

## THE PASSAGE OF THE APPALACHIAN BILL

ON THE 15th of February the long struggle for national legislation looking to the perpetuation of the forests of the Southern Appalachian and White Mountains was ended when the bill known as the Weeks, or Appalachian bill, was passed by a vote of 58 to 9. As it had been passed by the House in June of last year and was enacted by the Senate without change, it only remains for it to receive the signature of President Taft to become a law.

Between twelve and one o'clock, immediately at the close of the morning hour, the bill was called up by Senator Brandegee of Connecticut, who had it in charge. Senator Stone of Missouri, who had offered an amendment, withdrew it. Senator Brandegee then reviewed the legislative history of this bill in the Senate and the bill was read. The Senator from Connecticut made a brief and admirable opening statement and answered several questions, after which Senator Burton of Ohio addressed the Senate for over two hours in opposition to the bill. During this time he adduced nothing new. The Senator's secretary sat beside him with a ponderous array of volumes, pamphlets and documents, but his arguments and citations, which were numerous, were the old familiar ones which have been answered again and again.

Senator Newlands of Nevada spoke about an hour. He explained that he was in favor of the bill and desired its passage, but that his purpose in opposing it in its present form at the last session was "not to defeat the bill, but to anchor it more firmly in the interstate commerce power of the Constitution, and enlarge its area so as to provide a comprehensive scheme of legislation that would involve the regulation of the flow of all the navigable rivers of the country in aid of navigation, and accomplish that ultimate object by the storing of the flood waters of these rivers, including the sources of streams for purposes of irrigation and power; by the protection of forested areas included within the watersheds of such rivers and their sources, so as to prevent precipitate run-off and safeguard against denudation and erosion; by the protection of the river banks by revetment and levees, so as to confine the rivers to their channels, and thus aid in the reclamation of vast areas of swamp and overflowed lands within the drainage basins of such rivers containing an alluvial soil of enormous fertility and requiring only protection from flood waters to insure their highest agricultural development." He further explained that since there seemed to be a well grounded fear that the pressing of amendments at this time would endanger the passage of the bill, which he did not wish to do, he should withdraw his amendment and seek to accomplish his object through a more comprehensive piece of legislation at a later time. He summarized with much skill and clearness the arguments for the bill and devoted considerable time to the plan of a great national waterways system which is his special interest in legislation.

Mr. Newlands' position was a matter of gratification to friends of the bill because he has always been accredited a friend of progressive forestry legislation and it was a great disappointment to find him ranged apparently with opponents of this bill at the last session.

The next speaker was Senator Simmons of North Carolina, a long-time supporter of the various Appalachian forest bills. He made a carefully pre-

pared argument, reinforced by observations from his own state which is so largely interested in this question.

Senator Heyburn of Idaho, strengthened the case for the bill by his opposition. The point of his remarks was that this bill proposed to buy several counties entire, counties with a large population, of which he gave the figures, and turn them into solitudes. He denounced it is the "most radical piece of fancy legislation that has ever been proposed in the Congress of the United States."

Senator Smith of South Carolina, replied effectively to certain remarks of the Idaho Senator on the effects of erosion.

Senator Burton offered two amendments, the first providing for an examination of the lands to be purchased by the Engineer Corps of the United States Army instead of by the Geological Survey, and the second providing "that on lands acquired by the Commission timber shall be sold and water-power shall be granted only at prices and on terms approved by the National Forest Reservation Commission." Both amendments were rejected and roll calls were refused.

The roll call was then ordered on the passage of the bill and it was passed by a vote of 58 to 9. The vote concluded at about half-past five o'clock in the afternoon. The record was as follows:

<i>Yeas—58</i>			
BACON	CURTIS	LODGE	SMITH, Md.
BEVERIDGE	DICK	MARTIN	SMITH, Mich
BORAH	DIXON	NEWLANDS	SMITH, S. C.
BOURNE	DUPONT	NIXON	SMOOT
BRADLEY	FLETCHER	OLIVER	STEPHENSON
BRANDEGEE	FLINT	OVERMAN	SUTHERLAND
BRIGGS	FOSTER	PAGE	SWANSON
BROWN	FRAZIER	PENROSE	TALIAFERRO
BURNHAM	FRYE	PILES	TAYLOR
BURROWS	GALLINGER	PERKINS	WARNER
CARTER	GAMBLE	RICHARDSON	WARREN
CHAMBERLAIN	GUGGENHEIM	ROOT	WATSON
CRANE	JONES	SCOTT	WETMORE
CRAWFORD	KEAN	SIMMONS	YOUNG
CUMMINS	LA FOLLETTE		
<i>Nays—9</i>			
BRISTOW	CULLOM	GRONNA	PAYNTER
BURTON	DAVIS	McCUMBER	SHIVELY
CLARK, Wyoming			
<i>Not voting—24</i>			
ALDRICH	CLARK, Ark.	HEYBURN	PERCY
BAILEY	CULBERSON	JOHNSTON	RAYNER
BANKHEAD	DEPEW	LORIMER	STONE
BULKELEY	DILLINGHAM	MONEY	TERRELL
BURKETT	GORE	NELSON	THORNTON
CLAPP	HALE	OWEN	TILLMAN

Of the Senators not voting all but four, Senators Hale, Lorimer, Nelson and Tillman, were placed on record by their pairs. These showed Senators Aldrich, Bulkeley, Burkett, Clapp, Depew, Dillingham, Johnston, Money, Rayner, Terrell and Thornton in favor of the bill, and Bailey, Bankhead, Clark of Arkansas, Culberson, Gore, Heyburn, Owen, Percy and Stone opposed.

There is evidence in this large senatorial majority in favor of the bill that its friends have been very successful in presenting the arguments for it during the last few weeks, because there was undoubtedly a much larger opposition to the measure some months ago than the vote shows at the present time. This is a matter for great congratulation. The bill was in charge of Senator Brandegee who has worked for its success faithfully and efficiently during the session. Closely associated with him on the floor was Senator

Gallinger, who has been actively in the service for this legislation since it was first proposed. For the final success much credit is due to the work of Senator Crane, whose wise counsel and service has always been available in its behalf. On the Democratic side Senators Chamberlain, Fletcher, and Overman have been particularly strong in their support. The text of the bill, as enacted, follows:

### AN ACT

To enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the consent of the Congress of the United States is hereby given to each of the several States of the Union to enter into any agreement or compact, not in conflict with any law of the United States, with any other State or States for the purpose of conserving the forests and the water supply of the States entering into such agreement or compact.

SEC. 2. That the sum of two hundred thousand dollars is hereby appropriated and made available until expended, out of any moneys in the National Treasury not otherwise appropriated, to enable the Secretary of Agriculture to cooperate with any State or group of States, when requested to do so, in the protection from fire of the forested watersheds of navigable streams; and the Secretary of Agriculture is hereby authorized, and on such conditions as he deems wise, to stipulate and agree with any State or group of States to cooperate in the organization and maintenance of a system of fire protection on any private or state forest lands within such State or States and situated upon the watershed of a navigable river: *Provided*, That no such stipulation or agreement shall be made with any State which has not provided by law for a system of forest-fire protection: *Provided further*, That in no case shall the amount expended in any State exceed in any fiscal year the amount appropriated by that State for the same purpose during the same fiscal year.

SEC. 3. That there is hereby appropriated, for the fiscal year ending June thirtieth, nineteen hundred and ten, the sum of one million dollars, and for each fiscal year thereafter a sum not to exceed two million dollars for use in the examination, survey, and acquirement of lands located on the headwaters of navigable streams or those which are being or which may be developed for navigable purposes: *Provided*, That the provisions of this section shall expire by limitation on the thirtieth day of June, nineteen hundred and fifteen.

SEC. 4. That a commission, to be known as the National Forest Reservation Commission, consisting of the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, and two members of the Senate, to be selected by the President of the Senate, and two members of the House of Representatives, to be selected by the Speaker, is hereby created and authorized to consider and pass upon such lands as may be recommended for purchase as provided in section six of this Act, and to fix the price or prices at which such lands may be purchased, and no purchases shall be made of any lands until such lands have been duly approved for purchase by said commission: *Provided*, That the members of the commission herein created shall serve as such only during their incumbency in their respective official positions, and any vacancy on the commission shall be filled in the manner as the original appointment.

SEC. 5. That the commission hereby appointed shall, through its president, annually report to Congress, not later than the first Monday in December, the operations and expenditures of the commission, in detail, during the preceding fiscal year.

SEC. 6. That the Secretary of Agriculture is hereby authorized and directed to examine, locate, and recommend for purchase such lands as in his judgment may be necessary to the regulation of the flow of navigable streams, and to report to the National Forest Reservation Commission the results of such examinations: *Provided*, That before any lands are purchased by the National Forest Reservation Commission said lands shall be examined by the Geological Survey and a report made to the Secretary of Agriculture, showing that the control of such lands will promote or protect the navigation of streams on whose watersheds they lie.

SEC. 7. That the Secretary of Agriculture is hereby authorized to purchase, in the name of the United States, such lands as have been approved for purchase by the National Forest Reservation Commission at the price or prices fixed by said commission: *Provided*, That no deed or other instrument of conveyance shall be accepted or approved by the Secretary of Agriculture under this Act until the legislature of the State in which the land lies shall have consented to the acquisition of such land by the United States for the purpose of preserving the navigability of navigable streams.







