

H. R. 11716. An act granting to Northern Paper Mills certain islands in the Menomonee River.

EXECUTIVE SESSION

Mr. JONES of Washington obtained the floor.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Does the Senator from Washington yield to the Senator from Idaho?

Mr. JONES of Washington. I yield.

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

Mr. HEFLIN. Mr. President, I hope the Senator will withhold that motion for about 15 minutes. I want to make a short address. I have been trying to get the floor all day.

Mr. BORAH. I would be glad to accommodate the Senator, but the difficulty is that the Senator from Washington has the floor for the purpose of making an address, and if I should withhold my motion, of course I would yield the floor to the Senator from Washington.

Mr. HEFLIN. I want to say to the Senator from Washington that if we do go into executive session, the Senator from Washington may not have an opportunity to make his speech, because I know of two speeches of great length that will be made in executive session.

Mr. JONES of Washington. I can not help that.

The PRESIDING OFFICER. The motion is not debatable.

Mr. HEFLIN. Then if we do not want to go into executive session, the only thing to do is to vote the motion down.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Idaho that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 1 hour and 40 minutes spent in executive session the doors were reopened.

HOUR OF MEETING ON SATURDAY

While the doors were closed Mr. CURTIS asked and obtained unanimous consent that when the Senate concludes its business this evening it adjourn until 10 a. m. to-morrow, Saturday, July 3, 1926.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the bill (S. 1344) to amend paragraph (11), section 20, of the interstate commerce act, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 3999) to provide a parole commission for the District of Columbia, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (S. 4059) granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil and Mexican Wars, and to certain widows of said soldiers and sailors, and marines, and to widows of the War of 1812, and Army nurses, and for other purposes.

HOUSE BILL REFERRED

The bill (H. R. 11713) to provide for an examination and report on the condition and possible development and reclamation of the swamp lands on the Yazoo, Tallahatchie, and Coldwater Rivers in Mississippi was read twice by its title and referred to the Committee on Irrigation and Reclamation.

RECESS

The hour of 5.30 o'clock having arrived, the Senate, pursuant to its order, took a recess until 8 o'clock p. m.

EVENING SESSION

The Senate reassembled at 8 o'clock p. m., on the expiration of the recess.

LEASES ON UNALLOTTED INDIAN LANDS—VETO MESSAGE (S. DOC. NO. 156)

The VICE PRESIDENT. The Chair lays before the Senate a message from the President of the United States, which will be read.

The Chief Clerk read the message, as follows:

To the Senate:

Herewith returned, without approval, is Senate 4152, a bill entitled "An act to authorize oil and gas mining leases upon unallotted lands within Executive-order Indian reservations, and for other purposes." On June 9, 1922, the Department of

the Interior construed the general leasing act of February 25, 1920 (41 Stat. 437), as applicable to lands included in Executive-order Indian reservations. Under this construction 20 permits were issued, dating from June 17, 1922, to October 14, 1923. On May 27, 1924, the Attorney General of the United States rendered an opinion that the leasing act did not apply to Executive-order Indian reservations. At that time more than 400 applications on such reservations were pending. The Attorney General took action to secure the cancellation of the 20 permits previously issued in a suit entitled *United States v. Harrison et al.*, brought in the District Court of Utah and now pending in the Supreme Court of the United States on certificate from the Circuit Court of Appeals for the Eighth Circuit. This case was decided in favor of the defendants in the district court.

While these conditions existed the present bill was introduced, by which the title to the 20 permits would virtually be validated, and the 400 applications would virtually be refused. It is true that the holders of the 20 permits are possessed of certain equities by reason of expenditures made, which do not apply to the other 400, but it is also true that the other 400 would be obliged to drill wells, build roads, and make surveys, while the 20 permits are validated because they may have done but one of these three things. The application of a different rule as between these two classes is somewhat difficult to justify. The fact also that this bill undertakes to decide by legislation a question which is pending in court brings the bill into a position of doubtful propriety. If the interested parties have rights under the law, they will be protected in their enjoyment by the decision of the court. If they have no such rights a great deal of the reason for the legislation fails so far as they are concerned. Aside from a possible delay in securing a decision by which opportunity will be given for the development of these lands more quickly it would not appear that any legal or equitable injury can accrue to the holders of these permits or to the section of the country interested.

Various rumors are being circulated relative to statements alleged to have been made by parties interested in this legislation which do not seriously affect the merits of the bill, and as they come from persons seeming to have adverse interests, perhaps they are susceptible of explanation. I am confident the bill has been passed in entire good faith, but it is claimed that the 20 permits would secure a disproportionate advantage under its provisions over the others who are interested in applications which they have made.

Provision has been made in the bill for the payment of certain moneys to Indians, with which I am in hearty approval, and can see no reason for refusing to approve such a measure had it stood alone. If it is desired to make such provision for the Indians, a bill to that effect can be enacted without attaching to it the question of ratifying the titles of some and adversely affecting the applications of others.

CALVIN COOLIDGE.

THE WHITE HOUSE, July 2, 1926.

The VICE PRESIDENT. Without objection, the message will lie on the table and be printed.

EXPUNGING OF STATEMENT FROM RECORD

Mr. SHIPSTEAD. Mr. President, on the 18th day of June, I had inserted in the RECORD a dispatch by the Associated Press, sent out from Washington, misstating my position on the agricultural bill. Since that time the Associated Press have given me evidence showing that they have made reasonable effort to correct that error. I therefore ask unanimous consent that that dispatch appearing in the RECORD of June 18 may be stricken from the permanent CONGRESSIONAL RECORD; and that the words I have uttered upon this occasion be substituted therefor.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 569. An act to authorize the transfer of surplus books from the Navy Department to the Interior Department;

S. 1472. An act to provide for the establishment of a dairying and livestock experiment station at Mandan, N. Dak.;

S. 2042. An act relating to the Office of Public Buildings and Public Parks of the National Capital;

S. 2516. An act for the establishment and maintenance of a forest experiment station in Pennsylvania and the neighboring States;

S. 3148. An act to regulate the manufacture, renovation, and sale of mattresses in the District of Columbia;