district say that for sanitary purposes alone they must have now 600,000 cubic feet per minute. If that means anything, it means that the moment, by Congressional action, the improvement of the Des Plaines and Illinois rivers is made possible, and the drainage canal becomes a navigable channel, the Government of the United States pays damages caused by the flow which is absolutely necessary for sanitary purposes, and which must be paid for by the sanitary district if the Government does not make that improvement. Is it any wonder, therefore, that we find these gentlemen from Illinois so ardently supporting this proposition, under the terms of which they propose to unload onto the General Government the liability for paying flowage damages, the extent and amount of which is beyond our possible calculation or comprehension, in order that Chicago may be relieved from paying what is absolutely necessary to care for the sewage of the city?

Talk about this canal coming to the Government free of cost—I say to the Members of this House that if you vote the amendment proposed onto this bill, you saddle onto the General Government an expenditure which will run so far into the millions that the original cost of the waterway itself will appear wonderfully insignificant. If 250,000 cubic feet per minute has resulted in the bringing of 224 lawsuits, with damages aggregating nearly $4,500,000, what will 600,000 cubic feet per minute, now claimed to be necessary, and what will 840,000 cubic feet per minute, which it is claimed will be necessary in a few years, bring in the way of lawsuits and claims against the Government? I warn you, gentlemen, not to vote this proposition into law until you have some assurance that the General Government will not be made liable for flowage damages which the city of Chicago ought in all honor to pay.

But there is another, and to me a most important reason, why this project should not be adopted at this time. The 600,000 or 840,000 cubic feet of water per minute which it is proposed to divert through this canal and waterway must come from Lake Michigan. Lakes Michigan and Huron are practically of the same height. The water area of Lake Michigan is 22,400 square miles, and that of Lake Huron 23,200 square miles. The mean surface level of Lake Michigan is 581.35 feet above mean tide at New York, and the level of Lake Huron is 581.04 feet, a difference of only five one-hundredths of a foot between the level of the two lakes. These lakes being practically at the same level they form a pool, the natural outlet of which is the St. Clair and Detroit rivers. The level of these two lakes being above that of Lake Erie, any additional outlet which takes water from this pool must necessarily affect its level and in time also affect the flow through the natural outlet. The possible effect on the level of this pool by a diversion of water through the drainage canal has been the subject of considerable scientific investigation, and many valuable reports have been submitted thereon. That it will affect the level of the Lakes there seems to be no doubt. Those engineers of the United States Army who have investigated this subject, without exception, report that the level of Lakes Michigan and Huron will be affected, and Mr. Randolph, the engineer for the Sanitary District, in answer to a question which I asked him at the hearing, before referred to, said that while he had never done any individual work upon the proposition, he had heard engineers who had stated that the diversion of 10,000 cubic feet per second would lower Lake Michigan 6 inches. In answer to a question, he said:

If you lower the surface of those lakes you would diminish the depth of the rivers which flow out of them, and consequently the volume of flow which passes through that cross section. You diminish the cross section by diminishing the level of the lake.

What he meant by that was that the lowering of Lakes Huron and Michigan would lessen the flow through the St. Clair and Detroit rivers, and thus affect the level of Lake Erie.

On that hearing I asked Mr. Randolph this question:

Mr. DAVIDSON. As a matter of fact, then, the drawing of water through the drainage canal would affect the level of Lake Huron as well as the level of Lake Michigan?

Mr. RANDOLPH. Certainly. These two lakes being practically one pool, they would be affected by it.

Mr. BURGESS. Lake Huron would be lowered 6 inches, too.

Mr. RANDOLPH. Probably.

I quote from that hearing for the purpose of showing that Mr. Randolph corroborates the opinion of the Government engineers in the effect which the diversion through the drainage canal will have on Lakes Michigan and Huron and the rivers which drain those lakes.

Col. W. H. Bixby, of the United States Corps of Engineers, in a paper prepared in connection with the act for the preservation of Niagara Falls, said:

From the point of view of the lake-survey discussion upon this subject, I affirm positively that any continuous permanent diversion of water from Lake Michigan into the Mississippi River basin through the sanitary district drainage canal or other waterways must necessarily effect a permanent lowering of the average water level of Lakes Michigan and Huron if the effect be considered as measured below the levels which would exist in these lakes if no such diversion were allowed. The only question at issue is, therefore, whether such lowering will be appreciable and serious.

From the lake-survey discussion, above referred to, it will be evident that—

One year's steady flowage in cubic feet—		Will equal a volume equivalent to that of—	
Per second.	Per minute.		
4,167	250,000	1.3 inches depth..	Over the entire water surface (45,314 square miles) of Lakes Michigan and Huron combined.
6,000	360,000	1.8 inches depth..	
8,000	480,000	2.4 inches depth..	
10,000	600,000	3.0 inches depth..	
12,000	720,000	3.5 inches depth..	
14,000	840,000	4.1 inches depth..	
20,000	1,200,000	5.9 inches depth..	
30,000	1,800,000	8.9 inches depth..	

It is evident that a long-continued diversion of the above volumes of water must produce serious cumulative effects, not necessarily specially observable in the first few years, but sure and certain in its final effects upon the average level after several years; and the consequent permanent lowering will continue until the time comes when the water surface of the head of St. Clair River (natural outlet of Lakes Michigan and Huron) shall have lowered enough to cause the loss of water flow through St. Clair River to equal the newly developed water flow through the new diversion outlets. Were it not that the volume of outflow of Lake Huron diminishes slightly as the surface level drops, the surface level of combined Lakes Michigan and Huron would be lowered each year by an amount equal to that of the last column of the above table.

As it has been found by reliable observations of the United States lake survey (see 1904 annual report, above quoted) that a fall of 1 foot in Lake Huron level corresponds to a loss of 19,238 cubic feet per second in the flow discharge through St. Clair River, it becomes evident that the final permanent lowering of Lakes Michigan and Huron levels will be a little more than twice as much as the depths given in the above table as corresponding to the actual volume of a single year's flow. The lake survey formulæ lead to actual results approximately as follows:

Flowage of diversion canals and outlets—		Depth of lowering of the surface of Lakes Michigan and Huron at the end of the—				
Per second.	Per minute.	First year.	Third year.	Fifth year.	Final.	
Cu. ft.	*Cu. ft.*	*In.*	*In.*	*In.*	*In.*	*Ft.*
4,167	250,000	1	2	2	3	0.2
6,000	360,000	1	3	3	4	.3
8,000	480,000	2	4	5	5	.4
10,000	600,000	2	5	6	6	.5
12,000	720,000	3	6	7	7	.6
14,000	840,000	3	7	8	9	.7
20,000	1,200,000	5	10	11	13	1.1
30,000	1,800,000	7	14	17	19	1.6
in percentage....		38	76	91	100	

These effects may be one-twentieth more during years of low lake stages or one-seventh less during years of high lake stages.

The effect on Lake Erie will be very closely four-fifths of the above and will in like manner amount to approximately as follows:

Flowage of diversion canals and outlets—		Depth of lowering of the surface of Lake Erie at the end of the—				
Per second.	Per minute.	First year.	Third year.	Fifth year.	Final.	
Cu. ft.	*Cu. ft.*	*In.*	*In.*	*In.*	*In.*	*Ft.*
4,167	250,000	1	1	2	2	0.2
6,000	360,000	1	2	2	3	.3
8,000	480,000	2	3	4	4	.3
10,000	600,000	2	4	5	5	.4
12,000	720,000	3	5	6	6	.5
14,000	840,000	3	6	7	8	.6
20,000	1,200,000	4	8	9	11	.9
30,000	1,800,000	6	12	14	16	1.3

The effects may be one-twentieth more during years of low lake stages or one-seventh less during years of high lake stages.

In another part of the same papers Colonel Bixby said:

In 1879–80 the water level of Lakes Michigan and Huron was at about a medium stage, after which the annual average gradually rose about 0.3 foot on an average each year until 1886, when it reached as high as at any time since 1860, after which it fell about 0.3 foot per year until 1895–96, when it was lower than any prior period, after which it again started upward, its average rise for the past nine years being, however, only 0.12 foot per year, leaving the water level of 1904–5 at a standstill and at an exceedingly low stage, where a downward tendency of level would seriously damage the interests of navigation and lead to great expense to the Federal Government for extensive redredging in all the harbors of Lakes Michigan, Huron, and Erie, and in the adjoining waterways of St. Marys River from Lake Huron upward to the foot of the Soo locks, and in the St. Clair River and Lake, and Detroit River from Lake Huron downward to Lake Erie.

Again the Colonel says:

That 10,000 cubic feet per second (or 600,000 cubic feet per minute) will eventually and permanently lower the levels of Lakes Michigan and Huron by about 0.5 foot and Lake Erie by about 0.4 foot, and 14,000 cubic feet per second, or 840,000 cubic feet per minute, will make these depths 0.7 and 0.6, respectively, which will be quite costly in future results.

Again, he says, after referring to the possibility of other demands being made at Chicago and near-by points for diversion of water from Lake Michigan for sanitary and other purposes:

Consequently any question as to the volume of diversion of Lake Michigan waters into the Mississippi River basin must look forward to demands for a much greater diversion than the 10,000 cubic feet per second now needed by the Sanitary Drainage District, and greater even than the 14,000 cubic feet per second now requested by them for present and future use. In my opinion, the War Department must look forward to a future not unreasonable demand for from 20,000 to 30,000 cubic feet per second for navigation and sanitary purposes.

A diversion of 30,000 cubic feet per second would lower the levels of Lake Michigan and Lake Huron 19 inches, and the level of Lake Erie 16 inches, as appears from the table to which I have referred. It must be apparent, therefore, that these diversions will make absolutely necessary the redredging of the harbors and the connecting channels of Lakes Michigan, Huron, and Erie. This dredging is done by the Federal Government in part and part by the local communities. The burden is a burden which must be borne in part by the General Government and in part by the local communities. The harbors of the east shore of Wisconsin, the State which in part I have the honor to here represent, will be affected by this diversion, and I would be false to the interests of the people of that State if I did not direct attention to the danger for them which lurks in this deep-waterway project, and whether, for the sake of its construction, these cities will at their own expense redredge the harbors, which are of such vital interest to the commerce of those cities, and to the commerce of that State. The only way to avoid extra dredging would be by holding up the water level of these lakes by dams and other controlling works across the Detroit River and the Niagara River. These would be not only expensive, but could not be constructed without international agreement. Whether such an agreement could be obtained I do not know, but if it could, such controlling works would be to some extent an obstruction to the tremendous commerce which annually passes through those channels, and, as such, a tax on that commerce, which the public must pay. The cost, therefore, to the Federal Government of taking on this project and accepting the drainage canal as a navigable waterway will be not only the cost of constructing the deep waterway but of paying the flowage damages to which I have referred, and to redredge the harbors and the connecting channels of the Great Lakes.

For this reason I am opposed to tacking this deep-waterway project onto this bill. I want to know more about the possible effect of this diversion from Lake Michigan on the level of that lake before I vote in favor of this proposition. But in what I have said on this subject I do not want it understood that I am opposed in principle to this deep waterway. I am a firm believer in waterway development and in the improvement of our rivers and harbors. I believe the people generally are substantially benefited every time the Government expends money for the deepening of a harbor or the improvement of a river. I want to see the Ohio River improved so that it will have at least a 9-foot stage from Pittsburg to Cairo. I want to see the Mississippi River improved so that it will have at least a 6-foot stage from Minneapolis to St. Louis. I shall be glad if the appropriation recommended in this bill produces substantial results in the way of navigation on the Missouri River, and at some future time, when we have obtained more information and when we can intelligently understand this great project, I may be ready and willing to support it, but for the present, at least, I am opposed to the amendment offered by the gentleman from Illinois.

In voting on this amendment there is one point to which I desire to direct the attention of the Members of this House. The report of the board of engineers for this deep waterway shows that a 14-foot waterway can be constructed for $30,097,462, but if the miter sills of the locks are put down to a depth of 20 feet it will cost in addition $1,376,000, so that the total cost of the project will be $31,463,000. The amendment offered by the gentleman from Illinois proposes to expend $31,000,000, or practically the full amount necessary to complete the 14-foot waterway, and to put the miter sills to a depth of 20 feet. It is evident from this that the promoters of this project intend at some future time to insist upon a 20-foot waterway, and that means a much greater diversion and a much greater lowering of the levels of the Lakes. It means that larger amounts must be expended by the General Government and by the localities interested in redredging the harbors and the connecting channels of the Great Lakes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BANKHEAD. I will yield to the gentleman five minutes of my time.

Mr. LORIMER. I want to ask the gentleman if he realizes that whether a 14-foot channel is constructed from Joliet to the Mississippi River or not there will still flow through the drainage canal and the Illinois River from 10,000 to 14,000 cubic feet a minute? It matters not whether the water is utilized for the waterway or not, it would still pass through the channel, and the effect on the levels of the Great Lakes would be just the same as if it were used for a waterway.

Mr. DAVIDSON. That is true, in a measure, but the amount of water that the Chicago Sanitary District can take for purposes of sanitation is in the discretion of the Secretary of War, and in considering what amount he shall permit the Sanitary District to use for that purpose he has a right to take into consideration the effect of such diversion on the level of the Lakes and the commerce which may be affected thereby. The moment you make the drainage canal and its lower connections a navigable channel, that moment you take from the Secretary of War the power of discretion, and the diversion, being made for the purposes of navigation, is unlimited, no matter what might be its effect on the Lake harbors.

Mr. LORIMER. Will the gentleman permit one more question? Does the gentleman know that in order to construct a 14-foot channel between Chicago and the Mississippi River, it being practically slack-water navigation all the way, it does not make any difference for purposes of navigation whether we have 4,000 cubic feet a second or 14,000 a second?

Mr. DAVIDSON. Four thousand feet per second might be sufficient to fill the pools, but it would not be sufficient to meet the requirements of the sanitary district, and it is immaterial whether the water be actually used for purposes of navigation or for purposes of sanitation; the fact is that being a navigable channel the waters would be permitted to flow. They

would flow in sufficient quantities to neutralize the sewerage of Chicago, and a quantity sufficient for that purpose will effect the levels of the Lakes.

If Chicago needs 10,000 cubic feet per second for sanitary purposes, and if this amount can be given without serious injury to the commercial interests of the Lakes, I for one would not object, as I consider it of prime importance that the health of that great city be preserved; but as every other municipal corporation takes upon itself the burden of caring for its water and sewage, so let Chicago, and whatever damages come from the flowage necessary to maintain the health of the city be paid by the city, and not attempt to unload it onto the General Government.

In the CONGRESSIONAL RECORD, page 2105, as a part of the address of the gentleman from Illinois [Mr. RAINEY], there appears a map which is intended to show the Great Lakes, the Ohio and Mississippi rivers, and canals constructed and proposed in connection therewith.

I want to call the attention of the committee to what appears on this map as a prospective canal from Cleveland to Pittsburg. This is intended to represent a canal to be built by a corporation authorized by Congress at its last session, and known as the "Lake Erie and Ohio River Ship Canal Company." This map is absolutely wrong, and whoever prepared it must have known that the proposed canal did not touch either Cleveland or Pittsburg. Evidently it was not intended to let such a little matter as the truth stand in the way of laying foundation for an argument. This map was first published by a St. Louis newspaper, and in connection with it the charge was made that the chairman of the Rivers and Harbors Committee had opposed the improvement of the Mississippi River and the deep waterway project because he was interested in the construction of the Lake Erie and Ohio River Canal, and desired to favor that in order to benefit his home city of Cleveland.

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

Mr. SPARKMAN. Mr. Chairman, I will yield the gentleman five minutes of my time.

The CHAIRMAN. The gentleman from Wisconsin is recognized for five minutes more.

Mr. DAVIDSON. The bill to incorporate the Lake Erie and Ohio River Ship Canal Company was not reported from the River and Harbor Committee. It was reported from the Committee of Railways and Canals, of which committee I happen to be chairman.

It is proposed to construct this canal from a point at Lake Erie, near Ashtabula and 54 miles from Cleveland, to a point on the Ohio River at Beaver, about 30 miles from Pittsburg; and I understand that the gentleman from Illinois [Mr. RAINEY], now that his attention has been called to this matter, will have the map corrected in accordance with the facts.

Newspapers, waterway improvement associations, and even some State legislatures have, through misrepresentation and because certain projects were not included in this bill, been induced to impugn the motives of the committee, and especially its chairman, and in some instances they have indulged in extreme personal abuse. Perhaps it may not be out of place for me to say that the Rivers and Harbors Committee, as at present constituted, will not be driven to recommend unworthy projects for fear of personal abuse of its members. There has been something said about the domination of the Rivers and Harbors Committee by its chairman. I want to say that if there is any such domination it is a domination to which the members of the committee do not object. If there is any such domination of the Rivers and Harbors Committee by its distinguished chairman, it is a domination which makes for equity, for justice, and for honest expenditure of the public money. [Applause.] It is the domination of a man that has given years of service in this House to the study of waterway development; a man who has traveled at his own expense through foreign countries and studied the system of waterway development in those countries in order that he might be fully informed and give the benefit of that knowledge to his own country. It is the domination of a gentleman who is never influenced by fear or favor, but insists that every project shall be disposed of on its merits and in the interests of the general public, and who takes his position either for or against it as he believes is right and fair and just. [Applause.] Under his administration the question of appropriating money for waterway improvement has been lifted up to a plane of respectability which it did not occupy when it was characterized as a distribution of "pork" for the benefit of favored Members.

To-day the river and harbor bill commands the respect of the people of the United States. To-day it is known everywhere that appropriations for waterway improvement are not recommended because of the influence of some one Member or a combination of Members; neither is it because of the population of a State or the fact that there may be located in that State a revenue district through which large amounts of money are paid into the Treasury of the United States.

To-day, by reason of the ability, character, and influence of the chairman of the Rivers and Harbors Committee, the people generally believe and know that projects recommended in the river and harbor bill are meritorious, and that the money expended thereon will be expended in the interests of the general public and for the benefit of the commerce of the country. [Great applause.]

In the bill now pending appropriations amounting to about $27,000,000 are recommended for the completion of certain projects. These projects include Boston, New York, Baltimore, the Delaware River, Southwest Pass of the Mississippi River, and the Columbia River. These great projects were taken on in the bill of 1902. In the bill of 1905 appropriations were made to continue the work, but in this bill the appropriations are to complete these projects. In two of the largest items, which affect the Great Lakes, viz, the alternate channel in the Detroit River and the new lock at the Soo, each costing about $6,000,000, the full amount necessary to complete the work is provided for.

Hereafter these great harbors and waterways to which I have just referred will only require a small amount for maintenance. With these out of the way I have faith to believe that the next River and Harbor Committee—no matter how it may be constituted, but I pray heaven that the gentleman from Ohio may still be its chairman [great applause]—will be able to make more liberal appropriation for some of the great projects of the country than we have been able to make in this bill.

I should be glad to see the Ohio River, the upper Mississippi River, and some other of the pending projects receive larger appropriations in order that they might be carried to completion at an earlier date to the benefit of the commerce of the country. It was not possible in this bill, large as it is—and it is the largest by several millions ever reported for this purpose—to include larger appropriations for all of these great projects. We tried to go at it in a businesslike way, and knowing that in many instances no benefit comes from the money expended until the total expenditure is made and the improvement completed, we have provided for the completion of a number of these great projects. That has been the policy of the committee, and, under the guidance of the able and honorable gentleman, the chairman of that committee, we have prepared and reported this bill for your consideration and your action. [Great applause.]

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I believe this is the best river and harbor bill ever reported to this House. [Applause.] There are more worthy projects more liberally cared for and fewer unworthy projects cared for at all than in any of its predecessors, and I believe if I should endanger its passage by directly opposing it or should put it in jeopardy here or elsewhere by supporting amendments that are offered to it, I would be risking as it were upon the hazard of a die the material interests of that particular section of this country which I directly represent. [Applause.]

Mr. Chairman, it is a strange fact that the harshest criticism of this bill both on this floor and in the press of the country comes from the Mississippi Valley. Yet I assert without fear of contradiction that this great valley is treated in this bill with more intelligent generosity than in any bill reported heretofore to this House. When we recall this and the further fact that the cry that has rung through that great empire for the past twelve months for an appropriation of fifty millions annually for rivers and harbors has been answered in this bill by an appropriation of more than eighty-three millions, and when we further reflect that the criticism of the bill comes from those who are fighting under a banner that bears the very ominous motto, "Amend the bill or kill it"—I say, when we recall these facts, it should give us pause before we desert those who have framed the bill and who are fighting on this floor today, as I believe, for its life.

The statement is made that we have abandoned the 14-foot project from the Lakes to the Gulf. I want to deny that. I say in fact, Mr. Chairman, so far from abandoning that project, we have taken the first, and in my opinion necessarily the first, step toward putting that great project on the bill, with a view ultimately to having it provided for with proper appropriations. Gentlemen have grown almost hysterical in their criticism of the bill, because we fail to make provision for that project now. I yield to no man on this floor in my advocacy of this project, and with me it is no new conversion to the faith.

The first time I ran for Congress I advocated the ratification of the treaty of Paris, which gave the Philippine Islands to us—or perhaps I should, in the light of later events, say which gave us to the Philippine Islands. [Laughter.] I favored that then, and I might add, Mr. Chairman, that I was younger then than I am now.

Mr. SIMS. Bryan did also; so you had good company.

Mr. HUMPHREYS of Mississippi. I believed that the retention of those islands would make an isthmian canal a necessity, a military necessity, if you please, and I never doubted that the people of this country would indulge the luxury of a military necessity whenever the opportunity presented. According to the figures compiled by Edward Atkinson at that time, as I now recall them—I have not examined them since—there were some 600,000,000 people who could be reached by the Pacific Ocean whose annual purchases from us amounted to less than 10 cents each. I prophesied then that whenever that canal was constructed the people along the Great Lakes would begin to clamor for this project to connect the Lakes with the Gulf, and that the Mississippi River would then find friends it had never known before. When I saw the great convention at St. Louis last fall I had the supreme satisfaction of saying, "I told you so." The improvement of the Mississippi River is now and has for twenty years been the subject of paramount importance in the district I represent. It borders my district for more than 300 miles, and sometimes, unfortunately, instead of running by it it runs over it.

It would cost me my seat in this House if my people believed I had abandoned this great river or its best interests. I am in favor, heartily in favor, of a 14-foot channel from Chicago to New Orleans; but I can not vote for an amendment to put a part of that channel onto this bill as a separate project. If we are ever to have a liberal policy in this country for river and harbor appropriations, it will be when we are backed by an intelligent public sentiment. Can we ever hope to attain that if we adopt a precedent such as the one proposed in this amendment? We must first have this project examined by men competent to make the examination, men learned in their profession, men skilled in the science of engineering, men who will examine and report to us, first, whether it can be done; second, how it should be done, if it can be done at all; third, what it will cost to do it, and fourth, what it will cost to maintain the channel after it is obtained. There is not a man on the face of this earth to-day who can answer one of these questions. Now, can we, in the face of that fact, Mr. Chairman, put upon this bill a proposition that carries with it no man knows how much without an investigation by the engineers? Can we successfully appeal to the judgment of the people for indorsement if we adopt such a precedent? I believe that the project is feasible, and I have no doubt that it can be had and maintained well within the limits of cost that its great importance justifies; but I do not know that fact, and no other man does. So far from abandoning that project, we have provided in this bill for a most thorough and comprehensive survey. It provides that from St. Louis to New Orleans the river shall be surveyed by a board of engineers who are the equal of any engineers on the face of the earth. That board shall be composed of five men, three out of the five to be taken from the Mississippi River Commission. That being true, can any man say that the survey will not be made by its friends? Mr. Chairman, when we, after the adjournment of the National Rivers and Harbors Congress last December, all went over to the White House and joined with the President in singing the battle cry of this Lakes-to-the-Gulf scheme, the refrain was not 14 feet from Chicago to St. Louis, it was not 14 feet into the valley, but it was 14 feet through the valley. No speech that has been made upon this floor in advocacy of the amendment has failed to predicate the claims of this project upon the advantages that would flow to the country from a 14-foot channel from Chicago to the Gulf.

No man has advocated, no man has advanced the proposition or the argument, that it would be advantageous to this country to construct a canal simply from Chicago to St. Louis, and so we provide that the engineers, when they make this survey from St. Louis to New Orleans to ascertain the cost of securing 14 feet in that reach of the river, shall, in making up their judgment as to its advisability, always keep in mind its relation to and connection with the section from Chicago to St. Louis, and so pass judgment on the project as a whole, or, in other words, as a Lakes-to-the-Gulf project. For that reason, Mr. Chairman, we have failed to adopt as a separate proposition the Chicago-St. Louis section, and I hope when the amendment which has that end in view is proposed it will be voted down. This board will report before the next river and harbor bill is made up, and we will then be ready to take up this proposition with the information at hand necessary to a proper and intelligent understanding of the whole subject. This occurs to me to be the only justifiable, the only defensible, position to take. We have the data for the section from St. Louis to Chicago, although they come to us with an adverse report from the engineers. This is not an insurmountable obstacle. I can understand how the engineers might well report against either or both sections of the project when called upon to consider them separately, when the same board could with perfect consistency recommend favorably both sections and provide for a 14-foot channel all the way through the valley when considered as one project.

We on this side of the Chamber hear it stated frequently at home—all of us are familiar with the statement—that the South does not get its proportion of river and harbor appropriations. I want to call the attention of gentlemen to some items which go into this bill for the Southern States, and I say, Mr. Chairman, that the South is more generously treated in this bill than in any of its predecessors. Maryland gets $2,362,510. Virginia gets $1,667,154, and we hear the criticism offered, too, that the coast from Delaware to Florida is unrepresented on this committee, and therefore those States are not getting their just proportion of these appropriations. I would like to call the attention of gentlemen who indulge in that criticism to these figures: Virginia gets $1,667,154; North Carolina, $535,563; South Carolina, $320,290; Georgia, $1,944,650; Florida, $1,368,610; Alabama, $3,000,063; Mississippi, $670,500; Louisiana, $882,792; Texas, $3,699,829; Arkansas, $611,280; Tennessee, $1,440,595, and you will note I do not include in this list among the Southern States either West Virginia or Missouri.

Mr. SIMS. What does Kentucky get?

Mr. HUMPHREYS of Mississippi. Kentucky gets $834,000. The Mississippi River south of Cairo, from Cairo to the mouth, gets an appropriation of $9,190,000; at the Passes, $2,600,000; so that the Southern States in this bill get an aggregate of $30,504,763, more, Mr. Chairman, than they ever got in any bill heretofore passed. I say, gentlemen, it would be a calamity to that particular section of the country if this bill should fail.

Mr. ELLIS. Mr. Chairman, will the gentleman permit an interruption?

Mr. HUMPHREYS of Mississippi. Certainly.

Mr. ELLIS. I do not want to disturb the order of his discourse——

The CHAIRMAN. Does the gentleman yield?

Mr. HUMPHREYS of Mississippi. With pleasure.

Mr. ELLIS. Before you get further from your proposition that the Mississippi Valley has been generously treated in this bill, I want to make the observation, for I believe you will indorse it, that that great area over which St. Louis—that splendid commercial metropolis, now the storm center of opposition to this bill—dominates has been more liberally and more generously treated in this bill than in any other previous bill ever reported to this House.

Mr. HUMPHREYS of Mississippi. That is the absolute fact. The rivers leading to St. Louis have in this bill appropriations amounting to more than $20,000,000, and so far as the Mississippi Valley is concerned, it gets a third of the appropriation carried by the bill for the whole country. It is a serious matter, Mr. Chairman, for this House to undertake to put on this bill by amendment one or more projects which may endanger its final passage. This country, in my opinion, is fully alive to the necessity for liberal appropriations for our rivers and harbors. The people have been awakened as never before to the tremendous influence which our waterways have upon the regulation of railroad rates. The question of transportation is a serious one and one that demands immediate attention. The productive capacity of our people, the industrial development, the growth in material products have been phenomenal, and the railroads of this country are utterly unable to handle the traffic. The people are looking to this bill as the longest step forward that has ever been taken by the National Government toward enabling them to make use of our national waterways in the solution of this tremendous problem of transportation which now confronts us, and I repeat that we are playing with fire, we are tempting fate, if we join forces in this House with those who are attempting to so amend this bill as possibly to prevent its enactment into law. Remember that this House can not write this bill upon the statute books. It must find sanction elsewhere before it becomes the law. Let me ask gentlemen on this side of the Chamber if they feel warranted in taking any chances in view of the provisions I have just mentioned?

This is a commercial age, Mr. Chairman. The spirit of commercialism has taken possession of the country. We may la-

ment this fact, we may denounce it, we may condemn it, but we can not deny it. The Southern States have entered the race, and they are producing more, they are selling more, they are buying more than ever before in the history of the country. If we are to compete with the balance of the world with the products of our people, we must not go into the markets of the world handicapped or hampered by unjust or extortionate transportation charges. We are the busiest people in the world. Three years ago—I have not been able to get the figures for a later date—the aggregated international commerce of the world was $22,000,000,000 in value. That same year the inland traffic of the United States amounted to the same tremendous figures. Think of that! The inland trade of the United States equaled in value the aggregate international commerce of the world! Now, what are we going to do about that, Mr. Chairman? The railroads of this country can not haul the products of the people to the seacoast. In our productive capacity we have outstripped the carrying capacity of the railroads, and unless we so improve the waterways of the country that the farmers, the men who produce the products which make up our foreign exports and turn the balance of trade in our favor, can get their products to the seacoast at a minimum of cost we have handicapped them.

In this connection let me quote from a statement made to our committee three years ago by Mr. J. J. Hill:

> Ten years ago the cars in the United States—the average car—moved in twenty-four hours about 32 miles. These are all official figures made to Congress. Last year the average car moved less than 20 miles in twenty-four hours. A freight train moves 10 miles an hour, and you can only move your cars two hours out of every twenty-four, or a distance of 20 miles. It is a dreadful tax to say that your facilities shall only be used two hours out of twenty-four, because they run day and night.

Again he says:

> Within three weeks mills in Minneapolis have had to close down because they could not get their flour moved East, shipping flour to the cities in Europe, and each ship giving them thirty days within which to get their flour from Minneapolis to New York alongside the ship. And there is not a railroad that would give them a contract or a bill of lading to do it. The baker has had to order two cars of flour instead of one, thinking he would get a better chance of getting what he wanted by ordering twice as much as he needed. That is the situation to-day, and it is a situation that can not be remedied in a short time.

My friend the gentleman from Massachusetts [Mr. LAWRENCE] in his speech the other day showed how the improvement of the harbor at Boston lowered the ocean freight on grain 5 cents a bushel. It is true of other harbors on the coast. Think what that means to the man who produces that grain, though he live a thousand miles inland from that harbor! There is another fact, Mr. Chairman, that those most interested in our harbors sometimes overlook, and that is that the farmers of this country who produce the products that are to be exported do not live on the banks of these harbors. They must have the waterways improved so that they can use them, and it matters not, Mr. Chairman, whether the products are floated on the bosom of the rivers or not, so that the rivers are there and capable of bearing commerce.

It is a fact that can not be too often repeated that it is not the actual tonnage borne on any river which measures its value to the people, but it is the capacity of the river to bear tonnage. Mr. Pillsbury, the great flour man, in a statement before the Senate committee in 1897, made some very interesting observations on this subject, which I take the liberty of reading:

> We consider the presence of the Mississippi River and the fact that it is kept in a navigable condition the great regulator of railroad rates; that the benefits should not be measured by the tonnage as much as by the possibility of sending the freight by water.

And again:

> The amount of flour shipped out of Minneapolis is something enormous—13,000,000 barrels. A great deal of this would go by the Mississippi River unless the railroads maintained the cheapest rate known in this country almost.
>
> Mr. NELSON. And the Mississippi being there keeps the rates down?
>
> Mr. PILLSBURY. The fact of the Mississippi being there prevents them from making any combination to maintain excessive rates. * * * The necessity is not so much the amount carried by the steamers as the amount that can be carried.

I say it is immaterial whether the tonnage is actually floated on the river or not. Now, to illustrate: It is the same distance from St. Louis to three Mississippi towns—Greenville, Greenwood, and Winona. Greenville is on the Mississippi River, and the rail rate from St. Louis on first-class freight is 90 cents per hundred pounds; to Greenwood, on the Yazoo River, it is 96 cents, and to Winona, which is an inland town with no river competition, the rate is $1.14. Whether the merchants of Greenwood get their freight over the Yazoo River or by rail the river is nevertheless performing its function as a freight regulator. Perhaps a more glaring illustration of the effect of river competition on railroad rates is shown in the differential in favor of the little towns of Friars Point and Rosedale, on the Mississippi River, as against their neighbors of Clarksdale and Cleveland, which are a few miles inland.

From—	To Memphis.			To New Orleans.			To St. Louis.	
	Distance.	Cotton per bale.	First-class merchandise per 100 pounds.	Distance.	Cotton per bale.	First-class merchandise per 100 pounds.	Distance.	First-class merchandise per 100 pounds.
	Miles.			*Miles.*			*Miles.*	
Clarksdale	76.7	$1.25	$0.56	378.9	$2.25	$0.72	390.1	$1.21
Friars Point	70.1	1.00	.45	385.5	1.00	.45	383.5	.90
Cleveland	113.6	2.00	.62	342.0	.....	.....	.....	.....
Rosedale	114.0	1.25	.45	341.6	.....	.....	.....	.....

I am sorry that the gentleman from Missouri [Mr. BARTHOLDT] is not here. He indulged in a very unjust criticism of the Committee on Rivers and Harbors the other day, and I had hoped he would be present when I replied to it. He said, Mr. Chairman, that we were frittering away the people's money in this bill on rivulets and creeks with a keen eye, not for the business of rivers, but to the business of distributing the appropriations so as to get votes for this bill. That, Mr. Chairman, is not an unfamiliar criticism, but it is a criticism that never proceeds from any except those who are unfamiliar with the facts. But, Mr. Chairman, it is not the fault of this committee and it should not be the misfortune of our streams that prominent gentlemen are ignorant of the geography of their country. The greatest agency for the promotion of river and harbor interests that has ever been organized in this country is the National River and Harbor Congress, so ably directed by my distinguished friend from Louisiana [Mr. RANSDELL]. [Applause.] Mr. Chairman, the most serious obstacle that this great organization has to combat is the opinion prevalent among the people that we are frittering away their money on rivulets and creeks, and the gentleman from Missouri [Mr. BARTHOLDT] and some of the newspapers of his city, and others similarly uninformed, are doing more by the assaults they have made on this bill and by their reckless, inaccurate, and indiscriminate statements to thwart the best interests of river and harbor improvement than all other agencies combined. Because gentlemen have never heard of the Withlacoochee they think the bill ought to be condemned because that stream is carried on it for appropriation. And yet the Withlacoochee River last year bore 250,000 tons of commerce.

Mr. SPARKMAN. Did the gentleman mention the Withlacoochee? I was not present when he concluded his remarks.

Mr. HUMPHREYS of Mississippi. The reason I referred to it is this: In 1902 the Withlacoochee, the Big Sunflower, and a number of other streams were attacked because they were insignificant; that is, because at that time they bore tonnage of less than a hundred thousand, yet to-day both of these streams have passed far beyond the one hundred thousand mark. I wanted the gentleman, and, in his absence, I want any other gentlemen here who criticised this bill for that same reason, to point out the streams that are unworthy and tell us any that ought to be taken out.

I say that they can not point them out, and if they can not substantiate the criticism that we are frittering away the people's money on unworthy rivulets and creeks it is due to themselves and it is due to this House and it is due to the river and harbor interests of this country that they should retract the statement. The Towne and Weymouth were criticised in 1902. They had less than a hundred thousand tons. Last year they bore a tonnage of 328,000. The Austrian Government has spent a hundred million dollars on its rivers in the past sixty years. The principal one of those rivers is the Danube. Last year the Danube bore a tonnage of a little over 2,000,000. This bill carries an appropriation of $20,000 for Newtown Creek, at the sight of which our critics frequently throw a fit. Newtown Creek, however, bore a tonnage last year of 2,675,000, more, in fact, than the blue Danube. There breathes no man with soul so dead who would complain of the money we spend way down on the Suwanee River. That river last year bore a tonnage of 7,600 tons. But that same critic objects most strenuously when he observes the fact that we appropriate for Cooper Creek. Cooper Creek, in spite of its name, however, bore a tonnage in that same year of 414,000. I have made a list of streams that in 1902 bore less than 100,000 tons and which were criticised then as unworthy.

I call the attention of all gentlemen inclined to criticise this bill for carrying insignificant streams to this list of so-called "insignificant streams" which were criticised five years ago as

unworthy of any appropriation, and ask them to compare the tonnage then and the tonnage now.

	1902.	1906.
	Tons.	*Tons.*
Bogaduc	86,000	118,650
Pawcatuck	57,530	167,688
Alloway Creek	60,725	60,150
Appoquinomink	27,415	31,700
Little Pedee	23,780	87,985
Coosa, Oostanaula, and Coosawattee	33,776	82,720
Bayou Vermilion and Mermentau	42,754	70,505
St. Francis	55,510	137,319
Redwood Creek	16,351	47,677
Coquille River	30,727	45,455
Cowlitz and Lewis	29,917	73,200
Okonogan and Pend Oreille	3,654	55,917
Leaf	92,481	211,550
Big Sunflower	32,443	188,792

Now, Mr. Chairman, I see my time has about expired. I want to close, as I began, with the declaration that this is the best river and harbor bill ever reported to this House. It is the result of the patient, painstaking, and most discriminating labor of this committee. We have the best interests of the waterways of his country at heart, and we are caring for them intelligently and as generously as the funds at our command will permit. We can not put everybody's project in the bill, and the day will never come when we can adopt a policy so liberal as to make possible that consummation so devoutly to be wished, until there is an end to such assaults on the bill as we have heard here in the last few days, and until prominent men and influential journals cease ill-advised criticism and speak with knowledge. [Loud applause.]

Mr. CANDLER. Will my distinguished colleague yield to me before he takes his seat?

Mr. HUMPHREYS of Mississippi. With great pleasure.

Mr. CANDLER. I agree with you that the country is demanding greater appropriations for rivers and harbors, and I believe that those appropriations ought to be made. The greatest criticism of this bill is that it failed to make a large enough appropriation to include the Tombigbee. I have gotten letters from all over the United States expressing an interest in the improvement of the Tombigbee. I hold in my hand now a letter from a gentleman in New York, and the writer says, "I am for the Tombigbee; send me a copy of your speech." [Great laughter and applause.]

Mr. HUMPHREYS of Mississippi. It showed him to be a man of discriminating judgment.

Mr. CANDLER. If at the proper time you will include the Tombigbee, together with other projects that the distinguished chairman and the members of your committee may include in the bill, your bill will be perfect and the country will applaud your patriotism and good judgment. [Applause.]

Mr. HUMPHREYS of Mississippi. I heartily agree with that, and I will say to the gentleman that all of us here who are familiar with the facts are agreed that, although that great river was left off the bill this time, it was certainly not his fault, and as we lay him to rest, as it were, to-day with the project of his heart's desire, it is in the full hope of an early resurrection, and by unanimous consent we will vote him the cowboy's epitaph:

He done his damnedest;
Angels could do no more.

[Laughter.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CAPRON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendment bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 8080. An act for the relief of S. Kate Fisher.

The message also announced that the Senate had passed the following resolutions; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 46.

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return the bill (S. 1160) entitled "An act to correct the military record of John McKinnon, alias John Mack."

Senate concurrent resolution 6.

Resolved by the Senate (the House of Representatives concurring), That the concurrent resolutions passed February 9, 1901, and May 10, 1902, providing for the publication of the Documentary History of the Constitution and the Bulletins of the Bureau of Rolls and Library of the Department of State are hereby continued in force and excepted from the limitation of one year, as provided in section 80 of the act of January 12, 1895, for the public printing and binding and the distribution of public documents.

The message also announced that the Vice-President had appointed Mr. PETTUS and Mr. GALLINGER members of the joint committee on the part of the Senate, as provided for in the act of February 16, 1889, entitled "An act to authorize and provide for the disposition of useless papers in the Executive Departments," for the disposition of useless papers in the Treasury Department.

RIVER AND HARBOR APPROPRIATION BILL.

The committee resumed its session.

Mr. BUTLER of Tennessee. Mr. Chairman, early in the first session of the present Congress, realizing the great necessity of water transportation and the consequent reduction of freight rates to the people whom I have the honor to represent, I introduced the following bills, which have been duly considered by the Committee on Rivers and Harbors in the bill and report now under consideration by this committee, which I ask may be read and copied into the RECORD:

The Clerk read as follows:

A bill (H. R. 9750) appropriating the sum of $50,000 for locking and damming and otherwise improving Richland River, between Dayton, Tenn., and where it empties into the Tennessee River.

Be it enacted, etc., That there be, and is hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $50,000, for the purpose of building a lock and dam across Richland River at or near its mouth, and for the purpose of cleaning out, straightening, dredging, and otherwise improving the channels of the same from Dayton, Tenn., to where it empties into the Tennessee River.

SEC. 2. That such money shall be expended and said improvements made under the direction and supervision of the Secretary of War or his duly authorized representatives.

SEC. 3. That this act shall be of full force and effect on and after its passage.

A bill (H. R. 9751) for the improvement of Cumberland River, in the State of Tennessee, above Nashville, Tenn.

Be it enacted, etc., That the sum of $500,000 be, and is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to be immediately available, and to be expended by the Secretary of War for the maintenance and completion of locks and dams on the Cumberland River, in the State of Tennessee, above Nashville, Tenn.

[Fifty-ninth Congress, first session. House of Representatives. Document No. 699.]

CUMBERLAND RIVER, TENNESSEE AND KENTUCKY—LETTER FROM THE SECRETARY OF WAR, TRANSMITTING, WITH A LETTER FROM THE CHIEF OF ENGINEERS, REPORT ON PROJECT FOR IMPROVEMENT OF CUMBERLAND RIVER.

WAR DEPARTMENT,
Washington, April 14, 1906.

SIR: I have the honor to transmit herewith a letter from the Chief of Engineers, U. S. Army, of yesterday's date, together with copy of a report made by the Board of Engineers for Rivers and Harbors, on the project for the improvement of Cumberland River, Tennessee and Kentucky.

Very respectfully,
WM. H. TAFT,
Secretary of War.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, April 13, 1906.

SIR: In compliance with your instructions I have the honor to send herewith for transmission to Congress report of February 26, 1906, by the Board of Engineers for Rivers and Harbors, on project for improvement of Cumberland River, Tennessee and Kentucky, said report having been called for by resolution of the Committee on Rivers and Harbors of the House of Representatives. A copy of this report was furnished the Committee on Rivers and Harbors under date of March 3, 1906.

Very respectfully,
A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

Hon. WM. H. TAFT,
Secretary of War.

REPORT ON PROJECT FOR IMPROVEMENT OF CUMBERLAND RIVER, TENNESSEE AND KENTUCKY.

THE BOARD OF ENGINEERS FOR RIVERS AND HARBORS,
Washington, D. C., February 26, 1906.

GENERAL: The Board of Engineers for Rivers and Harbors has the honor to submit the following report on the project for improving the Cumberland River, which was referred to it by indorsement of July 17, 1905, on a resolution adopted by the Committee on Rivers and Harbors of the House of Representatives at the last session of Congress, requiring among other subjects a report on "Cumberland River, Tennessee and Kentucky, with a view to ascertaining whether improvements should at present be undertaken in addition to those for which appropriations have already been made." In connection with its investigations on this subject, the Board held a duly advertised public hearing on February 2, 1906, at Nashville, Tenn., at which all those who desired were given an opportunity to present their views.

At the request of the Board the district officer has furnished information relative to the existing condition of the Cumberland River, the cost of completing the works proposed under the present project, the commerce involved, and the resources of the Cumberland Valley, including a valuable report on the resources of the Cumberland River Basin prepared by the Cumberland River Commission and Nashville Chamber of Commerce.

Work for the improvement of the Cumberland River has been done under two projects, one for the portion of river below Nashville and one for that above. These projects provide for the canalization of the river so as to secure a minimum depth of 6 feet from the Rockcastle

River, 32 miles above Burnside, Ky., to the Ohio River, a distance of 550 miles. This is to be accomplished mainly by an extensive system of locks and dams of which there are to be seven in the project below Nashville (193 miles from the mouth), twenty-two in the project between Nashville and Burnside (518 miles from the mouth), and six above Burnside.

The estimated cost of the work was $10,464,500, of which $1,964,500 was required below Nashville. Appropriations have been made under these projects amounting to $2,459,000, of which there had been expended to September 30, 1905, $1,820,035.42 above Nashville and $509,694.29 below. With these funds there had been constructed Lock and Dam A of the series below Nashville, Lock and Dam 1 of the series above Nashville, the masonry of the lock walls and abutments of Dams Nos. 2, 3, 4, 5, 6, and 7, and sites have been acquired for Nos. 21 and 22 and for abutment of No. 8. There is now under construction, to be completed with the funds available, Dam No. 2 and Lock and Dam No. 21. The river and harbor act of March 3, 1905, authorized the Cumberland River Improvement Company to improve the river above Burnside and to use the water power resulting from the construction of the locks and dams.

Assuming that the section above Burnside will be improved by private capital, the district engineer estimates, in addition to the amount already appropriated, that there will be required to complete the work $7,150,000, which is divided as follows:

Below Nashville:	
Building 6 locks and dams, B to G, inclusive	$2,400,000
Above Nashville:	
Completion of locks and building of dams at Nos. 3, 4, 5, 6, and 7	550,000
Building 14 locks and dams, Nos. 8 to 20, inclusive, and No. 22	4,200,000

The work already provided for will put four locks and dams in operation, and their annual cost of maintenance is estimated at $20,000. The annual cost of maintenance of the entire system of locks and dams from Burnside to the Ohio is estimated at $116,000, and the annual cost of maintenance of the open river $10,000.

The commerce of the river for the calendar year 1904, as derived from the statements of parties engaged therein, is 517,483 tons, valued at $8,898,965. It is estimated by the district officer that if the project were completed this commerce would increase to 1,000,000 tons. This, however, would be but a small part of the freight movement that would be affected by the improvement. According to the census of 1900, in the twenty-one counties of Tennessee and Kentucky which abut on the river below Burnside, and which will be directly affected by its improvement, there was a population of 440,146, an area of 8,775 square miles, with farms covering 4,479,738 acres, of which 2,361,865 acres were improved. The total value of the farm property and products for 1899 was $91,822,014, of which $13,575,217 represented live stock and $17,263,237 products not fed to live stock. The capital invested in manufacturing amounted to $19,080,940, and the value of the manufactured products was $28,529,013.

The value of the forest products was $1,094,796, and the value of the coal output in 1904, $248,278. The basin is also rich in other mineral resources, such as iron ore, petroleum, and fluorspar. The only outlet for most of these products is by railroads, which charge rates considered by the inhabitants exorbitant, and which they believe will be largely reduced by the competition resulting from the construction of a navigable waterway.

The Board has investigated the published freight rates of the railroads in the Valley of the Cumberland, and is of the opinion that with an improved river these expectations would be realized to a great extent. Even in its present condition the river is a powerful regulator of freight rates between Nashville and points on the Ohio and Mississippi rivers. The published rates for many items of freight which would naturally seek a water route are the same from Nashville to Louisville, a distance of 185 miles, as they are inland a distance of 28 miles, and other inequalities are found to exist between towns situated on the river and those less favorably located.

The distance by water from Nashville to St. Louis does not differ materially from that between Memphis and St. Louis, and is but 11 miles farther by rail. The distance by river from Nashville to Ohio River points is nearly 100 miles less than from Memphis, and by rail from 150 to 200 miles, yet the published rail freight rates on many items are less from Memphis to these points than from Nashville, in some items from St. Louis amounting to nearly 50 per cent. The further improvement of the Cumberland River from its mouth to Nashville should tend to equalize the Memphis and Nashville rates. In addition to a large river commerce which would follow the improvement of the river, the indirect benefits which would result therefrom would, in the opinion of the Board, justify a large expenditure for the purpose.

The Cumberland River basin in 1903 produced 5,526,139 tons of coal, valued at $6,095,862, and one of the principal arguments advanced for the improvement proposed is to afford this coal an outlet by river. Of the twenty-four counties of Tennessee and Kentucky within the Cumberland basin in which coal is found, only three—Clinton, Wayne, and Pulaski, in Kentucky—abut on the river below Burnside. Their output of coal in 1903 was only 196,287 tons. The coal produced in the other counties will have to be shipped to the river by rail and in many cases for long distances. The Board is of the opinion that but little of the coal loaded on cars will ever be transshipped by water, but considers it probable that the river improvement would afford to a limited area a river outlet for the coal product.

By the completion of Lock and Dam No. 21, the contract for which has been authorized, a pool will be formed below Burnside in which barges can be loaded and stored during low water. At high stages they can then be towed down the river, as is now the practice, on other coal-bearing streams of the Ohio Valley. Rail connection with this pool will afford to coal seeking an outlet through the Cumberland River conditions similar to those existing at present on these streams.

If the locks and dams of the system below Nashville were built, and the Locks and Dams Nos. 3, 4, 5, 6, and 7 above Nashville already begun were completed, the river would be improved to Carthage, Tenn., a distance of 311 miles, at an estimated additional cost of $2,950,000. An analysis of the data submitted to the board indicates that such an improvement would benefit 62 per cent of the area of the counties abutting on the river, 75 per cent of their population, 75 per cent of their farm products not fed to live stock, 66 per cent of their forest products, 94 per cent of their products of manufacture, and a large proportion of all their mineral products except coal.

The construction of Dam No. 7 will also extend all the year navigation from 25 to 30 miles above Carthage for such boats as now use the river, and the completion of Dam 21, now under contract, will give similar navigation for from 30 to 40 miles below Burnside, at which place an outlet for the products of this region is provided by the Queen and Crescent Railroad. This will afford some relief to one-half the remaining counties abutting on the Cumberland River and to over 60 per cent of their population and farm products. From data before the board it appears that in 1902 the true valuation of the real estate and improvements of the counties unaffected by the improvement suggested above was $5,048,114, and the assessed valuation of personal property $1,133,789. Their population in 1900 was 30,807, of which about 1,000 lived near post-offices along the river. The board does not consider their existing commerce sufficient to justify the expenditure of $4,200,000, which will be required to canalize the river from Carthage to Burnside, nor that a large development of commerce in coal or other mineral resources over this section of the river is reasonably prospective.

The Queen and Crescent Railroad crosses the Cumberland River at Burnside, and the Board has given careful consideration to the claim of its representatives that if the river improvement were to begin at Burnside and be extended down the river, substantial relief would be afforded to the Cumberland Valley by the outlet this railroad provides. The published schedule of rates by this route to river towns was submitted to the Board and was found to largely exceed the rate to Nashville from Louisville, Cincinnati, and Lexington on most farm products in carload lots. Even on the unimproved river the railroad is now able to ship freight for long distances at the same rates it charges to the nearest landing to Burnside, and the Board is of the opinion that a further extension of navigation from Burnside down the river will cause little reduction in these rates, unless this improvement were continued through to Nashville, and thus open up a competing route. But, as already stated, the Board is of the opinion that the extension of the improvement above Carthage is not advisable at the present time.

From the above the Board is of the opinion that the regulation of the river and the construction of the six locks and dams of the system below Nashville, and the completion of Locks and Dams 3, 4, 5, 6, and 7 above Nashville, so as to carry the improvement of the river from its mouth to Carthage, Tenn., is worthy of being continued by the United States, but that the construction of the locks and dams proposed between Carthage and Burnside, except No. 21, now under contract, is not at present justified by the commerce involved.

Respectfully submitted.

D. W. LOCKWOOD,
Lieut. Col., Corps of Engineers.
C. McD. TOWNSEND,
Major, Corps of Engineers.
W. C. LANGFITT,
Major, Corps of Engineers.
CHARLES W. KUTZ,
Captain, Corps of Engineers.

Brig. Gen. A. MACKENZIE,
Chief of Engineers, U. S. A.

Mr. BUTLER of Tennessee. There are 24 counties in Tennessee and Kentucky that abut on the Cumberland below Burnside, 7 of which are in the district I represent. The Cumberland is navigable for steamboats from Nashville to Burnside from three to six months in the year under present conditions, and with the project of completing the locks and dams 3, 4, 5, 6, and 7 above Nashville, the masonry of the lock walls and abutments of which are already completed, will make it navigable the year round as far up as Carthage, Tenn., and Caney Fork, and when Congress makes the necessary appropriations and the project of locking and damming above Carthage, to Burnside, which I trust will be done in the near future, it will provide a permanent channel for navigation from Nashville to Burnside. The Cumberland is a splendid and a beautiful river. It is a stream that bears many tons of commerce on its bosom and contributes much to the advantage of a half million people who live on its banks, a large portion of whom must rely on it alone as a means of transportation for their products, their live stock, their minerals, and timber, with which they are so bountifully blessed, and this volume of tonnage will be increased largely by the dredging and cleaning out of Caney Fork, for which purpose my colleague [Mr. HOUSTON] has succeeded in having a provision inserted in this bill.

The commerce on this river between Nashville and Burnside alone for the year 1905 was 382,807 tons, valued at $10,509,789, and the passengers were 23,298.

It is estimated by the district officer that when the project of locking and damming is completed the commerce will increase to 1,000,000 tons, and I would add that with the certainty of permanent navigation the people who must depend upon it as a means of transportation would be so stimulated they would diversify and increase their crops until that commerce would gradually increase to much more than this amount. As it is there is not half the farm products raised along its borders as that rich and fertile valley is capable of producing, and much of what is produced goes to waste for want of transportation.

By reference to the map it will be seen that the Queen and Crescent Railroad crosses the Cumberland at Burnside, while the Southern Railroad taps it at Carthage. Between Carthage and Burnside, a distance of some 200 miles, the people have no transportation for their products, except such as is afforded by the river; and therefore they come pleading to this Congress for relief, asking you to give them an outlet for their products to the markets of the world.

The United States have exclusive jurisdiction over navigable streams in this country.

There is only one source to which we can look for the ap-

propriations necessary to secure those improvements, and that is to the Congress of the United States.

The Committee on Appropriations have been reasonably liberal in their recommendations for this project, and I trust that this committee and the House will concur in those recommendations; and that gentlemen who shall be here in succeeding Congresses will remember the necessities of the people along the Cumberland River Valley and see to it that such appropriations will be made as will relieve them and open up this great artery of commerce.

Richland River is a small stream that empties into the Tennessee near Dayton, Tenn., and the construction of a lock and dam near its mouth would give those people at Dayton perpetual water transportation, and would greatly reduce the freight rates they are now having to pay for transportation over the Cincinnati Southern Railroad, which now has a complete monopoly.

The committee has very generously directed the Secretary of War to cause preliminary examinations and surveys for said river, looking to the improvements asked for; and I trust that the recommendations of the Rivers and Harbors Committee will be concurred in by this committee and the House.

I have here a letter from the Secretary of War, transmitting a letter from the Chief of Engineers reporting on project for improvement of Cumberland River, and ask that same be copied in the RECORD.

The CHAIRMAN. The gentleman from Florida is recognized. How much time does he request?

Mr. SPARKMAN. Twenty-five minutes.

The CHAIRMAN. The gentleman is recognized for twenty-five minutes.

[Mr. SPARKMAN addressed the committee. See Appendix.]

Mr. LLOYD. Mr. Chairman, I am gratified at what seems to be the state of public opinion with reference to internal improvements. I am pleased to know that in our portion of this great domain there is an aroused public sentiment. The river and harbor bill is receiving encouragement that it has never received in the history of this Congress. There are those asserting themselves in favor of river and harbor improvements who have never heretofore manifested concern in such improvements. Personally I am very much interested in the improvement of the great waterway of the United States—the Mississippi River. I am especially concerned in the development of that portion of the river north of the mouth of the Missouri. I am interested in every portion of that great stream, because the upper portion of the river would be of less value if the whole stream were not properly cared for. It is a little surprising, however, to me that persons who have had occasion within the last three months to see the importance of river improvement should undertake when this bill is brought before the committee to censure the chairman of the Committee on Rivers and Harbors and to censure the committee itself because there are not sufficient appropriations for their particular portion of the country.

I suppose that the River and Harbor Committee would bear me out in the statement that they never heard seriously from the city of St. Louis until within the last three months. Other people along the Mississippi River have been concerned in its welfare and development and have been fighting for its recognition for long years past, but within the last few months the great city of St. Louis seems to be aroused as it never has been on any local question with reference to the improvement of certain waterways. I am greatly pleased to see this interest. I am not in sympathy, however, with the criticisms that have been made upon the worthy chairman of this great committee of the House. I am not in sympathy with the criticisms which have been leveled by the press of the city of St. Louis against the members of this committee as a body. My own conviction is that there is not a committee in this House of more honorable and upright men than are the men who compose the River and Harbor Committee. I am very sure that there is no chairman of a committee who knows more of the work assigned to him than does the chairman of the Committee on Rivers and Harbors. [Applause.]

The leading papers of the city of St. Louis have had very much to say in the last three weeks about the character of men and the kind of committee that has reported the pending bill. They have complained, and seriously complained, that this committee has been unfair to the great Mississippi Valley. It is amusing to read some of the statements that have been made with reference to that committee and its work. For example, one statement is to the effect that the Mississippi Valley has one-half of the population of the United States, and having one-half of that population, it ought to have one-half of the appropriations. In order to count a Mississippi Valley and have within it a population of one-half of the United States, it must necessarily include the State of Ohio, and that would give it the chairman of the committee [Mr. BURTON]. If you call the Mississippi Valley that portion of the country which lies between the mountain ranges, then within that region there are ten members of the Committee on Rivers and Harbors. There are along its fringe three other members, making thirteen out of eighteen members who are interested in the Mississippi Valley.

Some of the leading papers in Missouri have been severe in their criticism of the Rivers and Harbors Committee for its alleged parsimony in making appropriations about St. Louis and its failure to make appropriation for the work of the deep-water canal between St. Louis and Chicago. They have singled out the chairman of the committee [Mr. BURTON] and have charged him with prejudice against St. Louis and the deep waterway and have intimated that he had sinister designs in caring for the Ohio River rather than the St. Louis-Chicago enterprise. The St. Louis Republic, in an editorial on this subject, says:

> It is a blow aimed directly at the commerce of St. Louis and the great sections whose commerce center in St. Louis. It is a blow at Illinois, Missouri, and the Southwest. It is a blow at the Northwest, because improvements in the upper river are robbed of half their value if the traffic from St. Paul southward can not find deep water from the mouth of the Missouri down.

This editorial writer failed to tell his readers that there was an urgent appeal for a 6-foot waterway north of the mouth of the Missouri River; that such a waterway would probably cost $20,000,000, and that when it had been made it would then not have as deep water as St. Louis has south to the mouth of the Ohio. Why does not St. Louis turn its energies toward the upper river and help us to secure a channel somewhat as good as that which now exists between the mouth of the Missouri and Cairo? The engineers of the Government report the existence of an 8-foot channel south of St. Louis.

The Post-Dispatch, at St. Louis, in its editorial comment on the pending bill, says:

> The Business Men's League of this city declared war on the opposition to the fair treatment of the Mississippi River between St. Louis and Cairo and the deep waterway from the Gulf by resolutions requesting the St. Louis Congressmen to introduce two amendments to the river and harbor bill, as reported by Chairman BURTON.
>
> One amendment provides for an appropriation of $1,000,000 a year for four years for the permanent improvement of the river between St. Louis and Cairo. The second amendment provides for an appropriation of $3,000,000 to begin the work on the deep waterway between the Lakes and the Gulf.

It will be observed again that not one word is said about the upper Mississippi River. There is no suggestion of its needs, notwithstanding its surveys and estimates are ready so that the Government might properly begin at once to give the upper river a similar depth of channel to the lower. Its demand is that the deep-waterway scheme should be immediately provided for and the amendment to be offered shows that it is to be for a waterway between St. Louis and Chicago. Why should this great paper turn its back upon the upper river?

Again the same paper explained the cause of its demands. It stated:

> This step has been made necessary by the intolerable situation in the House, where two men—Chairman BURTON, backed by Speaker CANNON—assume to decide arbitrarily, without regard to the sentiment of the other members of BURTON'S committee, or of the Members of the House, that river improvement of vital importance to an enormous section of the country shall practically be ignored. In view of this tyrannical attitude on the part of these two men there is nothing left for the people of the valley and their Representatives in Congress but to fight for their rights and interests.

Here it may well be observed that no wail of protest goes up because the River and Harbor Committee refused to begin the work of deepening the channel of the upper Mississippi River and to make reasonable appropriation therefor.

That reliable Republican organ, the St. Louis Globe-Democrat, in its strictures along the same line, says:

> Encouraged by the demands of their constituents and the pressure for deep-waterway improvement from every State in the Mississippi Valley, an organization is being perfected in the House to force Representative BURTON, chairman of the Rivers and Harbors Committee, to accept an amendment to give substantial recognition.
>
> To-day an insurgent organization is being formed by Representatives BARTHOLDT, MADDEN, RODENBERG, RAINEY, and others interested in the proposal.

I suppose as a result of this insurrection the pending amendment providing for an appropriation of $5,000,000 for the construction of the deep-waterway canal between St. Louis and Chicago and the authorization of $26,000,000 more to complete the project is the result. You will observe that again the upper river is not taken into the account. This is especially strange since the headlines in the same article say: "BARTHOLDT leads strong clique to unhorse BURTON." This would lead us to believe that my worthy colleague from St. Louis had likewise forgotten the

demands of the upper Mississippi River, in which every St. Louis business man should have concern.

Against whom is the insurrection? A further statement from the same paper may give an idea:

Although Speaker CANNON is taking no hand in the movement, it is understood that he is not convinced of the desirability of embarking on the project now and sympathizes with the position taken by BURTON.

Is it possible that my colleague [Mr. BARTHOLDT] is leading a revolt against the Speaker? Would he stand against the regulars? There is certainly some mistake about his being an insurgent, especially since it is admitted that the Speaker is in sympathy with the chairman of the committee [Mr. BURTON].

Mr. Chairman, my colleague [Mr. BARTHOLDT], in his able address on this bill, indulges in reflections and charges against the Rivers and Harbors Committee and its chairman which plainly show he would like to lead an insurgent movement.

He charges that the Rivers and Harbors Committee has entered into a combination against the Mississippi, that the chairman has led the committee to support a scheme for a private canal between Lake Erie and the Ohio at Pittsburg, and that this is to serve as an outlet for the Great Lakes through the Ohio River and lower Mississippi to the Gulf. How much more harm would this be, how much more selfish and sectional, than to use a private canal at Chicago as an outlet to a deep waterway through the Des Plaines and Illinois rivers to the Mississippi at St. Louis? Why should such sinister motive be attributed to the Rivers and Harbors Committee if it has never been thought of in connection with the canal between St. Louis and Chicago? Of course there is no selfish motive in the Chicago enterprise. My colleague says he voted for the questionable Pittsburg canal. There are several Missourians who voted against it, and I am one of that number.

My colleague [Mr. BARTHOLDT] complains that the chairman of the Rivers and Harbors Committee has looked out for his own locality in the appropriations in the pending bill. Is he not the last man to make such a charge? He knows that the chairman of a committee must take care of the needs of the district which he represents, and should not be censured for it. How, also, could he explain why, as chairman of the Committee on Public Buildings and Grounds, he allowed at the last session an appropriation of $1,115,000 for the city of St. Louis and less than $375,000 for the rest of the State of Missouri, and more than was appropriated in several States combined? I commend him for caring for St. Louis, but why should he now condemn Chairman BURTON for taking care of Cleveland Harbor?

Mr. HUMPHREYS of Mississippi. Mr. Chairman, will the gentleman permit me to make a statement here?

Mr. LLOYD. Certainly.

Mr. HUMPHREYS of Mississippi. Of the six great projects which were under consideration in the Rivers and Harbors Committee, the one at Cleveland is the only one that this bill did not provide to complete.

Mr. LLOYD. Well, Mr. Chairman, I am gratified to hear that statement just in this connection.

Mr. ELLIS. Mr. Chairman, I want to state that the statement of my colleague on the committee is not quite complete. It ought to be said in addition that the work there would have been completed if the committee could have had its own way, and it was only because the chairman insisted that the full amount should not be appropriated.

Mr. LLOYD. Mr. Chairman, that reveals a state of facts that will be found in no other committee in this House. Where is there a chairman who refuses to make an appropriation simply because he is chairman of a committee?

My colleague says the movement for river improvement began in the Mississippi Valley and culminated in the first great meeting in St. Louis in November last. It is true that St. Louis has recently become much interested in river improvement, and especially the deep-waterway scheme, but he is mistaken if he thinks there have not been numerous meetings in the interests of river and harbor improvement for years back in various parts of the United States. He might have attended in October, at Minneapolis, a monster meeting, being the fifth annual meeting of the upper Mississippi River convention.

On the upper river we were interested enough in river improvement that we secured an order for a survey for a 6-foot channel in the last river and harbor bill, and if others had been equally alert it would not be necessary to wait another year until the lower Mississippi River can ascertain the feasibility of a deep waterway and the surveys and estimates therefor.

If gentlemen had turned their faces toward Hannibal, Quincy, Burlington, and St. Paul and had given us on the upper river the benefit of their great influence, there might have been incorporated in this bill a substantial sum for the deepening of the channel of this great river north of the mouth of the Missouri River.

Mr. Chairman, there is one occurrence which I greatly regret. There was introduced in the lower house of the Missouri legislature, by Hon. Frank H. Sosey, and in the senate by Hon. E. A. Dowell, a resolution of censure against Chairman BURTON. These gentlemen are my constituents. There are no more honorable and fair-minded men in that legislative body than these men. They are careful, cautious, conscientious men, and would not intentionally wrong another. They are not personally acquainted with Mr. BURTON, I am sure. What they wrote in their resolutions must have been hearsay, but they believed they were stating the truth, else it would not have been written.

Had they known of the honorable life, the superior ability, the unsurpassed knowledge of river and harbor matters which the gentleman from Ohio possesses they would never have been parties to such an action.

If they had known of the integrity, ability, and standing of the members of the Rivers and Harbors Committee they would not have charged the chairman with being wholly responsible for the pending bill. I feel that it is due these worthy gentlemen that I make this statement, although neither Mr. Sosey nor Mr. Dowell have asked it.

Mr. ELLIS. Will the gentleman permit an observation at this point?

Mr. LLOYD. Yes.

Mr. ELLIS. I am very happy to say that I am advised by one of my home papers, the Kansas City Star, that very few votes were cast upon the proposition. Only a few members of the legislature took any interest in it or voted upon it.

Mr. LLOYD. I am gratified to learn that the Rivers and Harbors Committee are friendly to our deep-waterway scheme. I am pleased that they have recommended the survey south of St. Louis, so as to determine its feasibility and probable cost. It is no use to conceal our demands. The people of the Mississippi Valley wish to secure a deeper channel from New Orleans to the Falls of St. Anthony. They are anxious that the Missouri River shall have the treatment its importance as a stream demands. There are those who insist that the $20,000,000 already estimated on the upper Mississippi shall be provided; that the Lakes to St. Louis, surveyed and estimated, will take to complete the project $31,000,000. No one knows the probable cost of a 14-foot channel south of St. Louis, but certainly not less than $50,000,000, and possibly twice that sum. It is claimed that there should be expended on the Missouri River at least $40,000,000. So that the total demands for completion of the proposed work would be more than the original estimates of the cost of the Panama Canal.

Is it unreasonable that the Government should say we must have the report of trained engineers as to the feasibility and cost of this gigantic enterprise before it is begun? Hence they have provided a survey, which is one important step toward the improvement, for which I am grateful. I can not understand why anyone should complain at the Rivers and Harbors Committee for refusing to begin the work on this gigantic public improvement until they have secured the report of the feasibility and cost of the whole scheme. The misfortune should be laid at the door of those who had apparently slept until after the last river and harbor bill had passed.

There is only one reasonable step toward permanent improvement of the Mississippi River, and that is to make provision for the beginning of the work of making the 6-foot channel for the upper river; but, realizing that such an attempt is futile at this time, we must content ourselves with appropriations sufficient to meet the imperative needs in maintenance and protection of the present channel. For this purpose I would appropriate much more than is contemplated by the committee for the Missouri River; but my colleague [Mr. ELLIS] on the committee and on the river has asked and secured only $300,000 for the river between Sioux City and the mouth and, as I am informed, will ask no greater sum.

Between St. Louis and Cairo the committee have recommended $1,000,000, $250,000 of which to be immediately available. The engineer in charge of that part of the river estimates that there should be appropriated $650,000 per annum. While it is true they expended less than $250,000 last year, I think it would be wise to make the appropriation as large at least as the engineer's estimate.

On the upper river it was estimated that $400,000 per annum would be needed for the necessary expense of maintenance of present channel. The committee, on careful investigation of the needs, were induced to increase the sum to $500,000 per an-

num, or $2,000,000, for which I am especially grateful. If there is to be no permanent improvement work, I am hopeful that this appropriation is sufficient.

Before concluding I wish to assure the committee that the Mississippi River still has its source in Lake Itasca and that it still flows over the Falls of St. Anthony, passes Minneapolis, St. Paul, and Hannibal. That is a beautiful dream that would have you believe that its sunken bed would lead you from Chicago directly to St. Louis. It is equally absurd to claim that it passes the Gasconade and Osage, and that the traveler on its bosom could find himself in the Rocky Mountains. This wonderful stream, with its tributaries extending from mountain range to mountain range, supplies a valley whose inhabitants are not surpassed even in the intellectual atmosphere of Massachusetts, the historic Virginia, or the golden shores of the Pacific. We request at the hands of Congress a proper recognition of this important stream that it may yet become a great highway of commerce.

Mr. BARTHOLDT. Will the gentleman permit me to ask him a question?

Mr. LLOYD. Yes.

Mr. BARTHOLDT. Is my colleague from Missouri satisfied with the amount appropriated for the Mississippi River between St. Louis and St. Paul? We are not. That shows that we are more interested than the gentleman in his own stretch of river.

Mr. LLOYD. I am as much interested in the Mississippi River as any individual on the floor of this House. Certainly as much so as my colleague from St. Louis. I am concerned in that river from St. Paul to New Orleans. My interest in it does not cease when you reach the city of St. Louis.

Mr. BARTHOLDT. Is the gentleman satisfied with the appropriation made in this bill? That is the question.

Mr. LLOYD. Mr. Chairman, I am not satisfied.

Mr. BARTHOLDT. Then vote with us to increase it.

Mr. LLOYD. There are very few men who are satisfied with all conditions that present themselves. I am not complaining of the committee. On the other hand, the gentleman, my colleague, is censuring the committee. But what happened as far as we are concerned? The Missouri River has a representative from my State, my colleague from Kansas City [Mr. ELLIS]. He asked for an appropriation for the Missouri River of $300,000. My own conviction is that that appropriation is nothing like so large as it ought to be. If I had my way about it I would largely increase it. But the committee gave him, as I understand it, what he asked. For the Mississippi River between St. Louis and Cairo there has been appropriated by this committee $250,000 directly and $750,000 authorized. I will vote with my colleague from St. Louis to increase that to $4,000,000. [Applause.]

I am anxious to get every dollar that may be obtained for the upper Mississippi River, and I want to call attention to a fact that seems to have escaped the attention of some people. There has already been a survey made for the 6-foot waterway between St. Paul and St. Louis. The estimates are here. But when we have secured the 6-foot waterway from St. Paul to St. Louis we can have no deeper water than there is now from St. Louis to the sea. Why does not St. Louis turn its face up the river and ask this Congress that there may be an appropriation made for the permanent deepening of that upper river? The gentleman was authorized by the Business Men's League of that city to introduce two resolutions, one to increase the appropriation south of the city of St. Louis and the other to introduce a resolution providing for an appropriation between St. Louis and Chicago. But the Business Men's League has authorized no man, as far as I have any knowledge, to introduce a resolution for that portion of the river in which they ought to be concerned, between St. Louis and St. Paul. [Applause.]

The CHAIRMAN. The gentleman's time has expired.

Mr. LLOYD. I would like to have five minutes more.

The CHAIRMAN. The Chair would say to the gentleman that any extension of his time would take away from that of other gentlemen.

Mr. BURTON of Ohio. I desire to state to the gentleman that the time is not under my control.

Mr. ROBINSON of Arkansas. Mr. Chairman, if every appropriation bill introduced in this Congress were passed tomorrow, the United States Treasury would became bankrupt at once, the Secretary of the Treasury would die of grief, and the President of the United States would renew his waning determination not to accept the nomination for another term. The sun of American prosperity that by the providence of God shines so brightly, and by the misgovernment of the Republican party so partially, would set, and our merriment be turned to mourning. In the consideration of measures carrying large omnibus appropriations we are sometimes prone to forget that there is no magic fountain from which our Treasury is supplied; that every dollar in its vaults comes from the energy of toiling hands, willing, though wearied with the mighty achievements they perform; that whether our revenues are derived from tributes levied on imported goods or otherwise obtained, they are none the less the products of taxation, to be honestly distributed in fair, impartial, necessary government. The varied forms in which requests for appropriations come, the purposes for which they are sought, the rapid growth of industries and institutions, make imperative some method of carefully determining the relative merit and importance of projects sought to be inaugurated. They also make imperative that some will be chosen and many disapproved.

This Congress will consider few more important questions than those relating to the improvement of the rivers and harbors of the United States. When we contemplate the natural resources of our country, the varied industries in which our people toil and prosper, the undeveloped territory belonging to the United States, the commercial advantages we enjoy over other peoples, and the industrial possibilities that smile upon our future, we are astounded at the mercies of God and the genius of man.

Our shores are washed by oceans whose bosoms are bold enough and strong enough to uphold the commerce of all the seas. The mighty arm of American enterprise, guided by lofty intelligence and masterful skill, is breaking the narrow neck of Panama to mingle the waters of the Pacific with those of the Atlantic, to shorten the trail of American freighters to eastern ports. We are beckoning with kindly hands the messengers of South American commerce, while the strange flags of oriental traders flutter above the placid waters of our Pacific harbors and bring to American markets the rich prizes of China and Japan.

Equally promising of profit and happiness to our people are the benefits which may be derived from the improvements of our internal trade. Our many great rivers furnish cheap means of interchange of commodities among the States, and if their channels are kept open the progress of the last half century, marvelous beyond the dreams of the Republic's founders, is but a partial indication of the future glory that awaits us. It is from this internal trade that we derive our greatest profit.

THE CONGESTED CONDITION OF FREIGHT TRAFFIC

which now prevails throughout the country emphasizes the importance of maintaining open-river channels as well as safe harbors. Interstate transportation on the great railroad lines in the United States is overcrowded—choked. The railroads admit their inability to promptly move freights tendered them for shipment. They confess lack of sufficient equipage to keep pace with the ever-increasing demand for transportation. It is claimed that cars, locomotives, and railroad tracks can not be built fast enough to transport the products of American fields, forests, mines, mills, and factories.

The situation as the railroads see it is frankly stated by Mr. James J. Hill. In a letter to the governor of Minnesota, published a few weeks ago, he said:

The pressure of traffic increases in a constant progression. It has reached its greatest severity just at the time when railroad construction is at the lowest ebb. Take the last five years, within which business has been flourishing everywhere. The rise of new industries and the expansion of old ones, the development of the country as measured by the increased business of the Postal Department, all indicate the volume of the burden placed upon the railroads. The following figures, compiled from Poor's Manual of Railroads, show the intense activity of the last five years as compared with the decline in railroad construction:

	1900.	1905.	Increase.
			Per cent.
Miles of railroad operated	191,861	215,506	12.3
Passenger mileage	16,313,284,471	23,906,420,668	46.5
Freight mileage	141,162,109,413	187,375,621,587	32.7

The number of passenger miles traveled in this country for each mile of railroad in it, according to these figures, has increased 30 per cent in the five years, and the number of ton-miles for each mile of track has grown 18 per cent. As these percentages are calculated on the actual number of miles of road existing at the beginning and the end of the period, respectively, they measure the additional burden on every foot of track. It is no wonder that, with this extra work to do per mile, a work not equally distributed, but in some sections rising to a far higher ratio, the limit of effective operation has been reached. The highest direction and the best economy is to have trackage, equipment, and other facilities properly adjusted to the volume of business and then keep moving it in a harmonious and useful way. To any such system, by which alone present distress can be relieved and future disaster averted, more trackage is the first and most indispensable condition.

The problem and the necessity are enormous. At 140 tons to the mile, it would require 2,000,000 tons of steel rails every year to furnish the 15,000 miles of track required. This is nearly two-thirds of the product of all the rolling mills in the United States. It would call for the labor of 200,000 men in grading, besides track layers, bridge builders, and others. Labor even for such ordinary extensions and improvements as are now being made is not to be had in sufficient

quantities on any terms. And it demands, as has been seen, the investment in permanent railroad plant of $1,100,000,000 a year for five years to provide the railroads of the country with means to handle properly the business already in sight, not allowing for future growth. This is the real railroad problem of the United States; and it is one which people have been singularly slow to perceive and reluctant to realize, although it is written on every page of industrial statistics and calls to the passer-by from every signal tower, every siding, and every railroad yard from the Atlantic to the Pacific. To all appearances the commerce of the country has touched a barrier which is almost insurmountable.

The farmer in the North and West has seen his wheat and corn rot in the fields for lack of cars to ship in; the cotton farmer has paid interest on debts and dreaded foreclosure of mortgages while impatiently waiting for the railroads to haul the fruits of his soil to market. Hundreds of thousands of our people have suffered from cold because of the failure of the railroads to carry from the mines a sufficient supply of coal for fuel. Every portion of the United States has suffered from this condition. Our great railroad organizations have heretofore looked with disfavor upon waterways because they constitute effective means of competition in the transportation of freights. But now when the Interstate Commerce Commission is burdened with complaints from every part of the country of car shortage and delayed shipments the railroads are beginning to join in the general demand for effective improvement of waterways.

But, sir, the chief reason for extending our work in river and harbor improvement does not lie in the convenience of the railroads. It springs from our duty as patriotic Representatives to conserve the public interest and relieve the present situation, to make impossible its recurrence.

Whatever may have been their positions in the past, both the Republican and the Democratic parties are now committed to a general policy of providing more effective means for water transportation. The debate on this bill indicates the fixed sentiment of the country as to the policy to be pursued.

THIS POLICY MUST BE NONSECTIONAL, NONPOLITICAL.

The bill under consideration has been severely criticised. It has been characterized as partial, unfair, and discriminatory. Some gentlemen on the other side of this Chamber have said that this measure is an intentional discrimination against their localities, while other gentlemen on the Republican side of this Chamber have complained that it ignores projects of great general importance and recognizes schemes of trivial and questionable merit. I am not the chosen champion of the Rivers and Harbors Committee and shall not assume to act as its defender. I learned a long time ago that the foundation of the Republican party is discrimination and its capstone favoritism. But while gentlemen are complaining that their particular localities are not properly provided for in the bill under consideration I hope they will feel some sympathy for the wandering "Bill Bailies" of political disfavor, who have so long stood outside in the cold, with the door of the Treasury slammed in their faces, the rain falling, and the wind howling.

The proposition to provide and maintain a deep waterway from the Lakes to the Gulf has long been dreamed of, and may well be hoped for. It addresses itself to me as most feasible and desirable if begun at the Gulf and extended to the Lakes. No man can measure its importance to the commerce of the great Mississippi Valley. It is sure to come when its feasibility is determined and its cost ascertained. So great is its importance that it should not be indifferently delayed. Yet it is not to be commenced until its practicability is ascertained, for it will require the expenditure of $30,000,000, possibly $40,000,000.

If the extravagance of the Republican party has so drained our Treasury that the immediate assumption of this great project has been made impracticable, may we not all join in demanding a new policy of administration under a different political control?

Talk of discrimination! Talk of favoritism in river improvements! Heretofore the navigation interests of the great State of Arkansas have not been properly regarded. A spirit of narrowness or sectional prejudice has caused Congress to disregard the fact that this State has, including the Mississippi, which touches her eastern border, the greatest mileage of navigable rivers of any State.

Throughout her history the State has suffered from lack of transportation facilities. Her people in a spirit of progress have been liberal in their treatment of railroads in order to induce capital to construct them in her vast areas inaccessible to markets. Land grants, bonuses, and liberal franchises have been bountifully awarded. But, while railroads have been rapidly constructed within and across the State, her transportation facilities have been monopolized, and her people in many instances are still deprived of the benefits of markets for their products. We need badly open river channels, and the Arkansas delegation in Congress are determined to secure them if possible.

Some of the provisions of the bill under consideration relating to navigation interests in Arkansas are as follows:

For improving the Arkansas River, Arkansas: Maintenance, about $115,000. The Secretary of War may appoint a board to make an examination of said river to Muscogee, Ind. T., with a view to ascertaining whether any feasible or desirable plan can be devised for the further improvement of the whole of said river to Muscogee or any portion thereof. The said board may, upon the order of the Secretary of War, also make a similar examination of that portion of the Red River which lies between Fulton, Ark., and the mouth of the Washita River, Indian Territory, and the expense of such examination shall be apportioned between the funds appropriated for said rivers in such a manner as the Secretary of War may deem equitable, and the said board shall also report upon the Arkansas River at Pine Bluff and the White River at Augusta Narrows, to ascertain and report whether the protection of the banks or rectification of the river at the points named is directly and necessarily required in the interests of navigation, and in case a report shall be made to the effect that such rectification is so required in the interest of navigation, the sum of $100,000, which is hereby conditionally appropriated, shall be expended for improvements at the places named, or either of them.

Improving White River, Arkansas: Continuing improvement and for maintenance, $30,000.

Improving Upper White River, Arkansas: Completing improvement by the construction of Lock and Dam No. 3, $73,500.

Improving Cache River, Arkansas: For maintenance, $2,000.

Improving Black and Current rivers, Arkansas: For maintenance, $18,000.

Improving St. Francis and L'Anguille rivers, Arkansas: For maintenance, $12,000.

The latest report of the engineer in charge shows a balance of $49,000 available for dredging experiments unexpended. We desired that two dredge boats be built and placed in operation, and that this sum, together with such additional amount as might be necessary to maintain them, be expended in dredging experiments at the shoals below Pine Bluff. The estimate made by Captain Connor, who appeared in person before the River and Harbor Committee, was that about six dredge boats would be required for the lower stretch of the river below Pine Bluff and that one boat or even two would do little good; that these six boats would cost about $670,000, and about $150,000 per annum would be required to maintain them. The committee refused to provide for a dredge boat after deliberating over the matter for several days; so this sum of $49,000 is made available for general improvement—that is, for maintenance. Our delegation have in no sense abandoned the idea of securing dredge boats for the river. On the contrary a survey is ordered, on the initiative of Mr. Reid, of the river from its mouth to Muscogee, and if any feasible plan is found the systematic and permanent improvement of the river will be pressed as speedily as possible. Our delegation are united on this proposition.

The $30,000 heretofore appropriated to revet Red Fork Bend being unexpended because the engineer claims that its expenditure for the purpose authorized is not beneficial to navigation, is likewise made available for general maintenance and improvements. An earnest effort was made to secure a removal of the limitation fixed by law on this expenditure. I felt, and some of my colleagues concurred in the view, that the necessity for the early completion of the works in that vicinity is imminent. But the engineer, in his testimony before the committee, affirmed that the navigation interests did not warrant the expenditure, and while many gentlemen on the committee, including the gentleman from Louisiana [Mr. RANSDELL] and the gentleman from Mississippi [Mr. HUMPHREYS], urged the removal of the limitation and the authorization of the work, it was insisted by others that the precedent would entail additional expenses to the Government of the same kind, costing many million dollars, and in spite of all our efforts this view prevailed.

That portion of the engineer's report relating to the Arkansas River and its improvement is published herewith. It contains a brief history of what has been done by Congress for this great stream, and it sustains the assertion that proper attention has not been given this important work.

IMPROVEMENT OF THE ARKANSAS RIVER.

1. Arkansas River, Arkansas.—In its original condition the channel of the river was greatly obstructed by shifting sand bars and numerous snags in its lower reaches, and by gravel and rock shoals and some snags in its upper reaches. Navigation was difficult and uncertain at medium and low stages, and during periods of extreme low water was impossible.

Prior to act of Congress approved June 13, 1902, the work on this river was carried on under two general projects—one entitled "Removing obstructions in Arkansas River, Arkansas and Kansas," the other "Improving Arkansas River, Arkansas."

The original project for "Removing obstructions in Arkansas River, Arkansas and Kansas" (act July 3, 1832), was to remove snags and wrecks. Subsequently this project was enlarged to include removing bars by wing dams, and many of the appropriations were made for this work in combination with other rivers. By act of March 3, 1879, Congress adopted an additional project—that of improving the river between Fort Smith, Ark., and Wichita, Kans., by removing the snags and rocks and constructing dams at some of the worst shoals. Later

these projects were merged into one, making the project extend from the mouth of the river to Wichita. Under these projects there was expended to June 30, 1902, $968,256.81.

The original projects for "Improving Arkansas River, Arkansas," were local and had in view the permanent improvement of the river at Fort Smith, Van Buren, Dardanelle, and Pine Bluff. By act of August 11, 1888, Congress adopted a general project, namely: "That the Secretary of War shall expend the appropriation under this head with reference to the final improvement of this river as contemplated in the report of the Chief of Engineers for the year ending July 1, 1885, and as authorized in the act for the improvement of rivers and harbors approved August 5, 1886, and in House Executive Document No. 90, Forty-ninth Congress, first session, said methods to be applied as the Secretary of War may direct at such points between Wichita, Kans., and the navigable mouth of the Arkansas River at its junction with the Mississippi River as he may deem for the best interest of commerce." The "said methods" referred to in the act were "to remove rock and gravel reefs by blasting and dredging, to contract the channel by dikes and dams, permeable or solid, of such construction as the local conditions require, and to hold the channel so obtained by revetment where necessary." The improvement authorized by the act covers 771 miles, while estimates have been rendered for 708 miles, thus making the estimated cost of the improvement under this project indefinite. Act of August 18, 1894, authorized the operation of snag boats under this head in addition to similar operations under the project "Removing obstructions in Arkansas River, Arkansas and Kansas." To the close of the fiscal year ending June 30, 1902, there had been expended under the general project for improving Arkansas River, Arkansas, $903,311.93 for original construction, $314,119.14 for maintenance, and $63,397.32 for operating snag boats, making the total amount $1,280,828.39.

Act of Congress approved June 13, 1902, merged these two general projects into one, which makes the existing project in substance: "The improvement of the river from its mouth to the head of navigation by snagging operations, by dredging operations, and by contraction works, holding the improved channel by revetment where necessary." No definite estimate of cost can be given.

To June 30, 1906, there had been expended under the consolidated project $109,175.44, of which $88,705.44 was for operating snag boats, the remainder, $20,470, having been expended for maintaining works of permanent improvement. The total expenditure under all projects to June 30, 1906, is $2,358,260.64, of which $1,120,359.57 is for operating snag boats, $903,311.93 for original construction of works for permanent improvement, and $334,589.14 for maintenance of those works.

The works erected for the permanent improvement of the stream were of no material benefit to navigation, they having been built in disconnected reaches. The snagging operations, which must be repeated each year, give immediate relief, but the benefits derived from them are in a large measure lost during the high-water seasons following the periods when the work is done. This is due to the continual caving of the banks and the consequent shifting of the channels.

Fort Gibson, on Grand River, 2 miles above its mouth and 463 miles from the mouth of the Arkansas River, is the head of steamboat navigation. The duration of the navigable periods of the river vary greatly in different years. Occasionally there are periods of very low water when navigation will be suspended throughout the length of river and then there will be times when it is possible to maintain 3-foot navigation through to Fort Gibson all the year. The navigation periods are of about the following averages:

	Months a year for 4-foot draft.	Months a year for 2-foot draft.
Mouth to Swan Lake (80 miles)	5½	10
Mouth to Little Rock (174 miles)	5	9½
Mouth to Grand River (461 miles)	4	8

The range between extreme high water and extreme low water at Fort Smith, Ark., is 35.5 feet; at Little Rock, Ark., 28.5 feet, and at the mouth of the river where the stages are controlled by those of the Mississippi the extreme range is 53.7 feet.

The operations on this river this fiscal year were confined to the usual snagging operations. By the combined operations of the snag boats *C. B. Reese* and *Arkansas*, working between Poverty Point, 8 miles above the mouth of the river, and Little Rock, 174 miles above the mouth of the river, 1,166 snags were removed from the channel, 28,088 trees cut on caving banks, and one drift broken up. Active operations ceased the latter part of December and no further operations with the snag boats are contemplated until another river and harbor bill becomes a law.

The river was at comparatively good boating stage all this fiscal year.

Of the balance available July 1, 1906, $49,530 is being held to make some experimental dredging in the river; $30,000 is an appropriation made by act of March 3, 1905, for revetting Red Fork bend, provided such revetment is required in the interests of navigation, and $7,625.23 is available for maintenance of snag boats. The district officer reported that the revetting of Red Fork bend would not be of any benefit to navigation and he was authorized to withhold project for the expenditure of the money appropriated for that work.

The amount estimated as being needed during the fiscal year ending June 30, 1908, is for the operation and maintenance of snag boats.

It is reported that the improvement has secured for shippers at Pine Bluff a rate of about 50 per cent of the railroad rate on freight.

Commercial statistics, year ending May 31.

Year.	Tons.	Value.	Year.	Tons.	Value.
1894	63,563	$2,846,395	1901	71,998	$2,623,797
1895	50,498	2,380,420	1902	40,557	1,630,297
1896	54,261	2,408,720	1903	86,068	2,389,020
1897	66,077	1,657,218	1904	92,041	2,078,893
1898	58,578	1,626,756	1905	86,458	1,636,930
1899	68,057	2,470,131	1906	103,214	1,512,719
1900	75,654	2,078,940			

The commerce was made up of plantation products and supplies, cooperage stuffs, and saw logs, the latter making 64 per cent of it.

Reference to the principal examinations and surveys is given on page 401 of the Annual Report for 1904:

July 1, 1905, balance unexpended	$107,604.14
Amount received from sales	180.36
	107,784.50
June 30, 1906, amount expended during fiscal year, for maintenance of improvement	19,760.27
July 1, 1906, balance unexpended	88,024.23
July 1, 1906, outstanding liabilities	869.00
July 1, 1906, balance available	87,155.23
Amount that can be profitably expended in fiscal year ending June 30, 1908, for maintenance of improvement, in addition to the balance unexpended July 1, 1906	35,000.00

Submitted in compliance with requirements of sundry civil act of June 4, 1897, and of section 7 of the river and harbor act of 1899.

THE ONE GREAT IMPEDIMENT TO OUR DEVELOPMENT IS LACK OF TRANSPORTATION FACILITIES.

While Arkansas has encouraged railroad building in every possible way, granted them liberal franchises, vast areas of public lands, and for the greater part of the time collected only nominal taxes from them, yet, notwithstanding this liberality toward them, the railroads have failed to keep pace with the growth of industry, the development of enterprise, and the increase of commerce within her borders. Our hills in the northwest contain great deposits of coal now practically inaccessible to markets. With an open channel in the Arkansas River throughout the year this product would easily reach the cities to the farther south. Our mountains are abundantly stored with zinc and marble, now practically undeveloped because of excessive freight rates or great distance from railroads. With the White River properly improved we could send to market, at great profit, marble as beautiful and enduring as that produced in Vermont quarries.

Our progress, in spite of this lack of transportation facilities, has been remarkable during the last thirty years. Property has increased in assessed value from a little over $200,000,000 in 1900 to about $325,000,000 in 1906. Our population is approaching 2,000,000. Thirty years ago there were only 60,000 pupils in the public schools of the State. To-day we enroll almost 600,000. Industries have diversified amazingly. We have no problem of "the unemployed." We have more labor than we can obtain laborers to perform. We face the difficulties of the future with confidence. We sincerely believe that open rivers mean more profitable returns for labor. It means cheaper transportation for freights, closer approach to markets, faster and surer development in the future than has marked the past. We ask, and in good faith expect, more liberal treatment, fairer consideration of our people's needs than have been accorded us. As a part of the broad policy of waterway improvement we will ask that a project of permanently improving our principal rivers be considered and adopted. [Applause.]

The CHAIRMAN. The gentleman from Alabama [Mr. BANKHEAD] is recognized for the balance of the time.

Mr. BANKHEAD. Mr. Chairman, I yield five minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, I have been and am a very warm and enthusiastic supporter of the project of a 14-foot channel from the Lakes to the Gulf. But as it was presented to me it was a channel "from the Lakes to the Gulf." I have written several letters and I have made several talks in favor of that project. It was not, as presented to me, a project of 14 feet of water from Chicago to St. Louis, nor from the Lakes to St. Louis. The very object, or the main object, of the project was to have prepared for factories and farms of the great valley of the Mississippi way to the sea whenever the Isthmian Canal was finished.

Now, a channel, Mr. Chairman, is just as deep and no deeper than the shallowest point in it on the way to the sea. I was very much astonished, therefore, to learn that gentlemen were going to begin the 14-foot channel at the wrong end. Instead of begining at the sea and carrying the 14 feet up with them, they seem to want to begin at the Lakes and carry 14 feet down, and then, probably, as these are great cities with a great deal of influence, after they had gotten the 14 feet from Chicago as far as St. Louis, they will leave us unassisted to get the other 14 feet from St. Louis to the Gulf the best that we know how.

My own idea is that all this work ought to be done upon the principle upon which a plantation ditch is dug. You begin with the water at the outlet and carry it with your spades back to the tilled land, and then you know you have got the channel you want. Besides that, if you begin and provide a 14-foot channel down to St. Louis, leaving only a 9-foot channel from St. Louis to the Gulf, you have done a useless work to a very large extent. This is a silt-bearing stream, and it fills up its

bottom wherever it can. It is obviously a fact that it would not be long before that part of the river which had been made 14 feet would assume, by filling, the depth of that part of it below, which is only 9 feet. The way it can be kept open is by getting the velocity of the current to scour out the channel and to keep it scoured out, and the only way that that can be done is to give the opportunity of rapid outlet at the mouth. Now, it may be said that by digging it 14 feet deep in the upper reaches first you could reach the sea through the Lakes and the St. Lawrence, or up in that way somehow. But I think the people in my part of the country have a right to demand that the General Government shall not interfere for the purpose of making the Mississippi River and Valley commerce float upstream. It is at least natural that it should float downstream. The main object in this is to prepare the great valley to take its part in the immense commerce which will accrue upon the completion of the isthmian canal, when, as my colleague [Mr. HUMPHREYS of Mississippi] said this morning, the Mississippi will begin, to all commercial intents and purposes, to empty itself into the Pacific Ocean.

Now, Mr. Chairman, I hope to see the day when we will get the 14 feet from the Gulf to the Lakes. I am going to do everything that I can with that end in view. I am satisfied from what I am told by my colleague [Mr. HUMPHREYS of Mississippi], by the gentleman from Louisiana [Mr. RANSDELL], by the distinguished gentleman from Ohio, the chairman of this committee, in whose absolute rectitude of character, honesty of purpose, fairness, and sound judgment I have the utmost confidence [applause], that the object of this bill is to secure the necessary survey in the lower reaches of the river as a prerequisite, so that when the work is done it shall be done from the right end. And then the great commerce of the great valley can flow downstream "unvexed and unfretted" to the sea. [Applause.]

Mr. BANKHEAD. Mr. Chairman, I did not intend to say anything during the debate on this bill, and would not do so now but for the unfair and unjust criticisms which have been passed upon it and the members of the committee who framed it. I believe, sir, that it is the best river and harbor bill that has ever been presented to this House. I know that it is the result of the most careful investigation. We began the preparation of this bill, Mr. Chairman, with the purpose in view of completing a large number of the great projects in this country that were inaugurated several years ago, believing that it was in the interests of commerce, believing that it was the very best policy to be pursued in order that the country and its increasing commerce might have the benefit of some completed project. There was Boston, New York, Philadelphia, Baltimore, Cleveland, and other great ports that were under improvement, and we have provided in this bill, according to the plans adopted when its preparation was begun, for the completion of all these great works, with one single exception, that being the port of Cleveland, the home of the chairman of this committee, who has been so unjustly criticised upon the floor of the House.

I had the honor of serving upon the subcommittee which considered the projects in the State of Ohio, and when we reached Cleveland in the process of framing the bill, I insisted that it should be treated as all these other great projects had been and that an appropriation sufficient to carry it to completion should be placed in the bill. I was met with that determination which has always characterized the actions of the gentleman from Cleveland, and he resisted to the uttermost, and successfully resisted, a provision to complete his own port. When I asked him to give the reason for his action he replied: "I would rather have it said on the floor and in the country that my home port had been discriminated against than to have it said it had been more liberally treated than other ports in the country." Therefore that port, the home of the chairman, has been discriminated against to the extent of more than a million and a half dollars.

It has been said on the floor here by a number of gentlemen that the chairman dominates the committee. Well, sir, if he does it is because of his superior knowledge of the work in hand. If he dominates the committee, Mr. Chairman, it is because he is honest and just, because he is fair, because he sees the whole country alike. The State of Maine and the States of Texas, Alabama, or Ohio all look alike to him when it comes to providing for projects for those several States. [Loud applause.] I have served on that committee with the distinguished gentleman from Ohio for ten years, and if I had to judge, Mr. Chairman, of his politics by his conduct, by his words, by his actions in the Committee on Rivers and Harbors, I would to-day be unable to say to which party he belongs. [Applause.] If he dominates the committee, Mr. Chairman, it is because of the reasons I have given. It is because he knows more about the river and harbor improvements of this country than any living man in it; it is because he has always been just, because he has always been fair, and if anything can be said of him it can be truthfully said that when he comes to deal with projects in which he is supposed to be personally interested he always leans back a little.

Why these criticisms? Where do they come from? Has not every section of this great country been as fairly dealt with in this measure as conditions would allow? What do our good friends from the great Mississippi Valley have to complain about in this bill? The gentleman from Illinois [Mr. RAINEY] paraded a map here the other day while he was addressing the House that is so misleading, that is so far from expressing the facts, that it is not worthy to be considered. He carefully concealed the fact that $3,000,000 was carried in this bill for the upper reaches of the Mississippi River, from Cairo to St. Paul. No reference has ever been made to that. It is always that you have not treated the great Mississippi River Valley with fairness and justice.

I want to say in conclusion, Mr. Chairman, that I am in favor of a 14-foot waterway from the Lakes to the Gulf, and that I would have been delighted if that project could have gone into this bill; but how could we, as sensible, practical business men, acting for the Government, have put a proposition in here for the expenditure of from thirty-five to fifty millions of dollars, and nobody could say how many more, to complete this project from the Lakes to St. Louis, and leave that stretch of the river below St. Louis unprovided for, without even a reasonable guess having been made as to what its cost is to be? We have a provision in here for a survey, for a thorough examination of that project, and when the next Congress meets at least that report will be here, and we will be able to act intelligently upon the question. We will have expert knowledge, we will have at least a guess as to what it will cost and whether or not it is practicable, feasible, and desirable.

So I hold, Mr. Chairman, that the great Mississippi Valley has been not only fairly but generously treated in this bill. The Mississippi River, without counting the $3,000,000 that has been allowed and which has been so carefully concealed by all these gentlemen, has $15,000,000 in this bill, to say nothing of the appropriations made in the interest of those States on the Lakes which are also Mississippi River States. What do you gentlemen want? Do you want the world? Would you like to have everything in the bill given to that particular section of the country? Why, Mr. Chairman, the purpose and object of the Committee on Rivers and Harbors is to take into consideration the whole country; take into consideration the projects which are presented, to weigh them well; to investigate and to accept, in the main, the reports and the recommendations of the engineers, whose business and duty it is to make investigations and to pass upon the practicability and the cost of such projects.

I want to say in conclusion, Mr. Chairman, that I sincerely hope the amendments that are to be proposed to this bill will be voted down and voted down promptly, and when the time comes to consider this project from the Lakes to St. Louis intelligently, as I am sure it will, then we will be agreed that it ought to be provided for, and I have no doubt it will. [Loud applause.]

The CHAIRMAN. The time fixed by the House for general debate on this bill has expired, and the Clerk will report the bill.

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

Improving harbor at Cape Porpoise, Maine: Completing improvement in accordance with the report submitted in House Document No. 191, Fifty-ninth Congress, first session, $46,000.

Mr. MORRELL. Mr. Chairman, I was very much interested, and I have no doubt the other Members of the House were also, in the remarks of the distinguished gentleman from Louisiana, a member of the Committee on Rivers and Harbors, based on the general idea of enlarging the size of and making annual the appropriations for the rivers and harbors of the United States. In that connection I introduced on the 11th of January of this year a resolution which is, I think, the first attempt ever made to put in concrete form legislation on this subject, and which I would like to have read by the Clerk.

The Clerk read as follows:

[H. J. Res. 216, Fifty-ninth Congress, second session.]

IN THE HOUSE OF REPRESENTATIVES, *January 11, 1907.*

Mr. MORRELL introduced the following joint resolution; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

Joint resolution providing for the manner of consideration of the rivers and harbors appropriation bill.

Whereas the enormous development in late years of the natural resources of the United States and the consequent increase in the production of articles for home consumption and for export has rendered the transportation facilities of the country, especially those by water, entirely inadequate to supply the demand made upon them, and to ac-

commodate the various types of vessels which modern skill has constructed to handle these products; and

Whereas, further, it is the general belief that the immediate improvement on a large scale of the waterways and harbors of the country would do much to regulate the charges of railroads: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the sense and desire of this Congress that the appropriation bill for rivers and harbors shall be given the same consideration and shall be on the same scale as those for the Army and Navy and other large annual appropriation bills, and constant large appropriations being necessary to enable the United States to keep pace with the other nations of the world, and being for the good of the country at large, that this appropriation shall hereafter be an annual one.

Mr. MORRELL. Mr. Chairman, no one appreciates more than I do the difficulties, many and great, with which the members and the chairman of this committee have to cope in the preparation of the river and harbor bill. Bills are introduced and propositions presented for the enlarging of harbors and for the deepening of approaches to harbors and for inland rivers, all deserving of consideration at the hands of the Federal Government, all meritorious, particularly so in the eyes of the Member or Members of the House who happen to represent the particular district in which the desired improvement is located. It is impossible and always will be impossible in view of the policy heretofore followed out of appropriating but comparatively small sums for the great rivers and harbors of our country, and only then every two years, for the present River and Harbor Committee or any other committee, no matter how able may be those who constitute its membership, to satisfy not merely the demands of this, that, or the other Representative in Congress, but, what is more to the point, the outcry of the country at large for better water facilities.

I have listened attentively to the speeches which have been made during general debate on the bill at present before the House, and the burden of the song, either in the direct presentment of the case, as in the remarks of the gentleman from Louisiana and others, or in the replies made by the distinguished chairman of the Committee on Rivers and Harbors to questions as to why this, that, or the other meritorious measure had been omitted from the bill, has been on the line that there was not a sufficient amount of money to do all that was desired.

The time has come, to my mind, Mr. Chairman, when the present policy of the Government toward these great factors in our industrial development should be changed, or at least that this body, representing all sections of the country, should put their seal of protest against its continuance on such narrow lines.

It is unfair to the members of this great committee, who are charged with the policy of the proper development of the waterways and harbors of the country; it is unfair to the Representatives who come to Congress, and who are expected to obtain for their districts and States improvements for which there is universal and just demand, that there should not be a policy adopted broad enough to warrant appropriation bills to be passed annually carrying amounts which would insure our rivers and harbors keeping pace with our railroad and industrial development.

The recent difficulties in the Northwestern States emphasize the need of the procedure outlined in my resolution. In that region there was a complete breaking down of efficiency in the business of railroad transportation as to fuel and other supplies, making a case of either very bad management on the part of the roads or inability to make the extensions and improvements demanded by the wonderful growth of the business of the United States. This great country for the last decade has been maturing its agricultural and industrial life, and its domestic commerce has increased in volume and value to gigantic proportions. The railroads have not kept pace with the volume growth of our commerce, which has demanded a new series of well-graded roadbeds, heavy double tracks, permanent bridges, and ample terminal facilities. Commerce has advanced with far greater strides than the facilities for its handling by the transportation companies have advanced.

In 1880 the wealth of the United States was $42,642,000,000; in 1900 it was $94,300,000,000. In 1880 there were 93,267 miles of railroads in operation. In 1900 there were 194,262 miles, which had increased in 1904 to 212,349. The wealth of the country increased about 125 per cent in two decades, while the railroad mileage increased not quite 110 per cent. The production of coal rose from 63,000,000 tons in 1880 to 226,000,000 tons in 1890, or more than 300 per cent. Petroleum rose from 1,104,000,000 gallons in 1880 to 2,661,000,000 in 1900, and to 4,916,000,000 in 1904. Pig iron stood at 3,800,000 tons in 1880; in 1905 it had increased nearly 800 per cent. Steel in 1880 represented 1,000,000 tons; in 1904 it had risen to 14,000,000 tons. Copper in 1880 was 27,000 tons, which in 1904 had risen to 363,000 tons. Our entire mineral wealth in 1880 had a value of something more than $369,000,000; in 1900 this had risen to something more than $1,000,000,000, and in 1904 to $1,289,000,000. It will thus be seen that the commercial activity of the country as represented by these heavier articles of merchandise has increased during the last twenty-five years at from 200 to 500 per cent, while railroad facilities have advanced but 110 per cent.

It has been intimated by one great railroad man that the railroads of a country can by no possibility keep pace with the commerce of the country. Transportation by rail has its limitations, and we have been warned by the great congestion of the past few months, as well as by the language of Mr. Hill, that these limitations have been reached in the United States.

The limitations of railroads were foreseen by German and French transportation authorities years ago, and these limitations have begun to impress the English mind as nothing has ever done before.

A royal British commission of sixteen persons is now investigating the canals of England with a view to their improvement, their attention being drawn to this problem by the part German inland waterways are playing in the transportation problem of that country. A German railway car, it is said, costs $62.50 per ton of load room, whereas the Rhine iron barges cost but $12.50.

The water courses of Germany and France, natural and artificial, have for many years been recognized as concomitant factors with railroads in the transportation of the commerce of these countries. There the heavy goods go by water, while lighter, more valuable, and perishable commodities go by rail. This division relieves the railroads without destroying their earning power, while distributing the commerce of the country far more efficiently than it is distributed here. Heretofore the railroads of the United States have looked upon their water rivals as enemies and have attacked every systematic movement for the improvement of our waterways. This policy, we are happy to say, is now breaking down. Railroads are becoming alive to the truth that the waterways are a relief to the colossal demands made upon them—demands which they can by no means fully meet and demands requiring the united activities of both railroads and waterways.

Spasmodic efforts are made by Congress to improve our waterways and harbors, but in no way commensurate with the demands of the commerce of the country. We have been alert in every other department of governmental activity, but have been parsimonious in the treatment of rivers and harbors.

With the hope of awakening the same alertness as to rivers and harbors that obtains in the Army and Navy and other governmental appropriations, I have submitted this resolution, and in its consideration I desire to call attention to a few statistical facts and economical conclusions.

In No. 276 of our consular reports for September, 1903, the conclusion is reached that in nearly all of the commercial countries of Europe the canal is regaining its long-lost prestige. We are told that Germany expended during the last ten years hundreds of millions of marks for the construction of artificial water courses, and that Austria will expend during the next nine years about $65,000,000 for a like purpose. Italy, with but 2,112 miles of inland water courses, voted in 1903 to expend $23,000,000 for their improvement. Since 1880, according to the special consular report entitled "Highways of Commerce," France has expended, up to 1899, $155,000,000 for the improvement of its ports alone. From 1802 to 1900 the United States expended upon all of her rivers and harbors a total of $370,411,000. France has expended in nineteen years on her harbors alone almost one-half the money expended by the United States on its rivers and harbors together in ninety-eight years.

Between 1880 and 1899 France spent $87,000,000 on her 3,500 miles of internal rivers and canals. A canal connecting Marseille with the Rhone River received $15,000,000, and one from Paris to Rouen $11,600,000. Since 1899 France has been extending these canals and developing her minor rivers to a most remarkable extent. The improvements made on the Loire and its tributaries have opened inland navigation to one-fourth of all France. The increased tonnage created by these improvements necessitated deep water for the canal at Nantes, and they are now preparing a 26-foot depth of water at that place, so that Nantes may become a first-class seaport and keep pace with the opening of the upper Loire to navigation.

One hundred and ten million tons of merchandise are transported into France each year by railroad, and 33,000,000 tons by water. The growth of the water transportation is one of the remarkable incidents of the French transportation problem. A regular weekly service of automobile canal barges run between Paris and Dunkirk, and another from Paris to Valenciennes. The speed of the automobile barges compares favorably with

that of slow freight trains and the transportation is much cheaper.

In the volume entitled "Highways of Commerce" we find the following language:

Millions and millions of dollars have been spent and are still being spent by Germany, France, and Holland to bring their products to market. No sacrifice seems to be too great for them, and, indeed, the seaports, as we have seen, are not the only recipients of this bounty. They understand that the heart can not be in good order without healthy veins and arteries. Hamburg, Bremen, Amsterdam, Rotterdam, Antwerp, Dunkirk, Calais, and Havre are centers whence the great arteries of trade and commerce radiate; but every one of these ports depends in turn upon the thorough and complete organization of its tributary system of railways and canals.

The opening of the Oder-Spree Canal caused the traffic between upper Silesia and Hamburg to go forward by leaps and bounds. Every deepening of the river Oder has been answered by a corresponding increase of tonnage. But recently the Prussian House of Lords has authorized the deepening of the waterway between Stettin and Berlin, so that vessels of 600 tons may ply between the cities, limiting the cost of this single enterprise to $71,400,000. This was done with the hope that the single city of Stettin might regain the lost trade that went to Hamburg and Lubeck by reason of their excellent water connections with Berlin and that the national trade might witness a corresponding increase. The latest developments of mechanical power by the application of electric power to the propulsion of canal boats and barges have been adopted by German transportation authorities.

While Germany and France have been thus keenly alive to the appropriate development of both forms of transportation, rail and water, we, on the contrary, have apparently centered our activity upon the development of transportation by rail. We have expended seemingly vast sums of money upon our rivers and harbors, but really insignificant sums when compared with the really great expenditures lavished upon the Army and Navy and other departments of our governmental activity.

There is really but a small amount carried in the bill before the House, only $34,000 in cash for this year and $48,000 in continuing contracts.

Let us consider for a moment what has been done in the way of river and harbor appropriations up to the present day.

On April 6, 1802, Congress made its first appropriation for the improvement of the rivers and harbors of the United States, amounting to $30,000; between that and March 3, 1825, thirteen other appropriations were made, no one of them amounting to $100,000; on that date Congress appropriated $300,000; on May 24, 1828, the $1,000,000 mark was reached; from that until March 3, 1837, it dropped back to lower figures, when it reached $1,666,000; dropping back again through forty-four different appropriations, it pushed forward on August 30, 1852, to $2,099,000; on June 23, 1866, it rose to $3,698,000, and on August 11, 1888, to $22,235,883, and on September 19, 1890, reached the highest mark of the century, $25,036,611.

The entire amount appropriated from April 6, 1802, to September 19, 1900, was $370,411,124, or an average of $3,700,000 a year.

Total appropriations for rivers and harbors:

From April 6, 1802, to September 19, 1900	$370,411,124
Fiscal year 1902	7,046,623
Fiscal year 1903	32,540,199
Fiscal year 1904	20,228,150
Fiscal year 1905	5,873,200
Fiscal year 1906	13,783,010
Fiscal year 1907	6,589,866
Total	456,452,172

From the annual report of the Secretary of the Treasury for the year ended June 30, 1906, the expenditures for that year alone were $736,717,582—that is to say, the Government expends nearly twice as much in a single year for other purposes as have been expended on rivers and harbors for one hundred and five years.

The average expenditure upon rivers and harbors for each year since 1802 is about $4,300,000, or about what is paid for an ordinary battle ship.

Comparison of river and harbor appropriations with other appropriations:

Average annual appropriation for rivers and harbors	$4,300,000
Appropriation in 1906 for civil establishment	149,600,000
For the military establishment	117,946,000
For the naval establishment	110,474,000
For the Indian Service	12,746,000
For pensions	141,034,000
For interest on the public debt	24,308,000
Deficiencies in postal revenues	12,673,000

Every four years we spend more for war than we have spent for rivers and harbors in one hundred and five years.

Every four years we spend as much on the Navy as we have spent on rivers and harbors in one hundred and five years.

Every year we spend three times as much on the Indians as we have expended on the average each year on rivers and harbors.

We have appropriated for the Isthmian Canal for the year ending June 30, 1907, $25,456,415, and can well afford to expend $50,000,000 per annum upon the development of our rivers and harbors, the basis of that trade which is to make the Isthmian Canal a profitable venture.

The expenditures for rivers and harbors from 1800 to June 30, 1905, were $406,199,296. The expenditures for the Navy Department for the same period were $1,668,000,000, or four times as much. Total expenditures for war for the same period $5,495,000,000, or more than thirteen times as much. The total expenditures for the War and Navy have been $7,163,000,000, or nearly eighteen fold.

Without disparaging the necessity for these appropriations, and without attacking their wisdom in any way, I maintain that annual appropriations for the improvement of our rivers and harbors should be placed upon an equal footing with these other great and annual appropriations.

Through the harbors of the country must pass in and out the merchandise which goes to make our $3,000,000,000 foreign trade, and which, from that part denominated imports, furnishes the largest part of the money which is expended upon all governmental affairs.

Through our custom-houses there comes each year $261,798,857 as duties paid upon goods entering this country through our various ports of entry. Our total ordinary net revenue in 1905 was $544,274,000, showing that our revenue from customs alone—a revenue depending almost entirely upon our rivers and harbors—is very nearly one-half of the entire revenue of the country. The revenue from the internal-revenue department was $234,095,000 in 1905—a revenue very largely dependent for its magnitude upon the transportation facilities of the country. Thus out of our total ordinary net revenue of $544,274,000, the sum of $496,893,000 is derived from customs and internal revenue. Ten-elevenths of our revenue is entirely dependent upon the commerce of the country, and in the entire history of the Government a less amount has been expended upon all our rivers and harbors than was collected in 1905 from internal revenue and customs. That this is an unfair and unwise method of procedure is apparent, and my contention that the method of procedure should be changed is certainly entitled to the highest degree of consideration.

Of the money expended from June, 1802, to September, 1900, $206,899,183 went to our rivers; $127,713,856 to our harbors; $30,245,387 to our canals; $5,552,696 for surveys, examinations, etc. The magnitude of these harbors will be seen by an examination of the tonnage entered at and cleared from the following seaports of the United States from and to foreign countries in 1905:

Seaport.	Entered.	Cleared.
	Tons.	*Tons.*
Passamaquoddy, Me	258,949	281,934
Portland, Me	325,763	329,125
Boston, Mass	2,604,579	2,082,814
New York	9,630,853	9,311,527
Philadelphia	1,833,640	1,817,984
Baltimore	1,224,960	1,249,698
Newport News	199,111	240,893
Norfolk and Portsmouth	98,669	450,094
Charleston, S. C	110,763	19,378
Brunswick, Ga	90,221	145,554
Savannah, Ga	170,536	432,533
Pensacola, Fla	404,607	489,997
Mobile, Ala	611,679	604,653
Pearl River, Miss	259,143	313,127
New Orleans	1,791,902	1,986,343
Galveston	884,536	1,081,248
San Francisco	809,107	1,017,512
Puget Sound, Wash	1,238,095	1,436,374
All other seaports	2,246,186	1,728,962
Grand total	24,793,299	25,019,820

Thus there passes in and out through these seaports, representing the great harbors of the country and depending upon the great rivers of the country to a very large degree, a grand total of 49,813,119 tons per annum, or about 100,000,000,000 pounds of merchandise. Such magnificent wealth getters as these certainly demand a better treatment than they have received, an average annual appropriation during one hundred and five years of $4,300,000, about equally divided between the rivers and the harbors.

The following is the showing of total appropriations made to each of these seaports from April, 1802, to September, 1900:

Portland Harbor, Me	$1,146,477
Boston Harbor, Mass	4,219,947
New York Harbor	3,011,530
Philadelphia Harbor	3,940,000
Baltimore Harbor	4,340,678
Newport News Harbor	
Norfolk and Portsmouth Harbor	189,500
Charleston (S. C.) Harbor	4,672,200
Brunswick (Ga.) Harbor	235,000
Savannah (Ga.) Harbor	861,430
Pensacola Harbor	720,000
Mobile Harbor	4,248,630
Pearl River (Mississippi) channel	18,199
New Orleans Harbor:	
Eads contracts	7,412,000
South Pass examinations	261,700
Other mouths or passes	1,900,681
Galveston Harbor	8,528,000
San Francisco Harbor	435,927
Puget Sound, Washington	193,500
Grand total for all harbors for one hundred and five years	127,713,856

Or but little more than $1,000,000 a year.

The following table will show the average receipts of these seaports from customs alone as paid into the United States Treasury for each year from 1898 to 1902, inclusive:

Passamaquoddy, Me	$78,605
Portland, Me	120,894
Boston, Mass	17,289,655
New York	143,140,998
Philadelphia	19,065,404
Baltimore	2,653,717
Newport News	719,097
Norfolk and Portsmouth	31,494
Charleston, S. C	76,149
Brunswick, Ga	15,827
Savannah, Ga	56,500
Pensacola, Fla	50,050
Mobile, Ala	39,302
Pearl River, Miss	11,190
New Orleans	4,972,448
Galveston	199,442
San Francisco	6,823,421
Puget Sound, Wash	515,935

The collections for the Internal-Revenue Department for the year ended June 30, 1905, for various States were as follows:

Illinois	$51,892,703
New York	27,991,572
Indiana	24,652,244
Kentucky	21,754,399
Ohio	19,782,615
Pennsylvania	19,196,170
Missouri	8,461,337
Wisconsin	7,339,385
New Jersey	6,160,181
Maryland	6,007,417
Louisiana	5,892,369
Grand total, eleven States	199,130,392
Grand total, all States	234,187,976

None of the other States pays as much as $5,000,000 per annum.

It will thus be seen that these eleven States, most vitally connected with river and harbor improvement, furnish productions which yield the Government very nearly four-fifths of all its revenue as collected through the Internal-Revenue Department. Whether considered from a standpoint of revenue from the customs department or of revenue from the Internal-Revenue Department, it will be seen that of the $544,000,000 collected each year the sections containing these harbors and rivers yield the very largest proportion. If, therefore, the revenue is commercial it should be distributed more nearly in consonance with the dignity of commerce. An appropriation should be made annually for the development of these great commercial feeders and that appropriation should be large enough to equal that of any appropriation made for any other department of the Government.

A consideration of all these facts and arguments, together with many others that will suggest themselves most obviously to anyone honestly investigating the question, leads me to believe that the resolution should pass, and that with its passage will come a larger development of our commercial activity, an activity that will repay a hundredfold the small annual investment demanded thereby. Our country is wonderful as to its area; wonderful as to its population; wonderful as to its resources, natural and otherwise, and most wonderful as to the mighty length of its navigable waterways and the mighty area of its seaports and harbors. No country upon the globe equals it in any one of these particulars, and in the last it dwarfs into insignificance every country upon the globe. These waterways drain regions of the most wonderful wealth, and their development is a duty which as rational men we have no right to avoid. It will require millions to do the work, but these millions will simply yield other and added millions, and we are able to expend all the millions that will be required.

In the resolution which has just been read, the first attempted piece of legislation which has been introduced in Congress looking to large and annual appropriations for rivers and harbors, I have endeavored to crystallize the outcry which seems to come from all parts of the country for a prompt improvement of our waterways and harbors.

At the proper place in the reading of the bill I shall introduce this resolution as an amendment, and I trust that each and every Member of the House who feels the necessity for an increased and an annual appropriation, advocated as it has been by so many eminent Members, will put his stamp of approval upon the policy to which it gives voice by giving the amendment a unanimous vote.

Mr. BARTHOLDT. Mr. Chairman, I move to strike out the section. My colleague from Missouri [Mr. LLOYD], in his remarks which he just concluded, referred to the action of the legislature of the State of Missouri criticising the chairman of the Committee on Rivers and Harbors. I have been advised of this action by the newspapers, as I suppose my colleague has been, but as I read the resolution passed by the legislature, they did not in any wise reflect upon the honesty, the integrity, or the superior judgment in matters of this kind of the distinguished chairman of that committee. If they had, Mr. Chairman, I would have joined my colleague, Mr. LLOYD, and my colleague, Mr. SHACKLEFORD, in trying to induce the legislature to rescind or repeal its action. The legislature by its resolution severely criticised, as I understand, the official action of the chairman disregarding the just demands of the people of the Mississippi Valley, and that, in my judgment, they had a perfect right to do. As to the upper Mississippi River, I desire to say that as far as the people of St. Louis are concerned they are certainly just as much interested in the improvement of the upper Mississippi as they are in the improvement of the stretch between St. Louis and Cairo, and if my colleague will translate his words into actions, being a representative of the upper stretch of the river, and will introduce an amendment here in favor of increasing the appropriation of $500,000 for that stretch of the river, I, for one, will certainly be most happy to vote for it, expressing, as I know I shall do, the sentiment of the people of St. Louis. I withdraw the pro forma amendment.

Mr. BURNETT. Mr. Chairman, I do not rise to criticise the action of the Committee on Rivers and Harbors. How could I do so when Alabama has had such generous treatment at its hands?

The bill under consideration carries more than $4,000,000 for my State, and this amount will no doubt almost push to completion the most of the large projects now in course of construction in Alabama.

Alabama has been especially favored by having on that committee, as the ranking Democratic member, one whose life has been consecrated to the upbuilding of our splendid Commonwealth. The long service in Congress and on the Rivers and Harbors Committee of Mr. BANKHEAD, the dean of our delegation, has enabled him during every year of that service to erect for himself some new monument to his loyalty and devotion to Alabama, and now, as he is about to retire to private life, I desire to thus publicly express the gratitude which the people of our State feel to their distinguished son. [Loud applause.] In fact, Mr. Chairman, their gratitude has already been spoken at the polls. [Applause.]

Last August, when the people were called on to select a successor to one of our distinguished Senators, should the hand of death be laid upon either, they said in tones not to be mistaken that no one of her sons was more worthy of wearing the toga of MORGAN or PETTUS than Mr. BANKHEAD. [Great applause.] The splendid vote by which they emphasized this choice showed that the toiling masses of Alabama believed that the wisdom, the experience, and the integrity of BANKHEAD should not be lost to Alabama and to the country. [Applause.]

During the time he has served on that committee he has secured for Alabama rivers and harbors over $10,000,000, to say nothing of the large appropriations he has secured for us as a member of the Public Buildings Committee. Alabama has had much at the hands of the Rivers and Harbors Committee, and she has deserved it all and even more.

Within her borders flow more miles of river susceptible to navigation than within the borders of perhaps any other State in the Union.

Most of these streams have been provided for, at least for the present, but one, and that the noblest of them all, has yet scarcely been touched. [Applause.] At Rome, Ga., the Oostanaula and the Etowah come together and form the Coosa.

This magnificent stream soon leaves the borders of Georgia and flows into Alabama. Beside its banks, Mr. Chairman, I first saw God's sunlight, and near its limpid waters I have lived to this good hour. Since I became a Member of this House I have toiled in season and out of season to secure for it that recognition which I believe its importance demands. But the committee thought that other projects which were further advanced merited all that Congress could give to our State. As to the wisdom of that view I now have no complaint to make. This bill gives us the best recognition that we have had in many years, and I hope that recognition is prophetic of better things to come.

But what of the Coosa? In the first place, Mr. Chairman, there is already an inland navigation of nearly 200 unbroken miles upon this river. Going from Rome southward, steamers ply its bosom every month in the year for that distance to Lock 4.

Three locks and dams have already been completed and the dam at the fourth is nearly so.

The original project called for thirty-one locks and 4-foot navigation. This was thought to be impracticable for successful and profitable navigation, and we secured another survey. This survey showed that a better project would be to increase the height of the locks and dams and thus decrease the number to about twenty-one and give a 6-foot channel. With this work completed, the river would afford an unbroken navigation of over 800 miles—from Rome, Ga., to the Gulf at Mobile—at all seasons of the year. This will be a longer distance of continuous navigation than is afforded by any other river in the South which empties into deep water except the Mississippi.

The length of the obstructions is about 85 miles—from Lock 4 to Wetumpka—and with these removed we reach the Alabama River near Montgomery, and thence to the Gulf. In magnitude this river has but few equals. It is a deep, bold stream, with sufficient water for boats drawing 6 feet to navigate at all seasons of the year if that water were properly concentrated over the shoals and rapids between Lock 4 and Wetumpka. Permit me here to read, as part of my remarks, an extract from a memorial to Congress prepared by Capt. W. P. Lay, the president of the Coosa River Improvement Association, in regard to the Coosa River. He says:

To give a more correct idea of the magnitude of the river and its possibilities, we quote from the report of Charles Frith, United States assistant engineer, in his report of November 24, 1888, in which he says: "Velocity observations taken at Lock 4 show a discharge of 3,921 cubic feet, with a velocity of 1.33 feet per second, at a stage of 1.8 feet above low water. Similar observations at Wetumpka, at low water, show a discharge of 5,796 cubic feet, with a velocity of 0.9 feet per second."

In the annual report of the Chief of Engineers for 1879, page 1203, the low-water discharge of the Mississippi River at St. Paul is given at 5,800 cubic feet per second. In the report for 1880, page 482, the low-water discharge of the Hudson River between Troy and Albany is given as about 2,000 cubic feet per second; and in the report for 1881, page 1929, the low-water discharge of the Ohio River at Pittsburg is given as 1,666 cubic feet at zero of the gauge, and as 5,810 cubic feet per second at 9 inches of the gauge.

Comparing these discharges with that of the Coosa at Wetumpka, it appears that the volume of water flowing in the Coosa at low water is about equal to that of the Mississippi at St. Paul, about 2.8 times greater than that in the Hudson at Albany, and about 3.5 times greater than that in the Ohio at Pittsburg.

The country through which it flows abounds in coal, iron, limestone, baryte, and other minerals, and in timber of all kinds. Along its banks and tributary to it is an agricultural country unexcelled in all the South.

At its head sits Rome, that rich and splendid Georgia city, the fires from whose furnaces turn darkness into day and the hum of whose spindles reverberate along its banks. [Applause.]

About 70 miles below is the Round Mountain iron furnace and the Dirt Cellar red ore mines, the quantity of which is inexhaustible and the quality of which is from 55 to 60 per cent metallic iron. In regard to the iron ores in this valley, Charles D. Walcott, Director of the Geological Survey, says of the red iron ores:

"It is known to exist more or less continuously throughout the entire Appalachian belt, but it reaches its greatest development, both in quality and quantity, in Alabama. It supplies the furnaces at Rome, Round Mountain, Gadsden, and Attalla, all on the Coosa River, besides a very large number of furnaces in the Birmingham district, only 30 miles distant. The supply of this red ore in sight is sufficient to meet a demand much larger than the present for many years."

He also says of brown hematite ore:

A belt of these deposits extend from the vicinity of Rome southward more than 100 miles along the eastern margin of the Coosa Valley. It is probable that this belt contains more brown iron ore than all the rest of the Appalachian provinces combined, and it is nowhere more than 15 or 20 miles from the Coosa River. It supplies ore to the furnaces at Rome, Cedartown, Ætna, Rockrun, Tecumseh, Anniston, Ironaton, and Talladega, and besides furnishes a large amount of ore for shipment to the Birmingham district and elsewhere.

About 150 miles below Rome is Gadsden, the queen city of the Coosa, whose commercial and industrial growth has been the wonder and the pride of all who love Alabama. [Applause.]

This splendid city sits on her throne of iron upon the banks of this river, with historic Lookout as her background, the Coosa washing her feet, bestudded with black diamonds, and the sparks from her furnaces forming the dazzling jewels which encircle her head. [Great applause.]

A few years ago she was only a village of 4,000 souls, but now 12,000 busy people throng her streets, and the hum of honest industry is heard on every hand.

In her factory 1,000 happy laborers draw out the fleecy staple into clothing for Orientals; in her steel plant another thousand well-paid men transform her ores into billets of steel; in her furnaces another thousand convert the crude iron ore into pig, and a score of other industries give the toiling masses steady, well-paid work. Within the past two years more than 500 houses have been built, and still the people call for more. Not a vacant residence or business house can be found in the city, and every day a new one is started. Three immense sawmills running all the time can not fill the demand for lumber. Yet, Mr. Chairman, this is no boom town, but a city backed by generous nature and thrifty people to make it great. Iron, coal, limestone, and timber are at our doors, and soil and climate combine to pour a constant horn of plenty into her lap. Two excellent daily newspapers are growing day by day. A beautiful new Carnegie library, with well-filled shelves, caters to those who wish to read. Five railroads run in ten different directions to and from our town, and urban and interurban electric cars speed through our streets. But, Mr. Chairman, I could recount our industries and attractions and advantages for another hour and then exclaim, with Sheba's queen, "The half has not been told." [Great applause.]

Then why should we not prosper? Indeed, we are prospering, and all we need to make our happiness complete is the opening of the Coosa to the Gulf. [Applause.]

The navigation of this stream now extends about 50 miles below Gadsden. At Greensport, 30 miles below, barite is being mined and six barges are plying the river from that place to Gadsden to bring that mineral to railroad transportation. Coal of the best quality and in large quantities is being mined at Ragland and Coal City, near the banks of the Coosa, and at Ragland a large cement plant is being constructed, which will make 2,000 barrels of high-grade Portland cement per day. Even the completion of Lock and Dam 5 will carry us far into the Coosa coal fields and open up to navigation millions of tons of this valuable mineral. What is known as "Black Ankle Coal Basin" is near Pell City, at Lock 5. In this basin there are three workable seams of coal—one of 34 inches thickness, one of 42, and one of 64. The completion of Lock and Dam 5 would open transportation down to this valuable coal property and at the same time make the river navigable below where the Southern Railroad crosses the river at Riverside, and thus give competition with the railroad. At Riverside an immense sawmill plant is being operated, turning out millions of feet of fine lumber every year. Near Lock 5 is Pell City, where one of the largest cotton factories of the State is being operated, and where other industrial plants are springing up. This is one of the most beautiful little cities on the Coosa, and its growth and prosperity are assured.

Anniston, Talladega, Childersburg, Wetumpka, and a dozen other thriving cities are in the Coosa Valley and will furnish thousands of tons of freight for its steamers when it is opened.

There are nine counties in Alabama lying immediately upon the Coosa River and cut off from all water communication with the Alabama River, to wit: Cherokee, Etowah, Calhoun, St. Clair, Talladega, Shelby, Coosa, Chilton, and Elmore. There are three counties in Georgia that are immediately tributary to this river, and nine in Alabama. The area of these Alabama counties is about 3,566,272 acres, of which more than 700,000 is in a high state of cultivation and the remainder covered with virgin forest. The assessed value of the property of these nine counties is about $65,000,000.

The population of these nine counties is about 200,000 souls. They produce annually about 150,000 bales of cotton, 3,500,000 bushels of corn, 750,000 bushels of oats, 500,000 bushels of wheat, and other farm products, including stock, in proportion.

I have told you something of the fine mines of iron ore, but these are even excelled by the rich deposits of coal in the Coosa coal fields, through which our river runs.

This rich coal field, so appropriately named after the beauti-

ful Coosa River and valley in which it is found, lies in Shelby and St. Clair counties, Ala., with a small portion extending about a mile and a half into Calhoun County east of the Coosa River at "Ten Islands" (the archipelago of the Coosa). It extends entirely through St. Clair County, a distance of about 34 miles, and 24 miles into Shelby County, making the whole length of the field approximate 60 miles, running up and down the Coosa River, and is estimated to contain 350 square miles.

Professor McCalley, in his estimate of the extent of the Coosa coal fields, reaches the conclusion that with an output of 10,000 tons per day the coal in this region would last 165 years.

As for the quality and character of the Coosa coals, I quote from the report of Eugene A. Smith, Ph. D., Alabama State Geologist, in his report of the Coosa coal fields, 1895:

> While different seams of coal show special differences in the structure and composition in this, as in all other coal fields, yet there are general features of similarity that distinguish these coals, as a class, from other coals. They are highly bituminous—free burning—yet rich in fixed carbon. Soft, easy to mine, free from bone or slate structure and also from combined sulphur or pyrite, generally called sulphur flakes, and often and fervently maledicted by the miners in other fields. They long sustain combustion and leave but little ash or cinder and no clinker, and are hence well adapted for raising steam, for forge work, and for all other purposes of fuel.
>
> The most important characteristic of these coals is in their superior coking qualities. They will rank among the first class of coking coals.

The lime interest of the Coosa Valley demands more than a passing thought, when we take into consideration that the lime deposits of this valley are probably the richest and most extensive to be found anywhere in the United States, and the further fact that the greatest market for lime is found in the sugar refineries in Louisiana and the West Indies, and this market begins where the waters of the Coosa River—the object of this memorial—empty into the Gulf of Mexico.

These lime deposits are found in great cliffs of pure limestone, assaying 98 to 100 per cent pure lime, towering up over the river and valley hundreds of feet high. They are similar to the cliff limestone region of the Ohio Valley.

Mr. Chairman, we find in this favored valley iron, coal, and limestone in closer proximity and in greater quantities and of finer quality than any region beneath the sun.

I have merely skimmed over a few of our advantages, but these show something of the importance of the river and its splendid valley. With only an inland navigation the tonnage on the river last year was more than 83,000 tons, valued at nearly $3,000,000, and the tonnage in the valley was over 10,000,000 tons. Gadsden alone handled over 2,160,000 tons and Rome, Ga., over two and one-half million tons.

But I must desist. We believe that in the near future a just committee and a just and generous Congress will give to this river at least a moiety of what it deserves, and that from the mountains of north Georgia to the Gulf of Mexico the gleam of electricity will shoot out from its immense water powers; the hum of honest industry will echo from the mountains and float out upon its bosom; the shouts of myriads of happy children will ring out from the schoolhouses along its banks; the shriek of a hundred steamboat whistles will announce the steady march of commerce from the mountains to the sea. Then gentlemen from the North and gentlemen from the South will all join in one grand refrain of "Hail Columbia, happy land," and all the country will say Amen! [Loud applause.]

Mr. TYNDALL. Mr. Chairman, I do not rise for the purpose of detaining the House for any great length of time, nor to add very much to what has been said in reference to the bill now pending, but, Mr. Chairman, I wish to make a few observations on this bill, which is, as I take it, the most important bill which we have had or will have before us at this session of Congress. When I say the most important I mean the most important to the country in general. It seems to me it were now time that we pass some legislation in favor of the common people. We have increased our own salaries and that of the Chief Executive and the Senate. Don't you believe, gentlemen, that it is now time to do something for the people at home?

The Rivers and Harbors Committee, who have had under consideration this bill, have brought out here a bill which is in many respects the best one we have ever had reported on the subject of river improvement, yet it is defective in many instances. The bill carries with it, in the aggregate, an authorized appropriation of $83,816,138. Of this sum, $12,145,000 is authorized to be expended in the improvement of the Mississippi River. Mark you, there is only about one-half of this amount actually appropriated. It is left to the discretion of the Secretary of War to contract for work and improvements to the amount of one-half of this appropriation.

Mr. Chairman, it seems to me that we ought to appropriate at least fifty millions for the improvement of the Mississippi River, the Father of Waters, the great natural spinal column of American commerce. It seems to me that the wise thing for us to do is to build the foundation of this waterway's navigation first. You know, Mr. Chairman, that the Mississippi is the great trunk navigation highway. Why should we begin building and improving the branches first? Do men build the side rooms and porches before they do the main body of the house? In the development of the railroad industry in this country the main trunk lines were built first and after that the branch lines. This bill carries with it about eight times as much appropriation for the smaller inlets and bays as it does for the Mississippi. For instance, there is appropriated for the improvement of Cold Spring Inlet, New Jersey, more than a million dollars—a project unheard of until a few days ago. It seems that the Cape May Real Estate Company are to be the greatest beneficiaries of this project, and are now, in contemplation that this appropriation will pass, extensively advertising their lands adjacent to this inlet and upon which the harbor is to be erected.

For more than a century, Mr. Chairman, we have been expending our money in improving the gulfs and bays along the Atlantic seaboard. Those engaged in manufacturing and foreign commerce have grown rich. They have formed monopolies and trusts, and now at this very moment their representatives are here lobbying and bringing everything to bear upon this House which they can for their own personal aggrandizement.

Mr. Chairman, I am getting tired of seeing these eastern trusts and combines get all the ripe side of the peach and give us all the green side, no matter under what political guise it may come. There is no politics in this matter when it comes to spending the people's money in internal improvement. This idea of river improvement is not a new one. It has been studied and discussed long and well. It is well known now that the greatest enterprise upon which this Government could now embark is the improvement of our rivers. Since we are to build the Panama Canal the railroads are building no longer from east to west, but from north to south. Now open up the Mississippi River and we have the cheapest and best method of reaching the canal that could be conceived of. The Mississippi Valley will then become a great funnel through which we can pour all the surplus products of the country. We expect to spend $200,000,000 in building the Panama Canal. Now, if that is a wise thing—and I think it is—give us $50,000,000 for the improvement of the Mississippi River and the praise of this Congress will continue to be sung throughout the ages yet to come.

During the year 1876 688,755 tons of freight reached St. Louis by river. The following regular lines of packets and freight steamers with barges found profitable employment: The Conrad Line, the Eagle Packet Company, St. Louis and Illinois Packet Company, the Counts Line, the Mississippi Valley Transportation Company, the Missouri and Star Line, the Keokuk and Northern Line, the Anchor Line, the Carroll and Baker Line, and the Babbage Transportation Line. In the neighborhood of 350 steamers and barges; and during this same year over 2,200 steamers and barges arrived at the port of St. Louis.

Owing to the increase of the population of the Middle West, the growth of commerce, manufacture, and business interests demanded the extension of railroad facilities and the building of new lines. The liberality of the people who advocated propositions to vote railroads money and grants to secure rapid transit knew no bounds. The transcontinental railroad convention, which was held in St. Louis in 1875, contained men of prominence from all over the country. Railroad conventions were held all over the Republic, advocating the idea of the Government aiding in the building of railroads by which the country would be threaded from State to State and from ocean to ocean and bound together by ligaments of steel, connecting all parts of America socially, commercially, and politically. The steamboat men and river men generally attended these conventions and by their presence and influence aided very materially in the railroad enterprises. Rapid transit became a reality; unprecedented railroad building took place, and soon long trains of cars filled with the commodities of our farms and our mines and our factories were daily seen traveling to our market places. The Government continued to protect to the greatest extent, encourage and legislate in the interest of railroad corporations and wholly neglecting and disregarding our rivers until the owners of river transportation became discouraged, and the result is we to-day have little or no river transportation. However, we still have our rivers with us, and, Mr. Chairman, I have no doubt that we are soon to embark on this river-improvement scheme, which will be one of the grandest enterprises in which we as a nation have ever engaged. I hope the time may speedily come, and I hope this committee

will by its vote amend this bill so that the Mississippi River will now receive an appropriation of $50,000,000. This would be an investment of money which would affect and redound to the benefit of the whole Republic and not any particular locality.

Open up this great internal waterway system, with its 16,000 miles of navigable waters, and we will witness an era of prosperity beyond our most sanguine expectations.

Mr. Chairman, it seems to me that any Member of this House who would oppose a good, stout appropriation for the improvement of our rivers is directly interested and concerned in the financial welfare of the railroads of this country to the disregard of the welfare of the great masses of the people. I therefore appeal to this House to stand by the great mass of common people who have so strongly and so earnestly petitioned us to give them this very much needed internal improvement.

The Clerk read as follows:

Improving Kennebec River, Maine, from the mouth to Gardiner, in accordance with the report submitted in House Document No. 321, Fifty-ninth Congress, second session, $75,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to complete the said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $200,000, exclusive of the amount herein appropriated.

Mr. GROSVENOR. Mr. Chairman, I rise to propound a question to the committee in the interest of progress and dispatch of business. We have ascertained, those of us who have observed the temper of the House, that the chairman of the Committee on Rivers and Harbors is the best chairman that that committee ever had. [Applause.] I quite agree with that sentiment. Certainly I have learned, or we have learned by responses here, that each and every member of the committee is not only an able man, but is an honest man and is in full accord with the entire bill. We have learned further that that powerful element in the House, backed by the same momentum that has always passed the river and harbor bill, has decided that there shall be no amendment to this bill, and we have been notified on every hand not to propose an amendment. I am not going to propose any amendment. I know better than to propose an amendment to the river and harbor bill. [Laughter.] I served eight years on this committee, and I learned a great deal during that time, and one of the things I learned was that when you get a river and harbor bill in the House of Representatives you get run over if you attempt to improve it. [Laughter and applause.] Therefore I suggest whether it would not be wise now, looking forward to the rapidity with which the session is running to its end, to rise and report this bill back without amendments, with the recommendation that it do pass. [Laughter and applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

Improving Essex River, Massachusetts: For improving said river by the restoration of the channel, $5,000: *Provided*, That no part of this sum shall be expended unless a further amount of $5,000 shall be provided by the State of Massachusetts or other agency, and made subject to the order of the Secretary of War in such manner as he may direct, to be expended upon said project under his direction.

Mr. LAWRENCE. Mr. Chairman, I have been requested by my colleague [Mr. GARDNER], who found that he would not be able to be in the House when this item was reached, to offer an amendment which he had prepared to the effect that an unexpended balance of the amount formerly appropriated for this river, amounting to about $3,000, be made available and expended in accordance with the recommendations made by Major Burr, the local engineer in charge; but I have just learned that the Chief of Engineers has ruled that legislation is not necessary, as he now has the authority to so order this expenditure, that the order has already been made, and that the sum will be expended in accordance with the recommendation of the local engineer. I would ask the chairman of the committee if that information is correct?

Mr. BURTON of Ohio. Mr. Chairman, I would state to the gentleman from Massachusetts that such is the fact. The improvement provided for in the amendment is already ordered to be done, and I would say further that I regard it as objectionable to put on an amendment of the nature proposed, because it throws doubt on other items where there is not a similar provision.

Mr. LAWRENCE. In view of the statement of the chairman of the committee I will not offer the amendment.

The Clerk read as follows:

Improving harbor of refuge at Block Island, Rhode Island: For maintenance, $20,000.

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

The Clerk read as follows:

Page 6, line 19, strike out the word "For" and insert in lieu thereof the words "Continuing improvement and for."

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

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

The Clerk read as follows:

Improving harbor at Branford, Conn.: Completing improvement and for maintenance, $5,000; and the Secretary of War is authorized, in his discretion, to remove the rocks at the outer end of the channel leading to the harbor.

Mr. BURTON of Ohio. Mr. Chairman, I desire to offer an amendment which is made necessary by an erroneous description.

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

The Clerk read as follows:

Page 7, strike out lines 13 and 14 and insert in lieu thereof the following:

"Continue the channel with the dimensions heretofore authorized for the inner harbor through the shoals at its outer end to deep water in the outer channel."

The amendment was agreed to.

The Clerk read as follows:

Improving harbor at New Haven, Conn.: For maintenance, including channel by way of Oyster Point to Kimberly Avenue Bridge on West River, $10,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Mr. Chairman, the other day the legislature of the State of Missouri and also the legislature of the State of Illinois passed resolutions for the benefit or, rather, the instruction of Congress. The legislature of the State of Illinois passed a resolution calling attention to the fact, in connection with the river and harbor bill, that that bill carried appropriations or authorizations to the amount of over $16,000,000 for the Great Lakes. The purpose of making this comparison in the resolution was a criticism of the bill in the interest of another proposition, which, whether it may be meritorious or not, is not for me to discuss at this time. The legislature of Missouri made the same sort of criticism for the same purpose. It is well sometimes to pause and consider what are the facts in relation to the movement of commerce in the country. The total amount of commerce on the Mississippi River and the Ohio River combined passing the point at Cairo, Ill., where most of it passes, so far as north of Memphis is concerned, amounted to 3,909,117 tons, counting tons as the tonnage of the vessels both arriving and departing, for eleven months ending November 30 of this last year. During the same period of time on the Great Lakes the total amount of trade carried on the Lakes was 70,049,369 tons of receipts and 72,975,297 tons of shipments; and yet the criticism is made by the legislatures in the interest of tonnage on the Mississippi, as against the tonnage on the Great Lakes, when one is less than 4,000,000 and the other more than 70,000,000 of tons. In this bill is carried an item of about $5,000,000, or possibly exactly, for the improvement of the Detroit River.

For the nine months ending November 30 the commerce on the Detroit River passing through that river amounted to 58,531,519 registered tons. On the Sault Ste. Marie, during the same period, the commerce passing the canals there was over 50,000,000 tons. So that the comparison of the tonnage, which might easily be carried further and to the Atlantic and Gulf ports, shows that if there be any portion of the country which is entitled to improvement it is those two places carried in this bill for the interest of the entire commerce of the country, about $5,000,000 for the Sault Ste. Marie and about $5,000,000 for the Detroit River; and for the State of Illinois, of which Chicago is one of the important places, to say the least—for the legislature of that State to pass a resolution criticising a bill because it carries items which are more for the interest of Chicago's commerce than for any other place in the country, leads me to make these remarks. I think that the legislature of Illinois, if it were attending to the business committed to its care, if it were considering those questions which come within the control of the legislative body of that State, and should give less consideration to those questions which come before Congress, it would do both itself and the country much more good. [Applause.]

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

Mr. MANN. I ask for five minutes more.

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

Mr. MANN. Mr. Chairman, it is not an easy matter, as everyone in the House who ever tries it knows, to make up any kind of an omnibus bill. If the criticisms, whether expressed

or implied, by these legislative resolutions had not been made I would not take the trouble to say a word in regard to the chairman of the committee reporting this bill. He needs no defense in this body. [Applause.] There is no one who sits at a desk in this Hall who does not take off his hat in profound respect to the distinguished gentleman from Ohio. [Applause.] But in view of the criticisms which have been made of him I desire to say that, in my opinion at least, there never has been in the history of our country a man who has done more good and with more justice in making up the river and harbor bill or any other bill than the gentleman from Ohio who reports this bill. [Applause.]

It is easy to find fault with his action. I take that liberty with him myself when I please. It may be that the bill is not perfect. Of course it is not perfect. There may be items in it that ought to be stricken out. There are very likely items out of it that ought to be put in. That is human nature. But I do not think it lies within the province of either Missouri or Illinois to criticise items which are in this bill, with more than $11,000,000 for the improvement of the Mississippi River and with more than $16,000,000, as stated here, for the improvement of the Great Lakes. These States, with their shipments going both south and north, ought to give praise to the committee which has provided these great amounts without necessarily relaxing an ambition to carry on other improvements as well. [Applause.]

The CHAIRMAN. The pro forma amendment may be considered as withdrawn. The Clerk will read.

The Clerk read as follows:

Improving Echo Bay, New York: For removal of Long Rock and for maintenance, $12,000.

Mr. BURTON of Ohio. Mr. Chairman, I desire to offer an amendment there. I will state that this amendment is made necessary in order to designate the improvement to be made.

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

The Clerk read as follows:

On page 9 strike out all after the words "New York," in line 21, and all of line 22, and insert in lieu thereof the following:

"Completing improvement in accordance with report submitted in House document No. 182, Fifty-ninth Congress, second session, and for maintenance, $12,000."

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

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

The Clerk read as follows:

Improving Ambrose channel, New York Harbor: The Secretary of War many enter into a contract or contracts for such materials and work as may be necessary to complete said project, to be paid for as appropriations may from time to time be made by law, to an amount not exceeding $1,148,510, exclusive of amounts herein and heretofore appropriated or heretofore authorized, from which amount, or from any amounts heretofore appropriated or authorized for said project, not exceeding $800,000 may be expended for the construction of two suction dredges: *Provided*, That during the continuance of excavation in the said Ambrose channel the navigation thereof may be restricted by regulations to be issued by the Secretary of War, limiting the use of said channel to daylight navigation by vessels of 29 feet draft or over.

Mr. BURTON of Ohio. Mr. Chairman, I notice a slight error here, and, while not serious, the phraseology should be corrected. There is nothing appropriated in this paragraph, so the word "herein," in line 18, and the word "and," at the beginning of line 19, should be stricken out. I move that those two words be stricken out.

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

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

The Clerk read as follows:

Improving Bay Ridge and Red Hook channels in the harbor of New York: The Secretary of War is authorized, in his discretion, to modify the project for this improvement by making the depth less than 40 feet.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the paragraph. The complaint which most Members make against this bill is that they have failed to get something beneficial to their localities; the complaint of the people of the city of New York is that the bill takes from them something they already have.

In 1899, in the same act in which the Ambrose channel project was authorized, the project known as the Bay Ridge and Red Hook channels improvement was initiated in the following language:

Improving Bay Ridge channel and Red Hook channel in the harbor of New York: Continuing improvement, $100,000: *Provided*, That the work shall be begun at the 40-foot curve at the southerly end of Bay Ridge channel and be continued through it along the Brooklyn shore to Twenty-eighth street until the said Bay Ridge channel shall have a uniform depth of 40 feet at low tide and a width of 1,200 feet, and the improvement of the Red Hook channel shall be begun on its southerly end and at its junction with the Bay Ridge channel, and be continued through it to its junction on its northerly end with the Buttermilk channel until said Red Hook channel shall have been made to a depth of 40 feet at low tide and a width of 1,200 feet: *And provided further*, That contracts may be entered into by the Secretary of War for the completion of said Bay Ridge channel and Red Hook channel, to be paid for as appropriations may, from time to time, be made by law, not exceeding in the aggregate $2,400,000, exclusive of the amount herein and heretofore appropriated.

These channels lie along the east shore of the upper bay, better known as the South Brooklyn water front, and with Buttermilk channel form an easterly channel between the Narrows and the East River, and are separated from the main channel by Governors Island and a broad shoal off Gowanus Bay. In 1881 a project was adopted to make these channels 18 feet deep and 200 feet wide, and subsequently it was modified so as to make the depth 26 feet with a width of 800 feet in Bay Ridge channel and 400 feet in Red Hook channel. This project was completed in 1899 at a cost of about $1,090,000. The same year the existing project was authorized.

To July 1, 1906, $1,081,320.20 had been expended under the authorization of the act of 1899, and the appropriations already made aggregate $1,499,000. About 75 per cent of the entire area to be dredged has been excavated to depths from 28 to 40 feet; 11,082,203 cubic yards have been removed, which is about one-half of the entire amount necessary to be removed.

According to the report of the Chief of Engineers for 1906 Bay Ridge channel is available for, and is used by, vessels of 30 feet draft as far as Fortieth street, Brooklyn; and except for a few shoals it has 35 feet depth to that point with a width of about 800 feet. Above Fortieth street to Red Hook channel, which commences at Twenty-eighth street, Brooklyn, where Bay Ridge channel ends, there is a depth of 30 feet and a width of 500 feet; toward Gowanus Creek the available depth is about 24 feet. Red Hook channel, which commences at Twenty-eighth street and continues in a northerly direction along the Brooklyn shore until it reaches Buttermilk channel has 35 feet continuous depth throughout its entire length, but there is not yet sufficient width for navigation by vessels requiring so much water. Its available depth is 30 feet for 300 feet width and 26 feet depth for about 800 feet width. The total length of the two channels is 4½ miles, and the mean rise of tide is 4½ feet.

The commercial statistics for the calendar year 1905 show that along Bay Ridge channel, from Ninety-second street to Twenty-eighth street, the approximate number of tons of freight received at the docks was 1,110,000, valued at $51,485,000; tons shipped, 630,000, valued at $32,520,000; in all, 1,740,000 tons, valued at $84,005,000. There are no statistics of the freight shipped and received along Red Hook channel, but the local engineer estimates it as one-sixth of that of Bay Ridge channel. In addition 3,000,000 tons of freight pass to and from Gowanus Canal and Creek, and an enormous amount of freight passes through the channel to various destinations of which no attempt is made to keep records.

Such, briefly, was the status of the projects for the improvement of Bay Ridge and Red Hook channels when the river and harbor bill was reported to the House Saturday, January 26 of this year.

The bill was not in print until the 28th of January, when an examination disclosed the provision for the modification of the project. It was inserted, so far as I am aware, without notice to or consultation with any of the Representatives from the city of New York and without knowledge by them that any such action was contemplated. No opportunity was afforded to discuss the provision in committee by those representing the section to be affected, and I am convinced that the committee acted in ignorance of the facts which I shall now present.

A careful examination of the report of the Chief of Engineers discloses not even an intimation that a modification of this project was contemplated or that it would be suggested. The provision is the result of recommendations made, but not published so as to be available, since the 1st of January of this year. The recommendation grows out of the abandonment, or at least the temporary suspension, of work under the contracts for the improvement. I am somewhat embarrassed in stating just how the provision was adopted, since I have been unable to obtain all of the correspondence had in relation to this matter. I have some of it. I do not know, however, whether it is complete. When the chairman of the committee presented this bill to the House on Thursday last, January 31, I requested him to furnish me with the correspondence upon which this recommendation was based. I have made several efforts since to obtain it without success. It is not in criticism that I state these facts, since the chairman of the committee frankly informed me that he doubted the advisability, because of important considerations from the standpoint of the United States, to make the correspondence public at this time, but merely to

account for my inability to discuss with that thorough knowledge of the transaction which I should prefer to have. It is fair to add, too, that the chairman stated that he would be glad to furnish me with the correspondence for my own information, but not for publication. The information thus obtained, however, would be of no service to me.

From other sources, and in a perfectly legitimate manner, I have obtained copies of official communications which I shall utilize in this discussion. On January 11, 1907, the local engineer in charge of improvements in New York Harbor, Lieut. Col. W. L. Marshall, wrote as follows to the Chief of Engineers:

5. The available funds were appropriated under authority of March 3, 1899, providing "that contracts may be entered into by the Secretary of War for the completion of said Bay Ridge channel and Red Hook channel" at a total cost not exceeding $2,500,000. It is impossible now to enter into another contract for completing the projected channels within the authorized limit of cost, and therefore, except in the improbable event of the present contractor's continuing the work, it would seem that action by Congress is needed, either to extend limit of authorized expenditure, or to modify and reduce the extent of the adopted project. The latter plan seems to be preferable for reasons as follows:

6. The present project for a channel of 40-foot depth and 1,200 feet width throughout Bay Ridge and Red Hook channels is far in excess of any existing demands of navigation in that part of the harbor. I do not know of any ships now built, building, or projected which expect to require 40-foot depth in these channels. *For present needs a depth of 25 feet in Bay Ridge channel above Thirty-eighth street, and the same depth throughout Red Hook channel, would be practically sufficient; greater depths would not be used now.*

7. An excellent channel, fully meeting the needs of all present shipping and of all that I can learn of for the immediate future, could be made at comparatively small expense by dredging Bay Ridge channel to 35 feet depth and 1,000 feet width below Fifty-fifth street and increasing the width to 1,200 feet, for convenience in turning large ships, between Fifty-fifth and Thirty-eighth streets, and by removing the more prominent shoals in Red Hook channel. It seems probable that this could be done with the balance of previous appropriations now available, about $270,000. If it could not be completed to the full widths stated, it could be to very nearly those widths. It would provide at an early day a channel ample for present needs, leaving prospective requirements to be met when they developed.

8. A sufficient provision of law to authorize this change of project would seem to be a proviso that the balance remaining from appropriations heretofore made for improving Bay Ridge and Red Hook channels, New York Harbor, may be applied to making Bay Ridge channel 35 feet deep and not less than 1,000 feet wide up to Thirty-eighth street and to removing shoals in Bay Ridge channel, and that further work under the project for 40 feet depth be discontinued for the present.

Some other matters are referred to in the communication, which I shall withhold for the present. That letter, however, dated January 11, 1907, contains the first suggestion or intimation, so far as I have been able to ascertain, that the Bay Ridge and Red Hook channels project should be modified. The bill was reported with the modification recommended on January 26, 1907. And, so that there may be no quibbling as to whether this item means that the project has been modified or only that it may be modified, I shall only add that the Secretary of War has already approved the recommendations contained in that communication from Colonel Marshall.

Meanwhile what was the actual situation in New York Harbor?

As a result of several decisions of the Secretary of War upon applications made by the city of New York the city is unable to build piers in the North River of sufficient length to accommodate the vessels now built as well as those in contemplation. The only available and undeveloped water front in the city that could be utilized for the increasing demands of commerce and of navigation is the water front on the Bay Ridge channel. With the knowledge that the United States was making, and had been so engaged for more than five years, a channel 1,200 feet wide and 40 feet deep along the South Brooklyn shore, the city took up the question of constructing a system of public docks to accommodate any ships that might possibly enter the harbor when the Ambrose channel is completed and seek adequate docking facilities. Upon examination it was disclosed that private interests had already acquired upon the Bay Ridge channel large tracts and were engaged in developing the property for private docking. The Bush Terminal Company has built six or seven solid concrete piers 1,400 feet long, 150 feet wide, with slips 270 feet wide, that accommodate six steamships at one time. Other piers of a similar character are to be constructed. This company alone moved upon the railroad system established within its limits over 70,000 tons of freight during the month of December, 1906. The total tonnage of vessels docked at its piers during the year 1906 was 1,714,516 tons, the average tonnage of the steamships was 3,000 tons, and their greatest draft, limited by the lack of water, 30 feet.

The Morse Iron Works has two piers, one 70 and the other 80 feet wide, and each 2,000 feet long. Realizing that with the acquisition by the city of the ferry from the foot of Whitehall street in Manhattan to Thirty-ninth street in Brooklyn, on the Bay Ridge channel, and the proposed establishment of another municipal ferry from the same terminal in Manhattan to about Sixty-first street in Brooklyn, with the consequent rapid development of the adjacent territory and the unquestioned enhancement in values, it would be necessary for the city to act quickly if it would continue its policy to own and control the piers and water front for the benefit of commerce, steps were taken to make possible the acquisition rapidly of that territory adjacent to Bay Ridge channel deemed desirable for a system of public piers.

At the session of the legislature in 1906 an amendment to the charter of the city of New York was obtained to expedite proceedings in which property is acquired for wharfage purposes. Work upon plans was immediately commenced, and on January 30 of this year, in the belief that these projects for the improvement of Bay Ridge and Red Hook channels would be completed, the commissioner of docks of the city of New York applied to the board of estimate of the city for leave to acquire twelve tracts of land adjacent to the Bay Ridge channel as the first step in the consummation of the plans to develop that water front and in the construction of a system of piers that would be unrivaled in any port in the civilized world. The location of the property sought to be acquired and its assessed valuation, as given by the commissioner, is as follows:

	Assessed valuation.
Block between Twenty-eighth and Twenty-ninth streets (Second avenue to pierhead line)	$120,000
Block between Thirtieth and Thirty-first streets	136,000
Block between Thirty-first and Thirty-second streets	137,000
Block between Thirty-second and Thirty-third streets	139,000
Block between Thirty-third and Thirty-fourth streets	137,000
Block between Thirty-fourth and Thirty-fifth streets	137,000
Block between Thirty-fifth and Thirty-sixth streets	137,000
Block between Fifty-seventh and Fifty-eighth streets (First avenue to pierhead line)	95,000
Block between Fifty-eighth and Fifty-ninth streets	90,000
Block between Fifty-ninth and Sixtieth streets	86,000
Block between Sixtieth and Sixty-first streets (First avenue to Narrows avenue) lot No. 1	35,000
Same block, lot No. 5	42,000
Block between Sixtieth and Sixty-first streets (Narrows avenue to bulkhead line) lot No. 1	2,000
Same block, lot No. 6	2,400
Total assessed valuation	1,431,000

In his application to the board of estimate the commissioner of docks says:

All this property will be available for trans-Atlantic ships when improved, and plans have been drawn with this end in view. The development of the Pennsylvania Railroad (connecting railroad) and the developments sure to proceed from the fact of the city's operation of the ferry to Thirty-ninth street from Whitehall street, and in connection with the projected or proposed ferry to run from Whitehall street to about the foot of Sixty-first street, South Brooklyn, will in the near future increase the valuation of this property without any doubt.

It is therefore, to my mind, expedient for the city to start proceedings for the acquirement of that portion of it shown on the map at the earliest practicable date.

I have been informed, and I have endeavored to ascertain accurately the facts, although embarrassed by the unexpectedness of this proposed modification and the lack of time to obtain positive information, that the plans contemplate piers of about 2,000 feet length or more, as piers can be built on this channel 2,400 feet long and which will accommodate at one time four of the largest ships in existence. This great improvement is planned in the belief and upon the assumption that the project initiated in 1899 to deepen and widen Bay Ridge and Red Hook channels would be completed. A rough estimate has been made that the expenditure by the city for this improvement will exceed $10,000,000. The property to be taken will undoubtedly cost at least $2,000,000 and the improvements contemplated over $8,000,000 additional.

Colonel Marshall, in the letter already quoted, states that—

For present needs a depth in Bay Ridge channel above Thirty-eighth street * * * would be practically sufficient; greater depth would not be used now.

It is somewhat startling to find that from Thirty-eighth street to Twenty-eighth street, where it is recommended that the depth of 25 feet will be adequate instead of 40 feet, is where the city contemplates taking 70 per cent of the frontage, as will be seen from an examination of the above statement of the land to be acquired. If this recommendation is to be made, and the Secretary of War has already approved the recommendation, then it would be preposterous for the city to undertake the contemplated improvement. It would be idle to build a system of docks to accommodate vessels that would require a channel 40 feet at mean low water upon a channel the depth of which would only be 25 feet.

In the same letter Colonel Marshall states:

I do not know of any ships now built, building, or projected which expect to require 40 feet depth in these channels.

This statement is hardly accurate. The purpose of the city is to furnish accommodations to the largest vessels along these

channels. I have been informed that applications have already been made to the city for leases of the piers now in contemplation. It is desired that ships may sail regardless of tide and not be compelled, as at present, to wait upon the tides. Three ships of the White Star Line now sailing from New York, namely, the *Celtic*, *Cedric*, and *Baltic*, can load to 36 feet, but at present can only load so as to avail themselves of 30 feet draft. The North German Lloyd Steamship Company is reported to be preparing to build a ship equally as large.

Of what avail to complete the Ambrose channel and give 40 feet to the sea if the project which will enable vessels to dock is to be abandoned? I know that the chairman of the committee was opposed to this project when it was originated. It was authorized in the Fifty-fifth Congress just prior to my membership in this House. It was charged that it was largely for the benefit of private interests. Conditions, however, are now changed. Whatever may have been the facts when the project was authorized, the truth is now that this project is essential to the commerce of the port of New York. Failure to complete it as originally planned will be a tremendous blow to the development of the port.

It has been suggested that it is unnecessary to deepen these channels to 40 feet, since the Ambrose channel will not have 40 feet until 1911. These projects were authorized in the same year—1899. Both are about equally advanced. If either be nearer completion, it is the Ambrose channel. Of course there is no need to have a greater depth in these channels than in Ambrose channel, but it is wise and proper and expedient that both projects be continued together, so that when the Ambrose channel is completed these channels will not only have an equal depth, but will reach a system of wharves that will accommodate any ship requiring the great depth of the Ambrose channel. Moreover, the city plans years ahead. Its leases of dock property are usually for long terms. Is it not best to permit the development of the water front to be planned and conducted with the certainty that the greater depth will eventually be provided?

So much misunderstanding exists regarding expenditures made and authorized for the improvement of New York Harbor that I shall briefly review what has actually been done by the United States. It will make more apparent the injustice and the unwisdom of the paragraph to which exception is taken.

Before the United States undertook any improvement of New York Harbor the least depth in mid-channel on the outer bar was 23.7 feet at mean low water and about the same across three other shoals between the bar and deep water in the harbor. A large proportion of the commerce of the port, carried in vessels of greater draft, could cross the shoals only at or near high water.

In 1884 the Secretary of War approved a project for the improvement of Gedney channel, and in 1886 the project was extended to cover the entire main entrance to the harbor. The authorized projects provided for the dredging of a channel 1,000 feet wide and 30 feet deep at mean low water from deep water below the Narrows through Main Ship and Gedney channels to deep water outside the bar. The estimated cost was $1,490,000 for dredging 4,300,000 cubic yards. The actual amount dredged to October, 1891, when the work was approximately completed, was 4,875,079 cubic yards.

In November, 1892, the existing project for the maintenance of channels was approved. The yearly cost of this work varies, but it is estimated to average about $50,000 annually.

On July 1, 1906, the amount expended under these projects amounted to $2,027,317.29, of which $509,292.79 had been applied to the maintenance of the channels during the fourteen years that had elapsed since their completion. These expenditures have resulted in channels with a depth of 30 feet at mean low water and widths of 1,000 feet.

In 1899 a project was adopted for making an entrance to the harbor by way of Ambrose, or, as it was then known, "East channel." A continuing contract was authorized, at a cost not to exceed $4,000,000, to make the channel 2,000 feet wide and 40 feet deep at mean low water. The completion of this project will obviate the long detour now necessary inside Sandy Hook, with its dangerous angle of more than 90°.

This channel is about 7 miles in length, and its original available depth at mean low water was 16 feet. According to the report of the Chief of Engineers there had been expended on this project up to July 1, 1906, $2,359,647.45. With this expenditure two dredges have been built, 21,672,272 cubic yards of sand have been removed, and the channel has been excavated to 40 feet depth or more, with varying widths, for a length of 11,000 feet, and to 35 feet depth for 12,000 feet. A narrow shoal still stands between these two sections. While the channel is not yet open to navigation, yet on June 30, 1906, the maximum draft that could be carried in the channel was 28 feet. Within a very short time the maximum draft that can be accommodated will be 29 feet.

The foreign exports and imports for the port of New York (this expression being used to distinguish the foreign trade from the domestic commerce) during the fiscal year ending June 30, 1905, were approximately 9,366,000 tons, valued at $1,311,461,581, an increase over the valuation in 1886, before the improvements were initiated, of $471,184,889. The leading articles of import into the United States at New York in that year were sugar, tea, and coffee, wool, cloths, and dress goods, leather and leather goods, tin, rubber, tobacco, and rope fibers, which, with other miscellaneous imports, aggregated about 4,160,000 tons, valued at $695,166,950. The value of such imports for all other ports of the United States for the same period was $503,479,947. The leading articles of export were cotton, breadstuffs and other provisions, oils, tobacco, metals, and manufactures, which, with miscellaneous items, amounted to about 5,206,000 tons, valued at $616,294,631. The value of such exports from all other ports of the United States for the same period was $998,361,184.

The entire cost of the improvement of New York Harbor to date is less than 1 per cent of the increase in the value of the port's foreign commerce since the improvement was begun and less than one-third of 1 per cent of the present annual value of the port's foreign commerce.

During 1905, 120 different ships drawing 27 feet or more made 573 trips outward and 104 trips inward. Prior to the improvement none of these ships could have crossed the bar and entered or left the harbor except at full high tide or after lightering.

This provision to which objection is made is unusual in a river and harbor bill. Considering all the circumstances, it is unprecedented in the history of river and harbor legislation. Its retention will be a great injustice to many persons who in good faith have projected improvements in the honest belief that the original project would be completed, and a great public enterprise about to be undertaken by the city of New York for the benefit of the country's commerce will be halted at its inception.

It should not be necessary to plead for the exclusion, or at least the modification, of this provision so as at least to prevent the change in the Bay Ridge channel as recommended. The State of New York has been generous with its treasure to develop its commerce and its highways. It has not endeavored to saddle all of its burdens upon the Federal Treasury. Its people have done something. They have voted to spend $110,000,000 to enlarge the Erie Canal so as to have a waterway 12 feet deep from the Lakes to the sea; they have authorized the expenditure of $50,000,000 for improved roads; they have expended more than $20,000,000 to acquire and preserve their own forests and thus conserve the water supply of themselves and of the people of several of the New England States.

The city of New York is ready to expend more than $10,000,000 to furnish berths for the leviathans of the deep that will carry the products of every section of the country to be sold in every clime. A self-reliant people, ready to utilize their own resources to the fullest extent, should not be hampered or thwarted by the hasty adoption of this provision, recommended without knowledge of the conditions and facts, under a mistaken conception of the results to be accomplished, and with no opportunity given to the officials of the municipality most vitally affected to present the facts that would demonstrate conclusively the unwisdom and the gross impropriety of this provision.

There is no need for haste. The project can as easily be modified in the future as at present, if after full investigation, with knowledge of all the facts, it be deemed advisable then to make the modification now proposed.

Mr. BURTON of Ohio. Mr. Chairman, a very brief explanation will show that nothing has been taken away from the city of New York; that this paragraph will not be prejudicial; and that the striking out of the paragraph would make it worse than it is now.

In 1899 provision was made by appropriation and authorization of $3,000,000 for deepening the channel to 40 feet in depth along in front of Bay Ridge and Red Hook channels. Of that amount $2,000,000 has been appropriated, and there remains about $1,000,000—$1,001,000 to speak exactly—yet to be appropriated and expended upon this project. It has been ascertained now that the dredging of this channel will cost $1,250,000 in excess of the estimates upon which the appropriation and authorization of $3,000,000 was made in 1899. It also appears that a 40-foot channel would, under present conditions, be entirely useless here, because there is not yet a channel of 35

feet in depth, indeed only 32 feet in depth, to the deep sea, and there is no probability that there will be a 40-foot channel until at the earliest 1911.

Now, the contractors who were to do this work have failed, and I may say there is nothing mysterious or important about the situation; but there are some reasons why this correspondence should not be exposed. There is a retained percentage on the amounts they were to receive, and they have given bond. Now, if we were to come here and in express terms pass a statute determining the depth, it is a grave question whether we would not release that retained percentage and also relieve the contractors from their bond. It is sensible, under the circumstances, to give to the Secretary of War discretion to provide such less depth as he may think best. Now, what would be the result if this paragraph were stricken out? Work would be done with a view to 40 feet. Embarrassment would result. In some places the Secretary of War might, if he desired, finish 40 feet and leave the rest 20 or 25. So this is a provision for the benefit rather than to the injury or the detriment of the locality in question.

Mr. FITZGERALD. The gentleman does not deny that the recommendation of the local engineers——

Mr. BURTON of Ohio. I have a telegram to this effect, which I will read:

No objection known to stating to the House that depth proposed is 35 feet.

That telegram is from the Chief of Engineers.

Mr. FITZGERALD. I have the letter of Colonel Marshall here, and the local engineer says that 35 feet is proposed to Thirty-eighth street, and from Thirty-eighth to Twenty-eighth, 25 feet; and it is between those two points that the city proposes to acquire seven blocks, and in one other there is a municipal ferry.

Mr. BURTON of Ohio. The gentleman has that letter, but he must be laboring under a misapprehension. Of course the final authority is the Secretary of War, and I think I shall have to rely on the latest information about that. This telegram is from the Chief of Engineers, to the effect that the depth proposed is 35 feet. That can probably be obtained with the money already appropriated and authorized. It is useless to provide more when it will be four years and probably five or six years before we will have the 40-foot channel to the sea.

Personally I should have no objection to a clause being inserted here to the effect that the depth should be not less than 35 feet instead of 40 feet; but I do not think we had better do that. I think we had better leave that to be worked out by the executive department.

[The time of Mr. BURTON of Ohio having expired, by unanimous consent it was extended three minutes.]

Mr. FITZGERALD. Will the gentleman also add a provision or limitation upon the power of the Secretary to decrease the width of the channel? It is proposed to narrow the channel.

Mr. BURTON of Ohio. I take it that it is desirable that the width should be retained.

Mr. FITZGERALD. The ships can not turn if it be narrowed.

Mr. TOWNE. I should like to ask the chairman of the committee whether he would object to an amendment in this form:

Provided, That the depth in said channel shall not be less than the depth maintained in the outer channel of New York Harbor.

Mr. BURTON of Ohio. I have no objection to an amendment for 35 feet, except that it might interfere with legal proceedings of some importance to the Government. My impression is that we had better leave it alone.

Mr. TOWNE. It seems to me we ought to provide a depth in these channels adequate to the accommodation of vessels coming in through the outer channel, but I do not see why we need it any deeper than that, and so I think a proviso requiring the depth to be the same with the outer channel would be an appropriate one.

Mr. BURTON of Ohio. I will state to the gentleman that my understanding is, and it has been stated to me by the engineers in New York Harbor, that the plan is to secure 35 feet as soon as they can—they hope at the end of this year—and then secure not an additional 1, 2, or 3 feet, but to go on and secure an additional 5 feet as a part of one indivisible improvement. So that I do not see that the gentleman's amendment would do any good.

Mr. FITZGERALD. In that case, I would propose to amend by inserting after the paragraph the words:

Provided, That the depth in these channels shall not be less than 35 feet.

Mr. BURTON of Ohio. The objection to that is that it interferes or is liable to interfere with rights of the Government in litigation. I want to say that the Department has the most careful regard for this harbor. If there is any one harbor that I think we ought to provide for carefully, it is New York Harbor, because in proportion to its great commerce it has received less than the others; but it seems to me illogical and absurd to be digging the interior channel opposite the wharves to 40 feet, while the channel across the outer bar is to be only 35 feet for some years. I presume the course pursued would be exactly that outlined in the amendment of the gentleman from New York [Mr. TOWNE], as far as the money would be sufficient to accomplish it.

Mr. FITZGERALD. Does the gentleman not think it desirable that by the time the Ambrose channel is completed there should be water inside to accommodate the vessels that can use the channel? Of what use is it to complete that channel if there is no place where ships can be berthed?

Mr. BURTON of Ohio. There is sufficient room on the North River.

Mr. FITZGERALD. I do not think there is sufficient length.

Mr. BURTON of Ohio. Mr. Chairman, I trust that neither of these amendments will be adopted.

Mr. WALDO. Mr. Chairman, the dredging of Bay Ridge and Red Hook channels is a part of the plan adopted by the War Department on the recommendation of its engineers in 1899, which proposed making a 40-foot channel, 2,000 feet wide, by way of East channel (now known as Ambrose channel) from Sandy Hook bar to the Narrows, and from the Narrows 1,200 feet wide through Bay Ridge channel to Twenty-eighth street, and through Red Hook channel to Buttermilk channel. This plan was adopted in the river and harbor bill of 1899, and continuously since 1899 work has been going on for the deepening of Ambrose channel from Sandy Hook bar to the Narrows, and from the Narrows for the deepening of Bay Ridge and Red Hook channel. I know about these channels. Bay Ridge channel runs along the westerly side of my Congressional district. The deepening of these channels was part of a plan to increase the dock room for large steamships within the city of New York. All the dock room on East River and North River in the city of New York is now owned and occupied. Many of the great steamship lines have been unable to obtain dock room, and have been obliged to seek larger and more commodious quarters on the New Jersey shore.

The work has been going on since 1899 for the purpose of making a channel eventually 40 feet deep from the sea, with wharves, docks, and improvements along the line of Bay Ridge channel and along the line of Red Hook channel to give the increased room so greatly needed.

This general plan to make New York Harbor a 40-foot harbor has been prosecuted for seven years. Relying upon this action of Congress and the Federal authorities, a very large scheme of improvement has been undertaken by the city of New York. The city authorities have already under way plans for the condemnation of seven or eight blocks along the westerly side of my district fronting on Bay Ridge channel, where they expect to expend $10,000,000 in putting in great docks and wharves for the accommodation of the largest vessels that may float.

I agree with the gentleman from Ohio that until Ambrose channel is 40 feet deep there is no necessity for having Bay Ridge and Red Hook channels 40 feet deep, or of a greater depth than Ambrose channel. But this has been one plan and a continuous improvement, and as Bay Ridge and Red Hook channels have been deepened to connect through the Narrows with Ambrose channel, Ambrose channel also has continuously been deepened out to the sea, so that it is to-day considerably deeper than the channels at Bay Ridge and Red Hook. There is no danger, if this improvement is allowed to continue, that these inside channels will be deepened any faster than the one outside. It has not been done up to the present time. Ambrose channel is to-day, as I understand from the engineers, practically 1,000 feet wide and 35 feet deep from Sandy Hook bar to the mouth of Bay Ridge channel. It is proposed in April, as I understand from the engineers, to throw open Ambrose channel for the use of ships of over 29 feet draft during the daytime, and the deepening of Bay Ridge and Red Hook channels should be continued, so that there will be dock room for such ships at the nearest point from the ocean.

Early in this session the chairman of the Committee on Rivers and Harbors asked me if I had any suggestions to make for the improvement of New York Harbor. I told him I had no suggestions except to continue those improvements already under way. I do not believe that he intended that I should not be aware of this proposed abandonment of so important a project, but I was not aware of it until the river and harbor bill was printed. I went to him at once and told him that I thought it would be a serious detriment not only to my district but to the city of New York to have any interference

with the continuation of this general plan for improvement of the harbor, and that I believed that it ought to be continued.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. WALDO. I ask unanimous consent for five minutes more.

Mr. BURTON of Ohio. Mr. Chairman, I ask unanimous consent that this paragraph may be postponed until we are through with section 1 of the bill. I am inclined to think that we can get together on this, and I should like to call the engineer here.

Mr. WALDO. Before that motion is put, Mr. Chairman, I would like to have the extra five minutes, for I have a few words more I want to say.

The CHAIRMAN. The gentleman from New York asks unanimous consent that he may have five minutes more. Is there objection?

There was no objection.

Mr. WALDO. Mr. Chairman, there remains a large portion of the amount authorized for Bay Ridge and Red Hook channels—something like $1,200,000—still unexpended for this improvement. There is now already appropriated to continue this improvement $270,000, which undoubtedly would be enough to continue it until the next river and harbor bill is passed. So that there is no reason why anything whatever should be contained in this bill in regard to this improvement. The proposed change in the present law ought to be stricken out. There is another reason why I believe it ought to be stricken out that has been suggested to me by the chairman of the committee himself, and also mentioned in his last remarks. It seems to me that the provision here which gives the Secretary of War the right to modify the terms of this improvement as fixed by law will practically release the bond of the present contractor, who has defaulted. We do not desire that he shall be released. We want this contract to go on in some form. It has been let, the engineer states, at a lower price than it can be let again. Certainly we ought not to release him in order to pay him or some other contractor more money to carry out this improvement on a modified plan than under the original one. Perhaps a greater difference than the money now on hand would then be necessarily paid to complete these channels of much less depth and width.

It is for the benefit of the great harbor of New York generally that there should be more room as near as possible to the sea for the great ships to dock, and on these channels only can such room be had. New York City itself intends to expend $10,000,000 for wharves and docks to improve it. There is no other improvement that I know of mentioned in the bill where the local authorities expect to spend so much in addition and in aid of the improvement proposed by the National Government. Therefore I most respectfully submit to the committee that this provision of the bill ought to go out. We have had no opportunity to discuss it or even to know about it until the publication of this bill. No mention of it was made in the engineer's report. When I had my conversation with the chairman of the committee I had every reason to believe that everything provided for by existing law and under way for the improvement of New York Harbor would be continued. We are not asking for a cent more money at this time. We are only asking that there shall be expended in continuance of this improvement money that was appropriated two years ago and that is not yet expended. For that reason I respectfully submit that this paragraph shall be stricken out in accordance with the motion of the gentleman from New York [Mr. FITZGERALD].

Mr. BURTON of Ohio. The gentleman will recognize that if no more money is appropriated the amount now available will be absolutely insufficient to finish this 40-foot channel.

Mr. WALDO. I am aware of that; but there is to-day unused and actually appropriated, according to the engineer's report, $270,000, which will probably be sufficient to continue the work up to the time that we have another river and harbor bill. But there is already authorized, in addition to that $270,000, as I understand, something over a million dollars, or about a million dollars. It may be that this will not be quite enough to complete these channels; I do not know whether it will or not. If it does not, it is like many other appropriations for river and harbor improvements, where the amount originally appropriated has not quite completed the improvement. All we ask now is not to repeal or modify the existing law, so that we may have an opportunity to examine this new proposal of the local engineer, see what the people want, and ascertain whether there ought to be any change made in a great plan of improvement that was adopted more than seven years ago and has been continuously under way ever since.

The CHAIRMAN. Does the gentleman from Ohio renew his request that this paragraph be passed without prejudice?

Mr. BURTON of Ohio. Yes; until we have finished the reading of section 1.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio. [After a pause.] The Chair hears none, and it is so ordered. The Clerk will read.

The Clerk read as follows:

Improving Cold Spring Inlet, New Jersey, to a depth of 15 feet, in accordance with the plan printed in House Document No. 388, Fifty-ninth Congress, second session, $311,000: *Provided*, That the depth may be increased to 25 feet in case the local authorities or private persons or corporations shall within one year from the date of this act contribute to the improvement the sum of $100,000, making the sum so contributed subject to the order of the Secretary of War in such manner as he shall direct; and the said Secretary of War may receive and expend upon the improvement to a depth of 25 feet the said sum of $100,000 so contributed: *Provided further*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to complete said improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate, exclusive of the amount herein appropriated and of any sums contributed from other sources, $596,000 in case the improvement be made to a depth of 15 feet, or $900,000 in case the improvement be made to a depth of 25 feet: *Provided, further*, That no portion of the funds herein appropriated and authorized shall be expended until the necessary land and right of way for the shore ends of the jetties, for light-houses, for the establishment of a life-saving station, and for a depot of engineer supplies, shall have been deeded to the United States free of cost, and until assurance, satisfactory to the Secretary of War, shall have been given that the plan of the harbor, to be established by private capital inside the entrance, will be modified by increasing the distance between the bulkheads immediately inside the shore end of the jetties in the manner recommended in said House Document No. 388, Fifty-ninth Congress, second session, and that the work proposed by the United States for the entrance channel to this harbor will be supplemented by such expenditure from private or corporate sources as shall make the harbor suitable for commerce and protected from injurious wave action: *And provided further*, That the Secretary of War shall have power to prescribe, regulate, and at any time modify the wharfage charges at this harbor, and no part of this appropriation shall be expended until the Cape May Real Estate Company shall, for itself and its successors and assigns, execute such formal acceptance of this proviso as the Secretary of War may require.

Mr. BURTON of Ohio. Mr. Chairman, I desire to have inserted in the RECORD at this point a telegram from Congressman GARDNER of New Jersey. I would like to know also if any gentleman desires to discuss this item or desires any explanation of it?

The CHAIRMAN. Apparently not. Nobody has asked for recognition.

Mr. BURTON of Ohio. I think it is just that the telegram should be read.

The CHAIRMAN. Without objection, the telegram will be read.

The Clerk read as follows:

ATLANTIC CITY, N. J., *February 4, 1907.*

Hon. T. E. BURTON,
Chairman Committee on Rivers and Harbors,
Washington, D. C.:

My very ardent desire was to be present in the House and urge the merits of the item in your bill for the improvement of Cold Spring Inlet with what grounds I have, but my physicans assure me that if I make the journey I will be unable to address the House after I arrive. Aside from the commercial importance of the proposed harbor, it is matter of public record that I have said I would gladly exchange all political prospects for a harbor of refuge on the New Jersey coast in the interest of humanity. As I have said to your committee, the lack of one has strewn our coast with dead.

J. J. GARDNER.

The Clerk read as follows:

Improving Perriwig Bar, Delaware River, between Trenton and Bordentown, N. J.: Completing improvement in accordance with the report submitted in House Document No. 852, Fifty-ninth Congress, first session, $50,000.

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

The Clerk read as follows:

Page 17, line 17, after the words "New Jersey," insert the words "and Pennsylvania."

Mr. BURTON of Ohio. Mr. Chairman, it appears that part of the improvement is in the State of Pennsylvania, and I ask the adoption of that amendment.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Ohio.

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

The Clerk read as follows:

Improving Delaware River, New Jersey, Pennsylvania, and Delaware: Completing improvement, $895,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be required for the maintenance of said channel, to be paid for as appropriations may from time to time be made by law, to an amount not exceeding $500,000, exclusive of amounts herein and heretofore appropriated: *Provided further*, That contracts for maintenance shall be limited to work to be done not later than the working season of the year 1909, and the amount herein authorized shall be available for expenditure in the completion of said project: *And provided further*, That of the amounts herein appropriated and authorized not exceeding $200,000 may, in the discretion of the Secretary of War, be expended for widening the said channel at the bends therein, with a view to securing, so far as practicable, a channel of equal safety and efficiency in all its parts.

Mr. BURTON of Ohio. Mr. Chairman, I desire to offer an amendment.

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

The Clerk read as follows:

Page 19, line 22, after the word "therein," insert the following words: "below the city of Philadelphia."

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

Mr. MORRELL. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers the following amendment, which the Clerk will report.

The Clerk read as follows:

Page 19, line 24, after the word "parts," insert the following:

"Less $10,000 of which sum to be set aside by him for a survey to be made of the Delaware River, Pennsylvania, New Jersey, and Delaware, with a view of securing a channel of a depth of not less than 35 feet from Allegheny avenue, Philadelphia, to deep water in the Delaware Bay, and to submit plans and estimates of the cost of the same to Congress."

Mr. MORRELL. Mr. Chairman, my reason for offering this amendment to this section of the bill is, as I explained the other day, the universal demand of the citizens of Philadelphia, of the State of Pennsylvania, and of the States lying back of Pennsylvania and on both sides of it, that the port of Philadelphia, which is one of the four chief ports of export and import on the Atlantic seacoast, should be placed on an equal footing with the other three. Further, for the reason that in conversation with the engineer in charge he told me that the work of this survey could progress step by step with the completion of the present authorized 30-foot channel. He told me that as the first section was completed a survey of the 35-foot channel could be made, and so on until all the sections had been completed, so that they would have the survey for the 35-foot channel finished practically at the same time that the 30-foot channel had been completed. The necessity for that, Mr. Chairman, is this, that unless we have that survey completed at the end of the year 1908 we will have to wait for two years, perhaps, to have the feasibility of the channel demonstrated; we will have to wait two years after the survey is granted, and another two years before an appropriation can be made toward making the channel 35 feet, and perhaps it will be nine years, seven at least, before we can make any considerable progress toward having a 35-foot channel from Philadelphia to deep water, making seven years or, perhaps, nine years for Philadelphia to wait to be placed upon a parity with the other ports upon the coast.

The distinguished chairman of this committee has raised the objection that it is the policy of the committee that no new work shall be undertaken until one project has been completed. This amendment which I have offered does not contemplate the building of a 35-foot channel, but simply asks for information as to whether it is feasible; as to whether a 35-foot channel can be dug in the Delaware River. What we want to know is if it is possible; if it is not possible, I am quite sure that the citizens of Philadelphia, Pa., and the other States are quite willing to bow to the judgment of the engineer officers of the United States and say, "Gentlemen, if it is not possible, then we do not ask Congress to give us the improvement."

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

Mr. MORRELL. Mr. Chairman, I would like to urge that this amendment be agreed to.

Mr. BURTON of Ohio. Mr. Chairman, I desire to be heard only briefly on this proposition. It has been argued several times already in the House. I regret that the people of Philadelphia are not satisfied with the provisions of this bill. They have been quite as generously treated as the people of any locality in the United States——

Mr. MORRELL. May I interrupt the gentleman——

Mr. BURTON of Ohio. And while complaints possibly might be expected from other localities it seems hardly just that Philadelphia, with its wide ramifications and large responsibilities as a great city, should complain or ask for more. I want to state——

Mr. MORRELL. May I interrupt the gentleman?

Mr. BURTON of Ohio. In a few moments I will answer. I want to state with the utmost clearness that if even a moderately superficial examination were given to this improvement it would be found that what they require is not a survey for a 35-foot channel, but the completion of a 30-foot channel and the greater width which we have provided for in this bill. We have done what we have done for no other city, we have added to the estimates asked $500,000 to make sure that the funds provided will be perfectly sufficient to provide for completion and for widening at the bends. Now, the arguments against the 35-foot channel are perfectly obvious. It would be an absurd business policy, with the warning from the engineer department that it is very doubtful whether 30 feet can be maintained, or to use more exact language, when it can only be determined by trial whether a 30-foot channel can be maintained except at prohibitive cost, to go ahead before the 30-foot channel is finished and survey for a 35-foot channel.

The engineer has estimated that the 30-foot channel can be completed by June 30, 1908. I trust that the remarks that I shall make on the subject will spur him on to finish the improvement by that time, but I do not believe it will be finished by June 30, 1908, and I do not believe a trial can be given it such as will determine whether it can be maintained without prohibitive cost until two or three years from now at the earliest. I stated the other day that I asked a commercial body in Philadelphia to name a single port in the world where there is a channel to the sea, similar to that from Philadelphia to the sea, where there is a greater depth than Philadelphia will have when it has this 30-foot channel. Glasgow has 32-feet at high tide, Hamburg 32 feet at high tide, and so it is. We must observe general principles. They say that they must have 35 feet, because New York is going to have 40 feet. The statement was formerly made at Philadelphia that New York already had 40 feet and was going to have 45 feet, but that is manifestly erroneous, although I do not know that it was ever contradicted or retracted.

We have similar questions arising all over the United States. Shall Portland, Oreg., which now has 22 feet, have its channel down a river or rivers deepened to 40 feet because Seattle and Takoma have 40 feet? Shall Mobile, which has 22 feet, and a commerce three or four times as large as Pensacola, have its channel deepened from 22 feet to 30 feet, the depth at Pensacola? Shall Savannah, which has a commerce four times as large as Charleston, have its channel deepened so that it may be as deep as that at Charleston? This is a question which we must settle along general lines, and we can not yield to the insistence of one community. I trust this amendment will be voted down, and I especially hope that those who are behind this agitation will intelligently consider the subject.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURTON of Ohio. Mr. Chairman, I ask unanimous consent that I may proceed for three minutes more.

The CHAIRMAN. The gentleman from Ohio [Mr. BURTON] asks unanimous consent to proceed for three minutes more. Is there objection?

There was no objection.

Mr. BURTON of Ohio. I want to say to the gentleman that I have never conversed with a man from Philadelphia who would not in five minutes agree that it was better to widen and complete that channel than it was to have this 35-foot survey.

Mr. MAHON. May I ask a question?

Mr. BURTON of Ohio. Certainly.

Mr. MAHON. I notice by the paper that the gentleman from Ohio [Mr. BURTON] will not be chairman of the Committee on Rivers and Harbors again. I hope the gentleman will consent to retain that position and that the Speaker will appoint him. I know that he understands his business. I would like to ask the gentleman, if we can maintain a 30-foot channel successfully for years to come, if he, as chairman of the committee, would give us a survey for 35 feet?

Mr. BURTON of Ohio. I would say that, in whatever capacity I may act, if the 30-foot channel is tried and can be maintained without prohibitive cost, I should not by any means object to a survey for 35. But there will be a seasonable time for that, which is not now.

Mr. MORRELL. Mr. Chairman, I would like to say to the gentleman that I voice the sentiments of Philadelphia as far as the appropriation is concerned that appears in this bill for the 30-foot channel. I think we are one and all satisfied with the generosity of the committee and with the very wise provision that they have made as far as the easing of the bends and turns of the river is concerned. But the people of Philadelphia—the people which we represent, the State of Pennsylvania and the city of Philadelphia—do not consider, because there is not precedent for an engineering proposition in this country or in Europe, that that is any reason why it should not be undertaken in this instance by American engineers. As I said in my remarks the other day, we are undertaking a proposition in Panama which was surrendered by what was supposed to be the best engineers in the world.

Mr. BURTON of Ohio. The gentleman is making his question rather long. I would say in response that we do not desire to have any more Panamas on our hands. One is enough. I should have said one thing, because there may have been an erroneous impression given to the committee. I should have

stated that the tide in Philadelphia is from 5 to 6 feet—approximately 6 feet—so that under the pending project at low tide the depth is to be 30 feet and at high tide 36 feet. That is what they will have with the so-called "30-foot channel." Under leave to print, I wish to add a list of ports where the situation is similar to that at Philadelphia. It is a part of a letter from the Assistant Secretary of the Navy.

The following is the list referred to:

NAVY DEPARTMENT,
Washington, December 18, 1905.

SIR: Replying to your letter of the 12th instant, requesting that the Committee on Rivers and Harbors of the House of Representatives be furnished with information in regard to the depth of water at high and low tide in certain European ports mentioned therein, I have the honor to inform you that the Chief Intelligence Officer, to whom your letter was referred, reports as follows:

The depths of water in feet are given in the following table:

Port.	Mean low water.	Ordinary high water.
Hamburg	18	a 24
Bremen	14	19.25
Bordeaux	11	26
Newcastle	20	31.33
Glasgow	22	31

a The proposed depth at Hamburg is 32 feet at ordinary high tide.

Very respectfully,

TRUMAN H. NEWBERRY,
Acting Secretary.

Hon. THEO. E. BURTON,
Chairman Committee on Rivers and Harbors,
House of Representatives.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MORRELL. Mr. Chairman, I would ask unanimous consent that the time of the gentleman from Ohio [Mr. BURTON] be extended for three minutes, as I would like to ask him one more question.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the gentleman from Ohio [Mr. BURTON] may have his time extended. Is there objection? The Chair hears none.

Mr. BURTON of Ohio. I would state further that under authority which is vested in the Department they have the right to dig 2 feet, and even more if necessary, below the project depth to make stable and secure the amount of depth which is sought, and it is expected that there will be a further depth of 2 feet, and money is provided for it in this bill.

Mr. MORRELL. I would like to make the statement that it seems extraordinary——

Mr. BURTON of Ohio. The gentleman is not asking a question. I submit that he speak in his own time.

Mr. MORRELL. Very well, then; I will ask the chairman this question: Why is it that there is such a diversity of opinion between the board of engineers and the engineer in charge of the work? The engineer in charge of the work says repeatedly, time after time, before trade organizations and before people assembled to discuss the Delaware, that, in his judgment, 35 feet is absolutely practicable and feasible.

Mr. BURTON of Ohio. That is the question, I take it. I do not think Congress ought to look with favor on volunteered expressions of that kind by an engineer. I am afraid of a great many expressions in favor of harbor improvements. I am especially distrustful of what speakers say at the close of banquets. [Laughter.] All are in favor of 40-foot and even 50-foot channels at such a time. [Great laughter.] And I would like to know when this engineer made this expression, whether it was at some banquet or on some other occasion. I think I have answered the gentleman's question.

Mr. MORRELL. I will say that these observations have not only been made at the close of banquets and feasts, but they have been made in calm, sober earnestness in the office of the engineer. [Great laughter.] The gentleman made a reflection, and I have to reply in kind with the gentleman's language.

Mr. BURTON of Ohio. It is perfectly evident that anyone in the atmosphere of your city would be in favor of a 35-foot channel. I presume that if an opera singer were to come there, before you decide whether you should give him a cordial reception you would ask him, "Are you in favor of a 35-foot channel?"

Mr. MORRELL. Do you mean to put the engineer in charge of an important work on comparison with an opera singer?

Mr. BURTON of Ohio. Oh, no; not at all. I think the gentleman indulged in just a little buncombe in asking me that question.

Mr. MORRELL. No; not at all. But one inference led to the other.

Mr. BURTON of Ohio. I mean to say that the atmosphere is such surrounding your city that a man would naturally say he was in favor of a 35-foot or a 40-foot channel, because if he did not say that he would be unpopular.

Mr. MORRELL. Will not the distinguished chairman, in heaven's name, please come to Philadelphia? [Great laughter.]

The CHAIRMAN. The question is on the amendment.

The question was taken; and the amendment was rejected.

Mr. MORRELL. Mr. Chairman, I desire to offer another amendment.

The Clerk read as follows:

Page 19, line 24, after the word "parts," insert the following:

"Less than $10,000 of which sum to be set aside by him for a survey to be made of the Delaware River, Pennsylvania, New Jersey, and Delaware, with a view of securing a channel of a depth of not less than 35 feet from Allegheney avenue, Philadelphia, to deep water in the Delaware Bay, and to submit plans and estimates of the cost of the same to Congress immediately upon the completion of the present authorized depth of channel and the practicability of its maintenance has been established."

Mr. BURTON of Ohio. Mr. Chairman, here is a very objectionable proposition. It provides for a survey conditionally. If we adopt such a provision in this case, we would have to adopt it in all.

The question was taken; and the amendment was rejected.

Mr. MORRELL. Mr. Chairman, I desire to offer another amendment.

The Clerk read as follows:

Page 19, line 24, after the word "parts," insert the following:

"Also, that the Secretary of War is hereby authorized and instructed to make a survey for a 35-foot ship channel in the Delaware River from Allegheny avenue, Philadelphia, to deep water in Delaware Bay, whenever the mayor or other legally authorized authorities of the city of Philadelphia shall have deposited with the Treasurer of the United States such sum of money as in the judgment of the Secretary of War will be necessary to make said survey."

Mr. MORRELL. Mr. Chairman, when the trade organization appeared before the Committee on Rivers and Harbors one of the objections that was raised by one of the distinguished members to having the survey made was that perhaps after the survey had been completed it would not be found feasible to increase the depth of the river from 30 to 35 feet. Now, this amendment which I have offered makes the city of Philadelphia responsible for the payment of the necessary sum to complete such a survey. It does not in any way, shape, or form obligate the Congress of the United States to deepen that channel. But what we all want, as I said before, is information as to whether it is possible and feasible to increase the depth from 30 to 35 feet, and it is with that in view that I desire to offer this last amendment.

Mr. BURTON of Ohio. The absurdity of the proposition will appear very plainly when you consider the precedent that it would establish. It would mean that whenever a community offers to put up the money the engineering force of the United States, already overburdened, must step aside from the work in which they are engaged to do the work of that city. It is as if the skilled force of some industrial establishment could be picked off or called away from their employment whenever anyone outside desired to pay them for their services.

Mr. MORRELL. In answer to that I will say that the engineer in charge has said that that information is almost complete in his hands to-day, and that it could be completed with very little effort as this work progressed. I should like very much indeed, Mr. Chairman, to have this amendment adopted.

Mr. MAHON. Will the gentleman pardon an interruption?

Mr. MORRELL. Yes.

Mr. MAHON. The State of Pennsylvania and the city of Philadelphia are willing to do their full share toward this 35-foot channel.

The CHAIRMAN. The question is on the amendment.

The amendment was rejected.

The Clerk read as follows:

Improving St. Jones River, Delaware: For maintenance, $3,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, in order to get in, I move to strike out. [Laughter.]

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the paragraph.

Mr. MOORE of Pennsylvania. Mr. Chairman, with my colleagues from Philadelphia, I feel a little to-day as David must have felt at the beginning of his celebrated conflict with Goliath. Three amendments have been proposed by my colleague [Mr. MORRELL] which have been intended to reach the righteous judgment of this House. Those amendments have been defeated, and Goliath is still supreme.

If I may be permitted to refer to after-dinner banquets, I should like to say that only on Saturday evening last I had the opportunity, in the presence of a distinguished audience of men of my city who are not thoroughly in accord with the chairman of the Rivers and Harbors Committee, to speak

highly of his work. Notwithstanding his references to banquet sentiments, I now repeat what I then said, that I believe he stands as a bulwark in the interests of this country, protecting the Treasury against improper measures and seeing that the commerce is properly moved on inland streams, in competition with railroad companies, and for the betterment of our interstate relations. I hope you will not call for a vote immediately, because I want to ask the distinguished chairman of this committee one or two questions, and I know he will accord this privilege in justice to the people of the city that I have the honor to represent in part.

We have stated our case; we have endeavored to prove that we should be put on an equality with three rival ports that have deeper channels by reason of Government assistance. The chairman deems it inexpedient to grant us a survey, which at this time will cost the Government nothing. In the amendments which my colleague [Mr. MORRELL] has presented we have first asked that out of the appropriation thus far made there shall be provision for a survey; not to expend money, but to ascertain the cost of a needed improvement, and thus give us the benefit of two years that we will otherwise lose in waiting for another session of Congress and for another river and harbor bill. We have asked, secondly, the first amendment being defeated, that $10,000 be appropriated for a survey to be made, not now, but at the completion of the work for which provision has been made. We have ourselves, by this second amendment, proposed to postpone our opportunity until it is demonstrated that this work at 30 feet will be effective. The second amendment being defeated, we have asked that you permit the city of Philadelphia to pay for the desired survey, not in order that the work may be commenced at once, but that we may be given the information which is so much sought after by the commercial bodies of eastern Pennsylvania. That amendment you have also defeated.

We have asked for these things because the sentiment of a great community demands them. It has been a difficult situation for us, knowing and respecting the chairman of this committee as my colleagues upon this floor do, and knowing that we have behind us some who are perhaps not so wise in the matter of legislation as those who come to understand the conditions prevailing here, and who must rub elbows with all sections of the country. It is very much to the prejudice of the great city of Philadelphia, and of this great river, which represents the commerce of three and more States, that there should be any feeling growing out of attacks that have been made in newspapers and elsewhere. For one I can pay my respects to the chairman of this committee and say that these attacks are unfortunate; but even so, they should not stand against a deserved improvement which tends for the betterment of commerce in many States of this Union. I again take the opportunity to say that the chairman of this committee is held in great respect by his colleagues of the Pennsylvania delegation, who believe that he is a man of the utmost integrity, that he stands for the best interests of the country, and that he will in the course of time come to believe as we do—that this artery of commerce shall be opened as we hope it will be.

For these reasons I ask the chairman of the Rivers and Harbors Committee to permit me to ask him one question.

Mr. BURTON of Ohio. Certainly.

Mr. MOORE of Pennsylvania. In the colloquy that ensued last Wednesday you were good enough to say that when it was demonstrated that the channel of the Delaware could be successfully maintained at a depth of 30 feet you "would be the last man" to stand in the way of a survey to ascertain the cost of deepening the channel to 35 feet.

Mr. BURTON of Ohio. That is substantially what I said. Of course the element of cost would enter into the question, the cost of maintenance. If the cost is not what is known as prohibitive I think I said, although I don't remember precisely what I did say.

Mr. MOORE of Pennsylvania. Then, Mr. Chairman, if this work is completed at 30 feet before the Rivers and Harbors Committee frames another bill will there be any objection to our asking for a 35-foot survey?

Mr. BURTON of Ohio. Decidedly; because there are a great many localities waiting for the adoption of their projects, and we are not able to go as fast as may seem desirable and must treat all alike. Now, I wish to call attention to one thing in favor of Philadelphia. You have a differential there as against New York and Boston, have you not?

Mr. MOORE of Pennsylvania. I believe we have.

Mr. BURTON of Ohio. That militates to your advantage somewhat?

Mr. MOORE of Pennsylvania. I believe, too, that the port charges are less.

Mr. BURTON of Ohio. The port charges are less than in New York, are they not?

Mr. MOORE of Pennsylvania. Yes.

Mr. BURTON of Ohio. So you are not at so great a disadvantage after all.

Mr. MOORE of Pennsylvania. Only that the depth of channel keeps away large ships that go into other ports.

Mr. BURTON of Ohio. Is it not true that the difference in depth between Philadelphia, Boston, and New York in all the past years has been as great as it is now?

Mr. MOORE of Pennsylvania. There has been that difference in depth; yes.

Mr. BURTON of Ohio. Is it not true that under the improvement now pending you are to have an increased depth of 7 feet, and that is a greater increase than is contemplated in any other port in the country in the same length of time?

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. Does the gentleman withdraw his pro forma amendment?

Mr. MOORE of Pennsylvania. I do, Mr. Chairman.

The Clerk read as follows:

Improving Dam No. 3, Allegheny River, Pennsylvania: For the repair and restoration thereof, $200,000.

Mr. BURTON of Ohio. Mr. Chairman, I desire to ask unanimous consent that that item in regard to the Allegheny River be passed until the close of the reading of section 1.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the item be passed without prejudice until the completion of section 1. Is there objection?

There was no objection.

The Clerk read as follows:

Improving Broad Creek River, Delaware: For maintenance, $1,500.

Mr. BURTON of Ohio. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. DALZELL, as Speaker pro tempore, having assumed the chair, Mr. CURRIER, 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. 24991, the river and harbor bill, and had come to no resolution thereon.

JOHN M'KINNON.

The SPEAKER pro tempore laid before the House the following resolution from the Senate of the United States.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return the bill (S. 1160) entitled "An act to correct the military record of John McKinnon, alias John Mack."

The resolution was agreed to.

TAX ON BAY RUM.

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent to file a minority report to accompany the bill (H. R. 25122) to impose a tax on bay rum brought from Porto Rico into the United States.

Mr. PAYNE. Mr. Speaker, reserving the right to object, I want to say that the bill referred to by the gentleman from Mississippi was reported unanimously from the Ways and Means Committee several days ago. Since then it has been ascertained that the tax mentioned in the bill on bay rum from Porto Rico is also duplicated by a tax assessed locally, and I ask unanimous consent to print a copy of the law in the RECORD.

The SPEAKER pro tempore. The gentleman from Mississippi asks unanimous consent to file a minority report to the bill indicated, reported from the Committee on Ways and Means. Is there objection? [After a pause.] The Chair hears none.

The gentleman from New York asks unanimous consent to print in the RECORD an extract from the law referred to. Is there objection?

There was no objection.

The following is the extract referred to:

[Extract from act by the legislative assembly of Porto Rico, approved March 9, 1905.]

SEC. 3. There shall be levied, collected, and paid:

(1) On all distilled spirits produced in Porto Rico, or brought into Porto Rico from the United States, a tax of 26 cents on each liter or fraction thereof; and on all distilled spirits imported into Porto Rico from countries other than the United States a tax of 30 cents on each liter or fraction thereof: *And provided further*, That for the purposes of this act all spiritous liquors not otherwise provided for in this act brought into or imported into Porto Rico, of which, exclusive of water, distilled spirits form the chief component, shall be regarded as distilled spirits.

(7) On all proprietary medicinal preparations, patent medicines, toilet soaps, perfumery, and cosmetics, produced in Porto Rico or brought into Porto Rico, a tax of 5 per cent ad valorem: *Provided*,

That bay rum, alcoholate, and similar aromatic compound preparations of alcohol, not used as a beverage, shall be considered as perfumery: *And provided further*, That no drawback shall be allowed on any tax-paid alcohol used in compounding any article referred to in this paragraph.

THE BRIG ABBY.

Mr. MILLER. Mr. Speaker, I desire to call up House Document 632 and ask unanimous consent for its consideration at this time.

Mr. MANN. What is it?

Mr. MILLER. It is a House document. I simply want to have adopted the following order, which I send to the desk and ask to have read.

The Clerk read as follows:

Ordered, That the Committee on Claims be discharged from the further consideration of the letter of certification from the Court of Claims relating to the following case: Brig *Abby*, Harding Williams, master, and that the Clerk of the House be directed to return the said letter to the Court of Claims. And that the Clerk of the House be directed further to withdraw from the files of the House and return to the Court of Claims the letters of certification relating to the schooner *Lucy* and the sloop *Hawk*, transmitted to the House during the third session of the Fifty-eighth Congress.

The SPEAKER pro tempore. The gentleman from Kansas asks unanimous consent to have adopted the order which has just been reported by the Clerk. Is there objection?

Mr. MILLER. Mr. Speaker, I might say that this is a matter of the French spoliation claims, and the chief justice of the Court of Claims has requested that the House return them to the Court of Claims for further action, in view of the fact that the attorney for the Government notifies the court that he has some additional evidence that he wants to present to the court.

Mr. MANN. That is a case where they found some new documents?

Mr. MILLER. Yes.

The SPEAKER pro tempore. Is there objection to the adoption of the order? [After a pause.] The Chair hears none, and the order will be considered as agreed to.

S. KATE FISHER.

Mr. MILLER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 8080) for the relief of S. Kate Fisher, with a Senate amendment thereto, and to nonconcur in the Senate amendment, and to ask for a conference.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, let us know what the amendment is.

The Clerk read the Senate amendment, as follows:

After line 11 insert:

"SEC. 2. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to Rathbun, Beachy & Co., of Webster, S. Dak., the sum of $1,000, in full compensation for loss in sale of cattle illegally placed in quarantine by Government inspector at the stock yards in Chicago, Ill."

Mr. MANN. Mr. Speaker, do I understand that this is an insertion of a new claim, an entirely new claim?

Mr. MILLER. It is the insertion of an entirely new claim, having no reference whatever to the claims passed by the House of Representatives.

Mr. GOLDFOGLE. To what bill was that amendment made?

Mr. MILLER. To the refunding of $400 to S. Kate Fisher, of Minnesota, for money that was paid by her on a land entry in Minnesota, which was paid on account of fraudulent representations made to her by the Government officer at the time.

Mr. PAYNE. Mr. Speaker, I object. I think this bill ought to go to the committee.

The SPEAKER pro tempore. Objection is heard.

WITHDRAWAL OF PAPERS.

Mr. CAPRON, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Ervin F. Mann (H. R. 10165), Fifty-ninth Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

Mr. JOHNSON, by unanimous consent, was granted leave of absence for ten days on account of sickness.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 25034. An act to change the time of holding circuit and district courts of the United States for the middle district of Tennessee;

H. R. 19752. An act for an additional term of court at Quincy, Ill.;

H. R. 6430. An act authorizing the Secretary of the Treasury to pay to German M. Rouse informer's fees for certain opium seizures;

H. R. 12690. An act to define the term of "registered nurse" and to provide for the registration of nurses in the District of Columbia;

H. R. 16386. An act to fix the time of holding the circuit and district courts for the northern district of West Virginia;

H. R. 5223. An act to reimburse Quong Hong Yick for one case of opium erroneously condemned and sold by the United States;

H. R. 23889. An act authorizing the Secretary of the Interior to issue deed of conveyance to Lyman Ballou to certain lands in Custer County, S. Dak.;

H. R. 4300. An act for the relief of A. J. Stinson;

H. R. 24603. An act to authorize the Atlanta, Birmingham and Atlantic Railroad Company to construct a bridge across the Coosa River in the State of Alabama;

H. R. 16868. An act for the prevention of scarlet fever, diphtheria, measles, whooping cough, chicken pox, epidemic cerebro-spinal meningitis, and typhoid fever in the District of Columbia;

H. R. 24367. An act to authorize the Interstate Bridge and Terminal Railway Company of Kansas City, Kans., to construct a bridge across the Missouri River at or near Kansas City, Kans.;

H. R. 17624. An act to amend an act entitled "An act to amend section 4405 of the Revised Statutes of the United States," approved March 3, 1905;

H. R. 19568. An act vacating Alexander place and Poplar street in the subdivision of a part of a tract called Lincoln, District of Columbia, and vesting title in the present owner;

H. R. 23219. An act to authorize Majestic Collieries Company, of Eckman, W. Va., to construct a bridge across Tug Fork of Big Sandy River about 2½ miles west of Devon, W. Va., a station on the Norfolk and Western Railway;

H. R. 23383. An act to amend an act entitled "An act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River," approved June 25, 1906;

H. R. 24361. An act to amend an act entitled "An act to authorize the Mercantile Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of North Charleroi, Washington County, to a point in Rostraver Township, Westmoreland County," approved March 14, 1904; and

H. J. Res. 195. Joint resolution authorizing the Secretary of War to furnish two condemned cannon to the mayor of the town of Preston, Iowa.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 976. An act granting pensions to certain enlisted men, soldiers and officers who served in the civil war and in the war with Mexico.

SENATE CONCURRENT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, the following Senate concurrent resolution and House bill were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

Senate concurrent resolution No. 6.

Resolved by the Senate (the House of Representatives concurring), That the concurrent resolutions passed February 9, 1901, and May 10, 1902, providing for the publication of the Documentary History of the Constitution and the Bulletins of the Bureau of Rolls and Library of the Department of State, are hereby continued in force and excepted from the limitation of one year, as provided in section 80 of the act of January 12, 1895, for the public printing and binding and the distribution of public documents—

to the Committee on Printing.

A bill (H. R. 8080) for the relief of S. Kate Fisher, with Senate amendment—to the Committee on Claims.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

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

H. R. 19752. An act for an additional term of court at Quincy, Ill.;

H. R. 25034. An act to change the time of holding circuit and district courts of the United States for the middle district of Tennessee;

H. R. 13031. An act granting an increase of pension to Thomas H. Leslie;

H. R. 5167. An act for the relief of William H. Stiner & Sons;

H. R. 1142. An act for the relief of Ephraim Greenawalt;

H. R. 9778. An act for the relief of Philip Loney;

H. R. 15594. An act for the relief of John B. Brown;

H. R. 13895. An act to correct the naval record of Michael Sheehan;

H. R. 4299. An act for the relief of John Stinson;

H. R. 14634. An act for the relief of George H. Chase;

H. R. 10015. An act for the relief of the estate of Capt. Charles E. Russell, deceased;

H. J. Res. 207. Joint resolution declaring Sturgeon Bay, Illinois, not navigable water;

H. R. 1443. An act for the payment of Robert D. Benedict for services rendered;

H. R. 10595. An act for the relief of Nye & Schneider Company;

H. R. 1738. An act for the relief of Sarah A. Clapp;

H. R. 1808. An act for the relief of J. J. L. Peel;

H. R. 12560. An act for the relief of John C. Lynch;

H. R. 18380. An act to complete the naval record of Charles W. Held;

H. R. 5651. An act for the relief of William H. Beall;

H. R. 22362. An act for the relief of Esther Rousseau;

H. R. 24932. An act for the extension of School street NW.;

H. R. 19749. An act to prescribe the duties of deputy collectors of customs;

H. R. 6417. An act for the relief of T. J. H. Harris;

H. R. 7014. An act to provide American registers for the steamers *Marie* and *Success;*

H. R. 9131. An act for the relief of the legal representatives of Charles D. Southerlin;

H. R. 9132. An act for the relief of the legal representatives of Benjamin F. Pettit; and

H. R. 6418. An act for the relief of T. B. Stackhouse, a deputy collector of internal revenue for the district of South Carolina during the fiscal year 1894 and 1895.

ADJOURNMENT.

Then (at 5 o'clock and 26 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, submitting an estimate of appropriation for temporary quarters for the post-office and court at Grand Rapids, Mich.—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the action of the court in the cases of Miles F. West and others against The United States, dismissed for want of prosecution—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MARTIN, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 22588) for the relief of homestead and other entrymen who have been required to pay more than the legal fees, commissions, excesses, and purchase money, reported the same with amendment, accompanied by a report (No. 7290); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. YOUNG, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 25319) authorizing and empowering the Secretary of War to locate a right of way for and granting the same and the right to operate and maintain a line of railroad through the Fort Wright Military Reservation, in the State of Washington, to the Portland and Seattle Railway Company, its successors and assigns, reported the same with amendment, accompanied by a report (No. 7294); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KAHN, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 7879) granting to the Los Angeles Inter-Urban Railway Company a right of way for railroad purposes through the United States military reservation at San Pedro, Cal., reported the same without amendment, accompanied by a report (No. 7295); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FOSS, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 25368) to provide for the harbor accommodation, movements, and anchorage of foreign vessels of war visiting Hampton Roads during the Jamestown Exposition, reported the same without amendment, accompanied by a report (No. 7291); which said bill and report were referred to the House Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 25046) to authorize the construction of a bridge across the Mississippi River at Louisiana, Mo., reported the same without amendment, accompanied by a report (No. 7292); which said bill and report were referred to the House Calendar.

Mr. BURKE of South Dakota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 25123) providing for the construction of a bridge across the Mississippi River, reported the same without amendment, accompanied by a report (No. 7293); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. PRINCE, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 660) granting an honorable discharge to Peter Green, reported the same without amendment, accompanied by a report (No. 7296); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 24022) to correct the military record of Morris H. Walker, reported the same with amendment, accompanied by a report (No. 7297); which said bill and report were referred to the Private Calendar.

Mr. KAHN, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 9892) to correct the military record of Lyman W. Wentworth, reported the same with amendment, accompanied by a report (No. 7298); which said bill and report were referred to the Private Calendar.

Mr. BEALL of Texas, from the Committee on Claims, to which was referred the bill of the House (H. R. 2304) for the relief of C. W. Reid and Sam Daube, reported the same with amendment, accompanied by a report (No. 7299); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1473) for the relief of Malinda S. Gray, reported the same without amendment, accompanied by a report (No. 7300); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. WILLIAMS: A bill (H. R. 25400) to give the Court of Claims jurisdiction of claims for captured and abandoned property, which was sold and the proceeds thereof placed in the Treasury of the United States—to the Committee on War Claims.

By Mr. GROSVENOR: A bill (H. R. 25401) to authorize the Secretary of War to make certain disposition of condemned guns and cannon balls—to the Committee on Military Affairs.

By Mr. COLE: A bill (H. R. 25402) to provide for the erection of a monument to soldiers of the war of 1812 at Fort McArthur, Hardin County, Ohio—to the Committee on the Library.

By Mr. ANDREWS: A bill (H. R. 25403) granting to the various States the lands owned by the United States within the limits thereof—to the Committee on the Public Lands.

By Mr. HUMPHREY of Washington: A bill (H. R. 25404) to authorize the Alaska Southern Railway Company to construct, maintain, and operate a railroad at and between the town of Skagway, in Alaska, and a point on Portland Canal opposite or near Prince Rupert and Port Simpson, British Columbia, and intermediate points—to the Committee on the Public Lands.

By Mr. GRIGGS: A bill (H. R. 25405) to increase the compensation of rural carriers to $75 per month—to the Committee on the Post-Office and Post-Roads.

By Mr. LOVERING: A bill (H. R. 25406) to incorporate the Sovereign Trust Company of America—to the Committee on Banking and Currency.

By Mr. BABCOCK: A bill (H. R. 25407) to amend the Code of Law for the District of Columbia with regard to the receipt of usurious interest—to the Committee on the District of Columbia.

By Mr. MORRELL: A bill (H. R. 25408) to amend an act entitled "An act to provide for the organization of the militia of

the District of Columbia, and for other purposes," approved March 1, 1889—to the Committee on Militia.

By Mr. SMITH of California: A bill (H. R. 25409) to amend sections 5 and 7 of an act entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands"—to the Committee on Irrigation of Arid Lands.

By Mr. CHANEY: A bill (H. R. 25410) providing for a memorial commemorating the preservation of the first permanent settlement of the English-speaking people in the western hemisphere—to the Committee on the Library.

By Mr. GARDNER of Massachusetts: A resolution (H. Res. 815) requesting the Secretary of Commerce and Labor to send to the House certain information relative to foreign laborers in the State of South Carolina—to the Committee on Immigration and Naturalization.

By Mr. LORIMER: A resolution (H. Res. 816) to pay an increase of salary to the messenger to the Speaker's table—to the Committee on Accounts.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 19421) granting an increase of pension to Ella A. Hodges—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 25374) granting a pension to Lela Ellis—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 25411) granting a pension to George R. Watt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25412) granting an increase of pension to George A. Rigdon—to the Committee on Pensions.

By Mr. BEALL of Texas: A bill (H. R. 25413) for the relief of L. F. Gower, Laura Gower, M. R. Gower, and Mrs. Sarah F. Boykin, heirs of Dr. James Gower, deceased—to the Committee on War Claims.

By Mr. BENNETT of Kentucky: A bill (H. R. 25414) for the relief of Joseph A. Mayes—to the Committee on War Claims.

Also, a bill (H. R. 25415) for the relief of John J. McGann—to the Committee on War Claims.

Also, a bill (H. R. 25416) for the relief of Richard Stewart—to the Committee on Military Affairs.

Also, a bill (H. R. 25417) for the relief of Susan Kennard—to the Committee on War Claims.

Also, a bill (H. R. 25418) granting an increase of pension to William H. Frank—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25419) granting an increase of pension to J. P. Patton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25420) granting a pension to Jasper Casey—to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 25421) granting an increase of pension to Ada W. Smith—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 25422) granting an increase of pension to John Levingston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25423) granting an increase of pension to Casper Pixley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25424) granting an increase of pension to S. R. Upchurch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25425) granting a pension to Alice Morgan—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 25426) granting an increase of pension to James L. Wyatt—to the Committee on Invalid Pensions.

By Mr. DEEMER: A bill (H. R. 25427) granting an increase of pension to John S. Schuyler—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 25428) granting an increase of pension to John M. Null—to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 25429) granting an increase of pension to Malinda F. Montgomery—to the Committee on Invalid Pensions.

By Mr. GOULDEN: A bill (H. R. 25430) granting an increase of pension to Daniel Schram—to the Committee on Invalid Pensions.

By Mr. GRAHAM: A bill (H. R. 25431) granting an increase of pension to Jacob Ehman—to the Committee on Invalid Pensions.

By Mr. GUDGER: A bill (H. R. 25432) granting a pension to Martha A. Teague—to the Committee on Pensions.

By Mr. HAMILTON: A bill (H. R. 25433) granting an increase of pension to Elias J. Everett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25434) granting an increase of pension to Orville J. Whitlock—to the Committee on Invalid Pensions.

By Mr. HARDWICK: A bill (H. R. 25435) granting an increase of pension to Edmund Backus—to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 25436) granting an increase of pension to Joseph H. Blackburn—to the Committee on Invalid Pensions.

By Mr. HUMPHREY of Washington: A bill (H. R. 25437) to grant American registry to the German bark *Mariechen*—to the Committee on the Merchant Marine and Fisheries.

By Mr. LEGARE: A bill (H. R. 25438) authorizing and empowering Henry E. Young to bring suit in the proper circuit court of the United States for the recovery of damages to certain lands in Chatham County, Ga.—to the Committee on Claims.

By Mr. LITTLEFIELD: A bill (H. R. 25439) to remove the charge of desertion from the naval record of John C. Warren, alias John Stevens—to the Committee on Naval Affairs.

By Mr. LOUDENSLAGER: A bill (H. R. 25440) granting an increase of pension to Catharine Lipes—to the Committee on Pensions.

By Mr. MADDEN: A bill (H. R. 25441) granting an increase of pension to James Dean—to the Committee on Pensions.

By Mr. MOUSER: A bill (H. R. 25442) granting a pension to Henry Myers—to the Committee on Invalid Pensions.

By Mr. OLCOTT: A bill (H. R. 25443) authorizing the Secretary of the Treasury to adjust and settle the account of James M. Willbur with the United States—to the Committee on Claims.

By Mr. PATTERSON of South Carolina: A bill (H. R. 25444) for the relief of William P. Scott—to the Committee on Military Affairs.

By Mr. PAYNE: A bill (H. R. 25445) granting an increase of pension to William E. Webster—to the Committee on Invalid Pensions.

By Mr. RHODES: A bill (H. R. 25446) granting an increase of pension to Edward F. Reeves—to the Committee on Pensions.

Also, a bill (H. R. 25447) granting a pension to James I. McCormick—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 25448) for the relief of James Henry and Porter Henry, of Madison County, Ala.—to the Committee on War Claims.

By Mr. ROBINSON of Arkansas: A bill (H. R. 25449) for the relief of Mrs. Zerelda P. Allen and estates of William B. Poole and Mrs. Mollie Amanda Phillips—to the Committee on War Claims.

By Mr. SCHNEEBELI: A bill (H. R. 25450) granting an increase of pension to Solomon Johnson—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 25451) granting an increase of pension to William H. Maxwell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25452) granting an increase of pension to Jacob S. Plunk—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25453) granting an increase of pension to William C. McClure—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25454) granting a pension to Sebe N. Scott—to the Committee on Pensions.

By Mr. SOUTHALL: A bill (H. R. 25455) granting an increase of pension to Emma Hempler—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: A bill (H. R. 25456) granting an increase of pension to Frank E. Elliott—to the Committee on Pensions.

By Mr. SPARKMAN: A bill (H. R. 25457) removing the charge of desertion against John Whidden—to the Committee on Military Affairs.

By Mr. SPIGHT: A bill (H. R. 25458) for the relief of the estate of John Housten, deceased—to the Committee on War Claims.

Also, a bill (H. R. 25459) for the relief of the estate of M. W. Ham, deceased—to the Committee on War Claims.

Also, a bill (H. R. 25460) for the relief of the heirs of Charles T. Alexander and Jane B. Alexander, deceased—to the Committee on War Claims.

By Mr. STEPHENS of Texas: A bill (H. R. 25461) direct-

ing the transfer to John Bullette of certain royalties derived from his allotment and heretofore credited to the Cherokee Nation—to the Committee on Indian Affairs.

By Mr. TRIMBLE: A bill (H. R. 25462) granting an increase of pension to Samuel F. South—to the Committee on Pensions.

By Mr. BROOKS of Colorado: A bill (H. R. 25463) granting an increase of pension to Joseph B. Presdee—to the Committee on Invalid Pensions.

By Mr. SMITH of Iowa: A bill (H. R. 25464) granting an increase of pension to Jasper Blain—to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 25465) granting an increase of pension to Joshua Hendrickson—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Lehigh Lodge, No. 251, and Spindle City Lodge, Brotherhood of Railway Trainmen, and other organizations, for bill S. 5133 (the sixteen-hour bill)—to the Committee on Interstate and Foreign Commerce.

Also, petition of Fred A. Walter, of New York City, against interference in Kongo Free State affairs—to the Committee on Foreign Affairs.

Also, petition of H. O. Gardand and 5 others, for amendment of the free-alcohol law—to the Committee on Ways and Means.

Also, petition of the Illinois Manufacturers' Association, for a deep waterway between Chicago and St. Louis and survey of a route between St. Louis and New Orleans—to the Committee on Rivers and Harbors.

By Mr. ACHESON: Petition of General Alexander Hayes Post, No. 3, Department of Pennsylvania, against abolition of the United States pension agency at Pittsburg (previously referred to the Committee on Invalid Pensions)—to the Committee on Appropriations.

By Mr. BARCHFELD: Petition of citizens of Plymouth, Mass., against bill S. 5221, to regulate the practice of osteopathy in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BATES: Petition of B. H. Phelps, M. D., of Corry, Pa., for more liberal pension allowances—to the Committee on Invalid Pensions.

Also, petition of Theodore Catlin, of Titusville, Pa., for the McCumber bill—to the Committee on Invalid Pensions.

Also, petition of Division No. 298, Brotherhood of Locomotive Engineers, of Erie, Pa., for passage of bill S. 5133—to the Committee on Interstate and Foreign Commerce.

By Mr. BENNETT of Kentucky: Paper to accompany bill for relief of Richard Stewart—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Susan Kennard and Joseph Mayo—to the Committee on Claims.

By Mr. BRICK: Petition of Jewish citizens of South Bend, Ind., against pending anti-immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of Fidelity Lodge, No. 109, for bill S. 5133 (the sixteen-hour bill)—to the Committee on Interstate and Foreign Commerce.

Also, petition of Fidelity Lodge, No. 109, Brotherhood of Railway Trainmen, for the Gilbert bill (H. R. 9328)—to the Committee on the Judiciary.

Also, petition of South Bend (Ind.) Turnverein, with 260 members, for postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. BUCKMAN: Petition of P. R. Davis and other citizens of Minnesota, for amendment of the free-alcohol law—to the Committee on Ways and Means.

By Mr. BURKE of Pennsylvania: Petition of the National German-American Alliance of the United States, against the Littlefield bill (H. R. 13655)—to the Committee on the Judiciary.

Also, petition of General Alexander Hayes Post, Grand Army of the Republic, of Pittsburg, against abolition of the Pittsburg pension agency—to the Committee on Appropriations.

Also, petition of General Alexander Hayes Post, Grand Army of the Republic, of Pittsburg, Pa., for bill S. 976—to the Committee on Pensions.

Also, petition of the Allegheny County Grand Army Association, against abolition of the Pittsburg pension agency—to the Committee on Appropriations.

Also, petition of the Allegheny County Grand Army Association, for the McCumber pension bill—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: Paper to accompany bill for relief of R. Fairbrother—to the Committee on Invalid Pensions.

Also, petition of the Boston Society of Civil Engineers, for an appropriation to enable the United States Geological Survey to continue its hydrographic work—to the Committee on Appropriations.

Also, petition of the Maine Press Association, for reform of the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. DALE: Petition of the Liberal Immigration League, against an illiteracy test in the immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of J. B. Cralle & Co., of Washington, D. C.; Milo B. Stevens, and John W. Morris, against the no-fee provision in the service-pension bill—to the Committee on Invalid Pensions.

Also, petition of the American Protective Tariff League, for a dual tariff—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Thomas P. Murphy—to the Committee on War Claims.

Also, petition of the National German-American Alliance, against enactment of bill S. 4403—to the Committee on Immigration and Naturalization.

Also, petition of George W. West Division, No. 468, Brotherhood of Locomotive Engineers, for bill S. 5133 (the sixteen-hour bill)—to the Committee on Interstate and Foreign Commerce.

Also, petition of the National German-American Alliance, against bill H. R. 13655 (the Littlefield bill)—to the Committee on the Judiciary.

Also, petition of the Wholesale Liquor Dealers' Association of Pennsylvania, for bill H. R. 4490—to the Committee on Ways and Means.

Also, petition of the United States Fidelity and Guaranty Company, for legislation against the rule of the Treasury limiting official and judicial bonds and bonds guaranteeing specific performance of contracts which it accepts from surety companies to 10 per cent of their capital and surplus—to the Committee on Ways and Means.

Also, petition of Grand Army Association of Philadelphia and Vicinity, against abolition of pension agencies—to the Committee on Appropriations.

By Mr. DAVEY of Louisiana: Paper to accompany bill for relief of Mrs. Ella A. Hodges (previously referred to the Committee on Pensions)—to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: Petition of Nelson Thwing and other citizens of Greenland, Minn., for amendment to the free-alcohol law—to the Committee on Ways and Means.

Also, concurrent resolution of the Minnesota legislature for repeal of the duty on lumber—to the Committee on Ways and Means.

By Mr. DAWSON: Petition of S. J. Kirkwood Post, Grand Army of the Republic, of Iowa City, Iowa, for passage of the McCumber pension bill—to the Committee on Invalid Pensions.

Also, petition of the National German-American Alliance of the United States, against the Littlefield bill (H. R. 13655)—to the Committee on the Judiciary.

By Mr. DENBY: Petition of the Pilgrim Publishing Company, of Detroit, Mich., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DOVENER: Petition of Nail City Lodge, No. 10, Brotherhood of Railway Trainmen, of Wheeling, W. Va., for the sixteen-hour bill—to the Committee on Interstate and Foreign Commerce.

Also, paper to accompany bill for relief of Will P. Hall—to the Committee on Pensions.

Also, paper to accompany bill for relief of F. H. Crago and John T. Pinnock—to the Committee on Invalid Pensions.

By Mr. EDWARDS: Paper to accompany bill for relief of George W. Estep, alias Milton Pickles—to the Committee on Pensions.

By Mr. FULLER: Petition of the American Protective Tariff League, for a minimum and maximum tariff—to the Committee on Ways and Means.

Also, petition of James K. Shield, favoring the Littlefield bill for the regulation of commerce—to the Committee on the Judiciary.

Also, petition of the National German-American Alliance of the United States, against the enactment of the Littlefield bill (H. R. 13655)—to the Committee on the Judiciary.

Also, petition of Division No. 302, Brotherhood of Locomotive Engineers, for bill S. 5133 (the sixteen-hour bill)—to the Committee on Interstate and Foreign Commerce.

By Mr. GOULDEN: Petition of the American Protective Tariff League, for a dual tariff—to the Committee on Ways and Means.

By Mr. GRAHAM: Petition of General Alexander Hayes

Post, Grand Army of the Republic, against abolition of the Pittsburg pension agency—to the Committee on Appropriations.

Also, petition of General Alexander Hayes Post, Grand Army of the Republic, of Pittsburg, Pa., for bill S. 976—to the Committee on Invalid Pensions.

Also, petition of B. F. Wooding, for an appropriation to test the Wooding railway warning device—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Allegheny County Grand Army Association, for the McCumber pension bill—to the Committee on Invalid Pensions.

Also, petition of the Allegheny County Grand Army Association, against abolition of the Pittsburg pension agency—to the Committee on Appropriations.

Also, petition of citizens of Allegheny County, Pa., for increase of salaries of post-office clerks—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Immigration Restriction League, for an illiteracy-test clause in the immigration bill—to the Committee on Immigration and Naturalization.

By Mr. GROSVENOR: Paper to accompany bill for relief of Robert Fitzgerald—to the Committee on Invalid Pensions.

By Mr. HAMILTON: Petition of citizens of Benton Harbor, Mich., in support of bill H. R. 15585, for the relief of ex-prisoners of war—to the Committee on Invalid Pensions.

By Mr. HAYES: Petition of the Board of Trade of San Francisco, against the Pearre bill and other proposed anti-injunction legislation—to the Committee on the Judiciary.

By Mr. HIGGINS: Petition of Maier Zunder Lodge, Independent Order B'nai Brith, of New Haven, Conn., against further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. KENNEDY of Nebraska: Petition of the Commercial Club of Omaha, for an entire reclassification of second-class matter and indorsing the Penrose bill—to the Committee on the Post-Office and Post-Roads.

By Mr. LAMB: Petition of the E. A. Sanders Sons Company, for enlarged powers for the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. LEGARE: Petition to accompany bill authorizing and empowering Henry E. Young to bring suit in the proper circuit court of the United States for recovery of damages to certain lands in Chatham County, Ga.—to the Committee on Claims.

By Mr. McCALL: Paper to accompany bill for relief of Penrose Forsythe—to the Committee on Invalid Pensions.

By Mr. PATTERSON of South Carolina: Paper to accompany bill for relief of Nehimiah Tildall—to the Committee on Pensions.

By Mr. RHODES: Paper to accompany bill for relief of James I. McCormick—to the Committee on Invalid Pensions.

By Mr. SMITH of California: Petition of Bennington Camp, Spanish War Veterans, of San Bernardino, Cal., for restoration of the Army canteen—to the Committee on Military Affairs.

By Mr. STEENERSON: Joint memorial of the legislature of Minnesota, for an appropriation to construct a canal in Aiken County to prevent overflow of certain lands caused by the building of reservoirs in the Mississippi by the Government—to the Committee on Appropriations.

By Mr. STERLING: Petition of Division No. 302, Brotherhood of Locomotive Engineers, of Chicago, Ill., for bill S. 5133 (the sixteen-hour bill)—to the Committee on Interstate and Foreign Commerce.

Also, papers to accompany bills for relief of Nathan E. Skinner and Job J. Whitman—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: Petition of the legislature of Minnesota, for an appropriation to construct a canal in Aitkin County, Minn.—to the Committee on Rivers and Harbors.

By Mr. SULZER: Petition of the German Baptist Ministers' Conference of New York, to investigate affairs in the Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of the Massachusetts State board of agriculture, for an appropriation to stay the ravages of the gypsy moth—to the Committee on Agriculture.

Also, petition of the national committee on legislation of the United Spanish War Veterans, for restoration of the Army canteen—to the Committee on Military Affairs.

Also, petition of the American Protective Tariff League, for a dual tariff—to the Committee on Ways and Means.

Also, petition of the National German-American Alliance of the United States, against the Littlefield bill (H. R. 13655)—to the Committee on the Judiciary.

Also, petition of the National League of Employees of Navy-Yards, for a liability law and a Saturday half-holiday law for Government employees—to the Committee on Naval Affairs.

Also, petition of the Grand Army Association of Philadelphia and vicinity, against abolition of the pension agencies—to the Committee on Appropriations.

Also, petition of M. & J. Josephson, against anti-immigration bills now pending—to the Committee on Immigration and Naturalization.

Also, petition of Pearson's Magazine, against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of citizens of New York and vicinity, for release for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of the Association of Army Nurses of the Civil War, for the Dalzell bill to place volunteer nurses on an equality with those pensioned under act of 1892—to the Committee on Invalid Pensions.

Also, petition of Chester C. Platt, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WOOD: Paper to accompany bill for relief of Richard Prost—to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *February 6, 1907.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CULBERSON, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

REVENUE-CUTTER SERVICE.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 925) for the construction of a steam vessel for the Revenue-Cutter Service for duty in the district of Puget Sound; which were to strike out all after the enacting clause and insert:

That the construction, under the direction of the Secretary of the Treasury, of four steam vessels for the Revenue-Cutter Service is hereby authorized, at a total cost not to exceed $650,000, said vessels to be as follows:

One steam revenue cutter of the first class for duty in Puget Sound and adjacent waters, at a cost not to exceed $225,000.

One steam revenue cutter of the first class for duty at Savannah, Ga., and adjacent waters on the Atlantic coast, at a cost not to exceed $200,000.

One able seagoing tug for the Revenue-Cutter Service for duty at New Bedford, Mass., and adjacent waters on the Atlantic coast, at a cost not to exceed $175,000.

One boarding vessel for the Revenue-Cutter Service for duty at New Orleans, La., and adjacent waters, at a cost not to exceed $50,000.

And to amend the title so as to read: "An act authorizing the construction of four steam vessels for the Revenue-Cutter Service of the United States."

Mr. FRYE. I was about to move that the Senate concur in the House amendments, but I understand the Senator from Texas [Mr. CULBERSON] desires to offer an amendment to the amendment of the House.

Mr. CULBERSON. I offer an amendment to come in at the end of the House amendment. I will state that a bill substantially the amendment I propose was passed by the Senate January 25.

The VICE-PRESIDENT. The amendment proposed by the Senator from Texas to the amendment of the House will be read.

The SECRETARY. Add at the end of the amendment proposed as a substitute the following:

One motor boarding boat for the port of Galveston, Tex., not to cost exceeding $35,000: *Provided*, That the Secretary of the Treasury may use said boat at any other customs port in the United States as the exigencies of the service may require.

The amendment to the amendment was agreed to.

Mr. FRYE. I now move that the amendments of the House as amended be concurred in.

The amendments as amended were concurred in.

REUBEN A. GEORGE.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was read, and, on motion of Mr. MCCUMBER, was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return the bill H. R. 20928, entitled "An act granting an increase of pension to Reuben A. George."

RULES AND REGULATIONS OF DEPARTMENT OF JUSTICE.

The VICE-PRESIDENT laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 1st instant, a copy of the rules and regulations governing the Department of Justice and its various branches.

Mr. HEYBURN. I suggest that the communication lie on