National Old Trails Road

THE GREAT HISTORIC HIGHWAY
OF AMERICA

Poem

To-day 54 Pag

The National Old Trails Road

(REVISED EDITION)

THE GREAT HISTORIC HIGHWAY OF AMERICA

A Brief Resume of the Principal Events Connected with the Rebuilding of the Old Cumberland—now the National Old Trails Road—from Washington and Baltimore to Los Angeles.

By JUDGE J. M. LOWE,
PRESIDENT NATIONAL OLD TRAILS ROAD ASSOCIATION

KANSAS CITY, MO.
MARCH, 1925.

Price $2.00

The Great Historic National Highway of America

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THE CAPITOL
The Natural Milestone From Which All Distances Should Be measured.

The Initial Step.

Wording of the First Public Document Authorizing the Beginning of Work on the National Road.

Thomas Jefferson, President of the United States of America.

To all who shall see these presents, GREETINGS.

Know Ye, That in pursuance of the Act of Congress passed on the 29th day of March, 1806, entitled "An Act to regulate the laying out and making a road from Cumberland in the State of Maryland to the State of Ohio" and reposing special Trust and Confidence in the Integrity, Diligence and Discretion of Eli Williams of Maryland, I have nominated and by and with the advice and consent of the Senate to appoint him a Commissioner in connection with Thomas Moore of Maryland, and Joseph Kerr of Ohio, for the purposes expressed in the said Act; and to Have and to Hold the said office, with all the powers, privileges and Emoluments to the same of right appertaining, during the pleasure of the President of the United States for the time being.

In Testimony Whereof, I have caused the Letters to be made patent and the Seal of the United States to be herewith affixed.

Given under my hand, at the City of Washington the Sixteenth day of January in the year of our Lord one thousand eight hundred and seven: and of the Independence of the United States of America, the Thirty-first. (Recorded.)

TH. JEFFERSON.
By the President.

JAMES MADISON,
Secretary of State.

This Commission dated 16th July 1806, was issued in the recess of the Senate who have since ratified the appointment and this Commission issued in consequence of that ratification.

Dedication

To the Loyal Members of this Association who made possible the greatest achievement of its kind in the world's history.

Few, if any, realized the bigness or the scope of our project, launched on that April day, thirteen years ago, but we were then thinking along the lines since embodied in that song which so thrills the heart with its sweet melody:

"There's a long, long trail a'winding
Into the land of my dreams,
Where the nightingales are singing
And a white moon beams,
There's a long, long night of waiting
Until my dreams will come true,
Till the day when I'll be going down
That long, long, trail with you."

Our "night of waiting" is well nigh spent, and our dreams have come true.

To those who participated in this achievement, and who have held up our hands through the trying ordeals through which we have passed, this book is lovingly and respectfully dedicated.

"Attempt the end, and never stand to doubt;
Nothing so hard but search will find it out."
has been our shiboleth.

———

FROM THE HOUSE OF DAWN.

"Impervious to pain, I walk!
With beauty before me, I walk!
With beauty above me, I walk!
Happily may the roads all
Find the way of peace,
And the ways all end in beauty!"

—MARSH ELLIS RYAN.

National Old Trails Road

Conceived by George Washington.....1784
Financed by Act of Congress admitting Ohio into the Union....1802
Established by Act of Congress 1806
Established and Extended by Congress to Santa Fe, Mexico....1825
Constructed and Extended by Congress to the Mississippi River and Maintained until 1837
Its Restoration and Construction advocated by "The Missouri Old Trails Association" in Convention assembled.....1907
Taken over, adopted and named "National Old Trails Road" at Kansas City, Mo., in convention assembled.....1912
The section from Santa Fe to Socoro, N. M. (150 miles), is the oldest road in America.....1606

Length of Road, Washington to Los Angeles, 3,096 miles. The National Old Trails Road passes through

3	cities of more than	500,000	population
5	cities of more than	100,000	population
9	cities of more than	25,000	population
20	cities of more than	5,000	population
69	cities of more than	1,000	population
305	cities of less than	1,000	population

or a total of 411 cities, towns, villages and hamlets, practically all of which are shown on accompanying maps.

The National Old Trails Road traverses 12 States—six east and six west of the Mississippi River, touching the U. S. Capital and five State Capitals, traverses 85 counties—touching 67 county seats.

These 89 traversed counties and the District of Columbia have a population of 7,048,333. 161 adjoining counties have a population of 5,467,597, making a total population of 12,515,930 directly served or adjoining on this transcontinental road.

The Grand Canyon Route, open 365 days in the year, through the heart of America to the all-year-round play ground of America. The Backbone of a System of National Highways Proposed by the National Old Trails Road Association.

A RARE PICTURE OF WASHINGTON (1785).
(Not Idealized.)

The following letter, enclosing this most beautiful appeal by the road needs no apology for its introduction:

March 11, 1924.

"Hon. J. M. Lowe, Kansas City, Mo.

"My Dear Judge Lowe:

"Accompanying this please find a copy of the salient points in the recital by Mme. Bartet, a great French actress, before the First International Road Congress, Paris. The little poem suffers somewhat in translation, but there is much vim in the prayer, 'prevent the tortures of the past, perfect a work, my masters, that will last.'

"Yours sincerely,

"W. T. LAWSON."

THE ROAD.

Extract from translation of the anonymous poem recited by Mme. Bartet at the Gala Performance given at the Comedie Francaise on October 14, 1908, in honor of the First International **Road Congress**, Paris.

"When I plunge into chasms, sound the deeps,
Climb the plateaux, mount the dizzy steeps;
Or when above the mountains, near the skies,
I spread new worlds before man's dazzled eyes,
For all the gifts on you I have bestowed,
Be my good doctor—save, oh save the Road.

My case is grave and needs swift remedy;
Never has greater peril threatened me—
True, as in France, so in all other climes,
Much have I suffered, from most ancient times.

* * * * *

Must I then die?
No, no, for you are here.
With you to aid me I have nought to fear.
Science and genius are in you allied.
In your great wisdom I can well confide,
Quitting the beaten paths, you'll seek new ways.
Towards the cure for which your suppliant prays,
Thresh out fresh doctrines, find the golden mean
And, to preserve the **route** avoid routine.

Your patient's at your feet, apply your skill,
Probe, sound, investigate me as you will,
And, to prevent the tortures of the past,
Perfect a work, my masters, that will last.
Do this, and grateful ever more will be
All travelers—nay, all humanity;
For 'tis the road that is the fertile way,
Where Life and Progress must forever stray;
Where, seeking space and beauty far and wide,
The tourist flings unnumbered miles aside,
And over hills, and valleys sows the seed
Which will bring forth abundance in our need,
And when at length you have achieved your aim,
Restored my health and strengthened all my frame;
When by your work you've made me proof to shock,
Fearless, invulnerable, firm as rock;
My youth renewed, and more than ever fair,
I'll sing your praises here, there and everywhere;
Beneath all skies, telling the joyful story,
At every cross-roads I'll proclaim your glory,
On Touring club sign-posts for all to see.
The Surest Road to Immortality."

CHAPTER I.

Introductory

Writing the history of the National Old Trails Road is premature. Even if qualified, my strength is scarcely equal to the task of even compiling a small part of the data which has accumulated in this office. Hoping, however, that it may be of some value to those who may hereafter write its history, we have gathered together a few excerpts, but even these are not selected in chronological order and much repetition may occur, but such as they are, we have attempted their preservation in this way.

There are two excuses for what may impress the reader as too much repetition, and they are, (a) the author was too tired or too lazy to carefully cull out, select and methodically compile the accumulated stuff on hand, and, (b) when, at a tender age on reading and comparing the orations of Demosthenes and Cicero, preference was given to the first, in spite of his exasperating repetitions of the reasons sustaining and bolstering his position. In other words, Demosthenes never used "words to conceal thought." but employed words to create and clarify thought. It is to be hoped that if your patience is not exhausted before you have read through, you will at least understand our position on this question.

Transportation marks the footsteps of time from the beginning of civilization. Historians, Magazines and Newspapers have been chiefly concerned with political events, with the martialing of armies, the progress, change and decay of dynasties and political institutions, and when the forerunner of all worth-while movements—particularly transportation, is mentioned at all, only that by water and rail is considered. We have been slow, indeed, to realize that we have reached the stage in the march of human events when fundamentals in politics, education, transportation and along all lines of both civic and spiritual life demands a hearing. We have fallen upon a time when the insignificant wagon roads of the country demand a place on the stage of progress. Where improved, they carry six times as many passengers, daily, as the railroads and steam boats combined, and 80 per cent of the freight. The wagon road is the fundamental step in this discussion. Strange as it may seem, there will be no rivaling conflict between these different methods of transportation—the one sup-

plements and adds to the benefit of the other. No use now to raise the question as to which should have been first developed, but we started right when we began the construction of the (Cumberland) now the National Old Trails Road, in 1806, by the General Government. We had the correct idea, too, when we started to build trunk lines *first*, to be followed later by "feeder" roads. the common sense theory afterwards adopted by the railroads. One of the chief purposes in building this road was declared to be "to cement the states and thus save the Union".

Following the great Civil War a distinguished author has said: "It served this purpose admirably." However this may be, it is a matter of curious contemplation as to what might have been if the later and kindred project of Albert Gallatin and others who favored the construction of a National Highway from the North of Maine to the Gulf Coast of Georgia—through the heart of New England, and through the heart of the South, had been carried out. What wisdom and foresighted Statesmanship this conception was. Then, we would have had an East and West Road closely paralleling "Mason's and Dixon's line", running into and through the foreordained "bread basket of the world", eliminating both the Alleghenies, the Rockies and the Sierra Mountains; intersected by a "Dixie Highway", running from the extreme north, and through to the extreme south. Railroads do not bring people together except at the terminals, but wagon roads do, where the people of a common country can meet, become acquainted, and find that after all, they are very much alike, governed by like impulses, speaking the same language and worshipping the same God.

"It is a happy old saying that sectional lines are obliterated only by the feet that cross them."—Woodrow Wilson.

If the people of the bleak and frozen North could have stepped into their carriage and been driven away to the sunny south in the winter, and the South could have returned the call in the hot and sweltering days of the "good old summer time," who will say that history might not have been different? If the states had been thus "cemented" early in their history, and the different sections thus provided with opportunities essential for commerce, social and political life, is it not fair to assume that early bickerings and misunderstandings, inherited from colonial days, and perpetuated after the Revolution, so clearly seen and forecasted by Washington and Albert Gallatin, followed so soon by Thomas Jefferson and Henry Clay, would have "saved the Union" without the intervention of Civil War? Washington's clear intelligence foresaw it, and with the Fairfaxes began the construction of the Chesapeake and Ohio Canal, to connect the waters of

Chesapeake Bay, through the Potomac with the Ohio River at Wheeling. No sooner was the war over than we find him back again on the mountains west of Cumberland, the end of the Canal, and with his surveyor's chain was mapping a wagon road from that point to the Ohio River. It was on this occasion that he and Gallatin, whose name is forever associated with road history, first met and formed a lasting friendship. It was the result of this propitious meeting which led to the establishment of the (Cumberland), now National Old Trails Highway, in 1806, approved by Thomas Jefferson—Gallatin being the most conspicuous member of his cabinet. John Jay and his conferees did not have the power of intellect accredited them, for they were working overtime trying to trade the Mississippi River to Spain for additional commercial facilities on the Atlantic Seaboard. It was most fortunate that the eagle eye of Washington, backed up by the farseeing and comprehensive statesmanship of Gallatin and Jefferson, which penetrated the future, and realized that if the fruits of the Revolution were to be preserved, then the Mountain barriers between the East and West had to be scaled, and the western settlements along the Ohio and Mississippi, saved. The movement to build this road and the Louisiana Purchase were integral parts of one vast and comprehensive scheme. Only real Statesmanship could discern it.

I tremble, as Washington said he did, when, after seven weary years of war, he realized that the country he had saved, "stood upon a pivot which might be turned by a feather's weight." Imagine, if you can, the result of this "feather's weight" if it had landed on the wrong side of the scales. The very moment that Ohio was admitted to the Union (1802) with the emphatic provision for constructing a road binding the East to the West, the pivot began turning toward the "Preservation of the Union", and when President Jefferson signed the Act, establishing this route (1806) this great and patriotic purpose was assured for all time.

In conclusion, it ought to be apparent that whatever the merit or demerit of this book there ought not to be, and I suppose will not be, any charge of commercialism connected with it. Of course, we would like for it to pay the expense of getting it out, but beyond that, we have no concern. That the subject matter treated on is a great one, will be conceded by all. No doubt many will believe, as the author does, that a vast system of good roads is of greater importance than any other "Internal Improvement" ever conceived by man. It once divided political parties into separate camps. It became the paramount issue in presidential campaigns, and then there came a time, as it always does, when the so-called "Pork Barrel" sentiment predominated, and the entire movement was destroyed for a great many years, indeed from 1825 to about the year

1900, because of the insistence that the public funds should be distributed promiscuously, without any regard as to whether the purpose was of National or of only local concern. It was not until the early nineties that this country seemed to wake up to a realization of the great importance of adopting something like a systematic method of road construction which would permeate all parts of the country. Politicians, as a rule, steered clear of the agitation for many years, as they were uncertain as to just what position should be taken. The automobile gave immense impetus to the agitation for better roads, but the manufacturer and dealer in automobiles owes as much to the people whose activities and public spirit have fostered and established this movement as one of universal concern and of prime necessity to the general welfare of the country, as the people owe to this modern and most helpful invention for the splendid effort to solve the great and greatly growing question of transportation. And now they are so inextricably interwoven and so mutually inter-dependent that no one endowed with a modicum of common sense would intentionally hinder, treat unfairly, or jeopardize either.

The automobile cannot exist and continue to prosper without good roads, and good roads will be delayed indefinitely without the co-operation and full support of the automobile.

While this may not be the place to repeat what we have so often contended for, we are going to say it again, with all the emphasis at our command, that public sentiment must not overleap itself, and tax automobiles out of existence, in order to construct and maintain roads. Our theory of Government is (and we cannot lay too much stress on it), that our Government was organized for the express purpose of securing "equal and exact justice to all, and special privileges to none." That the automobile license tax, together with a small tax on gas, should be set aside and appropriated to the purpose of constructing and maintaining a system of roads, is defensible from every standpoint, but when this is done we should see to it that this tax should be equalized with that on all other personal property. When that is done, and we have become clearly convinced of its utility, the whole road question will solve itself as rapidly as the dew melts before the morning sun. But we must keep in mind, always, that great prosperity follows in the wake of universal justice and co-operation. No part of the country and no industry can prosper by unduly attacking and helping to pull down and destroy other industries. "As no man can live unto himself alone," so no state nor part of a state can live unto itself alone. We are all a part, however slight, of the great human family; whatever affects part of it, must necessarily effect the whole. We must learn, I regret to have to say, that state lines should form no barrier to a most intimate relation-

JUDGE J. M. LOWE

ship to the general traffic of the country. The time must come, and that speedily, when a citizen who has paid the license in his home state can travel through all the states without being arrested or molested by a different set of laws and rules than those that are in operation in his home state. The states must learn that reciprocity between them on questions of transportation, is absolutely essential to fair and just treatment. Thomas P. Henry, President of the A. A. A., has recently stated that "It would be difficult to instance another single operating factor that is as detrimental to the development of motoring today, as the failure of the great majority of the states to pass full reciprocal legislation."

In twenty-four of the states the license fee which he has paid has been appropriated to the construction and maintenance of roads, while in twenty-five of the states he pays his road toll as he goes in the form of a gas tax. The nearer this approaches uniformity the fairer it will be to everybody. I would not trust my pocketbook long in the hands of the individual who does not believe in the principles above enunciated.

MISSOURI CROSS STATE HIGHWAY

MISSOURI STATE BOARD OF AGRICULTURE.

Columbia, Mo., May 11, 1916.

Judge Joseph M. Lowe,
Midland Building, Kansas City, Mo.

My dear Judge:—

You may have thought that we were seeking or rather neglecting to furnish you the information that you asked for in the latter portion of the year 1915. Enclosed is a copy of the letter from City Engineer Curtis Hill, and attached thereto you will find information that we have finally located in our records and have transcribed same for your information.

Sincerely,

JEWELL MAYES, Secy.

BOARD OF PUBLIC WORKS

Kansas City, Mo., Department of Engineering.

December 16, 1915.

Mr. Jewell Mayes, Secretary,
State Board of Agriculture, Jefferson City, Mo.

Dear Mr. Mayes:

I am in receipt of your letters relative to records of the first selection of the first cross State highway by the Board of Agriculture, which document you will find attached hereto.

In reply I wish to refer you to Road Bulletin No. 12 entitled

"The Cross State Highway," issued by myself when State Highway Engineer, in September, 1911. This is Volume 9, No. 9, of the Board of Agriculture Bulletin, copies of which were all on file in the office of the Board when I left there in 1913.

In referring to this Bulletin on page 3 you will find a citation of the State Engineer Act from which the Board of Agriculture received authority for action upon road matters.

Page 5 records the beginning of the idea for cross state highway and in connection with this beginning, I beg to say that when I was appointed State Highway Engineer at a meeting of the Board of Agriculture at the Southern Hotel at St. Louis, on July 6, 1907, Governor Folk being present instructed me to immediately make an investigation and to report upon the possibility of a cross State highway from St. Louis to Kansas City, it therefore, having been the first work of the State Highway Engineer of this State.

Page 6, the Board of Agriculture met with Governor Folk in Jefferson City on August 5, 1907, and after receiving my report designated, instead of one, three cross State highways.

Page 8, Records of the first steps taken by Governor Hadley towards this project by appointment of a committee from the Board of Agriculture on June 27, to co-operate with the State Engineer for the purpose of investigation and designation of the cross State highways between the two cities.

Page 9, on July 24, the entire Board was called upon by Governor Hadley to act instead of the Committee of the Board. Rules for the selection of a route were announced and a meeting of the Board called at Jefferson City on August 2nd, which reference you will find on page 17 of the above mentioned bulletin. The route was partially designated by the Board on August 3, the session having extended over from August 2, which reference see on Page 41 of the Bulletin.

I refer you to page 41 of the Bulletin for the final meeting of the Board of Agriculture on the subject at the Madison Hotel, Jefferson City, August 17, 1911. Here minutes of the former meetings were read, the engineer's report read and accepted and the route designated by the adoption of a set of resolutions.

These were all special meetings of the Board of Agriculture called for the special purpose of consideration of a cross State highway between St. Louis and Kansas City. The meetings were presided over by the President of the Board or else by the Governor himself and the minutes were kept by the Secretary, and which, together with all rules for the selection and all rules for making the selection were handled as a regular order of business and should have been spread upon the records of the State Board of Agriculture.

Yours truly,

CURTIS HILL, City Engineer.

HIGHWAY DEPARTMENT

Office of State Highway Engineer

Columbia, Mo., March 1st, 1912.

The three following letters, so pertinent to efforts to rebuild and rehabilitate the old National Road into a great road across the continent, make interesting reading to those persons interested in the Boonslick Road, Santa Fe Trail, or any one of the old roads which make up the National Old Trails Road.

Yours truly,

CURTIS HILL, State Highway Engineer.

Kansas City, Mo., January 11, 1912.

I recall with pleasure, my knowledge of the greatest Rock Road in the world. It was called the "National Road," the "Cumberland Road," and "The Pike." It began at Cumberland, Maryland, and ended at Vandalia, Illinois, a distance of seven hundred miles, and it filled a greater purpose, and accomplished a more enduring service, than any other civil enterprise in the first half of the last century.

The West was gradually and effectually being alienated from the East. The Mississippi and Ohio Rivers, were furnishing the only highways to a market for its people. As one writer has said, "Had its construction been delayed twenty years, the West would have broken from the East and organized an independent government, with its capital at Louisville, St. Louis, or New Orleans." The credit of forecasting and providing against this direful contingency is due first, to Albert Galatin, a member of Congress from Pennsylvania, and afterwards Secretary of the Treasury. Through his influence, Congress appointed a committee to report on the question of making roads from the navigable waters emptying into the Atlantic, to the Ohio River. From the time the idea of this road was first accepted and acted upon by the General Government, the disturbing spirits, who were seeking to build an independent western empire, were disparaged, and their influence broken.

In 1807 President Jefferson got permission from the States of Maryland, Virginia and Pennsylvania, to build a road from Cumberland, on the Potomac, to Wheeling, on the Ohio River. Cumberland was then the terminus of the Chesapeake and Ohio Canal. "A contract was made with Henry McKinley of the building of the first section of this road, at the rate of $21.25 a rod." In 1811 the road was laid out and completed to the Ohio River. In 1818 it began its great march from thence, and in 1825 it was located as far as Columbus, Ohio. It reached Columbus as a permanent and completed road in 1833, and was pushed rapidly on to Indianapolis, and thence by slower steps to Vandalia, Illinois. On its completion as far as the Ohio River

the mighty tide of emigration set in. The opening of the road began the greatest civil revolution that this country has ever experienced. From every hut and hamlet, from every village, town and city of Delaware, Pennsylania, Maryland and Virginia, it sent a thrill for broader acres.

When this great road began its march through the State of Ohio, it entered the greatest forest that was ever known. From Lake Erie to the Gulf of Mexico, the trees interlaced each other over the entire space, save the channels of the Great Rivers. The location was eighty feet wide, and had to be cleared of all trees and stumps. Sixty feet of the surface was covered with macadam eleven inches deep. Its levels were carried high over streams, ravines and marshes. The hills were cut down and the bridges were of cut stone spanning the streams, their buttresses and guards raised three and one-half feet above the road, with broad heavy copings. It swept along wtih a mysterious power that inspired everyone with the greatness of the nation that builded it.

It is easy to imagine the feelings of those people who had lived in the narrow valleys and on the winding streams where there were but deep mud roads, when they first entered upon this magnificent highway. They came from all quarters, and it quickened their natures. Born in isolated cabins or coming from narrow circles, they were soon freed from their provincialism and learned that there was a greater world.

One writer has compared this great road with the "Appian Way" of Rome, the greatest road in the world, which, up to the building of this road, was the "Queen of Highways." He says:

"The Appian Way was a great road, and it is invested with much classic and historic interest, but unlike the National Road, it did not yield its place to greater lines of progress and improvement. The Appian Way was designed to gratify the pomp and vanity of consuls and pro consuls, kings and princes, emperors and empires. The National Road was designed to meet the wants of a free and progressive people and to aid in building up and strengthening a great and growing Republic. The Appian Way had more vitality than the government that built it. It outlived its country. The National Road served its purpose grandly; was a complete success, the pride and the glory of its day and generation, and when it lost its place as a national thoroughfare, the government that made it was all the stronger because it had been made. The average width of the Appian Way was from eighteen to twenty-five feet so as to admit of two carriages passing each other, and the expense of constructing the first section of it was so great that it exhausted the public treasury at Rome. The National Road was sixty feet wide and eight carriages could pass each other within its borders, while the cost of its construction, although a very large sum of money, made so light a draught upon the resources of the public treasury of the United States, in comparison

with the subsequent appropriations for other objects, as to be scarcely worthy of observation. The Appian Way derived its name from Appius, who was consul of Rome at the time of the undertaking. Its initial southern terminus was Capua, distant from Rome one hundred and twenty-five miles, very nearly the same as the distance from Cumberland to Wheeling."

My earliest knowledge of this great road, the National Road, began with my earliest recollection. It passed within two and one-half miles of my father's farm and was always an object of great interest to every country boy. Every boy had "his colt." He knew when the circuses would pass, and he was sure to be on the roadside when they went by; and how splendid then to see the stages pass, thundering along at a sweeping trot, drawn by four matched horses, driven by an imposing man whom we all thought from his dignity and position, was one of the grandest of earth. When he nodded and waved his whip to some neighbor, we thought it was a great condecension. Many were the serious discussions between the boys as to what they would rather be when they got "growed up," a stage driver on the Pike or a Ring Master in the circus.

The stage coaches were among the most interesting of objects that passed. They were always loaded down both inside and out, and "carried the mails." The time table for one of the stage lines was, Washington to Wheeling, thirty hours: to Columbus, forty-five hours, Indianapolis, sixty-five and one-half hours, and to St. Louis, ninety-four hours. They passed and repassed with the regularity of the clock, with greater regularity than the trains upon the principal railroads do now. When the horn was sounded for a change, the horses, the blacks, the roans and the sorrels, came prancing to take the place of the grays and the chestnuts. The grooms knew how to make them "show up." Three minutes for the change and away again.

From early morning to sunset, there was seldom a time that the white covered wagons of the movers to the west were not in sight of those living on this road. They were always accompanied by the families walking on foot, driving the stock, while the aged and the smaller ones rode in the wagons. I remember, when a small boy, of following behind one of these wagons and looking into a crate swung beneath the hind axle, and saw three pigs, three turkeys and six chickens.

A favorable camping ground for these emigrants (movers) was on the stretch between Jacksontown and Hebron; the nearest point to our home. In the early evening between sunset and dark, it was a favorite excursion for the boys to ride up and down that road, and see the campers getting their suppers and then getting ready for their night's rest. They all seemed so happy. Many a cheerful song or hymn was heard rising from some little group.

"THE SCOUT"
On the National Old Trails Road in Penn Valley Park, Kansas City, Mo.
Designed by Cyrus Dallin.

Among the many interesting objects that moved both to the East and to the West, were the freighters, with their large wagons with goods for the merchants. Their teams of horses each had bows over the hames, strung with sweet tinkling bells. And another interesting feature was to see the great droves of stock driven from the West to the markets of the East. The horses were usually led in this manner: A light buggy was driven in front, to which was attached a long rope, which ran to the axle of another buggy driven in the rear, and on each side of the rope were attached the halters of the horses that followed. The mules followed an old gray mare ridden by a boy, with a cowbell on her neck. She was white or gray so as to better attract the attention of the mules. The fat cattle, the sheep, hogs and turkeys, were all driven to the markets of the East, Pittsburgh, Philadelphia, and Baltimore. From the time that winter first broke in March, until the snow fell, this constant moving of the families kept up. The moving of live stock and the stage coaches went on all the year through. Although this road was so wide, it was none too wide and was often filled from border to border.

For thirty years this great road served this great purpose, and by it the woods were peopled. The constant sound of the ax and the falling of trees, was heard along its line. Its decline began as the Central Ohio Railway moved parallel to it, and supplied an easier and better transportation. It was finally surrendered by the general government to the respective States through which it passed and they surrendered it by piecemeal to the counties.

It is now over fifty years since I have seen any portion of this great road, except to cross it occasionally on some railroad train. I know not its present condition, but it was built to endure. It should be in such condition now, that little would be needed to make it again a great road as it was when I knew it. With the new mode of travel by motor cars, it should again fill as useful a purpose as it ever did. It ought to be continued on through Missouri and Kansas, and to the west until it reached the Pacific. Good roads of the same character should be built all over the land. They would serve a great purpose, and result in great good to our people.

Yours truly,
GEO. H. ENGLISH, Kansas City, Mo.

76th Street and Broadway, New York,
January 20, 1912.

Mr. Curtis Hill,
State Highway Engineer, Columbia, Mo.

Dear Sir:—You will, I trust, be interested to hear that my Circular Tour of the U. S. as Special Agent of the Office of Public Roads at Washington was successfully concluded in 105 days. In

addition to a tour of road inspection, I laid out and charted two feasible Transcontinental routes which, in essence Scenic Highways, afford the tourist the opportunity of seeing America from the road. At the same time the road keeps to historic paths in order to help preserve landmarks of the past which threaten to be forgotten.

The Old Trails Road traverses a soil every mile of which is American History crystallized. The Braddock Road, the Cumberland Pike and the National Highway to St. Louis, are only links in the long chain, connecting by means of the old Boonslick Road in Missouri with the Santa Fe Trail that for nearly 1,000 miles between Boonville, Mo., and the New Mexican capitol has been marked with Monuments by the devotion of the Daughters of the American Revolution. From there it follows the line of march of General Kearney's army into California and in part that of the Spanish founders of San Francisco and the ancient Missions. It takes in the wonders of the Southwest: the sky village of Acoma and the Enchanted Mesa, the Spanish Inscription Rock, Isleta and Laguna pueblos, and the Indian pueblos of Zuni identified with the fabled Seven Cities of Cibola. It brings one to the Petrified Forests, the Painted Desert, the Cliff Dwellings, the Moqui Snake Dancers Reservation, Sunset Mountain and Lava Beds, the Grand Canyon, Montezuma's Well and Castle and the Gila River country famed in Aztec tradition, while it crosses the American Desert through its most fertile part, Imperial Valley. Who with the red blood of national pride within him does not thrill at the thought of such roads as these! They are surely highways worthy of the American people.

I am convinced that the building of Transcontinental Highways rests with the people themselves. Much valuable time will be lost waiting for Federal aid. Let organized effort still be directed towards inducing Congress to vote money for National Highways, but let it not be forgotten that the people have already taken the initial steps in this work. I would quote the "Territorial Highway" now being undertaken by Arizona across the State in proof of this.

But how can I sufficiently emphasize the need everywhere of co-ordination between the States interested! The waste of valuable energy on all sorts of unrelated schemes for Good Roads is lamentable. Interest almost everywhere is purely local. Scarcely a State concerns itself as to what is being done by its neighbors. Scarcely a county commissioner or Good Roads enthusiast has considered the possible importance of his section in relation to the burning need of the hour—a National Highway from Ocean to Ocean.

The Transcontinental Highways are of First importance. Any scheme for State Highways which do not form a direct link in the Transcontinental chain must be secondary. Time enough for those others when the Great Transcontinental Highways, forming the

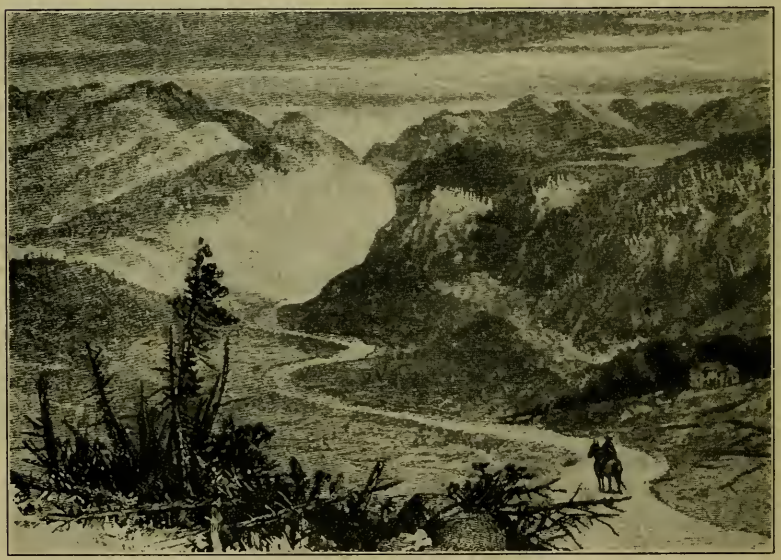
longest and most wonderful sightseeing thoroughfares known, shall be an accomplished fact.

The National Highways from Coast to Coast are coming—are already under way. Even now the people are unconsciously building them but disjointedly, without preconcerted plan or conception of the significance of their work. The help of every good roads man is needed. Let us all get together and see what we can do.

Faithfully yours,

THOMAS W. WILBY, Special Agent,

U. S. Office of Public Roads.



Cumberland Gap, No. 1. where three states, to-wit: Kentucky, Virginia and Tennessee, corner. This is on the old Wilderness road, blazed and established by Daniel Boone (1775). Cumberland Gap, No. 2, is on the N. O. T. Road near Wheeling, W. Va. The figure on horseback (No. 1) reminds me of a seventeen year old boy, a Confederate soldier, who in November, 1862, when the Confederates held the Gap, rode down the road coming North and was warned by the guard stationed at the house on the right and again by the pickets a few yards further on that they were expecting the battle to begin any minute, in which event the boy would be caught between the fire of both armies—but this is another story.

CHAPTER II.

Migration to the West.

Excerpt from History of United States, (Vol. III, Page 11) by Woodrow Wilson.

"Migration into the West had been given its first impulse by the treaty of 1763, which closed the war with France and gave to the English all that the French had claimed east of the Mississippi. The war for independence had checked it for a little, but only for a little. It thronged forward again the moment the anxious strain of the fighting was off. Northwestward along the valleys of the Mohawk and the Delaware into the land of the Iroquois which Sullivan had harried—where Sir William Johnson had reigned in days gone by over red men and white; straight towards the heart of the West along the upper courses of the Potomac, through the difficult country through which Braddock had gone his blundering way, to Fort Pitt and the lands by the Ohio; through the long forests to the fair Kentucky; down the valleys opened by the spreading tributaries of the Tennessee, and through the forests beyond to the Cumberland, whither the men who had ridden the passes to King's Mountain had shown the way; around the southern end of the great Appalachians to the plains by the Gulf—wherever the mountains opened or a way could be made, everincreasing bands of emigrants essayed the long journey every open season, seeking new homes at the heart of the lands where once the French had had their posts and garrisons, until there began to be communities beyond the mountains big enough to count in affairs; communities in whose behalf peace and government must be provided, and a way of intercourse and sympathy between East and West to which the great mountain ranges should be no effectual barrier. The war itself had not stopped this eager journeying into the West. The savage tribes upon those borders, north and south, found themselves checked and beaten, not by any sudden onset of armed men, but by this crowding in of the indomitable white man, this thickening of his stubborn, ineradicable settlements upon the western streams, the coveted hunting grounds.

Washington had seen the gates of that new world when, as a mere boy, he had acted as surveyor of Lord Fairfax's estates, within the valley of the Shanandoah; when as a youth, he carried

Dinwiddie's warning to the French at Fort Le Boeuf, ere they made themselves masters at the forks of the Ohio; and again when he went with unhappy Braddock against Duquesne. He saw more vividly than most men what this new movement of population meant, and must bring to pass in the future. When he had written his farewell to the army from his headquarters at Rocky Hill (November 2, 1783), had embraced his officers and comrades in arms in a last affectionate leave-taking at Fraunce's Tavern in New York (December 4th), and had delivered up his commission to the Congress sitting at Annapolis (December 23rd), he turned for a little respite to his home at Mount Vernon, to which these long years through his thoughts had reverted with an ever-increasing longing; but the very next year saw him over the mountains again, observing what lands were to be had there, and studying once more the best means of communication between East and West. The primary object of his visit was to procure good lands for himself and for old comrades who had made him their agent and adviser in that matter, but his statesman's eye apprised him of the full meaning of the new migration now afoot along all the western border. For one thing, he saw how serious a situation it might prove should this body of settlers, sure to grow greater and more masterful from year to year, continue for very long to look back upon almost impenetrable mountains piled between them and the eastern ports and highways. Their natural outlet, when once the mountains were well behind them, would be the Mississippi; their natural highways, the streams which ran to the Gulf. It was possible they might see their chief advantage in a connection with the Spaniards at New Orleans rather than with the wellnigh inaccessible eastern settlements on the Atlantic seaboard; or even with the English again by the highway of the lakes and the St. Lawrence. "The western settlers," he declared, "stand as it were upon a pivot. The touch of a feather would turn them any way." He returned home to push again with renewed vigor the project which had in these new days of independence, as it seemed to him, become a sheer political necessity—the opening of the upper reaches of the Potomac to navigation, in order that the East might there at any rate be linked with the West, by joining the waters of the Potomac with the streams which ran down into the Ohio. This had been part of the plans of the old Ohio company of which the Washingtons and the Fairfaxes had been members. The evolution had interrupted its plans; there was now added reasons for renewing them."

The Railroads to Paris were put out of commission during the World War but the *improved wagon roads*—the automobile and the truck, "*saved Paris.*" Stop here and reflect one moment on what might have been, if there had been no through roads

(National) and "Inter-cantonment" Roads, built and maintained by the General Government of France, but if, instead, France had had only our detached "farm to market," "radial roads," reaching out from "Rumpus Ridge" to "Possum Hollow"—from *nowhere to nowhere.*

The foregoing is but an introduction to one certainly important and fascinating feature of this road, but it is unique as well in the romantic and commercial features which follow it in all the twelve states through which it runs. In Maryland, east from Cumberland to Washington and Baltimore, every mile is replete with Washington's activities, as well as with "John Carroll of Carrollton," of the ill-fated Braddock, whose monument stands beside the road, and Frederick, where stands the monument of Francis Scott Key, the author of the Star Spangled Banner, and almost in sight, is Gettysburg. And Pennsylvania with her beautiful cities, towns and homesteads. No country on earth surpasses it in scenic beauty or progressive industry, up to and including Wheeling, West Virginia.

The following quotation is taken from the Kansas City Star:

"Under the towering Washington, or National Cathedral, crowning a hill up which Braddock's red coats marched to fight the French before the birth of the Nation of which he was to become President twice, Woodrow Wilson, who approved the Federal Aid Act will sleep." "The St. Peters and St. Paul cathedral, better known as the Washington Cathedral, is only a little more than a mile from the Wilson home, directly up famous Massachusetts Avenue. It is only about one-tenth completed, but its lofty towers are in plain sight of the windows of the Wilson study, in which the former President sat so many days in his years of semi-invalidism. Both the President and Mrs. Wilson were interested greatly in the completion of the Cathedral, which was projected as the Great Westminster Abbey of America." "The place selected as Mr. Wilson's temporary resting place, possibly his final one, is one of the commanding sites around Washington and is full of historic remembrances. It stands four hundred feet high. In the haze of the east looms up the dome of the Capitol, the congressional library and other such imposing structures. To the southeast is the business section of Washington; then, more to the south, the Washington Monument, the White House, the Lincoln Memorial, the sparkling waters of the Potomac and the heights of Arlington, with its amphitheater and the tomb of the Unknown Soldier." "Literally all the glories of the Nation's Capitol spread in view from Cathedral Hill, the highest spot about Washington, facing the National Old Trails Road. As the Wilson funeral cortege wends its way up Cathedral Hill, Washington falling away behind it, into the elms and oaks of the Cathedral grounds, it will pass a significant token, a tall white stone cross some twenty feet high. It is the 'peace cross' of Washington, and

stands at a point of vantage to overlook the city. It was erected at the close of the Spanish-American War and was dedicated by President McKinley. The door to Bethlehem Chapel is the 'Peace Door.' "

And "Washington in Pennsylvania"—what a beautiful little city it is. All hail the Wonderful State of Ohio. Her admission to the Union made possible the construction of the road. The provisions admitting Ohio into the Union of States providing a road fund was written into the Acts admitting Indiana, Illinois and Missouri to the Union. In each of the Acts of Congress establishing and extending the road to the Mississippi, there was reserved from sale a strip of land sixty-six (66) feet in width from Cumberland, Maryland, to the Ohio at Wheeling, and eighty (80) feet from Wheeling to the Mississippi at or near St. Louis. Ohio got a fine road. Indiana, where, like Ohio, it was a dense wilderness of heavy growth, got the trees cut on the right-of-way, but not much actual construction, while Illinois got some bridges and culverts. The last work done by the Government was a stone bridge just east of Vandalia, the then Capital of the State. Missouri got only a Government Survey, one on the south side of the Missouri River to Jefferson City, also on the north side, substantially following the survey made by the sons of Daniel Boone when establishing the Boonslick Road (1815), and crossing the Mississippi a short distance north of what is now Alton, recommending this north survey as having the better grades, although St. Louis had a population of 8,000.

In 1824-5 Thomas H. Benton of Missouri brought forward a bill extending the road on to Santa Fe, into and through a foreign country. This was the so-called Santa Fe Trail, discussed at the celebrated Christmas Dinner (1824) at the home of Mr. Jefferson, hereinafter alluded to. In the presidential campaign of the same year the clean cut issue of a system of National Highways to be built and forever maintained by the Government was made, and upon that issue John Quincy Adams was elected. Thereupon the expiring Congress "running to cover" as often happens, brought forward a measure for that purpose, passed it, and President Monroe approved it. A commission to select and lay out such system was appointed. At the ensuing session this committee brought in its report, but, instead of reporting a National system of highways, reported a detached, insignificant system of roads, beginning and ending nowhere.

I want to recall the memory of the glorious old "Hero of the Hermitage", who said in vetoing the Act establishing "A National Highway" from Maysville to Lexington, Ky., that the public funds can only be appropriated to public, not private, uses, to National, not local, purposes, to roads National in character, and not to those of State or local interests only. Jackson was right in this instance, though Clay was generally right on the broader

grounds of internal Improvements, as ably defended by Mr. Lincoln hereinafter to be presented. Much blame may be laid at the door of those who belittle that instrument, and try to rob it of its sacred character.

Jackson and Monroe held that the public funds could be appropriated only to public purposes. The Supreme Court of the United States has repeatedly confirmed it. Then it follows as night the day that National (Interstate) Roads only can be built, in whole or in part, with the National funds; hence, all roads, National or Interstate in character, should be built and maintained by the General Government. All roads of State interest, only, should be built and maintained by the State, and all county and local roads by the counties; all connecting and creating a great system of "Good Roads everywhere." This is the system we thought we were getting when the amended Federal Aid bill was passed. If its spirit and intent had been carried into execution we would have gotten Interstate (National) Roads estimated by Congress at 180,000 miles. These would have served as state and county roads in the states and counties through which they passed. State roads, say an average of 5,000 miles in each of the forty-eight states, make a total mileage of 420,000 miles. If bond issues payable out of the Automobile funds had been adopted these roads would not have cost the taxpayer, whether he owned an automobile or not, one single penny. This money then would have gone into roads where it belonged, and not into politics, where it does not belong.

It may seem that we are giving too much prominence to Missouri, but if so, it is because the movement to establish a great system of National or Interstate Highways, with the National Old Trails Road as the great central feature of such system originated in this State, and because, too, it is here that we have met with the fiercest and subtlest opposition.

FEDERAL AID ACT

We are far from claiming all the credit for the advanced position of the road question, but we may reasonably claim that but for the attitude of this Association that monstrous Act known as the Shackleford Bill would have passed the Senate as it did the House. But for the Activities of this Association, in a large measure, the Federal Aid Act as it now exists, never would have been passed. But, we share in this and in all things else, with our State associations.

The State Legislatures have the right to adopt any system of roads, large or small, that they may see fit, and to direct the application and method of distributing state funds; but Congress alone has the power to direct and supervise the distribution and application of the Federal money. This is clearly manifest in the

Federal Aid Act. But this supreme law has been openly and defiantly repudiated, disregarded and practically "nullified" in road construction in many of the States.

Of course the Legislature may, under some circumstances, direct the purposes to which the states revenue shall be appropriated. But it has no such power under the Federal Aid Act, for the following good and sufficient reason: The Amended Federal Aid Act declares that Federal Aid can be given and applied only to the construction of seven per cent of the roads in any State, to be established and designated by the Legislature of any State desiring to co-operate with the Federal Government. If any State desires to adopt additional mileage independent of the Federal Aid Act, it may do so. But, it will have to raise the funds by a general property tax. If any Legislature wants to tamper with this question it might be well to read carefully the Amended Federal Aid Act; section six thereof provides as follows: "That in approving projects to receive Federal Aid under the provisions of this Act, the Secretary of Agriculture shall give preference to such projects as will expedite the completion of an adequate and connected system of highways, Interstate in character. Before any projects are approved in any State, such State, through its State Highway Department, shall select or designate a system of highways not to exceed seven per cent of the total highway mileage in such State, as shown by the record of the State Highway Department at the time of the passage of this Act. Upon this system all Federal Aid apportionments shall be expended. Highways which may receive Federal Aid, shall be divided into two classes, one of which shall be known as primary or Interstate Highways, and shall not exceed three-sevenths of the total mileage which may receive Federal Aid; and the other, which shall connect or correlate therewith, and be known as secondary or intercounty highways, and shall consist of the remainder of the mileage which may receive Federal Aid."

Article Six of the Constitution of the United States, reads as follows: "Supreme Law of the Land—This Constitution, and the Laws of the United States which shall be made in pursuance thereof, and all the ties made, or which shall be made under the authority of the United States, shall be the Supreme Law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or Laws of any State to the contrary notwithstanding."

If it is desired to add additional mileage to the seven per cent system, then your appeal must be made to Congress, for it alone has authority to appropriate the Federal revenues. Any Act looking to this end by the State Legislature is not worth the paper it is written on.

Of course, there will remain many roads in addition to the seven per cent system, which should and will be paved. The

THE WHITE HOUSE JEFFERSON

automobile and gasoline tax should be sacredly preserved from all attacks, and this will be a fund sufficient to complete and maintain the seven per cent of Federal Aid roads; and, when this is done, these funds will be so large that we can go on building additional mileage, *ad infinitum*. In this way, and in no other, shall we get "Good Roads Everywhere," under the Federal Aid Act.

Of course, it goes without saying, that the automobile taxes should be exempted from any additional tax levy until all tax levies are equalized under the law.

The automobile manufacturer, dealer or owner, does not object to a reasonable single and just tax to be placed upon the automobile, and they generally favor setting aside this tax for road construction. This alone will raise a tremendous fund in all the States for road purposes, and should be adopted. However, no one but a fool would "kill the goose that lays the golden egg," and it may be well to caution those who would lay the entire burden of road taxes upon the automobile, that they are in danger of committing just such a foolish thing.

In the great road convention held by the A. A. A. in Washington City, in March, 1913, it was the writer's great privilege to offer a resolution calling upon Congress to levy a very slight tax upon tobacco for the purpose of raising a National Road fund. It was adopted overwhelmingly, but our friend, Judge Shackelford, called for a division, stating that if we would leave the whole question to Congress to apply this fund in any way it might see fit, that he would withdraw his objection to it, but we refused to "accept his apology." A standing vote was taken, and Shackelford, and a delegate from Tennessee, by the name of "Ice," were the sole votes against it.

And finally, is it too much to claim that but for all these facts the Missouri River which has "rolled unvexed to the sea" ever since the "Stars sang together at creation's birth", is now being spanned by four magnificent bridges along side the N. O. T. Road between Boonville and Kansas City (130 miles), thus tying together, not only the Interstate roads, but the entire road system of the state? This is being done at a cost of about $3,000,000, not one dollar of which comes from the $60,000,000 Road Bond Fund, nor from the state, but is about equally paid from the Federal Aid fund, and by Bridge Bond funds carried by the National Old Trails towns and counties through which it runs.

This Association and the whole people of the State should hold in everlasting memory Theodore Gary, Chairman of the State Highway Commission, whose trained business instincts suggested the plan of financing these bridges. They will stand forever as monuments to his genius as well as to the broad-minded, public-spirited people, who, by their votes made them possible.

I regard this question of so much consequence to the future of the States, that I cannot refrain from making some suggestions which may or may not be of any especial benefit or interest. We have so long engaged in the discussion of this question that there is really but little left, it seems to me that would be novel or interesting to say. If talk built roads, we would long since have had this country gridironed with good hard surfaced roads everywhere. And yet, there may be something said in favor of continuous agitation until such efforts shall be translated into accomplishment. In spite of all the agitation on this question for the last twenty years, it remains a fact today that "the bad roads of America constitute the most stupendous wastefulness of the most wasteful people on the Globe." Thus does one of our prominent Senators summarize the road situation in the United States.

It is not our purpose, however, to discuss the all too apparent fact of our need in this regard. Nowadays, every one realizes that it is absolutely essential to the proper development of our civilization that strenuous steps be taken to bring about the improvement of our nearly three million miles of public roads. It would not be fair to say that no great good has already resulted from this continuous agitation. Much has been done, and very much more remains to be accomplished. I am not going to mention any of the fundamental questions underlying this discussion, except to say that early in the agitation of this question there were two lines of thought, or of proposed action discussed in Congress and out of Congress. One was a National System of roads to be built and maintained by the general Government. The other, was so-called Federal Aid, meaning aid given by the general Goverment to the States for the purpose of road construction. These two ideas were threshed out and various bills on either side of the question were introduced and fought over in Congress until the final result was: The Federal Aid proposition was adopted. After four years of strenuous effort this bill proved to be an absolute failure, and the fight was renewed in Congress with the result that the Amended Federal Aid Act, under which we are now attempting to build roads, was adopted as a kind of compromise measure and approved July 11, 1916. We are impressed that however much progress we have made since this law was enacted, very much greater progress would have resulted if the States had co-operated wholeheartedly with the Bureau of Roads at Washington in carrying out the mandates of that law.

Section Six of the Federal Aid Act provides as follows: "That in approving projects to receive Federal Aid under the provisions of this Act, the Secretary of Agriculture shall give preference to such projects as will expedite the completion of an adequate and connected system of highways, Interstate in character." This section was intended to meet the criticism and

objections of those who favored a National System, and we believed that it would very largely settle that question. Then, the bill provides, "Before any projects are approved in any State, such State, through its State Highway Department, shall select or designate a system of highways not to exceed seven per cent of the total highway mileage in such State, as shown by the records of the State Highway Department at the time of the passage of this Act. Upon this system all Federal Aid apportionments *shall be expended.*" Please note the limitations in the last sentence: "Highways which may receive Federal Aid shall be divided into two classes, one of which shall be known as primary or Interstate Highways, and shall not exceed three-sevenths of the total mileage which may receive Federal Aid, and the other, which shall connect or correlate therewith, and be known as secondary or inter-county highways, and shall consist of the remainder of the mileage which may receive Federal Aid. The Secretary of Agriculture shall have authority to approve in whole or in part the systems as designated or to require modifications or revisions thereof: Provided, That the state shall submit to the Secretary of Agriculture for his approval any proposed revisions of the designated systems of highways above proided for." Then, it provides that not more than sixty per cent of all Federal Aid allotted to any state shall be expended upon the primary or Interstate highways: "*Provided*, That with the approval of any State Highway Department the Secretary of Agriculture may approve the expenditure of more than sixty per cent of the Federal Aid apportionment to such State upon the Primary or Interstate highways in such State." Article Six of the Constitution of the United States provides as follows: "Supreme Law of the Land—This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, shall be the Supreme Law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding." It will be observed that if the plain letter and spirit of this act should be carried into effect, then all States occupying the position which some States do today on this question, could not receive Federal Aid, and it is clear that they will not receive such aid in the future, unless the State is placed in position by the legislature or by the people so as to be able to co-operate fully with the provisions of this Act. The question, as it seems to me, is a very simple one, and there should not be any difficulty in ironing out the difficulties under which they are laboring. The simplest and most effective means of any State to co-operate with the Federal Government under the provisions of this act is to provide a *State* fund, not a *county* fund, and this can be done by capitalizing and setting aside the automobile, truck and gasoline funds for that express purpose. Mark

you, this is no proposition to levy a tax, or to enhance taxation in any degree. It is simply to provide for the taxes already levied to be applied in a certain manner. When this is done, I have always believed that the legislature in equalizing the taxes of the State should exempt the property upon which this levy is made from any additional levy for any purpose whatsoever until all property, both real and personal, has been equalized with the automobile tax before mentioned. This would be equality and exact justice, a principle for which we all do, or should, stand.

All attempts to develop roads by first building local roads have failed. Not until trunk lines are built will there be any material advance in road building. These trunk lines will be educational in their effects and will bring about a desire for building local feeder lines. Otherwise there will be no desire or reason for the existence of such local feeders. Branch railroad lines were built after the trunk lines were established—otherwise they could not have existed.

While discrimination, as between districts, is neither wise nor fair, never the less if any preference should be favored by road building the farming and rural districts are entitled to first consideration, for the reason that they need roads more than the urban centers do; and, what is more, they need help to build them. In most districts they can not of themselves furnish the funds necessary with which to build. We favor a State or Interstate system of roads to be built and in part maintained by the National Government, or in co-operation with the States, which will serve national purposes and likewise be the heavy traffic main trunk lines within the several States. Such a system will relieve the States of any cost of their construction and maintenance. Thus relieved the States can build more miles than now of State highways, thereby reaching more remote farming districts than are now reached. Such a system of State Highways will likewise be the heavy traffic lines within the several counties. They will be connected with the National or Interstate System, and by receiving appropriations from the Federal Government under the provisions of the Federal Aid Act together with the automobile and truck license funds to be appropriated and applied to the building of such State System will thus relieve the counties of any cost for their construction and maintenance. Such system of Interstate and State roads can be built immediately, and will not cost the people of the State or county one dollar for their construction and maintenance. Thus relieved the counties can build more miles than now of other or secondary county roads, thereby still further reaching out into the more remote farming districts. Such a system of county roads will likewise be the traffic roads within their respective counties, and therefore, finally, the township or district roads can build

more miles than now of their lighter traffic roads and thereby reach those farming districts farthest from our market towns and railroads.

By this four-fold system of roads there will be an impetus as yet unthought of, given to road building throughout the State. Authority and responsibility will be logically and economically divided and fixed without conflict arising. Uniformity and efficiency will be established. Rivalry in maintenance will exist between the different systems. This will give us "good roads everywhere" by a well balanced, connected system of National State, County and Township Highways.

The monies thus raised and appropriated will get into roads where it belongs, and not into politics where it does not belong. The cost will be equitably distributed upon those communities best able to bear the burden. By this system any State can build at least one to ten thousand miles of State and Interstate Highways, insuring to every county in the State at least one such road throughout its length, and in many of the counties several of such roads.

If every State provides for a State bond issue and Federal Aid money appropriated to the building of such system, and the automobile license fund as above mentioned shall be set apart to pay the interest and principal of such bond issue, then the entire system, Interstate and State, will not cost the people of such State one copper cent. When this is done you can adopt the "Pay as you go" plan, and build a system of worthwhile roads—and *you can do this in no other way.* The "Pay as you go" plan assumes, of course, that you have the money on hand. This you will not have if you lose Federal Aid and then divide the automobile tax according to the number licensed in each county. To adopt the "Pay as you go" plan you must have State funds with which to co-operate with the Agricultural Department at Washington in order to receive such aid. In other words, your only hope is to have State road funds with which to co-operate in securing the Federal Funds. This, of course, you can raise by a direct levy of a tax upon all property in the State, but this method would be disastrous to your vast interests. You have the money at your fingers' ends, if you will simply set aside the automobile and gasoline tax as State funds for the purposes of road construction.

If this were a movement to levy a special tax upon one species of property, it would be vicious in the extreme, and ought not to be adopted. But such is not the object. There is no purpose anywhere to levy an additional tax upon such property, but simply to appropriate the taxes already levied to the purpose of building and maintaining such system of roads. Twenty-four States have adopted this plan and it has given satisfaction.

WASHINGTON MONUMENT.
Washington Place, North Charles Street and Mt. Vernon Place, Baltimore. Usually considered the touring center of that city. Peabody Institute on the right; across the street, also on the right, the Mt. Vernon Church. View looking up North Charles Street.

But, it may be asked, why should the States appeal to the Federal Government either to build roads of its own volition and expense, or to furnish aid to the States in carrying on such improvements as these? Well, there are various reasons, as it seems to me, why the Federal Government should take a hand in such an enterprise. First, and foremost, the Government may at any time have good and sufficient reasons for using these roads. But, without entering upon a discussion of this question, it may suffice to say that in the original formation of the Government, the thirteen States constituting the Government, as new territories became eligible to Statehood, the Enabling Acts, authorizing such territories to come into the Union, the 13 States took over all the lands in such new States and sold them, and applied the proceeds as the Federal Government thought fit. Without making this discussion too tedious, let me illustrate the whole proposition by saying, that when Wisconsin applied for admission to the Union, the Act of Congress contained the same provision that had been applied to at least twenty-nine States of the Union, that the Government would return to such State five per cent of the net proceeds of the sales of public lands in that State to be applied to the construction of highways. Abraham Lincoln, then a member of Congress, offered to amend it by setting aside each alternate section, and providing that the net proceeds of the sale of such section should be applied to road construction, instead of the five per cent. This was refused, and thereafter each alternate section was turned over, very generally, to semi-public corporations for the purpose of building railroads. What a different situation we would be facing today if Mr. Lincoln's proposition had prevailed! But, instead, the new States were left by the Government to work out their own salvation. We delight in saying that "We are the richest nation in the world." Europe is prostrate, and the universal cry is for "raw material." We are ready to furnish it. We, the United States, have but six per cent of the world's population and own but seven per cent of the land, and yet we produce 66 per cent of the oil, 75 per cent of the corn, 67 per cent of the meat, 60 per cent of the cotton, 52 per cent of the coal, 33 per cent of the silver, 40 per cent of the iron and steel, 25 per cent of the wheat, 20 per cent of the gold and 40 per cent of the railroads, totaling one-third or more, of the total wealth of the world.

Then, look for one moment at our railroad situation. Our total railroad mileage is 261,177 miles. The Eastern district has 59,080 miles; the Southern district has 42,752 miles. While the Middle West and Western district has 159,345 miles, more than one-half of the total mileage, all capitalized at $22,000,000,000. More than two-thirds of our railroad mileage is in the South and West, and more than four-fifths of the raw material, while

the nine Eastern States—New York, Pennsylvania, New Jersey, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island and Connecticut, having only five per cent of the area of the United States, have one-half the National wealth, and will, therefore, or ought to, pay one-half the cost of building and for ever maintaining either a system of National Highways or Interstate Highways. Thus, the people of Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming would each pay under an equal and fair division of taxes each year for their system of National or Interstate Highways, only $1.50 for twenty years, and you would never know how or when you paid it. These thirty-nine states of the West, Middle West and South have three hundred and ninety Senators and Representatives in Congress and a majority of one hundred and twenty-four votes, therefore the West, Middle West and South have the power to gain this entire system of roads at one-half their cost and maintenance forever, by simply waking up and asserting themselves, and this *is absolutely fair, equitable and just.*

Now, for fully forty years a movement has been inaugurated and constantly carried forward to consolidate this entire vast systems of railways into a single system, or zoning system, and all terminating at Atlantic harbors owned by the Railroads, and to that end, I had almost said, the railroads have selected their own Interstate Commerce Commission, and there is hardly a doubt but that such an effort will be carried into effect in the near future; and mark you, the great bread basket of this country is without any representation whatever on the Interstate Commerce Commission!

Will it be said that this is outside of any proper discussion to bring before the people in this way? It seems to me that it is entirely appropriate, because we are considering the transportation question, pure and simple, and the wagon roads of the country are the primary features of all transportation questions. There is no real conflict between the railroads and the wagon roads of the country, but on the contrary they should, and will, work in perfect harmony. The most insignificant product of the farm cannot be transported to the general markets of the country unless they are provided with the means of getting the products to the railroads. Neither is there any conflict between through roads, National or Interstate in character, because each supplements the other and each is of advantage to the other. We have worked, heretofore, in perfect harmony with the great Santa Fe

system, and have received nothing but benefits from the fact that we parallel that route from Kansas City to Los Angeles. They take a broader and more comprehensive view of the transportation question than almost any other railroad system that I know about. Such will be the case, universally, when we all realize that we are all one people and are striving to serve, as best we may, the general interests of the whole people.

OLD COVERED BRIDGE, OHIO.

CHAPTER III.

Engineers Great Pioneers of Progress.

Country's Big Debt to Pathfinders Who Blazed the Trail From Coast to Coast

By Harry Pence

THE "OLD NATIONAL PIKE"

The war with Mexico in 1848 was the first in which the graduates of West Point took an important part. After the conflict General Winfield Scott, who was not himself a West Pointer, said, "I give it as my fixed opinion that but for our graduated cadets the war between the United States and Mexico might and probably would have lasted four or five years with, in its first half, more defeats than victories falling to our share; whereas in less than two campaigns we conquered a great country and a peace without the loss of a single battle or skirmish."

But long before the outbreak of the Mexican War the United States Military Academy had made signal contributions to the upbuilding of the country. The graduates of West Point constituted the only class of "home grown talent" possessing engineering knowledge and skill. The same principles underlie both military and civil engineering, and instructions at West Point included thorough training in these sciences.

As Congress pursued a policy of holding the army to the irreducible minimum, vacancies in the regular line were not sufficient to give places to all the graduated cadets. Many of them were assigned to such pioneering work as the exploration of the western frontiers and the reconstruction of our obsolete coast defenses. This naturally led to road building and the erection of lighthouses at dangerous points on the coasts and Great Lakes.

The earliest major accomplishment of the Corps of Army Engineers was the projection and construction of the "Old National Pike," a highway famous in the early days for its unusually excellent surface, its width, its celebrated taverns. It began at Cumberland, Maryland, the western end of the older Braddock's Road from Washington, and penetrated the great West to St. Louis. It was the main line of travel from the Middle West to the National Capital. It ran through and became a considerable factor in the early growth of Uniontown and Washington, Pennsylvania; Wheeling, West Virginia; Zanesville and Columbus,

Ohio; Richmond and Indianapolis, Indiana; Marshall and Vandalia, Illinois and St. Louis, Missouri. This old road, built entirely at government expense, was begun in 1806, primarily as a means of transporting troops quickly to Mississippi River points and farther westward, but under the care of United States Army engineers it served better the cause of peace and progress than that of war. In 1837, it was turned over to the various States and many stretches of it fell into bad repair. The advent of the automobile has brought about its reconstruction and it is now one of the country's most celebrated, popular and useful motor highways.

Explorations of the comparatively unknown West, map making of all sections of the country and the discovery of the natural resources of the nation proved so important that a corps of Topographical Engineers was organized and served till its amalgamation with the regular Corps of Engineers at the outbreak of the Civil War.

A sizable volume could be written upon the work of this special corps, commanded by army engineers and composed of army and navy men and such civilian aids as were necessary to keep the work up to the highest standard possible within the appropriations for its maintenance.

John C. Fremont, the famous "Pathfinder," did his best work as a member of this corps and other topographical engineers braved the hardships and dangers of the frontier to explore and make maps which greatly aided the army in conflict with the Western Indians.—Dearborn Independent, Oct. 18, 1924.

FIRST IRON BRIDGE BUILT IN AMERICA

Still Carries National Pike Traffic.

The first iron bridge built in America, the eighty-foot single arch across Dunlap's Creek in Brownsville, Pennsylvania, between Uniontown and Wheeling, still carries the traffic of the famous National Pike.

This historic structure was completed July 4, 1839, more than eighty-five years ago. During the palmy days of the old Cumberland Road, stagecoaches and Conestoga wagons passed over this bridge in a constant stream.

For more than half a century after the coming of the railroads, the National Pike, the first improved highway between the seaboard and interior, was little used except for local horse-drawn travel.

Now an endless procession of automobiles and motor trucks race across the Dunlap's Creek bridge at high speeds and carry greater loads than were dreamed of by its bold, able designer.

In addition, the staunch, well-proportioned structure is being subjected to a further dead load, not contemplated when it was built, consisting of two concrete sidewalks each about six feet wide,

together with the beams and brackets supporting them without any reinforcement of the arches or the abutments.

Captain Richard Delafield, U. S. Army Engineer Corps, designed and erected this bridge. His principal assistant was Lieutenant G. W. Cass. The brilliant careers of these men explain the worth of the first iron bridge erected in the New World.

Captain Delafield later was twice superintendent of West Point; our observer at the siege of Sebastopol, and, finally, chief engineer of the U. S. Army and regent of the Smithsonian Institution.

Lieutenant Cass entered civil life and helped organize the Adams Express Company, of which he became president. He was subsequently president of the Pittsburgh, Fort Wayne & Chicago Railroad, part of the Pennsylvania System, and lastly president of the Northern Pacific.

In a letter to General Charles Gratiot, chief engineer of the U. S. Army, dated March 21, 1836, Captain Delafield describes the plan of this bridge as "different in its principles of construction from any of which I could find a notice by either English or French engineers."

The eighty-foot arch of the Dunlap's Creek bridge is composed of five large, round, cast-iron ribs, termed voussoirs. Each voussoir is made of nine hollow pieces or segments. The five voussoirs parallel each other.

The arch rises eight feet from the points where the voussoirs spring from the abutments to the center of the bridge. The level roadway is built on top of this arched framework, the bones of the bridge.

The abutments are of sandstone masonry, each 25 feet wide, 14 feet thick and 42 feet high. They are faced with so-called springing plates of cast iron, each 28 feet 8 inches long and 2½ inches thick, upon which the ends of the 5 ribs of the arches rest.

The iron work in the bridge was constructed in the establishment now known as the Herbertson Foundry, in Brownsville. Doubtless it was the location of the foundry in Brownsville and the availability of Pittsburgh pig iron via the Monongahela River, which connects the two places, that emboldened the army engineers to embark upon the adventure of building this country's first iron bridge.

In the letter to General Gratiot, previously quoted, Captain Delafield also said that he had ordered Lieutenant Cass to go to the Pittsburgh furnaces and purchase the "pig metal of a quality similar to that used there for Gun Metal." One hundred and fifty-nine tons was used.

Captain Delafield rented the foundry and its staff, stating, "By this course I can secure a choice of metal and can control the mode of casting in any way it may be found desirable." He

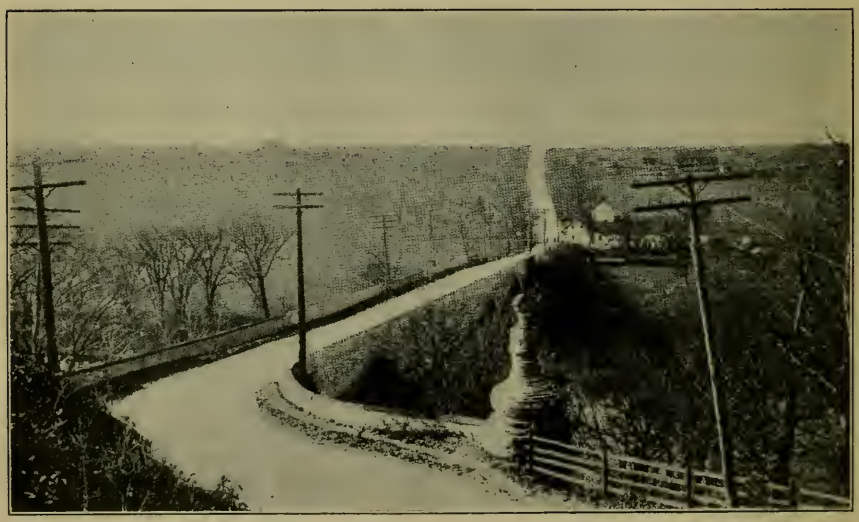
took no chances upon inferior material or workmanship and time has proved his wisdom.

There are two hundred and fifty castings in the bridge as well as the wrought-iron railings. Although cast iron strongly resists rust, Captain Delafield took the precaution, after the superstructure had been erected, immediately to cover it with a coat of gas tar and then three coats of white lead paint.

The construction of the bridge was started late in 1836 and while it was so far advanced that its use commenced about July, 1838, its completion and formal opening did not take place until Independence Day, 1839. The cost was $39,901.63.

The Dunlap's Creek bridge was built as a part of the reconstruction of the National Pike undertaken by the Federal Government preparatory to turning it over to the respective States through which it passed.

George Washington personally located much of the route of the National Pike, first known as the Cumberland Road, across the mountains. However, it was not until 1818 that construction was undertaken in earnest. It was a project of the Federal Government and, with the possible exception of the famous Richardson Highway in Alaska, the only important roadbuilding of its kind. It is said to be the longest continuous paved road in the world.



OLD STONE BRIDGE OVER THE MONOCACY RIVER, ABOUT THREE MILES EAST OF FREDERICK, MD.

The bridge is as solid as the year it was built; but the inscriptions on the "jug" or "bottle" at the eastern end have become partly illegible.

CHAPTER IV.

In Answer to a Criticism.

Dear Mr.———————

I am in receipt of your letter of the 31st, and in reply will begin by quoting Mark Twain's interpretation of responsibility, wherein he said that "When a man reaches the age of three score years and ten, he is not to be held accountable for anything he might say or do." I can claim that immunity, and by the 13th of next month I can add ten years to it, and no doubt successfully shield myself from such an attack as contained in your letter. But, I claim no immunity on account of age or for any other reason. As you stated in your letter that you had already settled this question, to-wit: the size of load that will be permitted to pass over the improved road, it is hardly necessary for us to renew the argument. You say that you have settled this question by an "agreement" reached between yourself and the manufacturers of trucks, and also with the National Automobile Chamber of Commerce. If you will pardon the slang, I fear "they put one over on you" when you agreed to 24,000 lbs. as the limit. I do not believe any road now under construction, can carry any such load and live. That we are not alone in this contention, let me quote from "The Ohio Motorist" of Cleveland, in the November issue:

"In all these ways and many more, the motor car helps you.

"But in Ohio it works under a great handicap—four thousand miles of rotten roads, for one thing, in the State system alone, and more weak roads being added with the motorist's money."

Now, I am not going to be inveigled into a fight with you or with any of the State or Federal Road authorities on this question. It is entirely beyond, and outside of any proper purpose of this organization. I do not know why I dropped the suggestion in the letter that I sent out that roads should be built to take care of the traffic, rather than to build flimsy roads that will not carry the traffic, and then appeal to the law, or take steps to prevent traffic from using the roads. I dropped that statement, incidentally, and you rose immediately to oppose it, and I congratulate myself now for unwittingly having done this, however much I may be mistaken about it all for it gave you an opportunity to come back and tell me how little I really knew on this subject. Why, my dear sir, if you would devote the balance of your life to pointing

out the mistakes that this Association has made since its first organization, you would have a considerable job on your hands. I will remind you that he who never made a mistake, seldom made anything else. Doubtless we have made many, and some of them serious ones, but we survived them, and are still carrying on at the same stand in the same building where we first opened the office, and the chances are that either myself, or a better man, will be at the head of it, long after the existing army of Field Engineers and "Practical Road Builders" have lost interest in the question. Indeed, I cannot very well see the time when there will not be a demand for just such an organization as this.

Let me explain to you (briefly as I may), some of the reasons for its perpetuity, and also for the growing crop of critics that have sprung up all over the land.

First, we have never, at any time, had any salaried officers connected with this organization. We did not start out to exploit the road question for the purpose of paying somebody a salary to carry it on. For seventeen years, every hour of our life has been freely given to this work, and I must say to you that I have enjoyed, to the limit, every hour of that time. The pleasure has been full compensation.

Second, we did not rely upon any manufacturing interest of any character for support or assistance in doing the work we had mapped out to do. Neither did we expect or receive any assistance at any time from any road material interest. (And this may account for our critics.) We have never received a complimentary car from any manufacturing interest. When we needed an automobile we went into the market and bought it, just as any private citizen would have done. We have sent out tons of free literature of various descriptions, and it has all been paid for in advance. We owe no debts, never have, and do not intend to. We have carried on our work by the voluntary contributions coming from our members who are scattered along the line of the road from Washington and Baltimore to the Pacific Ocean at Los Angeles, 100,000 of them. Our chief support has come from the small towns, and from the farmers living along the line of the road. Now, it will begin to dawn on you that we are an absolutely *independent organization*. We do not owe any kind of allegiance to any Industrial Organization, or any other Association seeking to exploit the road question for private personal gain.

The real purpose of my letter was to leave the impression with the Highway Boards that we must commence thinking along larger lines, and so far as the N. O. T. Road is concerned, that portion of it east of the Mississippi is already greatly impaired by the intensely congested traffic passing over it. The very least that can be said for it will be that another road of equal width paralleling it must be constructed in the very near future, and then adopt both roads as a *one-way* road, separated from each other

by from two to three feet so that traffic will not undertake to run round each other, and get over on the wrong road where they will have no right to be, under the law. My first suggestion was a forty foot road, but that will not be safe so long as the half idiot is permitted to run automobiles at his own sweet will, because he is just as liable to run on the wrong side as on the right side, and, of course, pays no attention to the speed limit laws of the country. We are not afraid to stand up for these propositions, to-wit: A substantial foundation for any type of road, and second, that any road carrying intense traffic should be a double twenty foot, *one-way* road, paralleling, but never connecting with each other.

If I have provoked your feeling sufficiently, I have given you some undesrtanding of just why we have been in this movement. Indeed, we modestly claim (whether entitled to it or not) that we were the very first in the field to suggest a National or Interstate System of Highways, and had a bill to that effect introduced in Congress—the first in the field to suggest and take up the project of rebuilding and extending the Old Cumberland or National Road, through to the Pacific (see copy of a photograph taken of a section of the Old National Road before reconstruction began, twenty-two miles east of Cumberland, Md.), *the first to suggest capitalizing the automobile tax and setting it aside as a guarantee fund against bonds to be issued by the State, in order to co-operate with the Federal Aid Act*—the first to suggest the appointment of a Federal Highway Board, with the further suggestion that the chairman of such board should be a member of the Cabinet, and be entirely divorced from any other Department of Government—the first to suggest, when the Federal Aid Act was passed, that the States should be compelled to appoint State Highway Boards whose duty it would be to co-operate with the Federal Office. (See copy resolutions adopted at Second Annual Convention of A. A. A. 1913, and resolutions adopted at the Chicago Industrial Convention, 1918, where forty states were represented, confirming all preceding activities of this Association.

If these things entitle us at all to any consideration, then we have a right, as it seems to me, to take up and discuss any question, that is a worth while question, connected with the process of road construction, but always with the distinct understanding that we do not claim any superior knowledge or information on this subject, and when we express an opinion, the world can take it for just what it is worth, and no more, we recognize that these various Highway Boards, with the Bureau of Roads, must work out all these problems. This is their duty, and not ours.

Let me add, that while favoring the application of the automobile tax to road construction, we have always opposed any discrimination in levying such taxes, by releasing or exempting such property from other local or additional taxation until the Auto-

mobile levy was equalized with all other taxable property, both real and personal—our position has never been to levy a tax, but to *appropriate* a tax already levied.

We reprint an article published in "The Dearborn Independent," November 15, 1924, and maybe this will remind you that road building is still "a process," and *in its infancy.*

Pardon the boastful claim that we have, at the beginning of 1925, the longest completed stretch of paved road in the world. We will double this before the sun goes down on the last day of this year.

Of course, this work has not all been play, nor at all times pleasant. We have had dark moments and have sometimes felt as Walter H. Page, Ambassador to England, wrote that he felt in 1916, when he said, "I don't want any glory. I don't want any office. I don't want 'nothin'—but to do this job squarely, get out of this scrape and to go off somewhere to see if I can slip back into my old self, and see a sane world again."

For many years I have kept pasted in my desk where I could readily reach it, the Poem "IF," by Rudyard Kipling, and I believe I will be pardoned if I insert the same here.

"If you can keep your head when all about you
Are losing theirs and blaming it on you;
If you can trust yourself when all men doubt you,
But make allowance for their doubting too;
If you can wait and not be tired by waiting,
Or being lied about, don't deal in lies,
Or being hated, don't give way to hating,
And yet don't look too good, nor talk too wise.

If you can dream—and not make dreams your master,
If you can think—and not make thoughts your aim;
If you can meet with Triumph and Disaster
And treat those two imposters just the same;
If you can bear to hear the truth you've spoken
Twisted by knaves to make a trap for fools,
Or watch the things you gave your life to broken,
And stoop and build 'em up with worn-out tools.

If you can make one heap of all your winnings,
And risk it on one turn of pitch-and-toss,
And lose, and start again at your beginnings,
And never breathe a word about your loss;
If you can force your heart and nerve and sinew
To serve your turn long after they are gone,
And so hold on when there is nothing in you
Except the Will which says to them; "Hold on!"

If you can talk with crowds and keep your virtue,
Or walk with Kings—nor lose the common touch,
If neither foes nor loving friends can hurt you,
If all men count with you, but none too much;
If you can fill the unforgiving minute,
With sixty seconds' worth of distance run,
Your's is the Earth and everything that's in it,
And—which is more—you'll be a Man, my son!

No doubt we who have held the "laboring oar" have all been impressed many times with a kindred feeling. But we have not let this thought influence our great purpose. Little did we realize when taking up this work that it would grow on our hands until it became, as it is today, the largest project of its kind in the world's history. I doubt if we all fully realize the tremendous work already accomplished. We have today the longest mileage of completely paved highway in the world, as above shown, and by the close of 1925 we will have completed an equal amount of it. So that we are fully justified in saying that before the close of 1926 our whole project will have been completely accomplished, and there will never again, at least during our time, be anything comparable to the mighty work thus far accomplished. This will be full compensation for the dreary, heart-breaking periods through which we have passed.

It matters little who first suggested a system of National or Interstate Highways, but it matters much whether the pervailing sentiment shall be translated into such system now, or whether it shall be permitted to fade out by inaction, as it did after winning in a National election in 1824—and it matters much more whether or not this is the true solution of this question.

May we not appropriate the following from Henry Ford's page in the Dearborn Independent, as confirmatory of the propaganda and accomplishments of this Association:

"What kills propaganda is the obvious purpose behind it. One little admixture of self-interest and your effort is wasted."

That has been the foundation principle upon which this Association has stood from the beginning. It has no axe to grind, no selfish interest to serve, no salaried officers, no one trying to make this a stepping stone to political preferment, or to "something better." We make no appeal for support in order that some one may be personally benefited thereby; nor has this Association any selfish interest behind it to sustain it, nor has it received one dollar knowingly, from any selfish source, unless the contributions of those along its line be thus classified; and this can not be truthfully claimed, because our work has always included the general good of the whole country.

The man or Association bottomed on a great truth "need not worry about the indifference of the multitude; let them tie their fortunes to this fact. In due time it will find its place. Agreement does not make facts. But facts make agreement. People who don't agree with the truth get bumped by it. It is not our place to do the bumping—the truth takes care of that."

The only legitimate propaganda along all lines of material and spiritual endeavor is the ascertainment and establishment of true principles. A true solution of any worthwhile question is as permanent as the fixed stars. Winter, nor indifference, will not freeze it; Summer, nor heated opposition, will not melt it; apathetic

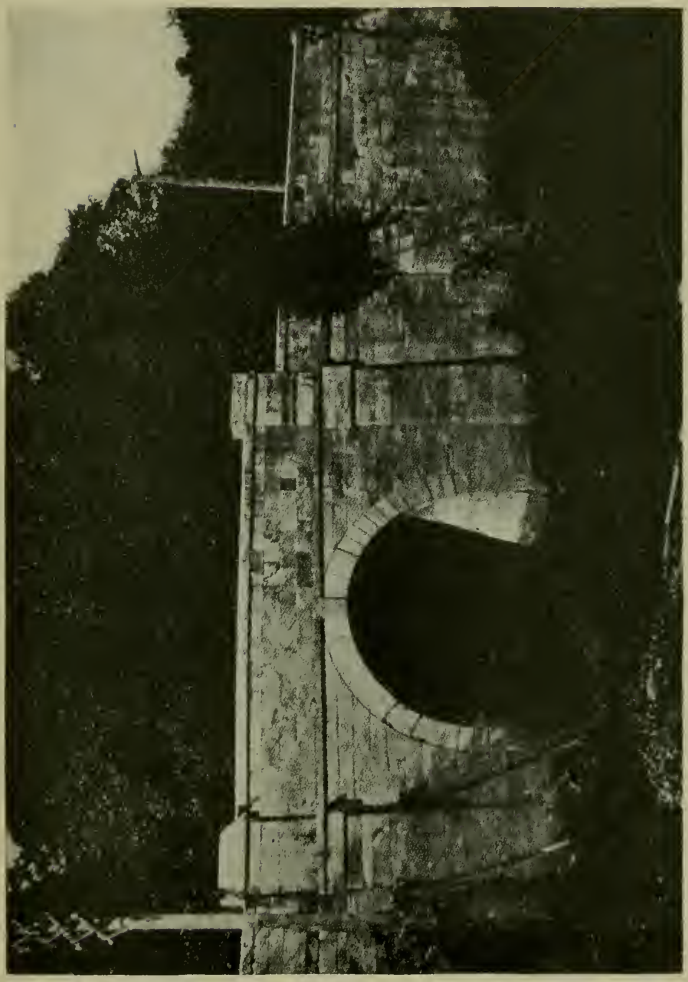
Pessimism will not destroy it. It may be neglected for ages, and men may abuse and falsify it, indeed may smother it under mountains of error and misconception, but bye and bye truth, ever working unweariedly, will dig itself out, and rise to the top. No falsehood, however insignificant, did it rise heaven-high and cover the earth, but truth, sooner or later, will sweep it down, for so it is written in the doombook of God. During the march of the Ages, the advocates of Truth have been immolated, but this did not destroy Truth.

If this Association is founded upon *true principles* it will deserve to live in history. This principle was declared in 1806 when the Cumberland—(National Road) now a section of the National Old Trails Road—was established by Act of Congress, and was reaffirmed by repeated acts of Congress extending it to St. Louis, and finally, by the adoption of a bill in 1825 extending to Santa Fe, a capital of a foreign State. Thus the National Old Trails Road is not only National in character, but it is the first and *only* road in the United States established by Act of Congress as a National Road throughout its length. No need for additional legislation is necessary to make it so. This can not be said of any other road sought to be promoted in the United States.

All that remains to be done is *to build the road.* We prepared a bill to this effect, and had it introduced in Congress in 1913, but it was refused upon the ground that it applied to a single road, and not to any general system of roads. Whereupon, we drew up a bill establishing a *general* system of National Highways, covering some 32,000 miles. This was the first measure of this character ever brought forward, but public sentiment was not yet ready for it.

Any National or Interstate system adopted will serve as, and take the place of, State and County roads in all the States through which they run, thus relieving such States, Counties, etc., of the cost of their construction and maintenance; and will leave for construction more than any State or County is likely to build. The National road will serve as an object lesson in all the States; and the State roads, by a well defined system, can connect with such National Systems, and the County and Township roads with such State systems, all under separate supervision, thus establishing a united system of *Good Roads Everywhere.* By such system we can get "through roads" that begin and go somewhere. By such system we will get "State" and "County seat roads," and by such system we will get "Main Market roads," "radial roads," "roads from the farm to the market," etc., and we can bring this about in *no other way.* What kind of a system of Railways would we have if the "feeder roads" had been built before the trunk lines?

If this were a proposition to scatter the State and Federal funds promiscuously "in spots about," or upon some illconsidered



BRIDGE AT FOOT OF MOUNT STERLING, OHIO.
Built by the Government 99 Years Ago. No Repairs Since.

and wasteful project, we might hesitate. But all this has been well considered and provided against in the amended Federal Aid Act.

Will it pay? This is always the first question to be considered. The best authorities put the saving in transportation alone on a good road, over a bad road, at twenty cents per ton mile. On the National Old Trails Road, a traffic census was taken by the State Highway Board of Colorado in 1919, from the Kansas State line to Pueblo, 162 miles, and the state engineer wrote that a saving of twenty cents per ton miles would pay the cost of construction in one year, at $25,000.00 per mile; *and it parallels the Santa Fe Railroad, from end to end.*

Henry Ford, the greatest constructive genius in the world, says the solution of the railroad question is to "keep the wheels moving". And this is the key which will unlock the fields of all human endeavor. "Keep the wheels moving." There are millions of idle men in the United States crying for work. Herbert Hoover, the greatest all-round practical intellect in public life says: "The building of a great system of roads will solve the labor and financial ills of this country." Oh, that it had come sooner! And it would, had it not been for a few backward looking, so-called "financial" experts, "practical" men, "with their feet always on the ground."

It is not necessary to approve all that Arthur Brisbane says to endorse the truth of the following excerpt: "The farmer does not 'drain his treasury' when he improves his farm. Rockefeller does not 'drain his treasury' when, as recently, he sends men digging for oil inside the Arctic regions. He lays the foundation of a fuller treasury. If our treasury can stand a drain of $500,000,000 to oblige with dividends a few thousand influential railroad owners, it might produce several times that amount to supply work for 5,000,000 men that are idle. The men, money and credit are there. Is intelligence there, and can the thing be done on a non-profiteering basis?"

Can these idle men be so employed as to increase instead of drain the National treasury? Undoubtedly they can.

These backward looking men, or their descendants, when the Arch-Angel Gabriel shall stand with one foot upon the sea, and one upon the land, and shall declare that time shall be no more, will declare that "this is entirely too sudden, the country is not prepared," and demand a postponement to a better and more opportune time. But they shall be swept away into that oblivion to which they are so well entitled. And why not? This brood of spineless charlitans who have ever posed as "practicalists," and not "idealists," have always sought to block the march of Christian civilization. They are the blood clot on humanities' brain. May I repeat here substantially what I said to the Highway Industries Congress at their Chicago convention, December 12, 1918, when

paying my respects to the slackers, laggards and drones ever hanging on the outskirts of the march of civilization? These men have never won a victory on any of life's great battlefields. They never gave birth to a great purpose, nor added anything worth while to the general good. They never offered cool water to parched lips, nor planted hope in the heart of the dying. They never cut the brambles and thorns nor smoothed the rough places in life's pathway. They have neither inventive genius nor constructive imagination. They never inspired a line worth remembering, nor added anything of value to the world's literature, If the principles which directs them had been the only element to escape Pandora's box, if optimism, hope, faith, imagination had not opposed them from the beginning, the world would have indeed, and in fact, been nothing but a mad-house. All the joys of life, all the hopes of the future, would have been destroyed. Man, now, "but little lower than the angels," would then have been but little higher than the brute. Let him go "with his head in the clouds," hugging to his heart the "primitive flower engendered by a noble ambition," if you will; it is infinitely better than burrowing in the earth. I would, had I the power, drive it out of all hearts and back to its native hell, its congenial habitat. Keep your eyes toward the sunrise, and your "wagon hitched to a star" is the only *safe and sane rule of life.* A man without ideals is dead. He had as well never have lived.

Victor Hugo's hero of the French Revolution, in his dungeon cell, the night before his execution, exclaimed: "My motto is: Always forward! If God had wished man to go backward, he would have put an eye in the back of his head. Let us always look toward the sunrise, development, birth." It is the sunrise of Hope which has no night. All hail the coming morn! I see it now, "Standing tiptoe on the misty mountain top."

The great achievements along all lines of human endeavor are but the results of the fruition of the primitive flower planted in the human soul, and but dimly seen by Balzac, and more gloriously glimpsed by Hugo, Shakespeare and Milton, and by all the great seers and prophets of the world. But we stand upon the threshold of mighty achievements of the near future.

Happy are we to have been humble workers in the ranks of this great army which has contributed to these great and immortal achievements.

TODAY.

This poem, entitled "Today," credited with being the most widely quoted literary production by a living American, is a sketch by Douglas Malloch, the alchemist of laughter and tears, who has been engaged as the opening entertainment feature of Missouri Farmers' Week at Columbia, Mo., January, 1925. Herewith is the correct copyright version of this homespun classic, which sometimes suffers changes and errors as it travels:

Sure, this world is full of trouble—
I ain't said it ain't.
Lord! I've had enough, an' double,
Reason for complaint.
Rain an' storm have come to fret me,
Skies were often gray;
Thorns an' brambles have beset me
On the road—but say,
Ain't it fine today!

What's the use of always weepin',
Makin' trouble last?
What's the use of always keepin'
Thinkin' of the past?
Each must have his tribulation
Water with his wine;
Life it ain't no celebration.
Trouble? I've had mine—
But today is fine!

It's today that I am livin',
Not a month ago,
Havin', losin', takin', givin',
As time wills it so.
Yesterday a cloud of sorrow
Fell across the way;
It may rain again tomorrow,
It may rain—but, say,
Ain't it fine today!

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CHAPTER V.

Distinguishing Features of the Road.

It is worth while to frequently recall some of the prominent facts which distinguish this from all other highways. First, its conception in the minds of Washington, Gallatin, Jefferson, Giles, and their compeers, as a great National road, arose as early in our National history as the admission of Ohio into the Union in 1802. The bill establishing it became a law when Thomas Jefferson approved it in 1806. and was extended by subsequent Acts of Congress to the Mississippi at St. Louis.

Mr. Jefferson suggested that it be extended from Wheeling, via Chillicothe, to Cincinnati—"the edge of the Indian Country," and thence via Vincennes to the Mississippi at St. Louis. This was a natural suggestion, as he doubtless recalled the fact that he and Patrick Henry, and George Mason and George Wythe had financed George Rogers Clark in his wonderful expedition to Kaskaskia and Vincennes which saved the great Northwest Territory to the United States; and the deed ceding it from Virginia to the General Government had been executed by Jefferson while Governor of that State. The Commissioners appointed by this act to locate the road departed slightly from the Isothermal line, and located it via Columbus and Indianapolis, Terre Haute and Vandalia, to St. Louis.

In 1824, Benton, of Missouri, brought forward a bill to survey and extend the Cumberland (National Highway), beginning at Fort Osage, in Jackson County, Missouri, and extending southwestwardly through the Indian country, and ending at Santa Fe, a foreign capital of a foreign State. Benton, in the dilemma produced by this last fact, bethought him of the resourceful Jefferson, and Christmas day, 1824, found him at Monticello, when Jefferson ironed out all difficulties, and the Act establishing the Santa Fe Trail became a law. This, however, left a hiatus in this great scheme—the Missouri link, unprovided for. President Adams, however, in 1827, ordered that the National, or "Cumberland Road", be surveyed from Vandalia, Ill., to Jefferson City, Mo. This, too, was a bill brought forward by Benton. The Missouri link becomes of equal historic interest because it was established by Daniel Boone and surveyed by his sons, Nathan and Daniel, in 1815, and ended at Boonslick, near Old Franklin, where the Santa Fe Trail practically began when Captain Becknall started for Santa Fe, in 1822.

BOONSLICK ROAD

Boone, still smarting over the loss of a vast landed estate in Kentucky because of a defective title, justly claimed a sentimental, proprietary interest in "The Cumberland Gap to Boonsborro Road by the Kentucky River." When the Legislature decided to improve this road, Boone's application for the contract was refused, and this added unkindness confirmed his inclination to leave the State and come to Missouri. Upon his arrival, one of his first public activities was to establish the road, long known as the Boonslick Road and now the Missouri Link in the National Old Trails Road. This was a quarter of a century before the Government surveyed the same line as herein copied.

In 1913, a Convention was held in Mt. Vernon, a little mountain town in Kentucky, on the line of "The Wilderness Road," and changed the name to "Boone Way." Afterward, it was extended across the corner of Virginia and Tennessee to the Yadkin Valley, and through "Boone Park," near the early home of Boone, in North Carolina, and extended north via Winchester, Paris, etc., to Maysville, Kentucky, and thence to the old Indian town of Chillicothe, Ohio, where Boone was twice carried in captivity; and a further extension is contemplated to a connection with the National Old Trails Road at Columbus, Ohio, or St. Louis, and thence to Kansas City via the Boonslick Road. Henry Clay, always the friend of the National Old Road, carried a bill through Congress to establish the north division of the Wilderness Road from Maysville to Lexington as a National Highway, intending to extend it later via Chillicothe to a connection with the National road at Wheeling, Virginia, and south via the Wilderness Road and Cumberland Gap to New Orleans; and milestones were standing fifty years ago south of Maysville, on which were cut the words, "To Florence, Alabama," doubtless inspired by Clay.

Clay, great as he was, like many now living, sometimes began a great project in the middle, instead of at either end. This furnished Jackson an opportunity, always gladly accepted, when Clay was interested, and he vetoed the bill for the following reasons: "It was no connection with any established system of improvement; it is exclusively within the limits of a State, starting at a point on the Ohio River, and running out sixty miles to an interior town, and even as far as the State is interested, conferring partial instead of general advantages." But the road was built by private enterprise, and is still a splendid highway.

A tablet, one of the few made out of the gunmetal of the Battle Ship "Maine," and presented to the National Old Trails Road in commemoration of his honored name by the Boone Trail Highway Association of North Carolina, is now in "Boone Tavern," Columbia, Mo. In 1810, long years after he came to Missouri, he trapped beavers in the Blue River where it runs

through Kansas City and Swope Park, pronounced by him the best beaver country he had ever seen; and, with funds thus derived, he walked back to Kentucky; and after paying his debts he had just fifty cents left. But this supplied his simple wants on his way back home. This fact, alone, entitles the old hero to immortal fame.

I have long believed that in addition to mementoes like this, the State ought to lay out a large park on either side of the historic Loutre River, at beautiful Minneola, in Montgomery County, Missouri, where Flanders Calaway, Boone's son-in-law, lost his life at the hands of the Indians, and where Boone spent so many of the happiest days of his life, at the old Vanbiber Tavern.

When approaching the sunset of life this grand old man wrote his sister-in-law as follows: "You can guess of my feelings by your own, as we are so nearly the same age. I need not write you of our situation, as Samuel Bradly or James Grimes can inform you of every circumstance relating to our family. How we live in this world, and what chance we shall have in the next, we know not. For my part, I am as ignorant as a child. All the religion I have is to love and fear God, to believe in Jesus Christ; do all the good to my neighbors that I can, and do as little harm as I can help; and trust to God's mercy for the rest." * * * No modern theologist can write a better thesis on the Christian Religion. The Doctor of Divinity will find it difficult to improve on the "childish ignorance" of this untutored son of the forest—the incomparable "path finder"—the author of the Wilderness Road in Kentucky, and of the Boonslick Road in Missouri; both cut through an unbroken, uninhabited wilderness, each surrounded by dangers and difficulties which would stagger the stoutest heart.

Ought we not hold in everlasting memory the great pioneers who so heroically blazed the pathways of civilization, over which the countless thousands who have passed over them, exhausted, tired and footsore though each Pilgrim may have been, have still left a trace that a thousand years cannot efface?

BOONSLICK ROAD AND THE SANTA FE TRAIL.

November 17, 1915.

Judge J. M. Lowe, Kansas City.

Dear Judge:

I have had yours of several days ago on my desk ever since I received it, meaning daily to reply, but you know how procrastination steals a busy man's time without my telling.

I feel as you do, that some connected history of the promotion of the Old Trails agitation, and who did it, should be recorded for the edification of future generations.

I do not know the date of the first agitation of the Cross-State Highway idea, but Curtis Hill does and can give probably more detail information than any one else. I did not get

into the fight until a meeting of the State Board of Agriculture, the summer of 1907, during Governor Hadley's administration, at which meeting he was present. My idea was to present the claims of New and Old Franklin and Boonville as being important points in the actual route of the Boonslick Road and the Santa Fe Trail. When I proposed it to our people here at New Franklin they were inclined to laugh at me so I went to Jefferson City alone and through the intercession and help of Secretary Wilson and my friend Curtis Hill I was given time before the board to tell my story and present the claims of this section. On that day there was a special train on the River Route of the Missouri Pacific, bringing about 800 excursionists armed with spades, shovels and picks bearing large printed signs pasted on them. They marched up to the Madison House and serenaded the Governor and Board and then our fight started. I saw them pointing me out as the lone man from Boonville and I did feel very lonely, but I nevertheless faced the music and placed our case before the Board and with what result you know. I attended the next meeting at Jefferson City, the only one from Boonville, but I had the able help of Dr. Morris N. McGuire, Dr. Tom Hall, T B Morris and Col. Brockway of Arrow Rock, who, with J. P. Biggs, Watson Diggs and others of that place always rendered valuable help in the good roads cause.

After that the principal workers here were C. A. Sombart, W. F. Johnson, W. M. Williams, John S. Elliott, C. E. Leonard, Albert M. Hall, Speed and A. H. Stephens, A. A. Wallace and others; and from New Franklin and Howard County in behalf of the Franklin Route, J. A. Maxwell, W. W. Carpenter, Charley Lee, and Robert Weyland. I should have mentioned C. E. Meierhoffer in the Boonville list.

Our principal fight here was to establish the claim of New and Old Franklin, Boonville and Arrow Rock to be recognized as points on the Boonslick Road and the Santa Fe Trail. I made an address at the National Old Trails meeting at Kansas City on that subject at the request of Walter Williams, at the meeting at which you were elected president.

If there are any dates or other data which I can give let me know and I will take trouble to look it up. Command me in any way you need.

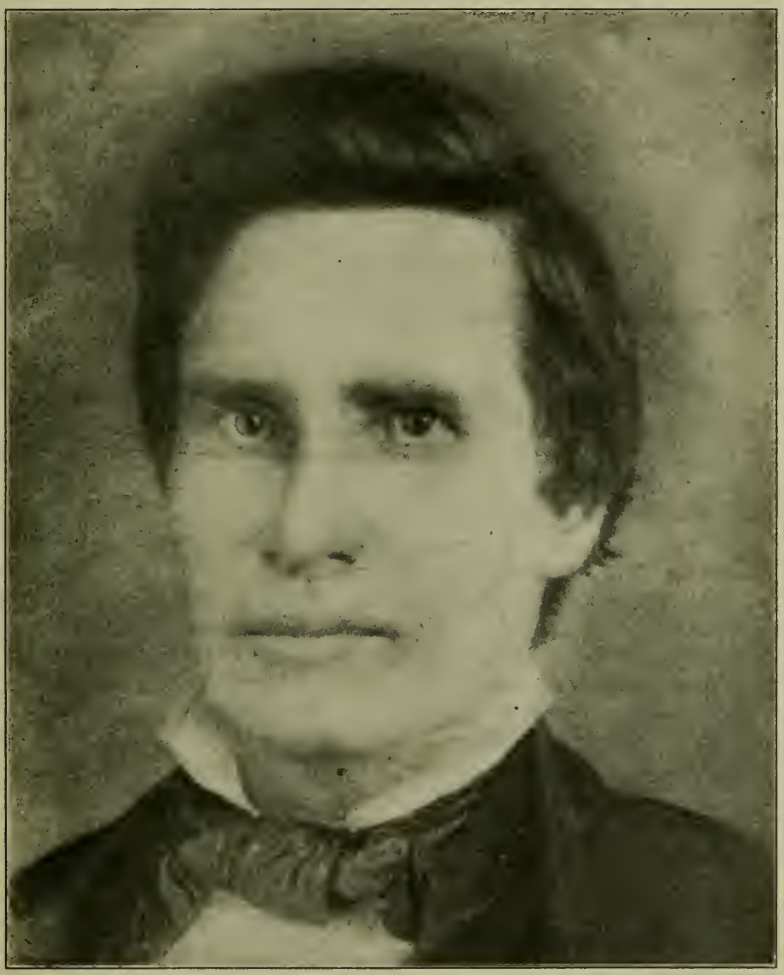
Still fighting and hoping for the Old Trails Road, I am,

Yours very truly,

SAMUEL W. RAVENEL.

COLONEL NATHAN BOONE

Colonel Nathan Boone was very much of a man. When the War of 1812 came on, he raised a Volunteer Army of Missourians and distinguished himself so much that when it was over he was promoted to the position of lieutenant-colonel, in the regular army. This he afterwards resigned. He and his father (who was also a



COLONEL ALEXANDER W. DONIPHAN.
Commander of Doniphan's Expedition to Mexico, 1846.
Photo supplied by Mrs. L. M. Lawson, of New York, his sister-in-law.

surveyor) surveyed and established the Boonslick Road in Missouri. They built and occupied the stone house, shown herewith, being the first stone house built west of the Mississippi River. In this house his father and mother both passed away. The two families occupied it together for many years.

A movement has been inaugurated by the D. A. R. Chapter at Wentzville, Mo., for the purpose of purchasing this building and preserving it as a memorial to both Daniel and Nathan Boone. This Association was not informed of this agitation until after we had taken steps, having for its purpose the same idea, except that we had added to it the further provision that the building should be taken down and transferred to a suitable location in Minneola, Montgomery County. At Minneola stands the old Van Bibber Tavern, which the D. A. R.'s have taken possession of, and I understand have preserved many Boone relics.

Van Bibber is really entitled to a chapter by himself. His father was killed in the Battle of Point Pleasant, Va., in 1774, when this boy was less than three years old. He was adopted into the family of Daniel Boone, who raised him to manhood. When but thirteen years of age he served as a scout against the Indians in Virginia. He came to Missouri with Nathan Boone in 1800, and during the War of 1812 served as major in the militia under Col. Nathan Boone. He died in 1836.

The humanitarian act of Daniel in adopting the little boy speaks loudly, and is in perfect character with the kindly and humane spirit of the old pioneer. However, much credit should be given, if not the principal, to his devoted wife, Rebecca, who so faithfully followed him in all his wilderness wanderings, kept his family and household together, and must have spent many a weary and lonely time while he was away from home so much. Try to visualize it, if you can; living alone, except with the little children, in the very depths of the greatest wilderness that ever existed on this earth. Think of the nights she must have spent, when finally lulled to sleep by the scream of the panther, the howling of the wolves, or the hooting of the owls, and an occasional war cry of the Indian! What volumes could be written and illustrated by the life of this lonely and devoted woman. I know of few instances, if any, that illustrate so graphically the heroism, the sublime devotion and the unexampled fidelity of womanhood, wifehood and motherhood, as did the life of Rebecca Boone. And yet, so far as the writer knows, no Chapter in any organization of any civic and patriotic club has borne the name of Rebecca Boone! If Daniel is entitled to a monument, or a memorial, Rebecca is no less entitled to such, and this stone building ought to be placed upon a foundation so strong, and the building erected with such care, that it would serve as a memorial to both of these grand old pioneers, and to Nathan and the balance of the family, as well, for thousands of years

to come. We insist that it should be upon the great National thoroughfare where it could be seen and visited by all the people of the United States. The little cheap monument erected in Frankfort would dwindle, as it has already, into pitiful insignificance. Let's insist upon this change of location and let's see if we cannot get the State of Missouri to discover that there are other places in the State where parks and game preserves should exist outside of or in addition to the Ozarks. Here, at Minneola, there would be little to do to create a magnificent park, right at the crossing of the historic Loutre where Captain Flanders Calloway, the husband of the daughter of Daniel and Rebecca, lost his life at the hands of the Indians. This, too, would be a monument to Calloway and Jemima, and to the whole Boone family and their descendants forever. Daniel had selected his own burying ground, and when Rebecca preceded him to the Promised Land she was buried in the place so selected, and Daniel had directed that he should occupy a place by her side. He passed away in the above building in 1820, and twenty-five years afterwards the Kentucky legislature seemed to be conscience smitten because of the ill treatment he had received in that State, for the reason, principally, that he had applied to the legislature for the contract to cut out the Old Wilderness Road which he had blazed when he first came into the State. His application was refused and the contract given to some one else. It was then that he declared his purpose to leave the State. After this long lapse of time the legislature passed a bill authorizing a committee to visit the legislature of Missouri and get permission to take both Daniel and Rebecca's remains back to Kentucky and rebury them at Frankfort, where he had never lived. And agreed further, that they would place a monument at their graves, etc. (He had lived, lacking one year, as long in Missouri as in Kentucky.) The Missouri legislature ignorantly and weakly consented thereto, but there is grave doubt that the committee opened the correct graves and took the remains of Daniel and Rebecca back with them. It is seriously contended by many witnesses claiming to know the facts, that because of this mistake, the remains of these two old pioneers still lie in the ground selected by Daniel Boone.

As a further compliment to Col. Nathan and Daniel Boone, it may be worth recalling that when the engineers of the War Department surveyed the extension of the "Old National (Cumberland) Road" from Vandalia, Ill., to Jefferson City, that the line adopted by these Engineers, elsewhere referred to, on the North side of the Missouri River, was the exact line which Colonel Boone had surveyed in 1815, and the present Highway Board of Missouri had it surveyed again by its State Engineer and adopted the greater portion of the same line; evidently not knowing and not influenced by any sentimental or historic features connected therewith.

CONTINUATION OF THE CUMBERLAND ROAD.

Message From the President of the United States, Transmitting a Letter From the Chief of the Engineers, With Surveys of Two Routes, for the Continuation of the Cumberland Road.

FEBRUARY 12, 1830

To the Speaker of the House of Representatives:

I forward to the House of Representatives, for the information and decision of Congress, a communication to me, from the Secretary of War, on the subject of the continuation of the Cumberland Road.

There being but one plan of the surveys made, produces the necessity of making this communication to but one branch of the Legislature. When the question shall be disposed of, I request that the map may be returned to the Secretary of War.

ANDREW JACKSON.

War Department, 10th February, 1830.

To the President of the United States:

I beg to submit to your consideration the accompanying letter of the Chief of the Engineers; and a survey of two routes for the continuation of the Cumberland Road, which have been made agreeably to the provision of an act of Congress of the 3rd of March, 1825.

There is nothing in this, or in the previous act of 1820, which vests a discretion any where to determine upon the particular route. It becomes necessary, therefore, to submit it to the consideration of Congress, for their direction.

I would ask that a request be made for the original map to be returned, so soon as the use of it can be dispensed with.

Very respectfully,

J. H. EATON.

Engineer Department, Washington, Feb. 8th, 1830.

To the Hon. J. H. Eaton, Secretary of War:

Sir: I have the honor to lay before you the report of the Commissioner appointed to lay out the great Western Road. The road having been already located as far as Vandalia, in Illinois, the present report refers to that part of the location between Vandalia and the Seat of Government of Missouri.

It will be recollected that the law of 1820, in relation to this subject, directed that the Commissioners should choose "a point on the left bank of the Mississippi river, between St. Louis and the mouth of the Illinois river," and that the road to be laid out from Wheeling to the point so chosen, should be "on a straight

line" or as nearly so as the nature of the ground should admit. On the 3rd of January, 1821, the Commissioners reported the results of their general examination, (see Document 82, vol. 6, second session Sixteenth Congress,) and in this, report that the restrictions of the law would prevent them from embracing in the location the seats of Government of Ohio, Indiana, or Illinois; and they also stated, that, by a strict construction of the terms in which they were directed to choose the point of termination on the Mississippi, with reference to *physical* circumstances, "it is highly probable that the point should be made above the mouth of the Missouri river. But, on the other hand, if the Commissioners are left at liberty to take into consideration all the political and commercial circumstances that the whole case presents, they do not hesitate to say, from their present impressions, that St. Louis should be the point selected for the termination of the road."

Unwilling, however, to take upon themselves the decision on this point, they referred it to "the proper authorities." In consequence, it is believed, of this report, a law was passed in 1825, designating the seats of Government of Ohio, Indiana, and Illinois as points on the road, but still leaving the point of crossing the Mississippi undecided. To afford, therefore, all the information that might be necessary for making a decision on this point, the Commissioner was, last year, instructed to examine the routes from Vandalia, on both sides of the Missouri, and the results of that examination are exhibited in the present report, which I have the honor to request that you will lay before the President, that he may adopt such course as he may think proper.

To prevent delay, the original map is sent with a copy of the report. I have to request that, after the decision of the question here presented, the map may be returned to the files of this office.

I am, Sir, respectfully, Your obedient servant,

C. GRATIOT, Bt. Brigadier General.

Baltimore, January 30th, 1830.

Brev. Brig. Gen. Charles Gratiot,

U. S. Chief Engineer, Washington.

Sir: In pursuance of your instructions of June 7th, 1828, an examination of a route for the Cumberland road from Vandalia, on both sides of the Missouri river, to the seat of Government of Missouri, has been made, and I have now, in further compliance with said instructions, the honor to report the result to the Department, with the necessary notes and drawings, furnishing the means for a decision on the most eligible route to be adopted.

Having extended the surveys and examinations from Vandalia, on the Southern route, as far as St. Louis, in the year

1828, as stated in my last annual report, the work was accordingly on the 2d of June last, the period of commencing this season's operations, resumed at that point, and pursued on the South side of the Missouri river to Jefferson City, the seat of Government of Missouri.

The country subject to these investigations, for the first twenty-five miles Westwardly from St. Louis, presents a gently undulating surface, opposing consequently but few obstacles to the passage of a road. It then suddenly assumes a very broken aspect, occasioned by the near approach of the Missouri and Merrimac rivers. The hills here rise abruptly from narrow valleys to the height of from three to four hundred feet. Their sides present steep and ruggid acclivities, and occasionally rocky cliffs. A route through this broken country would be very circuitous since valleys or ridges would necessarily have to be followed. Abundance of the best material, together with a favorable soil, will, however, enable the formation of a good and permanent road. This hilly region in the direction of the surveys, continues for ten or fifteen miles, when the country gradually takes a more undulating exterior, which character is maintained, with the exception of some very rough portions in the neighborhood of the principal streams, throughout the remaining distance, to Jefferson City.

To ascertain with some degree of precision, the proper ground to be occupied by a road through this hilly country, numerous surveys and examinations were necessary. These were made at the expense of much time and labor.

Having reached Jefferson City, and the investigations upon the Southern route being now completed, the country embraced by the northern route remained to be examined. These duties were accordingly entered upon, without loss of time, on the 14th of August; crossing the Missouri river at Jefferson, the examinations were pursued in an Eastern direction.

This route, for the first thirty miles, passes in the vicinity of, and nearly parallel with, the Missouri river, and encounters, therefore, very rough ground, the difficulties opposed by which were so great, as to cause attention to be directed to two other routes that for this distance presented themselves. The one, a very level route, it will be seen by an inspection of the accompanying map, might be had along the bottom of the Missouri river. The other, passing further out from the river than the one examined, thereby avoiding most of the small streams and ravines crossed by it, would consequently occupy smoother ground.

Ascertaining in regard to the bottom route, that the ground which would have to be embraced by it, is subject for nearly the whole distance to inundation by the river, and that many parts are liable at every freshet to be carried away, further investigations upon it were abandoned. The other, however,

offering greater inducements, was deemed worthy of a more minute investigation. Accordingly, at the distance of about thirty-one miles from Jefferson, an offset was made Northwardly about four miles, and thence the examinations were pursued Westwardly upon this route, to its intersection with the first, at the point crossing the Missouri river at Jefferson. This latter route passes nearly parallel with the former, from four to five miles on the North; heads, as was expected, most of the small streams and ravines, crossed by the first; and occupies, therefore, a less broken surface. A more level route than the last might be had, by passing still further from the river; but the consequent increase of distance by diverging so much from the direct bearing, would make it more exceptionable. The difference in distance between the two routes examined, is very small. The first route, although its general course coincides more nearly with the direct bearing, is nevertheless increased to almost as great a length as the first, by its more devious course among the hills. On the whole, the route last examined being considered the best, was pursued.

The difficulties next to be encountered, of much magnitude, were those presented by the rough ground in the neighborhood of Loutre river. Here the country is extremely broken; but by means of the valleys of the Dry Fork and of the Bear creek, entering Loutre river from the West and East, a very direct and level route is obtained through this hilly region. Emerging from the valley of Bear creek, some rough ground, occasioned by the head of Messies and Lost creeks, opposed the next obstables to be surmounted. Leaving this, the route passes over a prairie country, meeting with but few impediments, to the Mississippi bottom. Here it was soon ascertained, that inundated grounds, swamps, and standing ponds, were the only obstacles to be avoided. In order therefore to get ground which would not be liable to these objections, a course somewhat indirect it was found would have to be pursued.

During these examinations, a survey was made from St. Charles Eastwardly connecting with the main line, in order to ascertain the position of that place, by which to determine, as nearly as possible, what would be the increased distance of a route embracing it. St. Charles lies about 3½ miles South of the main line. A route to pass through it, would have to pursue, in entering from the East, the direction nearly which the surveyed line, colored yellow upon the map, takes, and in departing to the West, would have to follow, with slight deviations, the course designated by the dotted line. The increase of distance to embrace St. Charles by this route, would be about 1 1-2 miles, which, together with the consideration that it possesses no advantage over the other in any point of view, it was deemed proper to adopt the direct route for this comparison.

The investigations were next directed to a crossing of the Mississippi River. After some examination, attention was particularly drawn to two points, Smeltzers, and the village of Portage de Sioux, at both of which places a ferry is now established. These were found to be the best, and, indeed, the only practicable crossing places within a considerable distance. The points lie about six miles apart. Routes embracing either would not differ materially in distance. The ground, in approaching the crossing at Portage de Sioux, is chiefly above the inundations of the river. To Smeltzers, the bottom for two or three miles is subject to deep and dangerous overflow. On the whole, considering the crossing at Portage de Sioux the best, it was adopted.

After surmounting the obstacles presented by the rough ground which commences immediately East of the river, and extends several miles, the survey was pursued, without meeting with any serious difficulties, through the prairie country of Illinois, to Vandalia, the seat of Government of that State. This place was reached on the 20th of October, and here the examination of the Northern route was completed.

In the early part of the season, receiving very favorable information with respect to the ground on the North side of the Missouri river, I had formed the idea of examining a route diverging from the Southern, at St. Louis, and intersecting the Northern route, near St. Charles. But, after examining the country on both sides of the Missouri, and finding that the North side presented, upon the whole, facilities for the construction of a road little superior to the South, by no means sufficiently so to justify two crossings of the Missouri, further attention to this intermediate route was withdrawn.

On the map which accompanies this report, drawn upon a scale of two miles to an inch, is given a connected view of all the surveys executed between the two seats of Government. The lines colored red distinguish the routes adopted for the comparison from the numerous other surveys which are colored yellow. Upon this map are also represented the towns and villages, the streams, swamps, ponds, hills, rocks, with every other remarkable object, so that a more correct idea may be formed, by an inspection of it, of the character and aspect of the country embraced, than can be obtained from the preceding remarks, which indeed, are intended only to give a cursory view of the operations in the order in which they were performed. Some further remarks under this head will, however, be necessary in the comparison which follows.

COMPARISON OF ROUTES.

In obtaining the information necessary to a comparison of these routes, I conformed, in compliance with your instructions, as nearly as possible, to the resolution which accompanied them,

W. R. NELSON.

Founder and Publisher of the Kansas City Star—A Pioneer of the Better Roads Movement.

offered by Mr. Benton, to the United States' Senate, and which requires to be shown "the relative advantages and disadvantages of each route in reference to distances, nature of grounds, facilities of construction, number of post offices, post towns, and amount of population to be accommodated; to the transportation of the mails, and military and commercial operations; and all other information necessary to be possessed, in order to make most judicious selection of a route for said "road."

Such of the above information as will admit of a tabular arrangement, I shall present in that form, being considered the most explicit mode in which it can be given.

DISTANCES AND GRADES.

From an inspection of the preceding table, it will be perceived that the Northern route is shorter than the Southern, by 88-100 of a mile; and that it has less extreme grade. The conclusion drawn from these facts, apart from other considerations, would be, that the Northern route could be travelled with the same load and power, in a shorter space of time; but, when the more difficult ferryings which occur on this route, are taken into the estimate, a different result may be correctly deduced.

The Mississippi river will have to be crossed by either route. This river, at Portage de Sioux, where the Northern route crosses, is something wider than at St. Louis, where it is crossed by the Southern route. A better depth of water is found at St. Louis; but the current here is somewhat stronger than it is above. The bottom land is wider, and subject to inundation, for a greater extent on the Northern, than on the Southern route. In addition to these facts, which preponderate to the disadvantage of the Northern crossing, it must be recollected that the City of St. Louis is situated at the crossing of the Southern route; and that, from the frequent communications which must therefore exist between the two sides of the river, it may be justly inferred that the crossing here, will at all times be more certain, safe, and speedy. This is decidedly the case at present; and such will always be the case, since no site is afforded at the Northern crossing, where a city of equal importance might arise.

Besides the passage of the Mississippi river, the Northern route is burthened by the crossing of the Missouri; and the Southern by that of the Osage river. The Osage, at the point selected for passing it, about one mile above its mouth, where a ferry is now established, is nearly 360 yards wide. Its current is slack, occasioned by the backwater from the Missouri. The water is from ten to twenty feet in depth. These facts go to show that this stream may, at all times, be safely and easily crossed. The Missouri river at Jefferson, where it is crossed by the Northern route, is 1,012 yards wide. Its depth at low water,

varies from five to fifteen feet. The river here, rises about 22 feet, from low to extreme high water mark. The character of this river, with respect to the rapidity of its current, when taking into view its magnitude, is, perhaps, without a parallel. This circumstance renders the crossing of this stream, at all times, unsafe and difficult; and, at periods of from three to six weeks, during the winter, when the ice is running, it is said to be extremely hazardous, if not impracticable, to effect a crossing. This case applies, but far less forcibly, to the crossing of the Mississippi at St. Louis. There, the current being slower, the running ice does not present so great an impediment; besides, the river soon becomes frozen over, when, by means of an opening cut in the ice, or upon the ice itself, a safe crossing may be had. The condition of things is very different on the Missouri, where the swiftness of the current bears along the ice with such force, that every thing in its course is threatened with destruction. Unless the weather should be extremely cold, the river is never closed; and, even when that does happen, it is in so rough a mass, that the difficulties of passing it are but slightly diminished. The preceding characteristics of this stream are derived from information given by the inhabitants in its vicinity, as well as from personal observation.

From the foregoing remarks it may be justly concluded, that the greater impediments which the ferriage opposes on the Northern route, will, in point of time, compensate at least for the greater length and higher grades of the Southern route.

COST OF CONSTRUCTION.

The cost of constructing a road on the Southern route, is estimated at $990,358; of one on the Northern route, at $979,-158; making a difference in favor of the Northern route, in the cost of construction, of $11,200. By recurring to Table II, it will be seen, that the bridging and paving amount to considerably more upon the Northern than upon the Southern route, by reason of the greater scarcity of stone. A consideration of great importance, unfavorable to the Northern route, grows out of this fact, which is, that a greater expenditure will forever hereafter be required to keep a road upon this route in repair, although it cost less in the construction, because stone is the material which will be needed for that purpose.

NATURE OF GROUNDS, FACILITIES OF CONSTRUCTION.

The remarks already given, comprehend, in a great measure, everything that seems proper to be said, with reference to the nature of grounds and facilities of construction. Some further observations, which may lead to a knowledge of the character of the country, subject to these examinations, may not,

however, be considered inappropriate. That portion of the country, embraced by either route, in the State of Illinois, presents features so nearly similar, that, for this comparison, any further knowledge with respect to it than what may be already possessed seems unnecessary. In Missouri a greater difference exists. The country embraced by the Southern route presents, as has already been remarked an undulating surface for the first twenty or thirty miles Westwardly from St. Louis, after which, for the remaining distance to Jefferson City, it assumes a more broken character. This undulating district possesses throughout a very fertile soil, and is susceptible of improvement, in which beauty may be combined with utility. This part is already settled, but not thickly. The remaining distance presents alternate portions of barren and fertile land, and although throughout very hilly, wide valleys of exceedingly rich land are found bordering all of the principal streams, to which, as yet, the settlements are principally confined. A large portion of the upland is, however, susceptible of advantageous tillage, and such as is not, may be valuable on account of the mineral productions which are supposed to exist in the hills. Stone of the best quality for the construction of a road, is to be had in abundance near the route for the whole distance from St. Louis to Jefferson. The soil, generally speaking, is such as to ensure permanency to a well formed road-bed. Many parts, indeed, in the hilly district, will require only grading to make an excellent road; such parts being composed principally of loose fragments of flint, of nearly the proper size.

On the North side of the Missouri river, the broken country is confined to a space of eight or ten miles in width, bordering along the stream. This part bears, in a great degree, the characteristics which belong to the hilly country on the South side. Beyond this broken region the country expands into wide and extended plains of prairie land, the soil of which is fertile, presenting therefore, considerable inducements to the agriculturists. The country in Missouri, embraced by the Northern route, was found to be throughout, pretty well settled; that on the other route not so thickly: the chief cause of this is the want of roads, which, even in the cheapest mode of construction, are there attended with considerable expense; whereas, on the other side, the country being more level, the formation of a road adapted to the wants of a new country is attended with but little difficulty and cost. Whether this may not be an argument in favor of the General Government passing the road through the district of country on the South side of the Missouri, and thereby bring into notice its resources, which, for all the want of roads, are in a great measure unknown, is a matter that merits consideration. In the hilly portion of the country on the North side of the river, stone similar to that on the

other side is found in abundance. The road may, therefore, so far as its course lies near to this district, be easily supplied with this material; but the furnishing of stone, in sufficient quantities, on a great portion of this route in Missouri, will be attended with considerable difficulty and expense. In forming an estimate of the cost of construction, due regard has, however, been paid to the facilities afforded by either route, both with respect to this as well as to other circumstances. Viewing the two routes, therefore, without reference to the advantages which either may possess in the commercial or military operations, it is believed that very little difference exists.

In conclusion, it seems hardly necessary to advert to the accommodation which would result to a considerable portion of the public by embracing the City of St. Louis in the extension of this road westward. The importance of passing through a great commercial place, such as this has grown to be, containing now 8,000 inhabitants nearly, and promising from its peculiar situation to become one of the most important cities of the West, will be duly appreciated, as will also the advantages which this route possesses in a military point of view, by its passing so near the military station at Jefferson Barracks.

It is believed that the information given in this paper, together with that which may be derived from the accompanying map and notes, is such as is called for by my instructions, and affords the means necessary to decide which of the two routes is the more eligible to be adopted.

I have the honor to be, Sir, very respectfully,

Your most obedient servant,

JOSEPH SHRIVER, Commissioner.

EXPLANATION OF THE TABLES.

Table I. The first column of this table designates the routes and portions of the same. In the second column are given the distances, corresponding to the divisions, as designated in the first column. These are obtained from actual measurement upon the ground. The third, fourth, fifth, and sixth columns exhibit the amount of different grades. From an examination of these, some idea of the profile of the ground occupied by either route, may be derived. The seventh column gives the number of inhabitants. These are embraced within a distance of about five miles, on either side of the routes. This information was obtained from personal observation, assisted and corrected by data, received through the exhibits of the census of Missouri, taken in the year 1824, and through other sources equally entitled to credit. This information is not expected to be strictly correct: it may, nevertheless, be considered sufficiently so to aid

in a comparison of the routes. The eighth and last column designates the names and number of post offices, situated so near the route as to be accommodated by it. The post towns, in italics, are embraced in the route.

Table II. Exhibits the several items of expense, with a view to the cost of construction; and appears sufficiently explicit, without further explanation. It may, however, be remarked, with respect to the item of paving, that great difficulty existed, in arriving at anything like a fair valuation of the cost of this item, on that part of the routes lying in Illinois. It appeared necessary, however, to assume some price, in order to assist in the comparison. This would be nearly the same, on either route, since the facilities afforded for paving, are about equal. The same price per mile, has therefore, been assumed, in equal portions of the routes in Illinois. The difference in the cost of this item, in Missouri, is made with a view to the scarcity of stone, not with respect to its quality; that is the same upon either route.

TABLE I.—Exhibiting the Distances, Grades, number of Inhabitants, and number of Post Offices upon each route, and on portions of the same, lying in Illinois and Missouri.

DESIGNATION OF ROUTE	Distance	Grades; none over 3 degrees in Illinois. Under 3°	2° and under 3°	3° and under 4°	4 degrees	No. of inhabitants	Number of Post Offices lying so near the route, as to be accommodated by it; those in italics are embraced in the route
SOUTHERN	Miles	Miles	Miles	Miles	Miles		
From Vandalia, at the point of terminating the location in 1828, to the East branch of the Mississippi, opposite St. Louis - - -	62.75	49.71	9.93	3.11		2,500	In Illinois, *Vandalia*, and Greenville—2.
Across the Mississippi River -	.61						In Missouri, *St. Louis*, *Manchester*, Point Labodie, Gasconade, and *Jefferson City*—5.
Thence, to center of Jefferson City	113.69	68.24	13.64	12.22	19.21	11,500	
Total - - - - - -	177.05	117.95	23.57	15.33	19.21	14,000	
NORTHERN							
From same point, as above, at Vandalia, to the East bank of the Mississippi, opposite Portage de Sioux - - - - - - - -	66.86	53.25	7.54	6.07		3,000	In Illinois, *Vandalia*, and Eminence—2.
Across the Mississippi river -	.70						In Missouri, St. Charles, Loutre Island, and Jefferson City—3.
Thence, to the North bank of the Missouri, opposite Jefferson City	107.84	75.48	9.96	8.68	13.72	5,500	
Across the Missouri river - -	.58						
Thence, to same point in Jefferson	.19		.19				
Total - - - - - -	176.17	128.73	17.69	14.75	13.72	8,500	

TABLE II.—Showing the probable expense of Construction upon the two Routes, with the cost of the several items.

ITEMS OF EXPENSE	SOUTHERN ROUTE Distance Miles	Price per mile Dolls.	Amount Dolls.	Total am't of each item Dolls.	NORTHERN ROUTE Distance Miles	Price per mile Dolls.	Amount Dolls.	Total am't of each item Dolls.
Clearing off the timber 80 feet wide, and grubbing center 30 feet wide	93.41	300	28,023	28,023	87.76	300	26,328	26,328
Grading, inclusive of culverts, valleys, side walls, embankments, etc.	41.15	3,000	123,450		24.95	3,000	74,850	
	99.36	1,500	149,040		103.85	1,500	155,775	
	35.49	500	17,745	290,235	46.33	500	23,165	253,790
Paving—20 feet wide, 6 inches in depth, McAdamised	60.	6,000	360,000		60.	6,000	360,000	
	28.	3,000	84,000		45.	3,000	135,000	
	88.	1,500	132,000	576,000	70.	1,500	105,000	600,000
	Number	Average			Number	Average		
Bridging—stone underwork, with wooden super structures	6	4,800	28,800		7	3,720	26,040	
	10	1,500	28,500		12	1,750	21,000	
	97	400	38,800	96,100	100	520	52,000	99,040
	Grand total			990,358	Grand total			979,158

TABLE III.—Exhibiting a comparison between the two Routes with respect to distance, grades, cost of construction, amount of population, etc., condensed from tables I. and II.

DESIGNATION OF ROUTE	Distance Miles	Grades—none over 3 degrees in Illinois. Under 2° Miles	2° and under 3° Miles	3° and under 4° Miles	4 degrees Miles	Cost of construction Dollars	Average of said cost per mile Dolls. Cts.	Amount of population	Number of Post-Offices
Southern,	177.05	117.95	23.57	15.33	19.21	990,358	5,593 66	14,000	7
Northern,	176.17	128.73	17.69	14.75	13.72	979,158	5,558 03	8,500	5
Difference in favor of the Southern route,		10.78						5,500	2
Difference in favor of the Northern route,	88		5.88	58	5.49	11.200	35.63		

BRIDGE OVER CASTLEMAN RIVER, NEAR GRANTSVILLE, MD.

THE WAY THE GOVERNMENT ABANDONED THE ROAD.

Indiana vs. United States—(Vol. 148, U. S. Rep. Page 148—Opinion delivered by Justice Gray of Delaware:

In this case, the Attorney General of Indiana had filed a claim against the United States for the 5 per cent fund accruing from the sale of public lands in that State which had not been appropriated to the building of the Old Cumberland (National Pike) in that State. In delivering the opinion of the Court, Justice Gray made the following significant statement: "As appears by the definition of the petitioner's position at the beginning of the brief of its Counsel, the failure of the United States to build the National Road was not made the foundation of the claim, but was only suggested in argument as a motive by way of incidental explanation of the Act of March 3, 1857, that it was immaterial the way monies had been expended by the Government during the construction of the National Turnpike." Thus it appears that the Attorney General, according to this opinion, mistook the remedy, if he had one, in making his claim.

The Government received from these four States, from the sale of public lands, $85,746,976.84, and built one road costing less than $7,000,000.

DEPARTMENT OF THE INTERIOR

General Land Office.

Mr. J. M. Lowe, Washington, January 7, 1914.
Pres. Nat'l. Old Trails Road, Kansas City, Mo.

Sir: The following information is furnished from the records of this office, in compliance with your letter, dated Dec. 31, 1913:

Net proceeds of the sales of public lands in the State of Ohio, from July 1, 1802, to March 31, 1837	$16,077,251.88
Net proceeds of sales of public lands in the State of Ohio, from July 1, 1802, to June 30, 1913	19,970,369.84
Net proceeds of sales of public lands in the State of Indiana, from December 11, 1816, to March 31, 1837	15,026,020.81
Net proceeds of sales of public lands in the State of Indiana, from December 11, 1816, to June 30, 1913	20,805,105.00
Net proceeds of sales of public lands in the State of Illinois, from December 3, 1818, to March 31, 1837	10,506,569.55
Net proceeds of sales of public lands in the State of Illinois, from December 3, 1813, to June 30, 1913	23,758,178.00
Net proceeds of sales of public lands in the State of Missouri, from August 10, 1821, to March 31, 1837	6,066,366.33
Net proceeds of sales of public lands in the State of Missouri, from August 10, 1821, to June 30, 1913	21,213,324.00

You are advised that the accounts of the local land offices are submitted and audited quarterly. It is, therefore, impracticable to furnish the statement to March 4, 1837. Very respectfully,

C. M. BRUCE, Ass't. Commissioner.

CHAPTER VI.

Daniel Boone

Crowded for Elbow Room, Leaves Virginia for Missouri Wilds. Continues Exploration to Time of Death.

By JUDGE WILLIAM AYERS

For some time after his removal to Point Pleasant, Virginia, Daniel Boone continued his business in a small way as a river merchant, dealing in the products of the forest in exchange for merchandise obtained from the East. Boone then moved to the neighborhood of the present city of Charleston, in West Virginia, and made that place his home during the remainder of his residence in Virginia. Here he continued to engage in his occupations as hunter, surveyor and land locator. He also took small contracts from time to time for victualing the militia and travelers passing to and fro between the eastern settlements and the fast growing settlements of the West. He made a number of expeditions north of the Ohio and had several narrow escapes from death or captivity by the Indians. On some of his hunting excursions he re-visited regions which he had frequented in former years, on the Big Sandy, the Licking and the Kentucky rivers.

In 1788, shortly after locating at Point Pleasant, he went, with his wife and their youngest son Nathan, then eight years old, by horseback to his old home in Berks county, Pennsylvania, where he spent a month visiting his friends and relations. He made a number of trips to Maysville while living on the Kanawha and also to the waters of the Monongahela river, driving horses for sale at Brownsville. He was appointed deputy surveyor of Kanawha county, and in October, 1789, in response to a petition signed by many of the residents, he was appointed lieutenant colonel of Kanawha county.

In 1791, from October 17 to December 20, he sat as representative of Kanawha county in the legislature at Richmond, voting upon measures coming up for adoption and serving upon two committees, but taking no active part in debate.

After the victory of General Wayne over the northern Indians at the battle of Fallen Timbers in 1795 Boone devoted most of his time during the hunting season to the pursuit of

game, and was particularly successful in beaver-trapping in the valley of the Gauley river. But peace with the Indians resulting from their defeat at Fallen Timbers led to an immediate increase in the number of immigrants seeking settlement in western Virginia and in Kentucky, as well as in the territory north of the Ohio, and Boone soon felt, by reason of increasing settlement and reduced game supply, a renewed longing for other regions where game abounded.

The same spirit animated his oldest surviving son, Daniel Morgan Boone, who in 1796, with a number of kindred spirits, went by boats to St. Charles County, in eastern Missouri, where they obtained lands under certificates issued by Delassus, the Spanish Lieutenant Governor of Upper Louisiana, residing at St. Louis. At that time Spain was holding out inducements to American pioneers to settle in her territory west of the Mississippi in order to strengthen her against possible attack by the British from Canada.

In the spring of 1799 Daniel Boone and his wife and two younger sons left their home on the Kanawha and followed Daniel Morgan Boone and his associates to their new home in Missouri. Their departure from their home near Charleston was witnessed by a large assembly of their friends and neighbors who had come on foot or by horse-back or canoe to bid Boone and his family a farewell. They went by boats, taking with them household goods and other belongings, including such domestic live stock as could be accommodated. And thus did Boone travel down the Ohio, in search of a new home in his sixty-fifth year, passing many places along the way which had been the scene of many of the stirring incidents of his former life, and stopping here and there to bid farewell to friends of earlier days or to obtain provisions for his journey.

While stopping at Cincinnati and when asked why, so late in life, he was again seeking the frontier, to encounter again its privations and dangers, it is recorded that his answer was, "Too crowded. I want more elbow-room." That told but half the tale. It is easy to preceive that by such reply he sought to hide his grief over conditions in Kentucky which had deprived him of his hope for a home upon her soil, for by 1798, shortly before he began this pilgrimage to Missouri, the last of the suits involving title to his lands in Kentucky were decided against him, excepting a small remnant sold for taxes.

On his arrival in Missouri Boone settled near his son, Daniel Morgan Boone, and obtained from the Spanish Lieutenant Governor a grant of about eighty-five hundred acres adjoining the land of his son, and upon that tract he built a log cabin for his dwelling and there he lived during a greater part of the twenty years spent in Missouri. A portion of the time he spent with his youngest son, Nathan Boone, who built, upon land near his

father's cabin, the first stone dwelling erected in the State of Missouri outside of the City of St. Louis.

On July 11, 1800, Daniel Boone, whose fame had preceded him, was appointed by Delassus, the lieutenant governor, as "syndic" or magistrate for the Femme Osage district, which office he held and exercised until the delivery of that territory to the United States in March, 1804, pursuant to the cession of the Louisiana territory by France to the United States under the treaty of April 30, 1803. The place where Boone settled was on Femme Osage Creek about six miles above its junction with the Missouri and about twenty-five miles west of the city of St. Louis. At that time the country was but thinly settled and Boone had renewed opportunity to pursue his favorite sport of the chase; but owing to increasing infirmities he was compelled to curtail his physical exertions and devoted himself largely to trapping, in which he excelled. For many years he made extended trips far to the westward into Kansas; and in 1814, when eighty years old, he went on a hunting expedition to the distant waters of the Yellowstone river. Upon those longer trips, sometimes lasting for months, he was accompanied by one or more of his sons, and occasionally by his son-in-law Flanders Calloway, who had married his daughter Jemima, and who followed him to Missouri. At other times he was accompanied by a faithful old Indian servant who was sworn to bring his master back, dead or alive, to Femme Osage.

But even here Boone's ill fortune followed him. When the United States took possession of the territory and its commissioners held sessions to ascertain the nature and extent of land claims asserted by existing settlers, it was found that Boone's title was incomplete because it had never been approved by the Spanish Governor of New Orleans; and the commissioners, with great reluctance and regret, were obliged to dispossess him. He appealed to congress and with his petition sent his commissioner from Lord Dunmore as Captain in Dunmore's War; and after many years of delay congress, in 1813, urged by resolutions of the Kentucky legislature, granted his petition only in part and confirmed his Spanish grant to the extent of 850 acres, with words of praise for him as "The man who has opened the way to millions of his fellow men."

During the later years of their lives Daniel Boone and his wife had the society of their three youngest sons, Daniel Morgan Boone, J. B. Boone and Nathan Boone, and for a time the society also of their daughter Jemima, the wife of Flanders Calloway. Their children and the years when born are as follows: James (1757), Israel (1759), Susanne (1760,) Jemima (1762), Lavinia (1766), Rebecca (1768), Daniel Morgan (1769), John or Jesse B. (1773), Nathan (1780). Of these sons the oldest, James, was killed by the Indians in 1773; and Israel was killed by the In-

VAN BIBBER'S TAVERN, MINEOLA, MO.

dians at the battle of Blue Licks August 19, 1782. Their daughters, Susanna, Lavinia and Rebecca, who had married in Kentucky, continued to live there.

After Boone's removal to Missouri he never again visited Kentucky excepting upon two occasions. One of these visits was for the purpose of giving his testimony in a suit involving ancient land marks made by him. The other visit was made in 1810, after he had sold beaver pelts sufficient to procure a sum of money which he took to Kentucky and disbursed in payment of debts which he had incurred before leaving Kentucky in 1786. He paid his debts and rejoiced to say that he was at last "square with the world" and returned to his Missouri home, once more penniless.

In 1813 his wife passed away. She had followed him from her home on the Yadkin, through all his varying fortunes, and was buried in a long chosen spot about a mile from the Missouri where Boone himself desired to be buried. After the death of his wife he spent most of his time with his sons, Daniel Morgan and Nathan, and with his son-in-law, Flanders Calloway; but, when his health permitted he preferred to live alone in the cabin near Nathan Boone's house which he had built for his own use and which sufficed for his simple needs. Here he spent his declining years, but even then his restless spirit was stirred by the great tide of immigration which had pursued and overtaken him west of the Mississippi.

Even as late as 1818 he expressed his intention to take two or three whites and a party of Osage Indians and go to the Rocky Mountains "to visit the salt mountains, lakes and ponds and see these natural curiosities."

And so, even as his years drew near their end, his thoughts still turned westward to the land of adventure, to regions unexplored where he might find those conditions which from his youth had been his chief source of delight; and thus, without physical suffering and without mental impairment, amid kindred and friends he passed away in peace, at the home of his son Nathan, on September 26, 1820, in the eighty-sixth year of his age.

On the day of his death the convention for drafting the first constitution of Missouri was in session at St. Louis. Upon hearing of his death the convention adjourned for a day and its members wore crepe upon their left arms for twenty days as a token of respect to his memory.

Before his death Boone had the satisfaction of seeing his son Nathan live to be a skillful hunter, an explorer and a successful farmer; to win distinction in the War of 1812; and to enter the regular army, where he finally reached the rank of lieutenant-colonel and became a noted soldier in Indian warfare. His son, Daniel Morgan Boone, became one of the first settlers in 1827.

In the year 1845, with the consent of Boone's family and the state of Missouri, the State of Kentucky caused the remains of Daniel Boone and his wife to be brought to Kentucky for reinterment upon her soil; and amid a great throng of the citizens of Kentucky, from far and near, the remains of Boone and his wife were placed where they now rest in the cemetery at Frankfort. But it was not until the lapse of many years that the state erected the simple monument which marks their grave.

(Editor's Note. His farm was in Jackson County, Mo., adjoining the City of Kansas City, Mo.)

HOME OF NATHAN BOONE

In which Daniel and Rebecca passed away. The first stone house built west of the Mississippi River.

CHAPTER VII.

The Santa Fe Trail.

So much has been said about this great section of the road, constituting practically two-thirds of its mileage, that no apology is needed if in addition we give it a distinct chapter. Historically it began at Franklin, Howard County, Missouri, across the river from Boonville, the Western terminus of the Boonslick Road. Of course there was no such fixed and established "Trail" at that time, but this was the beginning of a growing commerce between this country and Mexico under the direction of Captain Becknal, a pioneer freighter and merchant, as early as 1822.

In 1824, Thomas H. Benton brought forward a bill in the U. S. Senate directing that the War Department should survey and establish a road beginning at or near Ft. Osage, in Jackson County, Missouri, to which the so-called "Santa Fe Trail" had been extended, and thence in a southwesternly direction to Santa Fe, the capital of a State in the recently established Republic of Mexico.

We have in this office a photostat copy of this survey together with all the field notes, etc., made by the Government pursuant to the Act of Congress, approved by President James Monroe on the last day of his term, to-wit: March 3, 1825. The Treaty for a perpetual right-of-way was held in a beautiful grove out under the shade of an oak tree, in what is now Council Grove, Kas. This trees is still standing and is carefully preserved by the people as one of the interesting monuments along the road. This, therefore, is the Centennial year of "The Santa Fe Trail." Benton afterwards standing on a rock and addressing the early settlers of Westport Landing on the river bank, and pointing toward the west, exclaimed, "There is the East—there is the Orient—where the oldest civilization in the world awaits our coming." And in a blaze of inspired prophecy he said, "some day, not so distant, there will be a double tracked railway reaching from the great city at this point to the Pacific Ocean."

Benton has been dead just thirty-six years and his prophecy was fulfilled last year when the last spike was driven, double tracking the great Santa Fe Railroad from Chicago, via Kansas City, to the Pacific at Los Angeles. Think of it! At the time of his prophecy there was not one mile of railway west of the Mississippi River. One historical feature which adds such luster

to the memorial feature of this road, making it indeed hallowed ground, is, that over it marched that imperial and intrepid Missouri Soldier—Statesman, General Alexander W. Doniphan, and his Missouri Volunteers to the capture of New Mexico, Arizona and California. His march has but one parallel in all the annals of war and that was the March of Zenophan. But there was only slight comparison. Doniphan's march was twice as long and through a hostile country. But what of his victories? Aye, indeed, what about them? Why this much at least: He added three imperial commonwealths to the galaxy of American states, almost without firing a gun. Securing the rear, he marched on with his "rough and ragged troops," into the heart of Old Mexico, for six months or more without information as to where the American army might be, and with no word from Washington or home, he fought the battle of Sacramento, which Military critics have given first place in military annals. captured Chihuahua, and then marched on and finally came up with the American forces. Critics were right. It has no parallel.

The maps of 1846 and 1847 show that the domination and influence of Mexico extended northward as high as the Arkansas River in Colorado and even to the north fork of the Platte River in Nebraska. Colonel Doniphan's famous Expedition, with General Kearny in command until arrival at Santa Fe, followed the Arkansas River westward and then turned southward by way of the Spanish Peaks near where now are the cities of Trinidad and Ratoon, on the National Old Trails Road. General Kearney started west from Santa Fe to California, and Colonel Doniphan following orders made a treaty with the Navajo Indians and then lead his expedition south along the Rio Grande. On Christmas Day the Missourians fought and won the Battle of Brazito, en route to Paso del Norte, where the City of El Paso, Texas, now stands. This highway along the river leading into El Paso, a part of the N. O. T. Road, is now called Doniphan's Road.

Wonderful and arduous as had been the trail of this gallant band of Missourians thus far through an enemy's country, the marvelous part of this great march is still to follow. With an available force, numbering less than one thousand strong, Colonel Doniphan had been ordered by General Kearny to report to General Wool at Chihuahua, Mexico. Rumors reached the army at El Paso that General Wool had joined his forces with General Taylor at Monterey, Mexico, but nothing certain could be learned. There was nothing to be done but follow orders, and Doniphan with his army and the train of American traders and their wagoners, without faltering, went forward "to do or die." Colonel Doniphan's responsibility was very great and his undertaking stupendous, but his success was "brilliant and unparalleled". On February 28th, 1847, his army met and routed the Mexican army of four thousand two hundred and twenty men

under Major General Heredia from their entrenched positions at Sacramento, and later entered the City of Chihuahua in triumph. In this battle one American officer was killed and eleven men wounded. The Mexicans lost three hundred and four men, killed on the field.

Consider then the position of this army of resolute Missourians, deep in an enemy's country, not knowing what forces were marching against them, cut off from all communication with the Home Government and compelled to forage for subsistence in a country which was infested with hostile Indian bands. Colonel Doniphan, in a letter to a friend in Lexington, Missouri, sent by the Courier that bore his dispatches to Washington about his occupation of Chihuahua, said as follows: "My men are rough, ragged and ready, having one more of the R's than General Taylor himself. We have been in service nine months, and my men, after marching two thousand miles, over mountains and deserts, have not received one dollar of pay, yet they stand it without murmuring. Half rations, hard marches and no clothes! but they are game to the last and curse and praise their country by turns, but fight for her all the time."

Doniphan remained in possession of Chihuahua for fifty-one days. On March 20th, 1847, he dispatched an express of fourteen men to Saltillo, Mexico, where he learned Generals Wool and Taylor were "shut up" after the Battle of Buena Vista, which he knew Taylor had won. It was a dangerous and arduous undertaking and accomplished with great success—a distance of 675 miles through an arid and desolate country. After the return of the express, Colonel Doniphan commenced the evacuation of Chihuahua on the 25th of April, leaving the Government in the hands of its former rulers. On the 14th of May, the little army arrived at the small City of Parras, where Doniphan received a communication from General Wool authorizing him to purchase such provisions and forage as his men and animals required.

History then records: "On the morning of the 17th of May, 1847, the whole force moved off in the direction of Saltillo, and in less than five days, having completed more than 100 miles, the Missourians pitched their camps with the Arkansas Cavalry, at Encantada, near the battle field of Buena Vista, where there is an abundant supply of cool and delightful water." On the 22nd of May, 1847, Doniphan's Regiment was reviewed by General Wool and his staff and a complimentary order was issued from his Headquarters, Buena Vista.

This was undoubtedly the most remarkable military campaign in history. It was not only remarkable, it accomplished much. For one thing it really helped save the day at Buena Vista, for by dividing the Mexican forces Colonel Doniphan's invasion helped both Taylor and Wool. At Sacramento, Doniphan attacked a fortified position held by troops outnumbering his

command more than four to one. The Missourians simply overwhelmed the Mexicans by their audacity and furious courage.

Doniphan's victories added an Empire to the United States! It is strange that so little is known of the great victory at Sacramento. It ought to be the song of Poets, the theme of Writers. And what a strange thing it is that Colonel Doniphan received no promotion for his brilliant achievements. The State of Kansas honored him by naming a county and a town for him, and his own Missouri named a county seat in his honor.

Colonel A. W. Doniphan was not only a great soldier, but he was pre-eminent as a lawyer—an advocate of the highest type. Unfortunately but few of his speeches are available, and not one of his oratorical efforts as a criminal and civil lawyer has been preserved. Opinions concerning their splendor and power can only be formed from old tradition. All traditions and opinions, however, concur as to their brevity, wonderful compression, vast force and dazzling brilliance. He never lost a criminal case in which he participated.

From Santa Fe this brave little army hallowed another three or four hundred mile stretch of this road, the "Rio Grand del Norte"—the oldest road in all North America—established by Don Juan Onate, in 1608, fourteen years before the landing of the Mayflower at Plymouth Rock.

There is this additional reason why this road will remain the "Main Street of America" for all time, and that is, that it parallels the great double tracked Santa Fe Railroad for 2,000 miles, with its string of world famous "Harvey Hotels," thus affording the tourists the best service known along any line of travel in the world. There are many of these famous cuisines of which this picture is a fair sample. (This is not an advertisement, but a statement of a condition which can never be duplicated on any other road.) When the paved width is widened to forty feet, each side of which will be *a one way road,* as it will be, what a wonderful example it will be. The Daughters of the American Revolution, as also "The Gold Star Mothers," have adopted it as a memorial highway and propose to monument and ornament it with trees, shrubbery and other ornamentation, throughout its length. These patriotic monuments harmonize most encouragingly with the idea that this road shall be parked throughout its length. Its western division runs alongside of the Petrified Forest, the painted desert, the Grand Canyon and other indescribable scenery, while the eastern division is literally plastered with great historic and romantic features. Let "utilitarion theorists" say what they may, the fact remains that the reason the National Old Trails Road is today far in the lead of any other transcontinental road in actual construction, is because of its historic and sentimental setting. And this applies not to one section or division, but to the entire road. This sentiment,

coupled with the fact that it is the best location, with the easiest grades of any line which can be adopted, secures its present and future permanency. This is not the result of favoritism or extraneous influence, nor yet of accident, but is the result of the most painstaking searchings and surveys made by the War Department. At no point is the present location very different from the original surveys. Much of the line was surveyed under the supervision of Colonel, (afterward the world famous Confederate General), Joseph E. Johnson. Hence, it is seen we have not taken a blank sheet of paper, drawn an imaginary line and given it a high-sounding name. The map in this book is, therefore, authentic and was drawn by John C. Mulford, Chief Cartographer, Washington, D. C.

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Kansas City, Mo., February 25, 1925.

Hon. J. M. Lowe, Kansas City, Mo.

My Dear Judge:

You asked me for full details of a personal character concerning Gen. A. W. Doniphan, my uncle by marriage. He married Dec. 21, 1837, my mother's eldest sister, Elizabeth Jane Trigg Thornton, of Liberty, Clay County, Missouri; her father being the principal land owner and leading citizen of that county.

Gen. Doniphan was born July 9, 1808, in Mason County, Kentucky. His father and mother were natives of Virginia, their ancestors being among the original colonists of Jamestown in 1607.

Arrived at man's estate, he stood six feet four in his stocking feet, frame proportioned to his height, forehead full and square, with a face of the Grecian ideal type, although his nose was aquiline without severity. In his eyes he possessed a wonderful feature, these being of the brightest hazel. His complexion was fair and rather delicate and his lips smiling. His hair was sandy in color. His eyes were filled with wonderful feeling, especially showing great compassion for the weak and defenceless and his courtesy and modesty made him accessible to all alike. Indeed there was no oppression in his presence. The great man was forgotten in the genial friend and faithful counselor. I can tell you, as the occasion offers, many incidents of interest about him during the last fifteen years of his life.

The Doniphan Expedition to Mexico is a matter of history, of course, but his career as a lawyer—both civil and criminal, is likewise luminous. He practiced law without the first thought of financial gain. He once defended a poor boy who met him by the roadside and said everybody blamed him unjustly for some small crime. Doniphan returned with the boy to the Court some miles away and had him exonerated. In the Mormon war, while in command of a brigade of state militia, he was at Joseph Smiths surrender; and then later, when few would raise their

voices in their defense, he defended Joseph Smith in the criminal proceedings which were instituted against him and other Mormons. In all his career he never prosecuted a man for his life. On the other hand, those he defended were invariably acquitted.

Gen. Doniphan possessed intuitive perception, sharp analysis, precision of judgment, powerful memory, aptness of illustration —indeed very many of those elements of genius. Gen. David R. Atchison said of him, "I have presided in the United States Senate when Clay, Webster, Calhoun and others sat before me, I knew Alex. Doniphan intimately ever since 1830, and I tell you when he was in his prime I heard him climb higher than any of them."

It is a matter of regret that few of Gen. Doniphan's efforts of genius were transmitted to after times. His oratory at the bar constitutes only a part of the basis of his fame. None of those speeches is preserved. He made many addresses upon public occasions—educational, social and patriotic, but few of these can be found. On June 16, 1848, as chairman of the Board of Visitors he made a fine address at West Point, New York, which is printed, and one or two of his addresses at his home town of Liberty are extant.

Yet what matters this absence of unpreserved mental efforts. His deeds stand out! And higher than Den. Doniphan's gifts of mind were those of his heart—his marvelous humanity!

In January, 1861, he was appointed a member of the Peace Conference which assembled at Washington, D. C., with a view of prevention of Civil War. Doniphan always maintained the position of a conservative Union man, and did not permit himself to lose sight of the supremacy of the Constitution or the reserved rights of the States. It was at this Peace Conference in 1861, that he was introduced to President Lincoln, who said to him: "And this is the Col. Doniphan who made the wild march against the Navajos and Mexicans. You are the only man I ever met who, in appearance, came up to my previous expectation." Strange that he and Mr. Lincoln, practicing law in contiguous states, had never met.

As you well know, Gen. Doniphan died Aug. 8, 1887, at Richmond, Mo., and the state of Missouri later appropriated the funds for his statue which was unveiled in Richmond, Mo., July 29, 1918. The picture my mother sent you is that of Gen. Doniphan at about the age of thirty-five, just shortly previous to the outbreak of the Mexican War.

Trusting these facts will be of some aid to you in your book, believe me,

Yours sincerely,

W. T. LAWSON.

CHAPTER VIII.

An Interesting Military Excursion

WAR DEPARTMENT

The Adjutant General's Office.

Washington, January 28, 1920.

Mr. J. M. Lowe,

Pres. National Old Trails Road Association, Kansas City, Mo.

Sir: Referring to your letter of January 16, 1920, requesting that you be furnished with a copy of the report of Captain P. St. G. Cook, made in connection with his excursion to protect the Santa Fe Trade in 1843, I have the honor to inclose herewith official copy of the report desired.

The delay in replying to your letter was occasioned through necessity of having a copy of this report typewritten; the original, which was somewhat illegible, being the only copy on file in this office.

Very respectfully yours,

P. C. HARRIS, The Adjutant Gen.

Per H. G. L.

Of the Excursion of a detachment of two squadrons of the Regt. of Dragoons from Fort Leavenworth, and Fort Scott, to protect the annual caravan of traders from North Western Missouri to the Mexican boundary en route to Santa Fe, and to make a military demonstration among the tribes beyond the frontier settlements.

This Journal was written in obedience to the following instructions, viz:

(Extract) Headquarters, 3d Mil.
Dept. Jefferson Barracks.
May 5th, 1843.

Sir * * *: "In connection with the subject of the Santa Fe excursion, I am directed to say that you will assign to some officer of the detachment, the duty of keeping a regular journal, in which should be particularly noted the military features of the country, its resources, water courses, general topography, etc; the names, numbers, general character and haibts of the tribes

visited, their ability to carry on warlike operations, their dispositions toward the United States, and such other details of like character as may be interesting.

"On the return of the command to Fort Leavenworth, a fair copy of the journal will be forwarded to these Headquarters.

I have the honor to be Your Obedient Servant,

JAS. H. PRENTISS, Asst. Adjt. Gen."

The traders had been informed that the dragoons would march from the rendezvous at "Council Grove." (Neosho River) the third of June.

Three companies marched from Fort Leavenworth, May 27th, 1843:

Officers, etc.
Co. K, 54 men—Capt. T. A. G. Cooke, Commanding Expedition: Bt. 2d Lt. Geo. Mason.
Co. C., 52 men—Capt. B. D. Moore. 2d Lt., John Love.
Co. F, 56 men—1st Lt. Wm. Bowman (com.) and A. C. V. 2d Lt. D. H. Rucker, A. Adjt. and Asst. Q. M:
Co. A. 25 men—Capt. B. A. Terret.
Asst. Surgeon R. F. Simpson.
A battery of two brass mountain howitzers.

A baggage train of 11 wagons drawn by teams of six mules, save one by horses.

The season has been late and wet; the grass was found quite insufficient for the support of horses; the softness of the prairie caused a detention of the companies several hours, waiting for the wagons in a hard rain, at "A Mile Creek," when it was found necessary to encamp.

The men had been ordered to take but one (new) pair of bootees. Seeing 40 men at work about an hour, ankle deep in mud, assisting one wagon up the hill, (on the "Military road") at this creek, the commanding officer sent back for an additional pair of bootees for each man of the command.

May 28th. Marched fifteen miles and crossed one company and the baggage train over the Kansas river (two ferry flats). It rained the whole day. The bootees were received.

May 29th. Marched from the Kansas river about 8 o'clock; left the military road in the first prairie, about three miles from the river; followed the highest ground a little west of south, making a trail and fell into a road leading from Westport to the Santa Fe trace in four or five miles more; encamped between 3 and 4 o'clock P. M. on a small branch, with little wood, having made about 16 miles. The wagons frequently bogged, requiring much labor of men to start them. This is very much owing to young mules but lately purchased, unused to each other or to draught at all. Bad economy of money and material to purchase always in haste.

This morning we passed an emigrant for Oregon; he had a small, frail looking patched wagon, one pair of oxen for team; one of them was resting its nose on the earth.

May 30th. Marched at 7 o'clock. Three men found, last night, absent from their posts as sentinels, or asleep; no power to punish them.

In four miles struck the Santa Fe trace, bearing off West by S. W.; road in good condition. A little beyond is "Elm Grove." No wood, little water. Next water and wood about nine miles, about a quarter of a mile south of the trace. Came to no more water, turned out half mile North of road, and encamped on a timbered branch called "Black Jack," about nine miles further; 22 miles today. Entered what are called "the narrows" this afternoon; the "divide" between the waters of the Kansas and Blue being here a narrow ridge The grass is still very trifling: weather fine, wind S. W.

May 31st. Marched at 6:30 o'clock. Found I had made a "cut off" by turning out. The road winds excessively to follow the dividing ridge, which is still narrower than last afternoon. There are cut offs which are scarcely dry enough for our wagons, points of wood and water approach the road for six or eight miles.

From this narrow ridge were presented on either hand far and fair views; to the north the magnificent valley of the Kansas —half in deep green woods and beautiful groves, contrasted with the paler green prairie and the dark blue of the far off hills beyond. Advancing, the country spread and flattened into a vast prairie, which seems a world too large for human uses.

The journalist is required to note the "military features of the country," etc. For twenty-five miles further, the road does not pass within miles of a single tree; no rivulet was crossed— none but the remaining pools of rain water in the slight hollows. Here, if war on a large scale shall ever find its way, battle fronts of twenty miles will be found anywhere, without a hill or accident which a General's eye might appropriate to the strategic art. No keys of position; no "Aropiles" to turn the bloody tide of war with him who will bring the most bull-dog bravery into the field, rather than with military genius, will rest the victory, one bloody as the ancient battles of steel to steel. Half the numbers will be cavalry. Much horse artillery. The advantage would be with the greater proportion of these arms.

Eight miles from the limit of this thirsty prairie, toward 5 o'clock, a limestone bank and a bush caught my eye a mile or so to the right; then I turned and found a beautiful narrow valley, water and sufficient fuel. On the high bank I made my camp—the march about 27 miles.

Every wagon on the trace would be well provided with a 15 or 20 gallon cask for water for the draught cattle. The three

days rations of corn which were in camp last night, I caused to be divided into four and engaged the contractors' men to take it a day further than intended. The grass is still scant.

An unobservant traveler on this road would pronounce the country very badly watered, but it is not so; the road designedly avoids all streams and low grounds, winds always on the highest between the water courses. Today a light breeze variable from N. W. to S. W.

June 1st. Marching from my camp a little S. of W. a mile or two brought me to the trace; little was lost by the detour. In four miles we passed a small grove, (and doubtless water), scarcely over a half mile to the north. We found "110 Mile Creek" amout eight miles from our camp. Seven or eight miles farther, another creek; bank rather steep. About six miles further a third creek, on a fine Savannah of which the camp was established, having made about 21 miles.

I hoped to be reached here by the corn wagons ,which did not come up last night, but learn that they have gone back. They were overloaded. The contractor's agent sent back a wagon, and put the three days rations into two wagons. Hence the loss and disappointment. These creeks all run to the left or south, and are believed to be waters of the Marais de Cygne, (Osage River). Wind today, variable from S. W. to S. E.

June 2d. Marched until 6:15 o'clock. Rain in the afternoon. We met, this morning, two wagons—traders or trappers from the upper Arkansas or Rocky Mountains. They had six or eight buffalo calves. This breed is returning eastward, and becoming domesticated in Missouri if not in other States.

We passed today five creeks, which with those camped on, make seven in 22 miles. They have small groves of wood on their immediate banks, in bends and islands, fostered and protected from prairie fires by the water; sweet shady bowers in the green desert, fragrant with wild blossoms, vocal with the songs of birds, sheltering delicate shrubbery, vines, the pea and the gooseberry. We find here the elm, black walnut, white ash, butter-nut, sycamore, and honey locust.

The country is higher and more hilly—very much the same as that passed by the Military road from Marais de Cygne to Spring River. The country is not rich, but agricultural settlements (of the white or red race) can and will extend as far as the waters of Grand River, and far beyond. The migratory wave will extinguish the prairie fires; the tree will accompany the plough.

June 3d. There was fine Spring water at last night's camp. Marched today 12 miles to "Council Grove"; passed, half way, a fine bold creek. The geological structure—ten or twelve feet of loam and gravel above a thin horizontal stratum of limestone; this resting upon another of blue clay.

Limestone quarries would be found abundant. One other fine creek we passed two miles from Grand River, at the Grove. There was a remarkably fine spring (having a name—"Big John Spring.") I encamped about 12 o'clock on the Southwest bank of the river in the prairie bottom.

Council Grove is a luxuriant, heavily timbered, bottom of the Neosho or Grand River, containing about 160 acres; and several such are in sight of the road over the prairie hills. There are no traces of ancient monuments, that I can discover, which some fanciful writers have discovered here. But it is a very uneven bottom. It is a charming grove, where any grove would delight; amid the hot, barren and shadeless plains.

There are many wagons in the vicinity. The Company of traders will probably be ready in a day or two. Captain Terrett with Co. A. has not arrived yet; this is his day. I find here my ox wagon of provisions sent ahead, and 125 bushels of corn. The wind almost a storm, south by west. We have marched 144 miles from Fort Leavenworth. The river is about 50 feet wide, and two or three feet deep; clear, with rock and pebble bottom. The wooded bank is 12 or 14 feet above the water, which has been about ten above it, this spring, and a few feet over the prairie bottom. The grove seems also to have been fully exposed last fall to the most thorough and searching fires that I have ever seen in the prairies and woods of the West. To this, (and perhaps somewhat to the severe winter) may be ascribed the poorness of the grass this summer; the rains, too, have been "beating rains."

June 4th. Men are washing. An artillery drill in the afternoon. Rain last night; wind north; weather cold. Capt. Terrett joined at 5 P. M. with 23 sables, two wagons; reports he has marched two hundred miles, following chiefly the divide between the waters of the Marais de Cygne and Grand River. He had a guide.

June 5th. The traders have not come over to the Grove, nor communicated with me. Sent this morning to inform them that I should march tomorrow and go slowly to Cow Creek, about 115 miles. There are good grazing, buffalo, fish and plenty of fuel. The traders have all arrived, and say they are ready to move tomorrow. I had a regimental and artillery drill this afternoon.

June 6th. Marched before 7. Traders wagons were all gone on. The road follows the direction of a large western branch of Neosho, the waters of which (and wood too) are tolerably convenient (to the south) for 15 miles. There is "Diamond Spring."

There we reached the foremost Mexican wagons which had stopped. I encamped very reluctantly. The Mexicans expressing many fears of robbers, and a desire to be with me. The Amer-

ican traders are desirous of pleasing these men, the guests of whose country they are soon in their turn to become. The country here spreads into gentle slopes; the road excellent; rather cold; wind a gale, S. W.

This morning met two Dutchmen with an ox wagon, and some cows and calves. They had been into the buffalo range, say 300 miles from Independence, after calves. They had got but three.

Sent back an ox wagon this morning to Fort Leavenworth, which brought rations in advance of me. A private of Co. K, who is sick, sent with it. I wrote to Capt. McKissack to dispense with the depot of corn, and also, not to send the provisions before the 10th of July, before which I expect to reach Fort Leavenworth, unless I should go to Bents' Fort, in which case they would be needed about the 20th of July at the Cotton Wood.

I encamped the four companies this evening at the corners of a square nearly large enough to graze the horses in the night; the company fronts are about perpendicular to the diagonals.

June 7th. The traders determine to march to Cotton Wood Fort in two days, but there is no fuel short of it and I shall march through, as it promises to be a rainy day or night. Some of the principal traders came to me last evening; amongst them Armiss, the Mexican, who has charge of perhaps a third of the whole caravan. He was seemingly convinced that it would not be dangerous for him for the escort to go on.

There is a grove not far (3-4 of a mile) south of the road, four miles west of the Spring. Then the "Lost Spring," standing water, 10 miles further; nine miles further there are pools of tolerable water; from there to the "Fork" is seven miles; there we encamped at 5 o'clock, having halted an hour at noon.

The country today is a vast prairie—you travel hours without seeing a tree. It is nearly level. Twenty thousand cavalry in line might change front, with mathematical precision at any gait. We have crossed no running water from the Neosho, to this stream, which I believe to be the head of the Verdignis river. Weather cool, wind S .W. and disagreeably high. My little son rode 30 miles today without seeming fatigued.

A more direct course, by 50 or 60 miles to the crossing, (which horsemen at least might travel) would be to strike more to the west from this point. To the upper part of Pawnee Fork, which heads about 25 miles N. E. of that point of the Arkansas, perhaps all of the streams crossed by the road would be also struck in this route.

June 8th. The wind blew a hurricane last night; this morning it drizzled and is exceedingly cold, wind north. Marched 18 miles to Turkey Creek, not a tree or bush is in sight, a few were to be seen a half mile to the south, six miles from the Cotton Wood; this is the first running water. Here hard bread is is-

CHARLES HENRY DAVIS, C. E.

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sued; an additional ration of pork was cooked last night. We saw antelope and an elk today; occasional rain all day; the cold is disagreeable, despite woolen clothes and great coats.

It is curious to observe this evening the various modifications of the trench furnaces for cooking mentioned in regulations. There is a very little dry buffalo ordure, most of the men made coffee with the dry stems of last year's weeds found unburnt on the creek bank. I saw one man make a boiler of coffee with the aid of a spade in his air furnace, burning but a single piece of dry wood weighing about half a pound. Fuel could thus be carried on horseback.

June 9th. It rained steadily throughout the night and until 10 o'clock this morning. It is so cold that the breath is visible, as in winter, from condensation of moisture.

We marched at 7 o'clock, and arrived after a fatiguing day at the Little Arkansas at 5 o'clock. This small stream is probably named from the resemblance of its sandhill bluffs, quick sand bed, etc., to them of the Arkansas River. The horses were unsaddled and grazed about an hour at noon, while some arrangements of teams were made. Three worn out mules in our team from Fort Scott, had to be replaced, two of them were of necessity left on the prairie.

Partially wooded sand hills of the Little Arkansas and the Arkansas beyond, were to be seen to our left this afternoon; the prairie is still remarkably flat. We crossed no stream of water; there are but few trees on this creek. I consider the prairie passed for two days, rich land; the seeds of the trees will be borne on the long thin wave of agricultural immigration.

Should not dragoons have a leather case to secure the lock and receiver of their carbines from rain? It would have other advantages, or uses. If the government would spend a penny in canvass to make "bell" backs to their cavalry tents it would save a pound in saddles and other equipage; rains and sunshine are injurious to leather. The march, 24 miles; wind N.

June 10th. This morning a note from Capt. Boone was discovered at the ford. It is dated yesterday, June 9th, and states that he marched to cross the Arkansas to the buffalo range, and so keep on the crossing. On my part a communication is established, as, if there were a military object, I could communicate with his detachment in a few hours. Capt. Boone must have marched about 11 o'clock from appearances. I arrived six hours later. An officer and eight men were sent ahead at 9 o'clock to hunt.

After drying blankets, etc., the Little Arkansas was crossed and the march commenced at 12 o'clock. Marched 10 miles to the S. W. and encamped on a small wooded stream, a branch of the Arkansas River. Its bluffs here present a greater appearanc

of forest than anywhere seen since losing sight of the Kansas. Mixed with the broken hills of white sand the view is decidedly urban; picturesque and beautiful.

My dispensing with the depot of rations at Cotton Wood Fork was founded, in part, upon information, which was incorrect, or, led to the wrong conclusion that I should find buffalo considerably east of this point; then it becomes important that I should reach buffalo, and symptoms of scurvy have been developed in two men. For three reasons I move on in advance of the caravan, on safe ground, intending to stop at Cow Creek, nine miles further, until communication is re-established with them.

Lieut. Love has come in and reported that he saw no buffalos; but that about two miles to the south some 200 mounted Indians came charging upon his party, which then displayed a white flag; the Indians then approached in a more friendly manner, they proved to be Kansas, and said they mistook the party for Pawnees (doubtful). They reported their camp to be near; no women or children were seen. Lieut. Love further reports that their first inquiry was about wagons (traders?) I determine to send back a company to meet the traders who *should be* at the Little Arkansas tomorrow.

About 20 Kansas have been in camp; they brought dried buffalo meat and were exceedingly anxious for tobacco. I unluckily have none; but gave them a little pork (in exchange). They are on their return and would likely be impudent to the traders.

At dark I have fired off two skyrockets, having previously sent the men to the pickets. The horses were exceedingly alarmed and could scarcely be restrained. The Indians report buffalo two days west. A gentle air from the N. W. today.

June 11th. Capt. Moore marched early with Company C for the Little Arkansas. The Kansas passed the creek eastward and stopped not far off. A number come into camp and received permission to trade buffalo meat for tobacco. There are about 100; have been four days on their journey west, and have plenty of meat. I remained in camp on a pretty Savannah rising almost insensibly to a hill, where I have posted two videttes. Sent out an officer and 13 men on a scout this morning. They returned in four hours, saw nothing of interest except fresh buffalo signs and Capt. Boone's camp, a mile to the South: he left it yesterday morning. The Kansas departed at 12 M. It is a singular circumstance that none of them saw the rockets which were sent up vertically. An inspection this evening, which is Sunday. I manage to graze all the horses at night within a chain of sentinels, indeed almost within the lines of tents. It occurs to me that dried fruit should be a part of the ration in campaign, or marches like this so common to the western army, where no vegetable food is to be had. At the season when

nature provides man with fruits and vegetables the soldier is suddenly put on an unnatural, unwholesome diet of salt meat and flour.

June 12th. Marched nine miles to Cow Creek. We found no buffalo, which I had reason to believe I should have fallen in with four days ago. It is four days since I left the traders, they were halting at 11 o'clock. They should be here tonight—at less than 15 miles a day. These unforseen and unusual circumstances have thrown me out a little in my calculations; this is not "dashing over the wide prairies." I have but 15 days' rations of pork and bacon, and the crossing is at least 120 miles further. I find it necessary to go on tomorrow to Walnut Creek, where I have a reasonable expectation of finding buffalo. Capt. Moore is with the caravan; Capt. Boone is on the left flank; protection is complete.

We passed several branches today fringed with bush and tree and some groves, all on waters of Cow Creek; which, coming from the north, turns eastward and follows the course of the Arkansas before uniting with it. Many of the trees have been killed, doubtless by the searching fire which followed last hot and dry autumn.

The Kansas dried and smoked much of their meat here. The men have found a cache, containing a chest of four pound balls and canisters of grape shot and musket balls; the falling away of the creek bank had exposed it. It was made by an old company of traders. They sometimes brought out a four pound cannon. We find grouse here; the soil is still rich; fish are plenty, as also are moschettos; weather cool, wind high from the South.

June 13th. This has been our great day, our first meeting with buffalo. I marched soon after 6 o'clock. Raining a little and we feared a bad day. It, however, soon cleared off. Twelve miles brought us through sandy hillocks into the Arkansas bottoms. An officer and 12 men had been sent somewhat in advance to hunt; two beautiful antelope, a buck and doe, walked across ten paces from the head of the column. I turned out a little to the river between 11 and 12 o'clock, watered and grazed the horses for an hour; while here two buffalo crossed to our side, pursued by a horseman who fired from the opposite bank. I believe it was a man of Capt. Boone's command.

Marching on, the buffalo thickened, running hither and thither, between the hunting parties in the hills and some small parties of officers and men who advanced from the column. About 12 were killed, six were brought in; a seasonable supply. The last pork issued was out last night, but I would let no more be issued. In the afternoon a Sergeant of Co. K came to me from Capt. Boone who sent word he would join me in the evening if he could, but Lieut. A. R. Johnston had this morning

most unfortunately (and to our extreme regret) wounded himself through the foot, and with a very large ball. Encampment between 3 and 4 o'clock on Walnut Creek. Capt. Boone's tents on the other side of Arkansas are visible.

It has been a day of extreme excitement--probably to all the command; many buffalo approaching that were tired with running. I could indulge quite a number in a short chase; at least 30 have been wounded. The soil here is pretty good, more sandy, but few trees on the river and creek. This morning we marched through a village of "prairie dogs," of perhaps 100 acres; this animal I think a distinct genus. Marched 22 miles; weather pleasant, wind N. E.

June 14th. Capt. Boone and Lieut Buford came over this morning. The Captain, from the information of his Osage guide, supposed he was at or near the "crossing;" it is still at least 100 miles. He has 80 or 90 men of D. E. and H. Companies: some Osages who encamped with him lately stole eight or ten horses and mules, making him believe for a time, by most consummate acting, that it had been done by wild Indians. The Captain met another set afterward, whom he thought implicated and retaliated, despoiling them of their arms—but did not replace his horses. Capt. Boone determines to ascend the Arkansas, little or no further.

Mr. C. Bent arrived this morning from "Bents' Fort". He has 14 well laden wagons with ox and mule teams: the first he prefers. He is taking in cattle, raised at the foot of the Rocky Mountains, to a Missouri farmer. Mr. Bent says that no Mexicans had arrived at the Arkansas ten days ago. His brother left Santa Fe about 20th of April, and that Governor Armijo (who owns a large share of the merchandise) and 600 men were to march the 3d of May.

Capt. Boone informed me that after the council on the Brazos (attended by Gov. Butler, Ind. Com.), K. Lewis, an intelligent white naturalized among the Creeks, remaining behind some days, brought information a few days before he marched that 300 Texans had met there to come and waylay the caravan: and that a "Col." Ryburn was so posted by the commanding officer of Fort Washitan to be raising in that vicinity a force for the same purpose (this he wrote to Gen. Taylor, who forwarded a copy to Capt. Boone.) It is possible these land pirates may have defeated Armijo.

June 15th. Early last night we were visited by a storm of rain, wind and hail of extraordinary violence; very soon nearly every tent was prostrate. The lightning illuminated the night with the light of day.

Br. Brant informs me that three men, two white, have lately been killed on the Pawnee Fork, about 30 miles to the west; they are supposed to have been a party from Missouri on a

calf hunting expedition (one such as we have west), another is here with 35 calves, a third was expected out, and one believed to have been those slain.

It is not extraordinary that such desperate, heedless, small parties, should meet with such a fate in this lawless wilderness; the wonder is, that so many escape. If the powers and almost certain punishment of our best internal government do not prevent daily murders and robberies (for accounts of them see the newspapers), can they fail to occur here, where straggling parties of Indians, all tempted by their poverty, and the almost certainty of escape from detection and punishment. Our government is scarcely bound in duty to protect such rash and vagabond men. Unless indeed it be their determined policy that any citizen shall traverse at will the limits of the thousand tribes, who cover the desert territory of her immense empire; unless like the tailsman, "I am a Roman citizen," by a severe exercise of power, she would invest the "pale face" sign of citizenship, whenever it may wander, with the same fearful respect. But how different the cases, the Roman Republic dealt with organized governments; the Parthian on his desert plains defied her power. The United States deals with savages whose imperfectly democratic character of government is not equal to the task of controlling their sparse population on these vast plains.

Capt. Moore and the traders have not arrived. Mr. Bent is encamped near by waiting for Mr. S. Vrain and five wagons of paltries; time was lost in a not altogether unsuccessful experiment of boating from the "Fort" down the Arkansas.

Capt. Boone is still in sight across the Walnut and the Arkansas; there promises to be a general assemblage here. There are seven, or portions of seven, companies of dragoons, 14 officers.

June 16th. Nearly as much rain fell again last night. Marched a half mile up the creek to a fresh camp; some of the wagons bogged.

This creek, well named from the prevailing growth on its banks, and in it; circular bends; is quite a bold swift stream for this country. It is three feet deep, and about 30 wide; its water seems the same as that of the Missouri in color and taste; it is well stocked with fish. It has groves to its source, four or five miles. The soil is quite rich. Acres of rose bushes bloom around us; many other flowers we have seen; some would ornament a garden, but at this season, they are by no means a feature of the landscape.

Yesterday, the creek was deep fording. I rode over to the bank of the Arkansas; it was not fordable. A man, however, rode or swam over, and I sent some articles to St. Johnston.

I am now in apprehension that the Walnut will overflow its banks; it rises six inches an hour and backs up then five feet of the bank. The sun shines as yesterday, and the wind is nearly north.

Some of Capt. Barne's men have been here this morning, swimming over river and creek. They say the captain is looking for another camp but does not find one. The country on that bank is as far as I have seen it, 150 miles, much more arid than on this hill of sand with a very scant herbage (buffalo grass and plumb bushes) extend without interruption, approaching frequently quite to the water. On this side they are very rare, just on the bank, sand bullocks sometimes occur, with a wide bottom. The sides are generally clothed with willow, cottonwood and plumb bushes. These hills form anywhere an admirable ambush for foe or game. In passing through one can see scarcely 200 yards.

W. Bent dined with me today and J. W. Alvarez, the late American consul at Santa Fe, who was confined when the Texan expedition reached the vicinity. He is a Spaniard and an old trader to Missouri. He says if Colonel Cooke had fired two guns he would have succeeded—that all the most respectful people had determineed not to resist. At the most, the population of New Mexico he represents is no more than 55,000 souls, mostly desirous of some pretension of civilization. The government he says have scarcly more than a hundred regulars, whom they call dragoons. The crossing of the Arkansas is about half way to Santa Fe, which is about 750 miles from Independence. Bent's trading establishment is on our side of the river about 225 miles from Santa Fe, if no further; the road beyond there is much worse. W. Alvarez says he thinks the boundary line is about 40 miles west of the crossing, thinking the river at or above Chentrau's Island.

June 17th. A rainy forenoon; wind east. The creek still threatens, it has in fact, overflowed part of the bottom which is our safety valve. It has been at a stand still six or eight hours. I fear the traders have been so slow as to be waterbound at Cow Creek and that we will be in this vicinity four or five days. Meanwhile we have reason to believe there are no buffalo on this side of the river within 12 or 15 miles and we are reduced to dried meat. I look to Bent's cows as a good resouree.

There is a break in the hills along this bottom, exhibiting a vein of rich iron ore (carbonate) resting on a course of very soft sandstone, and surmounted by a stratum of pure blue clay. There is also limestone; no coal has been seen. The hill top is a pretty table sodded with buffalo grass, and commanding a very agreeable view of river, creek, wide savannahs and pretty groves. The buffalo grass resembles blue grass, a very pale green, which soon becomes a brown. The buffalo eat it exclusively when

to be had. It is asserted that it will only grow in the buffalo range, a fact which I have observed gives color to this operation. We first found it (in the neighborhood of Council Grove) in the road, very frequently there when no other is to be found near. This indicates that it thrives (as is said of the blue grass) best when trodden. The countless buffalo we may well conceive give it fully that treatment, whether necessary to it or not. There is another animal which is only found where it grows, the prairie dog. Like the buffalo, it lives on it, or rather its seed, which I find is a new grain equal I believe at best to oats. I am gathering it. The grass is so short that this is very slow work.

June 18th. The wind still east and a wet morning. The creek still at a stand, running into the bottom. The meat procured the 13th and cured in wet weather is becoming spoiled, but a day or two's rations are left. The caravan wagons must be waterbound among the Cow creeks.

Since writing the above at 4 o'clock some 200 buffalo approached the camp. The companies were paraded for inspection. A gang approached so closely that I sent company K out as skirmishers at the gallop. Twenty or thirty have been slain. It is singular that all the lead horses brought by officers for the chase prove to be fearless of buffalo, although not one had been tried. It is very remarkable; because their other horses, like nine-tenths of all others, are exceedingly fearful, and will not approach them. No animal is so uncouth and formidable looking as the buffalo; they are very active too, and fierce when angered.

June 19th. This strange creek is still at a standstill and fast filling up the hollows and lower ground at the river bottom. Weather clear with a very high south wind. It is the most crooked of creeks and by its meanders must be 100 miles long to keep up this. The command is employed in smoking meat.

This morning I received an official note from Capt. Barnes, stating that at dark last evening two white men passed his camp up the river, refusing to halt at a sentinel's challenge. I have sent to Bent's camp—he has moved to the hilltop two miles east of us—to learn if they were his men.

Evening. I have heard through expup (?) of Bent's that my detachment and traders arrived this morning at Cow Creek, which is out of its banks and that they have killed a few buffalo. Mr. Bent also sent word that he should start tomorrow morning. It was his men that he had sent west to look after the wagons; that failing to cross this creek safely preferred fording the Arkansas twice and so passed Capt. Barnes' camp. They say the flood is as great, as far as Pawnee Fork.

June 20th. The creek is still at a standstill—fifty yards wide and running into the low grounds. Weather clear and a

high Southeast wind. Mr. Bent has changed his mind about going at present. Sent out a small party which brought in a buffalo, the only one they saw. The bulls are quite fat. We think them better than the best beef. The men swam the creek for fuel.

There are here with Mr. Bent an Irishman and his wife in a skin lodge, the woman is of Amazon proportions and doubtless character too. Their courtship and marriage were consummated amid the snows of the Rocky Mountains; then, perhaps not relishing the dreary scene of his young happiness, our bold Irishman robbed the Oregon settlers of their masculine heroine, and traversing the far western world with many advantures amid Blackfoot and other savages and dangers by flood and mountain, found his way (by Santa Fe) to Bent's Fort; then mounting their prairie horses they disdained not the escort of his company to western Missouri, which no doubt they look upon as a hot-bed of the unnatural restraints of civilization.

June 21st. Slowly, after 96 hours, the waters subside; my command could have marched to the crossing and been back tonight. The same fierce south wind blows which effected the waters so little.

Capt. Barnes writes me his determination to march toward the Canadian tomorrow morning; he has been on a sand hill a week waiting, I believe, to obey some order to "communicate with traders" for their protection.

I have never seen an attempt to explain the "mirage" which here, as on the sandy plains of Asia, deceive the eye with the semblance of white sheets of water. On a hot day we see an appearance of steam and vapor rising from a hill, no matter how near—if relieved by the sky—just as from a hot stove. I conceive it to be exhalations of moisture and the usual vapors of the atmosphere put in visible motion by the radiated caloric. When there is an expanse as of nearly plain surface a vast amount of this moving vapor is seen at once; and, no longer translucent, assumes the appearance of a white plain of steam or water. There, too, by the refraction of light passing through an aqueous medium, is easily explained the "looming" of objects on the plains and hill tops; a crow, or a weed, is frequently mistaken for a buffalo or a horseman.

A small party have brought in a buffalo; they saw some of Capt. Morris' men hunting. A man of Bent's came from the caravan; they are encamped tonight about eight miles off in the hills. They have not descended on the road into the Arkansas bottom. Cow creek was bridged.

June 22nd. A cold cloudy morning; wind north. The creek is falling nearly a foot an hour. Seeing some straglers in the vicinity, I had them brought in by a patrol. One of them proved to be Mr. S. Vrain. He brought important news for the caravan. His communication to me, made with much show of

apprehension and secretly, is as follows: One hundred and eighty Texans under a Colonel Snively are at the crossing. They had an advance guard or body of spies, 10 or 12 in number, who had met an advance of 50 men of Gov. Armijos (which I had understood were to precede him in some days or weeks an excess of produce). The Texans retreated across the Arkansas, leaving one man a prisoner; but he was able to make them believe it was a party of S. Vrain's hunters, and the Mexicans becoming suspicious retreated that night. The main body of Texans came up and captured two expup men (?) sent by Armijo, the trader. They did not discover their letter (concealed in a green stock) but got correct verbal information of them. Mr. Vrain saw the 180 Texans, well mounted and armed. The whole have been north of the river. Snively and another man slept in his camp. He told Mr. S. Vrain that he intended to remain in the country and would most assuredly capture the Mexicans and their wagons, (wherever they went), whenever they departed from the escort; that they intended to conceal the booty and afterward attack the Tores settlement. Mr. S. Vrain entertains not the slightest doubt of the governor having retreated. He was to have with him four or five hundred men. Mr. S. Vrain fears the Texans whom he considers outlaws and does not wish to be known as having given information. He thinks it would be dangerous for the American traders to encounter the Texans, or to go to Santa Fe if the Mexican traders retire. Warfield has joined the Texans.

Capt. Barnes informed me yesterday he intended to march for the Canadians this morning at 8 o'clock. I answered that I fully expected the caravan today, and invited him to remain and to ascend the Arkansas further, that we might have a more uninterrupted communication, etc. Learning late last evening that the caravan was near by, I sent out at 5 o'clock this morning, information to him and to invite them all to dinner. The messenger reported they had departed before he got there, whether south or along the river I am uncertain. It was no doubt necessary for the camp to be changed.

I knew Snively at Nacog docks in 1836. He was a shopkeeper's clerk and quite insignificant in appearance and demeanor; though, truth to tell, he had just "come from the army" (which properly speaking, Texas never had).

Capt. Barnes found a party at Little Arkansas with a wagon, emigrants for California. They accompanied that command across the Arkansas, and on the 16th recrossed and have since been near me, but over the creek. They were near losing everything in the river and Capt. Barnes had a mule drowned in assisting them. Two of them have lost a limb. Will the Pacific prove a barrier to our population?

Capt. Moore and Company C arrived in camp this afternoon. He marched about fifteen miles beyond the Little Arkansas, where he met the caravan. The rains fell on them ten miles on this side, and they were six days making the next nine miles and crossing Cow Creek, which was bridged. The traders stopped on the hills two miles off, near Bent. Company C have had buffalo but two days, and thus they have consumed eight days rations of salt meat, more than the rest of my command. This reduced the stores (as I find by weighing them) to scant nine days supply. If I had not advanced I should have had little or no meat left. The traders (as I expected) brought up the two Fort Scott mules. The creek is not yet fordable and is falling slowly. The traders have brought their wagons down to the crossing point. A hunting party has returned unsuccessful. I have but 30 days full rations of flour and have ordered but twelve ounces tto be issued until further orders.

June 24th. Last night some six of the principal traders, including their "Captain", Dr. East, and Senors Armijo and Ortiz, called to consult me on the news. They told me they did not now expect to find the governor at the crossing and they all agreed it would be advisable to go on to Bent's Fort, sending expup for a stronger Mexican force to meet them there; provided I would go with them and await the arrival of that force. They left me at 10 o'clock to reflect on an answer to the question of how long I could promise to stay at that point.

Calculating on cattle to be brought here, for subsistence for 50 or 100 miles on this side of Bent's establishment, when buffalo would probably not be found, and obtaining, (as Messrs. S. Vrain and Bent opine can be done), as many more cattle there as I may need, I agreed, as by my letter, to go on and remain with them—waiting for escort fifteen days, if necessary, and I sent word that under favorable circumstances I could stay five days longer.

This morning they called again and said they were all agreed to await at the crossing (probably a month) for a force to be sent for, and to come from Santa Fe, if I would stay and protect them.

I asked them—the governor having retreated—if they believed they could induce him to come back? If he could raise a sufficient force to return to the same point? They answered no! I then told them I would not remain so long stationary to the extreme privation and discomfort of my command without a more reasonable object. I had announced that I should go to the crossing in any event and then we could only agree, and conclude to go there, result as it might.

Packed up and mounted at 3 o'clock. The companies were then inspected, the squadrons were then assembled, (every soldier in the ranks) and I had a regimental drill. I then marched

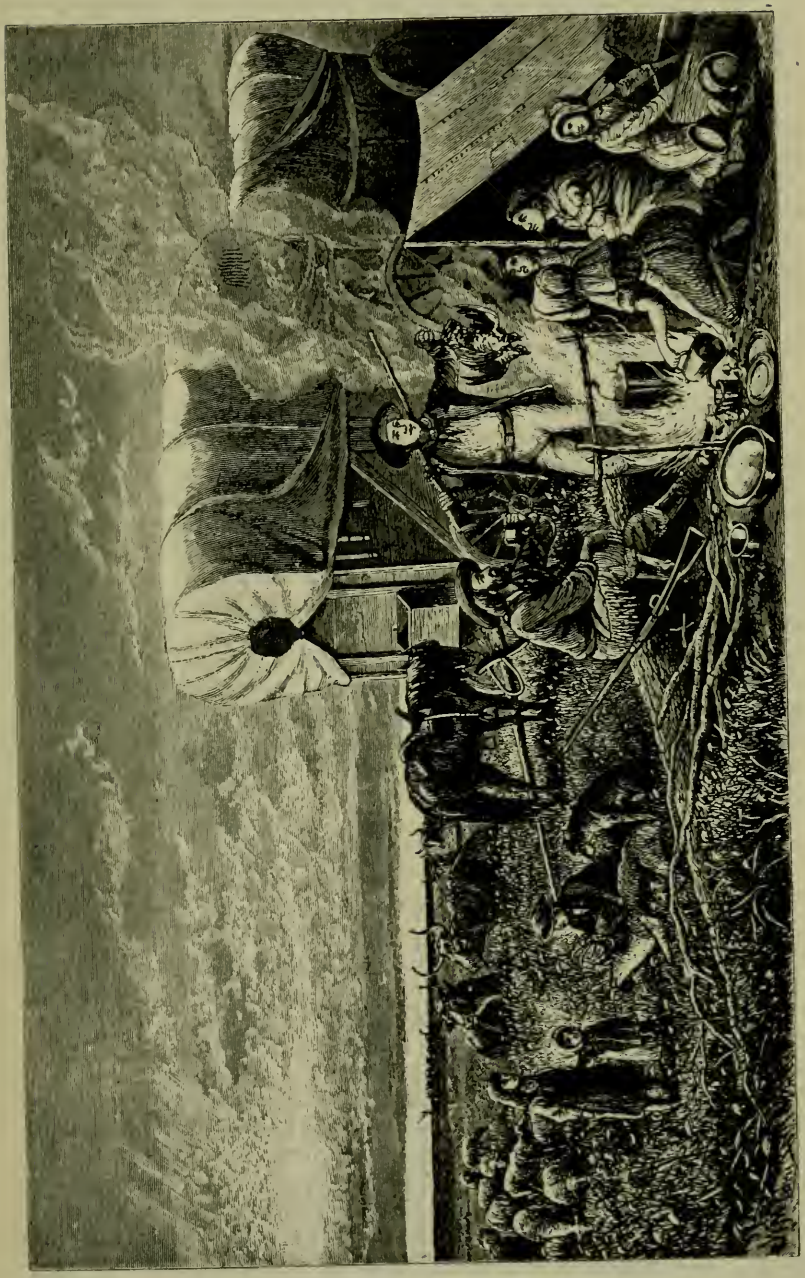
a thousand paces down the creek and encamped at 5:30 o'clock. Mr. S. Vrain's wagons have been taken over this afternoon. The caravan is not moving.

June 25th. Sent in letters this morning by Mr. Bent, who goes to Independence (in six days travel). It was 7 o'clock when the caravan was put in motion to the ford. The detachment marched at 8 o'clock and the whole, with the eleven wagons, were over in fifteen minutes. The water is halfside deep, the bottom was found very soft. I marched five miles and encamped on the Arkansas, where there was a few trees, at 11 o'clock, being assured that the caravan could, or would, get no further tonight. We have had no fresh meat for three or four days. The game seems to have deserted the country; but now a solitary lucky (?) buffalo approached our camp, was chased and killed.

I ascertained this morning that some of Mr. Bent's people at least had communicated with the Texans, which none had given information of, in the week or ten days they were with me. It was about the first of this month that the meeting of the Mexicans and Texan spies took place. The former are reported to have said the governor was at hand. This disagrees totally with his intentions announced to his nephew, Mr. Armijo, in a letter which was shown me. I also now first learned that three Texan spies accompanied Bent's party (wagons) until they came in sight of my tents, when on pretence of hunting (as is reported) they returned or disappeared.

Carson, a hunter, started expup last night (with two mules) to bear a letter to the governor, if at Santa Fe, to advise him (as Capt. East tells me) that I would not wait very long, and they would move slowly (no doubt) up the Arkansas. The man is expected to go to Santa Fe in ten days, but I am told he goes (for fear of Texans) by the left bank of the river and Bent's Fort. This seems senseless, inasmuch as it only anticipates properly one thing, viz: that the governor has retreated the whole route to Santa Fe (which, being a large owner of the caravan, is not probable). Mr. Alvarez told me the governor could raise 1500 militia or Indians in about a week, and march with them to Bent's Fort in ten days. The caravan has arrived near 6 o'clock, and stopped close by.

June 26th. Marched at 6:30 o'clock. Sent an officer in advance with a small hunting party and a wagon. The flat bottom, common to the river and creek, extends 10 or 12 miles from the south of the latter; it is a sandy soil, with a very short grass. At a point of the bluff there is a remarkable sand rock called "Pawnee Rock." Hundreds of names are inscribed on it. Four miles further is Ash Creek, a sluggish stream which becomes nearly dry (ceases to flow) in summer; there is wood on it. It is about 20 miles from Walnut Creek. I watered today at a fine pond, nine miles from Ash. After stopping two hours at Ash Creek, I marched five miles further and crossed the Pawnee



EMIGRANTS TO THE WEST

Fork and encamped. Its banks are high and difficult. It is a bold stream, nearly as large as the Neosho at Council Grove. Its waters are muddy; it is tolerably timbered and heads a days march to the Northeast of the crossing of the Arkansas, or about 60 miles to the Southwest.

There are thousands of buffalo peacefully grazing on a great plain, which gently rises about six miles off into hills. Some were chased by officers and one was slain. The hunting party have brought in parts of three in the wagons; the caravan has not come up. I have marched but 20 miles in a cool day, one of the longest in the year—over an excellent road. Last night and tonight the moschettos are very severe. The tents are thus important, if not necessary, as *bars* by smoking and then closing them, they become a great protection; there are no flies, but the horses suffer from the moschettos.

June 27th. The caravan came from Ash Creek by 9 o'clock, and were until after 12 o'clock crossing this creek. Then I marched about 7 miles and encamped on a hill near the head of a branch, with tolerable standing water. I am in sight of the caravan, two miles off at the crossing of a small branch of the Pawnee, where there is fuel but very bad water. I obtained there sufficient dry fuel for all my men. Four buffalo deliberately marched within three hundred yards of the column the last half mile. I had one killed just before we stopped within 200 paces of the camp ground. It was done by a single pistol shot, after a chase of 500 yards. A high wind from the Southeast today. The sandy soil resting on clay is poor; there is nothing but buffalo grass, this very short, and seems as if it could scarcely support an animal, but on close examination I find it bears a grain which is very near the earth. It looks as nutritious as oats and most probably is, from accounts which are given of mules that have lived on it. My camp is one compact sod of it, a much harder one than the blue grass.

A picket rope should be 22 feet long, of manilla grass, 7-8 of an inch in thickness; a picket made of good iron, 16 inches long, and weighing 25 ounces, with a ring, answered well. In soft ground the wooden picket answered better, but there is much work to band and tip it properly with iron, and every tent of men must have a mallet to drive them into the ground. At the end of the picket rope there should be a fixture of a strap and buckle of harness leather, double, or the outer side in the middle; this trap is to be buckled around one ankle of the horse. Twelve or fourteen inches from the end should be introduced just such another strap and buckle for the other ankle of the fore legs; thus, a halter would be unnecessary on the prairie. Possibly it would be as well to secure the picket rope to the ring of the halter, if the end be continued beyond the tie and be secured by a strap to the horse's leg, so as to confine his head near the ground. When a party of dragoons on a prairie

escapes the disaster of losing (temporarily at least) their horses, if less securely picketed, it is the result of luck or chance, to which a good commander never trusts when avoidable.

June 28th. I marched at 7 o'clock, the traders then close in rear. Our course was Southwest over high prairie hills, cased with the brown iron sod of well trodden, closely grazed buffalo grass. The route has changed here since my last visit. It seems more away from the river. The old journal does not answer as a guide. I halted at 11:45 o'clock, at a ravine with stagnant water, then marched six miles further (18 in all) to a pool of water in the head of a small ravine, in the edge of the Arkansas and encamped. There is drift wood for fuel; branches called "Coon" Creeks. Here I believed the caravan would stop (as they have) but the grass was entirely eaten up by the buffalo. I sent a man three miles to look for the "Coon Creek" of my recollection; but none, nor better grass was to be found on the road. The traders who use mules and herd them might stop here but I could not; so changing my course fifteen degrees, which made it east of south, I marched four miles to the Arkansas and encamped. There is drift wood for fuel; little patches of dry looking buffalo grass, mixed with the long fresh green grass on the immediate bank, the buffalo have clearly eaten, and not touched the other. Here I had wells dug and came to fine cold water in two feet—the level of the river. In the bottom I passed the true "Coon" Creek with running water and pebbly bottom, but no better grass than I left.

Such is an abstract of the day's progress. The pen of an Irving might fail to paint the interesting sights or to convey an idea of the thrilling interest and excitement of a scene which all witnessed.

THE STRANGEST BATTLE IN HISTORY

For six miles we marched through one "village" of the prairie dogs, whose shrill barkings were incessantly sounding in our ears but their strange antics scarcely attracted attention, when 10,000 of buffalo, dotting the visible world far and near, were seen the whole day around us; each moment a shifting scene of chases by officers or traders, fixing the attention with a new interest. In the afternoon from the brow of a small hill overlooking a ravine and the view beyond we saw hundreds of the huge terrible looking animals grazing and lying about in a state of undisturbed nature 300 yards from us. I instantly determined to give the artillerists a more practical skill, and to obtain more experience of the range, and effects of the howitzers. I directed one at a group, the shell overshot the mark but in ricocheting upset an animal; still they did not fly. Another was discharged which passed in their midst in three or four rebounds, and then exploded, creating a wonderful confusion; still another was

directed at a dense group, full 500 paces off, and on higher ground; it struck rather beyond, exploding beautifully at the same instant, but none were prostrated (the cartridges are marked to range 300 yards.) I then marched, and in ten minutes the bull which had been struck down raised up on his chest. The command was halted, and riding a very wild horse, I dismounted and approached on foot with a carbine to 25 paces, when the fierce buffalo and the bull rose and dashed at me. After passing the spot I had stood on, his attention was drawn off by the discharge of a horseman's pistol, and at another essay I struck him as he ran at speed, full in the side, when again he rushed at me; again his course was changed, and threatening continually to break through the column and to frighten the wagon teams. He was assailed by many horsemen whom I did not wish to restrain. Pistol and carbine shots increased every moment and the frightened horses rendered them dangerous. It seemed a confused action, a doubtful battle. After falling with a great shock, the beast arose and attacked a mounted corporal, topped his horse like a plaything, goring him in two places. The corporal fell headlong on the bulls horns: his pistol discharged at this instant, the ball passed through his horse's neck which then ran off frantically. The man was borne, hanging by his clothes on the horns, for several leaps. A bull dog seized the monster by the lip and all fell into a confused heap. We went through the dust, saw the corporal scrambling desperately from the melee, having wonderfully escaped from injury; the deathless animal again rose and shook his black and shaggy front in defiance. Then many deliberate carbine shots were fired at him and he fell and rose repeatedly. While lying down carbine balls were fired with deliberate aim at 10 paces, seemingly without effect. Then finally I sent one through the eye into his brain—the shell had broken the shoulder blade. The animal died, and has been eaten; the horse is doing well. (If the writer of this book had have been in command, we would have erected a monument to this gallant foe.—Ed.)

Much more might be said of our doings today. Having procured a fresh cow, I chased a herd of buffalo cows and calves and dismounting—for want of a rope—caught a six week's old (also bull) and threw him down, (my horse running led) and took off a rein and tied him. The little animal, in sight of his kind, was very unmanageable and attacked me, and my horse, of which he was less afraid. I procured also a female. I intend to offer them to the National Institute. At the noon halt a bull ran among the horses and was with difficulty got rid of. The whole surface of the country is smooth, hard, close, shaven sod of buffalo grass. Were there but groves, how beautiful it would be! There must be rich substance in the buffalo grain. After the last severe and long winter, and the spring backward beyond all experience, we found the buffalo fat.

June 29th. I marched at 7 o'clock, taking a course a little south of west at half past nine. I struck the trace just in front of the caravan. They seemed to have stopped soon after, as they had to pass over the brow of a long descent and were not visible there for an hour or more. I made a halt at half past ten at some stagnant water; then I moved on and at 1 o'clock in the hollow of a dry branch, save a wretched pool defiled by buffalo, grazed the horses nearly two hours; sending on to examine the country for water, and learning there was plenty with tolerable grass there, I came on about three miles and encamped. We passed just such barren hills as yesterday. I dug in the ravine in the afternoon for water but soon came to blue clay, and stopped. We saw some buffalo there yesterday. I sent out Sergeant McLure of K. Company (as usual now) in the afternoon; he chased and killed a fat bull in a few minutes, and close by the road, as I had desired him. It was butchered during the halt. There is no fuel but dry ordure. A ration of hard bread has been issued. The Arkansas or its sand hills have not been in sight; the new road disagrees so much with my old journal here that I move rather blindly. The march today, 20 miles; course Southwest, wind South and disagreeably high. The caravan I do not hear of.

I rode a mile today at full speed, following Mr. Ortiz, in chase of a herd of cows to witness his lancing one, which I could scarce give credit. He selected a fat barren cow which was very fleet and active but I saw him lance and kill her. She did not seem to possess any of the dangerous fierceness of the bull: for he approached to her on foot, before she fell, and struck home the spear; but he does kill them, and the mare he rides has a great gash on the rump inflicted by a horn. Mr. Ortiz is a very small man and rode bareback.

June 30th. Mustered and inspected the detachment at 6 o'clock; marched at 8 and 10 o'clock. After marching four or five miles I suddenly came in view of three horsemen about 1200 paces ahead, which I concluded must be Texan spies. I forthwith sent a sergeant and six men in pursuit; he returned in fifteen or twenty minutes at full speed, and reported that he had followed them without gaining on them until they joined a large force "on a lake"; and he had left his men in observation on the bluff. I immediately directed him to guide me, and increasing my post to a column of platoons, marched at the trot; ordering the wagons to follow at the usual gait, under charge of the rear guard. After proceeding thus a short time I saw the Arkansas River, a mile off, and soon perceived a considerable force of men and horses about a fine large grove on the opposite bank; they raised a white flag as I approached. I immediately sent a lieutenant with a trumpeter and flag to ford the river; intending him to demand of their commander, if they had one, who they were and what they did there; to give him or

any one he might send, safe conduct over and back; (also to observe their numbers, the ground, and more particularly whether the river was fordable by the detachment); telling him to cross and return at different places.

When he was gone I arrived at the river shore and called a council of all the officers; all but two, who professed to be quite ignorant on the subject, answered me that they believed the Texans were in the United States. I then said: "Gentlemen, all perhaps could agree, that if that force is in the United States it is my duty to disarm them." Now I put you the question—"With what little doubt of the fact there may be upon your minds, do you advise me, or not, to disarm these men, forcibly if necessary? Lieut. Mason, Lieut. Bowman, Capt. Terrett, and Lieut. Love (after he returned) answered in the affirmative. Lieut. Rucker had been employed in preparing fuses in the shells and he came to the Council as the vote was about to be taken; he declined the responsibility of advising or voting as he "did not know whether they were in the United States or not." Capt. Moore preferred before answering to see their commanding officer. Lieut Love at that moment returned, and brought with him "Colonel" Snively, and his "aid." I said, "Sir, it is the belief of myself and officers that you are in the United States. What is your business here? What force have you? (and afterward) Have you a commission? He replied that he commanded a Texan volunteer force of 107 men, and believed them to be in Texas. He then produced as his commission the following document which I read aloud to the officers (who were around me at the head of the column):

(Copy) Department of War and Marine,
Washington, 16 Feb., 1843.

To Colonel Jacob Snively,

Sir:—Your communication of the 28 ulto., soliciting permission from the Government to organize and fit out an expedition for the purpose of intercepting and capturing the property of the Mexican traders who may pass through the territory of the Republic to and from Santa Fe, has been received and laid before his excellency, the President, and he, after a careful consideration of the subject, directs that such authority be granted you upon the terms and conditions therein expressed; that is to say:

You are hereby authorized to organize such a force, not exceeding three hundred men, as you may deem necessary to the achievement of the object proposed. The expedition will be strictly partisan; the troops to compose the corps, to mount, equip and provision themselves at their own expense, and one-half of all the spoils taken in honorable warfare to belong to the Republic, and the Government to be at no expense whatever, on account of the expedition.

The force may operate in any portion of the Territory of the Republic above the line of settlements and between the Rio del Norte and the boundary line of the United States; but will be careful not to infringe upon the Territory of that Government.

As the object of the expedition is to retaliate and make reclamation for injuries sustained by Texas citizens, the merchandise and all the other property of all Mexican citizens, will be lawful prize; and such as may be captured will be brought into the Red River; one half of which will be deposited in the Custom House of that District, subject to the order of the Government; and the other half will belong to the captors to be equally divided between the officers and men; an agent will be appointed to assist in the division.

The result of the campaign will be reported to the Department, upon the disbandment of the force and also its progress from time to time, if practicable.

By order of the President,

(Signed) M. C. HAMILTON,

Acting Secy. of War and Marine.

I then, after some consideration, told Mr. Rucker to entertain the gentlemen, and called aside the other officers after some remarks, and again put the question: "Shall I, or not, disarm these men; doing it by bloodshed, if they make it necessary? (I at the same time said that I should not consider myself bound by their advice or vote.) Lieut. Love and Capt. Territt responded, yes; Lieuts. Mason and Bowman, and Capt. Moore, no. There was a short pause.

I had been in the country before; I knew that the boundary line had not been marked by the Governments, and I believed it my duty to consider that the line ran on that side of me, where the unanimous opinions of all who had the same opportunity of judging placed it, until the Governments should perform their duty of making it. I knew that nothing had previously occurred to interest or bias the common judgment. Besides the spies, I now saw many of their men crossing a mile or two below to the south side. I believe a civilized government would scarcely acknowledge such a document which, without an indication of the forms and customs of regular organization, outrages all the rules of modern warfare, which scarcely allow the incidental destruction or robbery of private property on land. I believed most of the ruffian crew before me to be outcast citizens of the United States and felt assured that if the President of Texas had as good an opportunity of passing judgment upon them as on the Navy of the "Republic," he would pronounce them bandits. If in Mexico, these men exceeding their instructions in that, had dared to send their spies into our country to assist and enable them the more surely to assail our peaceful trade—above all, the safety and welfare of my fellow

citizens depended on my decision. I could no longer hesitate. But my government recognizing Texas as an independent nation I deemed it my duty to recognize this as her army.

We then returned, and all being seated in a group upon the grass (and many veteran faces closing up the background), addressing the Texans, I said:

"Gentlemen, you are in the United States; I believe the line has never been surveyed and marked, but all the world will agree that it strikes this river, about or above the Caches, (you admit that point is above this.) Some believe it as high as Chanteau's Island, 60 or 70 miles above that point. Now, all the best writers on national law agree that no power in its warfare against another has a right to enter a neutral's territory, there to be in wait for his enemy, or there to refresh himself, afterward to sally out and attack his force, or his citizens, or his property; and it is the rightful power and duty of a neutral in such cases to disarm the intruders and send them wherever they please—through or out of their territory. I remember a precedent distinctly in the Polish revolution of 1830, when a large Polish force, retreating, passed the Austrian frontier and they disarmed and escorted them on their way to another point of the boundary. Now there are twenty of your men on our road, which I believe to be spies against the caravan, a caravan of peaceful traders between the United States and a friendly power, a trade which it is our wish to protect, and which you profess your determination to attack. Now Mr. Snively, I demand of you that your men march across this river and lay down their arms before me; then, as you say you are in want of provisions, I will return enough to you to subsist yourselves wherever you may go, and you have free permission to enter the settlements of the United States. The arms I shall hold subject to the disposal of my supervisors. They will probably be sometime returned to you, beyond our frontiers.

I have 185 soldiers, besides officers and two howitzers, which will throw shells into the grove you are encamped in. You are at liberty to inspect them. I wish to treat you as friends—my course is legal; and it will be honorable for you to surrender. You should so at the demand of a civil magistrate. I would make it the same with ten thousand, or if I only had ten men. But I, of course, can make no child's work of it, which a demand would be without enforcing it. Go over to your men, who, as you say, you doubt will obey you and I will give an hour to commence crossing, if any leave the grove in an opposite direction, I shall instantly discharge my howitzers among them, and then drive you from the woods, and attack you in the plains. (This stands as it was written down the same day, and read to several officers who, some corrections having been made, pronounced it as accurate as possible).

Mr. Snively and his "aid" then made various arguments in deprecation of my course, amongst others, that by National law, a power had a right to "pursue an enemy twenty miles into a neutral territory." That they had seen lately two or three thousand Indians whom they feared. They made also, several propositions, evidently I thought with a design to get their men out of my power, as to gain an advantage. One was, that I should send an officer over with them to see their almost starving condition, and to satisfy himself that a party of seventy-five had (being discontented) departed three days before to Texas. Snively said he had given them an order, to save them from being treated as bandits. He admitted he had been elected to command the party since the date of the document he had shown me.

They said they had attacked 100 Mexicans ten days before, 15 or 20 miles west of the Caches, and killed 18 and wounded 18, taking the rest prisoners, whom he had afterward liberated, returning them twenty muskets. (that they had been armed with "new British muskets"). They were about to return to Texas, having been convinced that the caravan had returned. He admitted that their spies had gone with Mr. Bent's party to Walnut Creek (about 75 miles Northeast of this point).

I had taken it for granted that his men could, and would, ford the river directly across to my point where Mr. Love had first crossed but I now learned that it had swam his horse and their officers, if such they are, to a point near a mile lower (when Mr. Love had returned.) This made another disposition advisable, and I proposed to Snively that I should march my men back with him. This he and his friend cheerfully assented, they even seemed pleased at it. Accordingly I marched down, had the bank spaded a little, and in a gale of wind plunged first into the river, bidding the howitzers follow. It was about 300 paces wide and in places nearly swimming. I had sent in a man about 100 yards above, and his horse went immediately out of depth, and with difficulty extricated himself. The howitzer ammunition boxes were watertight; thus, the baggage left under a guard—my command passed in safety. I marched on up the river, keeping just out of rifle shot, both of the hills of my left and the timber to the right, turned opposite their bivouac and formed in order of battle at about 150 paces. The battery was unlimbered and the slow match lit. "Cal" Snively had sent his "aid" in advance (at the moment we ascended the river bank) to address the men and induce them to submit; they were paraded and I waited possibly half an hour. Snively remaining with me from choice. I then rode up to him and demanded that he should go and send out his men immediately to deposit their arms 50 paces in front of my line. He said he would do so and if alive would return to me; he would have nothing more to do with them. He went and my demand was soon complied with.

I directed Capt. Territt to advance with his company, sabers drawn, and receive the arms (sending some rear rank men of the 2nd Squadron a-foot to put them into the wagon. There was an interruption, the "aide" addressing the men and they were becoming much excited. I stopped this and took the arms and had them discharged. I sent a party to examine the ground and sieze all rifles or pistols that could be found there; they brought some back. I then allowed ten men to take back their guns (for hunting) and finally returned to Snively a pair of small pistols—the arms were put into the wagon. The Texans then made a clamor, clamoring to be treated as prisoners. I told them they were not prisoners, and that they must address me through their officers, if they had any, with whom I would arrange their treatment. They also now demanded escort and protection to the United States. This I told them I would probably do, as a favor.

"Colonel" Warfield claimed to have made a special surrender. As my "prisoner" said he "stood alone" I certainly would not leave him so on the prairie. I replied I had found him as one of the Texans, sharing with them, he should not certainly be left alone. He appeared desirous of surrendering his rifle into my hands. I did not gratify him.

"Colonel" Rayburn was stated to be with the succeeding party. Their officers, Snively told me, generally remained and he said they had not many of those guns (which I do not believe).

There had been attempt by individuals to slip off up the river and over the hills. I had then seized and occupied the hills by a picket guard. (It was during this time that I obtained a copy of Snively's "commission.") Everything went to prove that there was no regular military control amongst these men. Many of them admitted (remarked), that there had been no organization or government since the party left them; there was not, save fire arms, the slightest sign of military rank or equipment, but a profusion of Bowie knives seemed to mark their character individually and collectively. A man had been murdered among them, they said, just before I arrived and Snively said he "must keep guns enough to shoot the fellow this evening."

I now sent Capt. Territt's squadron to scan the woods below the bivouac where they were very thick, and marched back, crossing at the same place and encamped opposite at half past three o'clock. Capt. Territt made no discovery (he crossed back with the command.)

At the moment of my departure to cross first. I sent an express on my trail to meet the caravan and tell them I was about to disarm a hundred Texans, that they had reported a large party had left the country, that I did not believe it and to be on their guard. I met the man on my return and he reported the caravan two miles off. I then sent again a brief note (written on horseback) telling the result and that I should encamp

here. Soon after, they brought their wagons from the hills and stopped by me for the night.

Soon after a man came to me from the Texans nearly exhausted from swimming the river, with a message that the Mexicans were in sight, about to attack them. I wrote a brief note to Snively and sent it by a horseman telling him if it were *true*, to cross the river below me, and I should defend him. As there was much stir and confusion around my camp I had "to horse" sounded and the squadrons were soon mounted on their assembly grounds. I soon received a message that it was a false alarm but soon after a note was sent of which the following is a copy: "Capt. Cooke, Dear Sir. The man who was wounded when I visited your camp today is expiring. It will be impossible to remove him at present. If you could send a company to guard us this night, I would consider myself under many obligations. Very respectfully, your obedient servant, J. Snively".

I returned for answer that I believed there was no danger and could not comply. If there *was* danger to come over and have the man and a few others *hid* in the woods.

Now a committee of the caravan called on me to discuss matters. A principal one said that I "ought to have slaughtered them all" and they seemed at first discontented that the Texans should be free. It had been ascertained that they first gave me false accounts of the other party having left "three days before"—they had separated the morning before. They left me soon after dark, apparently well pleased.

And now, after sixteen hours of unintermitted labor and excitement, I lie down to rest with a mind untroubled; satisfied that I have acted only from a stern sense of *duty*. That after having from my childhood devoted myself to the acquirement of knowledge in my profession and of these subjects which to men of enlarged liberal views are of a kindred nature, I have not failed in the moment of action to correctly preceive and accomplish the duties, the rights and interests of my government in the sphere of the trust with which they have honored me.

July 1. The "Captain" and principal traders came to me early and announced their intention of crossing the Arkansas at the usual place, on their arrival. I then told them to make them more safe, if possible, I would take a measure which, however, could make it necessary, as it promised to be convenient and suitable that I should return immediately from that point, that I would divide my force (and rations) in such a manner that we must rejoin to the east. (There was much haste in making the arrangement.) The Texans having failed, any of them, to cross this morning as had been promised, and having reason to believe that no military authority existed among them, (Warfield had said so in my camp) and fearing that the armed men would leave the others to starve and seek new adventures, I

determined to comply with the clamorous request which most of them had made to me, and give them escort as far as necessary toward the United States.

Accordingly near 8 o'clock, I sent the 2nd Squadron across to bring them all over the river; all came except those who stayed with the armed men. The other squadron was in the saddle when they arrived. I broke the subject first to Snively, who made a great difficulty of leaving, or carrying, so soon the wounded man. He said a very small party would not be safe with him, and would have to be armed for their protection; that he and others would greatly prefer going to Texas, if they took but five of the guns. I then addressed the Texans and told them on the condition just mentioned, those who choose might return to Texas and that I should escort the others toward the U. S. settlements beyond danger from prairie Indians, to the verge of the buffalo range where they could remain some days curing meat. It was necessary that the escort should remain among buffalo.

Whilst their arrangements were making Snively *admitted* that the men had been "disorganized" since the departure of the seventy-five men, and fifty men having divided from the rest to be escorted toward our settlements (including the aide). I asked who was the "senior of forces". The "aide" said he had no commission, and finally a "lieutenant" pretended to take command.

Warfield, I then called up. I had almost determined to take him to Missouri, a prisoner, charged as a citizen of the U. S. with making *war* upon or *murdering* and *robbing* the citizens of a friendly power. I asked him if he was a citizen of the United States? He replied he was a citizen of Texas, had lived there for a year. I asked him if he had a commission. He exhibited one to me signed "Sam Houston." It was not *regular* but empowered him to *grant* commissions without limit. It did not designate any army or corps of which he was made "colonel." I asked him if he did not get that commission as soon as he arrived in Texas. He answered *yes*. It was dated, I believe, last July or August, and I believe he had not been in Texas since. I then dismissed Warfield, fearing to meddle with the municipal law—even of *Texas*. What might invest the name of the President with the virture of conferring a patent of citizenship as it seemingly possesses that of delegating a power upon one citizen of the United States of granting commissions of Lieutenant Colonel, Major and Captain, and to others. Thus McDaniel who committed the most atrocious murder of the time, and on this road, was said to be a Texan captain. Warfield joined the Texas party. When I told them to leave our territory as soon as possible they promised to comply. The other party marched immediately under charge of Capt. Territt, with 60 men of his squadron, leaving two-thirds rations of flour for ten days. I

then marched ten miles westward up the river bottom and joined the caravan who had turned out their mules to graze (as usual).

Five miles further I passed the point called "Caches," through a ravine, with a solitary tree. The river runs nearby. At 5 o'clock I encamped four miles beyond on the river bank; the traders stopped a short distance below. Buffalo were seen yesterday in large numbers about the Texans, south of the Arkansas; they pretended to have crossed for the sole purpose of hunting. Sergeant McLure killed two last night but we saw none today, though the traders saw and killed some again to the south of the river. Wind today, north, and very disagreeably high.

July 2nd. Marched this morning at 7:15 o'clock, the caravan wagons just in rear. The road led immediately in a northwestern direction and upon the hills. A little after 11 o'clock we descended to the river again, and I put out the horses to graze. The traders not coming in sight, between 1 and 2 o'clock I sent to learn the cause, and marched again at 3 o'clock, before learning. We again had to ascend the hills, and I found it impossible to leave them or stop to encamp short of nine miles, when I descended to the river bank and the "crossing" and encamped. The man sent back now returned and reported an arch tree had been broken.

There had been difficulty for a week past to find grass for the horses; here it is tolerable; the high table-land sand bluffs which have necessarily been passed over, are clothed exclusively with the hard, smooth sod of brown buffalo grass. The view, as we turned to descend, was picturesque; to the left on both banks the high hills are wildly broken or washed into white sandy peaks and chasms; to the right, the river departs from its casual-like sameness, so seldom adorned by groves, forming large wooded islands, etc., winding into deep curves through a green savannah, was relieved by groves beyond; the first place where I have seen trees at a distance from the bank and I thus recognized a spot where fourteen years ago I killed a buffalo; but not a tree as usual was on our shore. I saw three men wade 100 yards, cut off a snag, and with much patient labor *haul* it with ropes to the bank for fuel.

Thirty-seven miles we have marched without seeing a buffalo, our meat was out; a cow was about to be slaughtered, when afar off, two buffalos were seen coming over a hill top toward the river; this was a reprieve for the poor cow. A bull was chased and killed, but too late for supper. Never before did I travel *half a day* on this part of the Arkansas without seeing buffalo. The Texans and Comanches have hunted them until they could stay no longer. As I rode along (in advance) over the high hill they seemed wonderfully lonesome. With the buffalo, all animals seemed to have departed, not even the impertinent bark of the little prairie dog fell upon the ear; the wind had strangely lulled; a bright and sunny day and not too warm.

I was seized with an impression that it must be a Sabbath day, and calculating mentally from Saturday, the 27th of May, when we marched, I found that it is indeed Sunday!

July 3rd. This morning, which is perfectly clear—wind south, is so cold at 7 o'clock as to make the great coat over woolen clothes necessary to comfort.

I sent at daylight for the buffalo; the party returning brought with them a Mexican (Indian). He speaks Spanish and says he was of the party defeated by Texans June 20th; that he had been lost about a week with another who was wounded and died last night. This account which stood cross questioning, disagreed from the Texan story in these important particulars: that there were but fifty of them, armed with bows principally and poor Mexican guns, and that they had returned to them, when liberated, but three. One hundred and eighty American rifles bravely attack 48 Mexican mongrels, slaughtering 30 or 40, *without receiving a scratch!*

He states further they had left Gov. Armijo with 400 men at some point 90 miles off, where he had built wooden houses (or a fort); and that he had sent 200 men to the Semirone. The Texans had deprived his party of all their mules and horses.

The caravan arrived before 11 o'clock and encamped just below; they cross tomorrow. I have received here a letter from them on the subject of the disarmament. Wind high today, east of South. The east wind seems to lose here some of its rain bringing qualities.

A small hunting party saw today, in the edge of the sand hills, over the river, two wild Indians. No doubt Comanche spies. They have a mortal dread of dragoons and will not come near.

July 4. The sun this morning was saluted by the discharge of a shell; it exploded as it struck beyond the river. (The Mexican drivers, when they heard it, and saw the smoke, thought it was the Texans firing back on us!)

Capt. Moore, in chasing buffalo yesterday, got a severe fall which has placed him on the sick list. This morning Corporal Van-Alstine of Company F, broke an arm in the same manner. A great danger of the chase is the holes in the prairie, made chiefly by prairie dogs—those lively drudges which make habitations for owls, snakes, etc. These accidents are the result of necessary hunting on the smallest scale.

Three men reached here this morning, express; three days from "Bent's Fort" with information of the Texans being here in force (as they were a week ago when Mr. Bent heard of them). These men saw a party of Chians and Arapahos at Choutran's Island 40 miles above; and also report some thousand of Comanches and Knaivas in the neighborhood; *this* agrees with the Texan story.

RATON PASS, N. M.—HIGHEST ELEVATION ON NATIONAL OLD TRAILS ROAD.
Never Obstructed. It Is 25 Miles Across, Therefore an Easy Grade.

The Chian Indians wander between the upper waters of the Arkansas and Platte rivers, living like the Arabs in tents (skin tents or "lodges") and following, not driving, their flocks—the buffalo—to pasture. They are about 5000 souls; armed generally with guns which they procure at the trading houses—sun-dried brick "forts"—of American trading companies on both rivers, exchanging buffalo robes and some beaver; they are now friendly. What is said of them applies equally in every particular to the Arapahos, they live in friendship, often intermarry and can discourse together.

With the Comanches and Knaivas, Mr. Charles Bent made here a kind of peace or truce last summer; they asked for traders amongst them and in the fall he established a house about 200 miles to the south on the Canadian river; they abide on the waters of the Arkansas. They too, are nomads; following the buffalo for a living. This animal is everything to them—food, clothing and lodging. The Comanches are about 1500 lodges, say 6000 souls; the Knaivas number about 1200. They refused, at the council on the Brasas river, to make peace with the Texans, and alike make war on Mexico. Last winter, near Chihuahua, they took 150 women and children prisoners, having slain the men. They rob them of horses and mules; these, besides buffalo robes, they offer to Mr. Bent in trade. He declined the mules for fear of their stealing them.

I had heard at Walnut Creek of a war party of 500 of these Indians, about to cross my front to attack the Pawnees (of the Platte). These latter are at war with the Sioux (immemorially), the Chians (probably means "Cheyenne") and Arapahos, the Comanches and Kiowas and the Mexicans. The Chians are warlike; the Arapahos, Comanches and Kiowas are generally cowardly as to attacks, but some think them as brave as the Pawnees, of whom they have slain perhaps 200 in the last year or two; in this battle the Pawnees were far from home and were probably the aggressors.

We have discovered today another Mexican among the sand hills. His story agrees well, I am told, with that of the other; he says they were 48 in number.

The traders are crossing their wagons in a gale, as is so usual in this open country; some hundred mules and oxen and half as many Mexicans, floundering incessantly in the water, sound like a great waterfall; dashed with wild yells of encouragement to the mules. The last wagon is over—ten hours were consumed in crossing. I have received a letter from the company thanking me for my efficient protection.

The following is a report I have also received of their numbers, merchandise, etc.: American owners, 10; Mexican owners, 6; armed Americans, 68; armed Mexicans, about the same. Wagons, large and small, American owners, 24; Wagons large, Mexican owners, 32.

July 5th. This morning we saw two Mexicans over the river lance two buffalo bulls to death. The Mexicans are fine riders and would be formidable as lancers *if they would only fight.*

I marched early to return. Touching for water at two points of the river (at one of which there was a well when I had encamped), the camp was established for the night, five miles below the Caches, at a bend of the river touching the road; here, in a first bottom, is better grass than has been found at any other point. Buffalo were found today returning to their wonted haunts; two were killed in the forenoon. The wind Southeast, very high as usual, and very warm and bad for the eyes. There has been little or no dew for a week. The command again receive full rations of flour. The march today, 28 miles.

July 6th. Marched early; when about to pass within two miles of Jackson Grove, I detached an officer and 13 sabres to cross the Arkansas and observe the Texan trail, etc. He rejoined me at noon six or seven miles beyond and reported they appeared to have been gone three days and had made a trail east of south; several seemed to have been on the ground; none lately. Possibly hunters, which they said were lost, or men left with the wounded man; no grave was seen.

We have seen today many buffalo, and two shells were discharged unsuccessfully by an officer who made his first trial: none were killed, and as I write, two have marched nearby into camp and seven men have fired a volley without killing. One of the cows has been slaughtered. We are chary of our horses now. Some of our sure hunters are detached on hunt. Twenty dragoons horses may be injured in the chase without the success habitual to a trained horse and hunter. No authority to hire a hunter was given: instead, some Indians were to be invited to ride their horses out (and a hunting horse is always led) and subsist us (and themselves). The invitation was given but not accepted.

The camp is on muddy pool water. The grass is bad; none better to be had without a detour of five or six miles to the Arkansas River. Wind south and very warm. March, 24 miles.

July 7th. Marched early, expecting to go to the Pawnee Fork, but found it five miles further than supposed. The morning was excessively hot; the air was breathless; fortunately at 10 o'clock an east wind rose and blew for the day, and it seems to recover the character which it possesses on two continents; for with it came clouds, promising the rain which we did need on the dry barren hills, such as we pass no more. The camp was made at 5:30 o'clock on a branch of the Pawnee Fork; on its further bank two miles up we see Capt. Territt's tents. I am in communication with him. The Texans are still with him.

My buffalo calves have died here and a fine one caught this afternoon by an officer died before it reached camp in a wagon.

They are as tender as the grown animal seems tough or invulnerable; tough, in one sense they are not, for we pronounce the meat decidedly superior to beef: the liver is always sound; the marrow is hard and exceedingly rich. Our animals have been all killed in the chase and generally selected, but we have been almost too early for the cows.

My command now turns out fully armed for inspection (or action) in two minutes and a half from the first note of the "assembly" at day dawn. They commenced with six minutes. The march, 32 miles.

July 8th. It rained last night. Joined the first squadron at 7:30 o'clock. Two of the party which originally seceded from Snively joined the Texans here and with one of them departed for Missouri two days ago. From Capt. Territt's and Lieut. Mason's account, these men are mere cut throat outlaws, and their principal men lie like pickpockets on all subjects. Capt. Territt found it advisable to take precautions as rigid as if against inveterate enemies in the same circumstances.

After marching a mile or two today they made a request for a passport to Texas, and their arms and rations if I could spare them; they had only dry meat. At Ash Creek—five miles—I halted and wrote a passport through the Indian country to Texas and also gave them 420 pounds of flour and 25 pounds of coffee (which was believed to be surplus and not worth its transportation); also as they had but three rifles, I gave them two more and a pistol. They left us under a Dr. Herrick as leader. (These arrangements consumed no more than fifteen minutes.)

I halted and grazed the horses more than an hour at the pond and reached Walnut Creek in a great rain and thunderstorm; it was crossed and the camp established—the squadrons being placed on the higher ground of the immediate bank. No buffalo today.

The Pawnee Fork—when we cross it—is the margin of the region of buffalo grass, where it is a seclusive production of the soil; thus, Nature, when so barren, provident for its creatures, devotes every fructifying power to the production of a grain: this bountifully feeds the buffalo and the millions of prairie dogs too.

About 5 o'clock this afternoon as we approached the Walnut, a phenomenon was observed: the wind had been south until mid-day—then east, and it was still very warm: when suddenly—seeming to issue from a black culminating cloud, it came rushing very cold from the north. The mosquitos, gnats and flies, which had almost maddened the horses, suddenly vanished, "were whistled down the wind," and we put on our great coats. Then, as suddenly, the wind quite as high, became hot; our coats were thrown open. This lasted three minutes, when as suddenly it was cold as ever. This seemed a different matter from the veins of cool air we frequently pass in

a quiet summer evening, generally in hollows, of which is said in "Jefferson's Notes on Virginia." The march, 28 miles.

July 9th. It rained all night. As the men said, "We shall remember Walnut Creek." This morning I sent a Sergeant (M. Lare) and a bugler, express to Fort Leavenworth, with a special report of my operations on the 30th of June, for department headquarters.

Marched late; the bottom was very wet, the morning sultry; halted at 11 o'clock, half an hour; the horses were unbitted. It then commenced raining and rained until night. At 3:30 o'clock, reached Cow Creek through a swampy bottom, and found it swimming. About three miles above the traders had built a bridge and it was thought the water was now no higher than when it was constructed; so the wagons, being a mile in rear, were directed to that point and the command was marched up the Creek. The ground was very bad and the wagons met with difficulty, although at best one is empty; the poor teams of young mules are nearly exhausted. We found the Creek was rising fast and the bridge far overflowed, but here is a fine ash grove and plenty of dry wood.

The lost buffalo was chased and killed by two officers near here; it was too poor to be eaten. We passed one of the lost villages of prairie dogs (Mr. Audubon will give it a more proper name), selected as poor and sandy, resting on clay; there they found their food—the buffalo grass grain, and the clay, unpercolated by water, protects their burrows. The march, 25 or 26 miles.

I thing upon the whole, that the buffalo are not decreasing in number. Some animals, common in 1829, I have not seen, particularly a large species of hare; elk, badger, prairie fox and the tarantula; rattle snakes too are much fewer.

July 10th. The rain continued until 7 o'clock A. M. The creek has become a river in appearance At reveilee the construction of a large raft was commenced; this is for the wagons—the bed of the creek being obstructed. There is but one "pontoon wagon," that of Company K (which has been in use several years). With this the First Squadron was ordered to commence the passage at 6 o'clock. It was near 4 P. M. when all was over. I think a raft might be made with great advantages by the sole use of ropes, no pins. If each of the wagons had had a water tight bed the passage could have been accomplished in less than two hours; eleven were consumed. This one wagon passed and repassed—pulled by ropes—incessantly, and it will carry easily 1500 pounds. Marching, I took an east course; and going 4 miles, I struck a branch of Cow Creek, turned a little south to its first trees, and encamped soon after 5 o'clock.

Five mules (four of which "gave out" yesterday) were drowned in swimming Cow Creek. Just as I arrived on the camp ground this evening, a rattlesnake struck a valuable lead

horse of mine in the rim of the nostril. I immediately scarrified it deeply with my penknife and had it copiously washed. Fifteen minutes after, the hospital wagon arrived and I procured some ammonia, which I applied until the skin came off (which it soon did). After swelling for twenty minutes, it is getting well. A cow slaughtered tonight. March, 4 miles.

July 11th. The branch was still so deep and boggy that I determined to march down to the regular crossing; it was three miles, a little east of south; there we found no difficulty. We saw that two wagons drawn by oxen had left this point west this morning.

We arrived at Little Arkansas about 3 o'clock and found it, to our great satisfaction, not swimming. It has been 7 feet higher within 36 hours. The camp was established on the eastern bank. Six mules gave out today and had to be driven. A pleasant day; wind east. The march, 18 miles.

July 12th. Some 30 or 40 of the Texans whom I fitted out for Texas the other day came up last night and encamped on the opposite side of the Little Arkansas. Those who received guns and a few others went somewhere, and they found a carbine which a dragoon left at Pawnee Fork. It is now missing, "gone to Texas."

Marched early. Capt. Moore said he could take us a short cut, going four or five miles; the Kansas took it when he returned to meet the caravan. Accordingly, after marching about two miles, I took a slight trail in our previous course to the Northeast.

It was a cold morning; a heavy dew sparkled on the grass-blades; a brisk south wind waved the sealike grass, which untouched, untrod, extended away—far away. The only other vegetation was the spice and the "masonic" or mineral weed, of which the purple and blue flowers blended in the distance to the very hue of ocean. No spot of earth, no forest shore was visible as I cast my eyes around the horizon, but in one quarter, and there seemed a city, a beautiful city with cottages and mansions, and spire and tower—all of white, amid orange and evergreen groves—a new Havana. It was the forest covered hills of broken white sand beyond the Arkansas.

We kept our course some ten miles; then the trail bore East 10° north about six miles, and finally it run out, or was lost by some Texans who went ahead. We saw here two miles to the left a large party of mounted Indians going apparently nearby our course.

Now I took a course over the prairie hills to the east and crossed many little branches (of Turkey Creek.) Having marched thus five or six miles, and many fearing I had passed the true Turkey Creek (our hope for water for the night), I bore 20° more to the south and very soon struck the road, about a mile west of the creek. The camp was established there at

3:30 o'clock, having marched about 24 miles over worse ground than in the road and encountering many flies. This spot seems now exhausted of every substitute for fuel. The last ration of hard bread is issued, and some bacon which will probably be eaten raw.

July 13th. Marched early. Halted for half an hour at 9 o'clock, at some water in a ravine; then marching on we reached Cotton Wood Fork, passed it and encamped between 1 and 2 o'clock. Near here met 13 wagons with ox and mule teams, freighted by an Englishman for Chihuahua, via Santa Fe, (1400 miles of land transportation from Independence). At the creek I counted 60 horses and mules belonging to the Texans. I also now learned more particularly that a body, or detachment, of 14 armed men have broken off from the seceding party of 75, under Chandler, and are here. They report that two of them were six or eight miles from Jackson Grove on a hill and saw the caravan wagons descending the bluff to the river, not seeing or knowing that Snively's party or my command were in the vicinity; that they rode back to the main body and reported that they had the caravan "sure." That Snively also sent an express that night to look for them; that he went a day or two after to join them, and was attacked by Comanches, who killed two; that they formed a junction and were again attacked; two or three more were slain and 60 horses and mules driven off; and that they had sent spies to see what became of my convoy. They returned without decisive information. Two others well mounted had been sent. They should have returned in two days, but had not in six days, and were supposed to have been killed; that in the belief that the caravan would join Armijo at the Semirone before they could be overtaken and in their reduced and distracted condition, it is said they will not—have not—attempted to follow or attack the company of traders.

Of those men who obtained my passport and provisions and the two additional rifles at Ash Creek on false pretenses (they thought I would probably give them all their arms) nearly all are here. The five armed and some others are gone to join Snively or Chandler, wherever they can be found. The principal men are gone to Missouri, taking all the coffee and telling them they had bought the flour of me.

Now here are a party as large as were pursued on this road last March—14 armed Texans, tired of watching to attack our trade, our citizens—who without leave approach the settlements, encamp by an armed force; a piece of gross impudence and boldness, which citizens in reality of a foreign power would not have attempted, and I have been applied to for another passport for a party to Texas, just as we have met 13 unprotected wagons; this probably to account for their absence. I have sent

to disarm them; every man that can be found armed, and refused every possible request they have made; it is the very least that I can do.

The guard have returned with but seven guns and three pistols. Lieut. Bowman reports that no others are to be found. They say that some are gone on to Missouri. One other I got from a fellow who wanted a passport (but did not get it). He confessed he had hid the rifle.

July 14th. Marched early; pleasant day; wind south. The road is very crooked, running in places east of north. I observe it carefully by compass, as usual, and take notes. The horses were unsaddled and grazed for two hours at last spring. We found it and it is a good one. Marching ten miles in the afternoon, I turned out nearly a mile to a very small grove to the south; there is standing water; the teams get along with much difficulty. Killed the last cow here. March, 25 miles.

July 15th. Marched to the northeast before 7 o'clock; struck the road in less than two miles, at wood and water. I would had done better last evening to have marched a little further to this point. We watered here, and two and a half miles brought us to Diamond Spring. Seven miles further, at a small stream with trees and an excellent spring, I halted two hours. At 4 o'clock I reached Council Grove and encamped.

I determine to leave—following slowly—a sergeant and 12 men with the poorest horses, in charge of four empty wagons and all the worst mules for teams. The party is rationed for 12 days. The animals will improve on 12 miles a day.

We find here about 20 wagons for Santa Fe. The 13 we met are to wait for these at Pawnee Fork.

One of the men here had the misfortune to badly fracture a thigh today. Our coming is, on the other hand, very fortunate for him. Dr. Simpson has set the fracture, and having been asked a most exorbitant price for a light wagon or carriage to return in, I have put him in one of ours, which are to follow slowly. Corporal VanAlstine, whose arm was badly broken, is getting well. Mosquitos are very bad here. The march, 19 miles.

July 16th. Marched at 6:40. At the "Big John" we all took a parting drink of delightful water. Saw buffalo grass this morning in the road. It seems more flourishing than to the west. It is about the last that is seen. Stopped and grazed horses (and mules as usual now) an hour and a half at a creek, 12 miles from the Grove; a fine spring there too. Marched this afternoon 13 or 14 miles and encamped before 6 o'clock, the wind unluckily behind us blowing the dust over the column. The march, about 26 miles.

July 17th. Met nine more wagons (and two carriages) and Dr. Connoly, this morning at 8 o'clock, bringing up the rear of the parties for Santa Fe. I could extract no news from him, except the lamentable death of Mr. Legore. The doctor said we

would find the flies bad for two days, but we have not today. There is no similar subject on which it is so difficult to get correct ideas or information as this. The flies vary every day; are sometimes all killed by a few days drought; a small party of horsemen will find them intolerable when a large company will only be annoyed. Never but once, in fifteen years of active service, have I seen them so bad as seriously to incommode a party of several companies of dragoons.

I made a noon halt and found the "110" nearer than I expected. I marched on about three miles to a small grove a half mile north of the road. It was very hot today. I had the horses led some miles. A light air from Northeast frequently blew the dust after us, so crooked was the road. The march, 23 miles.

July 18th. Nothing was lost by turning out or coming through the hollow to the camp ground last night. It has rained around us; the white clouds have caught the wings of the wind and all is still and sultry. We marched six hours without water, when at 12:30 we reached a small branch ahead of "Rock Creek"; standing water was found there. After two hours rest the march was pursued. In two and a half miles we passed a small cotton wood marking a fine spring. Three and one-half miles beyond I encamped at "Hickory Grove," which surrounds a fountain which gushes from the hill side and purls its way, adoring and refreshing the fair Kansas valley; this, now in its splendid maturity of foliage and grass, has gladdened our weary eyes as we marched along the winding hills. The march, 25 miles.

July 19th. Another excessively hot day, with scarce any motion in the air. This morning many were reminded of the "Pillar of fire by night and cloud by day." A white cloud, casting a shadow over a few acres, floated gently along, shading the head of the column for a mile.

Three of the four howitzer horses have "given out." It is, owing, I think, in a great degree, to a faulty construction of the carriage—without swingle trees. They have a fixed bar for double trees; the animals must draw with one shoulder at a time. Five miles by the near cuts brought us over the "eight" to Black Jack, where I halted 45 minutes. Having marched 14 miles by 12 o'clock, I turned off a half mile to the south and encamped at the head of a branch, with fuel. It is 13 miles to the first point where both can be had; the day is too hot to march further. A slight motion of the air would be just neutralized by our own. I have set all to work to shave off the forbidden hair, below an imaginary line from mouth to ear.

July 20th. The three sultry days, as usual, brought a change: at dusk last night a sudden blast from the north came near prostrating every tent; it was followed by moderate showers.

I marched this morning at 5:30 o'clock. A little past "Elm Grove" (truly, "lucus e non lucendo", for there are no trees) Capt. Terrett diverged, as we turned to the north; his post is due south. Having marched today in rear, he passed my line, sabres presented. The Captain considered this his easiest route back to his post, under present circumstances. At a branch of the Blue, I halted from 12 until 2 o'clock. We were all wet nearly to the skin today by a shower of 10 to 15 minutes. I reached the Kansas which was found unfordable. The battery of howitzers, one squadron and their baggage, crossed by the ferry before sundown. The march, 27 miles.

July 21st. The remaining company was crossed and the column was in motion at 6:30 o'clock. Early in the afternoon the command marched into Fort Leavenworth and I turned over to Colonel Masco's command the three companies; men well and improved in discipline; horses nearly all for duty and almost in "good order." Not one has been lost.

I then ascertained that the longitude of this post is 94° 33′. This fully assures me that I surprised the outlaw troops of the Republic of Texas on our Territory, (waylaying our trade). Their show of authority saved them from a treatment much rougher, and richly merited. Their arms I have deposited in the Ordnance Store of the post.

P. S. G. COOKE,

Capt. of Dragoons, Com'g. Expedition.

NOTE:—This journal was kept in the midst of fatigues and often in press of more important duties. It has been hastily copied under very similar circumstances (I found a clerk could not decipher it). Thus it may prove a more faithful picture of daily impressions, but it lacks the labor and polish which I would willingly have given to it.

CHAPTER IX.

"Internal Trade With Mexico."

Benton's Speech in the Senate, 1824, on Santa Fe Trail.

The name of Mexico, the synonym of gold and silver mines, possessed always an invincible charm for the people of the western States. Guarded from intrusion by Spanish jealousy and despotic power, and imprisonment for life, or labor in the mines, the inexorable penalty for every attempt to penetrate the forbidden country, still the dazzled imaginations and daring spirits of the Great West adventured upon the enterprise; and failure and misfortune, chains and labor were not sufficient to intimidate others. The journal of the then lieutenant, afterwards General Pike, inflamed this spirit, and induced new adventures to hazard the enterprise, only to meet the fate of their predecessors. It was not until the Independence of Mexico, in the year 1821, that the frontiers of this vast and hitherto sealed-up country were thrown open to foreign ingress, and trade and intercourse allowed to take their course.

The State of Missouri, from her geographical position, and the adventurous spirit of her inhabitants, was among the first to engage in it; and the "Western Internal Provinces"—the vast region comprehending New Mexico, El Paso del Norte, New Biscay, Chihuahua, Sonora, Sinaloa, and all the wide slope spreading down towards the Gulf of California, the ancient "Sea of Cortez"—was the remote theatre of their courageous enterprise—the further off and the less known, so much the more attractive to their daring spirits. It was the work of individual enterprise, without the protection or countenance of the government—without even its knowledge—and exposed to constant danger of life and property from the untamed and predatory savages, Arabs of the New World, which roamed over the intermediate country of a thousand miles and considered the merchant and his goods their lawful prey. In three years it had grown up to be a new and regular branch of interior commerce, profitable to those engaged in it, valuable to the country from the articles it carried out, and for the silver, the furs, and the mules which it brought back; and well entitled to the protection and care of the government. That protection was sought, and in the form which the character of the trade required—a right-of-way through the countries of the tribes between Missouri and New

Mexico, a road marked out and security in traveling it, stipulations for good behavior from the Indians, and a consular establishment in the provinces to be traded with. The consuls should be appointed by the order of the Government; but the road, the treaty stipulations, and the substantial protection against savages, required the aid of the Federal Legislative power, and for that purpose a bill was brought into the Senate by me in the Session of 1824-25; and being a novel and strange subject, and asking for extraordinary legislation, it became necessary to lay a foundation of facts, and to furnish a reason and an argument for every thing that was asked. I produced a statement from those engaged in the trade, among others from Mr. Augustus Storrs, late of New Hampshire, then of Missouri—a gentleman of character and intelligence, very capable of relating things as they were, and incapable of relating them otherwise; and who had been personally engaged in the trade. In presenting this statement and moving to have it printed for the use of the Senate, I said:

"This gentleman had been one of a caravan of eighty persons, one hundred and fifty-six horses ,and twenty-three wagons and carriages, which had made the expedition from Missouri to Santa Fe (of New Mexico), in the months of May and June, last. His account was full of interest and novelty. It sounded like romance to hear of caravans of men, horses and wagons, traversing with their merchandise the vast plains which lies between the Mississippi and the Rio del Norte. This story seemed better adapted to Asia than to North America. But, romantic as it might seem, the reality had already exceeded the vision of the wildest imagination. The journey to New Mexico, but lately deemed a chimerical project, had become an affair of ordinary occurrence. Santa Fe, but lately the Ultima Thule of American enterprise, was now considered as a stage only in the progress, or rather a new point of departure to our invincible citizens. Instead of turning back from that point, the caravans broke up there, and the sub-divisions branched off in different directions in search of new theatres for their enterprise. Some proceeded down the river to the Paso del Norte; some to the mines of Chihuahua and Durango, in the province of New Biscay; some to Sonora and Sinaloa, on the Gulf of California; and some seeking new lines of communication with the Pacific, had undertaken to descend the Western slope of our continent, through the unexplored regions of the Colorado. The fruit of these enterprises, for the present year, amounted to $190,000 in gold and silver bullion, and coin, and precious furs; a sum considerable, in itself, in the commerce of an infant State, but chiefly deserving a Statesman's notice, as an earnest of what might be expected from a regulated and protected trade. The principal article given in exchange, is that of which we have the greatest

abundance, and which has the particular advantage of making the circuit of the Union before it departs from the territories of the Republic—cotton—which grows in the South, is manufactured in the North, and exported from the West.

"That the trade will be beneficial to the inhabitants of the Internal Provinces, is a proposition too plain to be argued. They are a people among whom all the arts are lost—the ample catalogue of whose wants may be inferred from the lamentable details of Mr. Storrs: No books! No newspapers! Iron a dollar a pound! Cultivating the earth with wooden tools, and spinning upon a stick! Such is the picture of a people whose fathers wore the proud title of "Conquerors"; and whose ancestors, in the time of Charles the Fifth, were the pride, the terror, and the model of Europe; and such has been the power of Civil and Religious Despotism in accomplishing the degradation of the human species! To a people thus abased, and so lately arrived at the possession of their liberties, a supply of merchandise, upon the cheapest terms, is the least of the benefits to be derived from a commerce with the people of the United States. The consolidation of their Republican institutions, the improvement of their moral and social condition, the restoration of their lost arts, and the development of their national resources, are among the grand results which philanthropy anticipates from such a commerce.

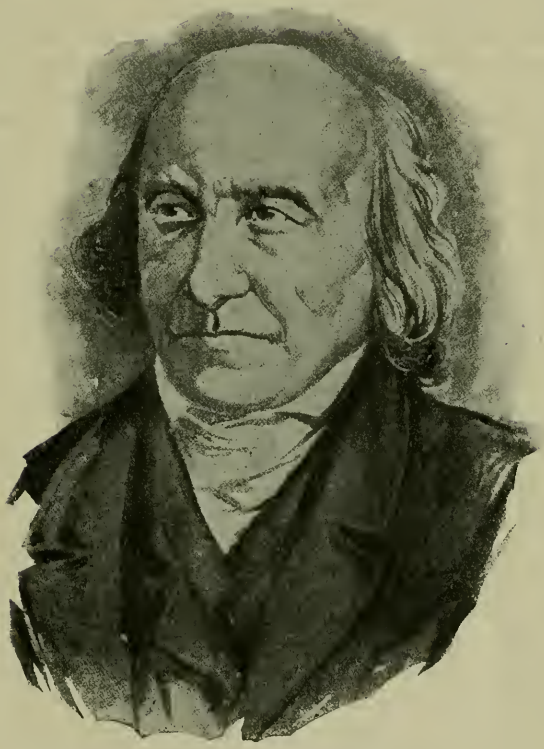
"To the Indians themselves, the opening of a road through their country is an object of vital importance. It is connected with the preservation and improvement of their race. For two hundred years the problem of Indian civilization has been successively presented to each generation of the Americans, and solved by each in the same way. Schools have been set up, colleges founded, and missions established; a wonderful success has attended the commencement of every undertaking; and, after some time, the schools, and colleges, the missions, and the Indians, have all disappeared together. In the South alone we have seen an exception. There the nations have preserved themselves, and have made a cherring progress in the arts of civilization. Their advance is the work of twenty years. It dates its commencement from the opening of the roads through their country. Roads induce separate families to settle at the crossing of rivers, to establish themselves at the best springs and tracts of land, and to begin to sell grain and provisions to the travelers whom, a few years before, they would kill and plunder. This imparted the idea of exclusive property in the soil, and created an attachment for a fixed residence. Gradually, fields were opened, houses built, orchards planted, flocks and herds acquired, and slaves bought. The acquisition of these comforts, relieving the body from the torturing wants of cold and hunger, placed the mind in a condition to pursue its improvement.—This, Mr. President, is the true secret of the happy advance which

the Northern tribes have made in acquiring the arts of civilization; this has fitted them for the reception of schools and missions; and doubtless, the same cause will produce the same effects among the tribes beyond, which has produced among the tribes on this side of the Mississippi.

"The right of way is indispensable, and the Committee have begun with directing a Bill to be reported for that purpose. Happily, there are no constitutional objections to it. State rights are in no danger! The road which is contemplated will tresspass upon the soil, or infringe upon the jurisdiction of no State whatsoever. It runs a course and a distance to avoid all that; for it begins upon the outside line of the outside State and runs directly off toward the setting sun—far away from all States. The Congress and the Indians are alone to be consulted, and the statute book is full of precedence. Protesting against the necessity of producing precedence for an Act in itself pregnant with propriety, I will yet name a few in order to illustrate the policy of the Government, and show its readiness to make roads through Indian countries to facilitate the intercourse of its citizens, and even upon foreign territory to promote commerce and national communication."

Precedence were then shown. 1. A road from Nashville, Tenn., through the Chicasaw and Choctaw tribes, to Natchez, 1806; 2. A road through the Creek nations, from Athens, in Georgia, to the 31st degree of North Latitude, in the direction of New Orleans, 1806, and continued by Act of 1807, with the consent of the Spanish Government, through the then Spanish territory of West Florida to New Orleans; 3, Three roads through the Cherokee Nation, to open an intercourse between Georgia, Tennessee, and the lower Mississippi; and more than twenty others upon the territory of the United States. But the precedent chiefly relied upon was that from Athens through the Creek Indian territory and the Spanish dominions to New Orleans. It was up to the exigency of the occasion in every particular—being both upon Indian territory within our dominions, and upon foreign territory beyond them. The road I wanted fell within the terms of both these qualifications. It was to pass through tribes within our own territory, until it reached the Arkansas River; there it met the foreign boundary established by the treaty of 1819, which gave way, not only Texas, but half the Arkansas besides; and the bill which I brought in provided for continuing the road, with the assent of Mexico, from this boundary to Santa Fe, on the Upper del Norte. I deemed it fair to give additional emphasis to this precedent, by showing that I had it from Mr. Jefferson, and said:

"For a knowledge of this precedent, I am indebted to a conversation with Mr. Jefferson himself. In a late excursion to Virginia, I availed myself of a broken day to call and pay my respects to that patriarchal Statesman. The individual



ALBERT GALLATIN.

must manage badly, Mr. President, who can find himself in the presence of that great man, and retire from it without bringing off from it some fact, or some maxim, of eminent utility to the human race. I trust that I did not so manage. I trust that, in bringing off a fact which led to the discovery of the precedent which is to remove the only serious objection to the road in question, I have done a service, if not to the human family, at least to the citizens of the two greatest Republics in the world. It was on the evening of Christmas Day that I called upon Mr. Jefferson. The conversation, among other things, turned upon roads. He spoke of one from Georgia to New Orleans, made during the last term of his own administration. He said there was a manuscript map of it in the Library of Congress (formerly his own), bound up in a certain volume of maps, which he described to me. On my return to Washington, I searched the statute book, and I found the Acts which authorized the road to be made; they are the same which I have just read to the Senate. I searched the Congress Library, and I found the volume of maps which he had described; and here it is (presenting a huge folio,) and there is the map of the road from Georgia to New Orleans, more than two hundred miles of which, marked in blue ink, is traced through the then dominions of the King of Spain!"

The foreign part of the road was the difficulty, and was not entirely covered by the precedent. That was a road to our own city, and no other direct territorial way from the Southern States than through the Spanish Province of West Florida; this was a road to be, not only on foreign territory, but to go to a foreign country. Some Senators, favorable to the Bill, were startled at it, and Mr. Loyd, of Massachusetts, moved to strike out the part of the section which provided for this exterritorial national highway; but not in a spirit of hostility to the Bill itself providing for the protection to a branch of commerce. Mr. Lowrie, of Pennsylvania, could not admit the force of the objection, and held it to be only a modification of what was now done for the protection of commerce—the substitution of land for water; and instanced the sums annually spent in maintaining a fleet in the Mediterranean Sea, and in the most remote oceans for the same purpose. Mr. Van Buren thought the Government was bound to extend the same protection to this branch of trade as to any other; and the road upon the foreign territory was only to be marked out, not made. Mr. Macon thought the question no great matter. Formerly Indian traders followed "traces"; now they must have roads. He did not care for precedents; they are generally good or bad as they suit or cross our purposes. The case of the road made by Mr. Jefferson was different. That road was made among Indians comparatively civilized, and who had some notions of property. But the proposed road now to be marked out would

pass through wild tribes who think of nothing but killing and robbing a white man the moment they see him, and would not be restrained by treaty obligations even if they entered into them. Col. Johnson, of Kentucky, had never hesitated to vote the money which was necessary to protect the lives or property of our sea-faring men, or for Atlantic fortifications, or to suppress Piracies. We had, at this session, voted $500,000 to suppress piracy in the West Indies. We build ships of war, erect lighthouses, spend anual millions for the protection of ocean commerce; and he could not suppose that the sum proposed in this Bill for the protection of an inland branch of trade so valuable to the West could be denied. Mr. Kelly, of Alabama, said the great object of the Bill was to cherish and foster a branch of commerce already in existence. It is carried on by land through several Indian tribes. To be safe, a road must be had a right-of-way—"a trace", if you please. To answer its purpose, this road, or "trace" must pass the boundary of the United States, and extend several hundred miles through the wilderness country, in the Mexican Republic to the settlements with which the traffic must be carried on. It may be well to remember that the Mexican Government is in the germ of its existence, struggling with difficulties that we have long since surmounted, and may not feel it convenient to make the road, and that it is enough to permit us to mark it out upon their soil; which is all that this Bill proposes to do within her limits. Mr. Smith, of Maryland, would vote for the Bill. The only question with him was, whether commerce could be carried on to advantage on the proposed route; and, being satisfied that it could be, he should vote for the Bill. Mr. Brown, of Ohio, (Ethan A.), was very glad to hear such sentiments from the Senator from Maryland, and hoped that a reciprocal good feeling would always prevail between different sections of the Union. He thought there could be no objection to the Bill, and approved the policy of getting the road into Mexican territory with the consent of the Mexican government. The Bill passed the Senate by a large vote—thirty to twelve; and these are the names of the Senators voting for and against it.

Yeas: Messers. Barton, Benton, Bouligny, Brown, DeWolf, Eaton, Edwards, Elliott, Holmes, of Mississippi, Jackson (the General), Johnson of Kentucky, Johnston of Louisiana, Kelly, Knight, Lanman, Lloyd of Massachusetts, Lowrie, McIlvaine, McLean, Noble, Palmer, Parrott, Ruggles, Seymore, Smith, Talbot, Taylor, Thomas, Van Buren, Van Dyke—30.

Nays: Messrs. Branch, Chandler, Clayton, Cobb, Gaillard, Hayne, Holmes of Maine, King of Alabama, King of New York, Macon, Tazewell, Williams—12.

It passed the House of Representatives by a majority of thirty; received the approving signature of Mr. Monroe, among the last acts of his public life; was carried into effect by his successor, Mr. John Quincy Adams. This road has remained a thoroughfare of commerce between Missouri and New Mexico, and all the western internal provinces ever since.

NATIONAL OLD TRAILS ROAD IN OHIO.

CHAPTER X.

Proposed National Or Interstate Highways

Address Delivered by J. M. Lowe at Atlanta, Georgia, in 1897, at the Southwestern Commercial Congress.

I love the South. To me it is a land of sweet and sad memories. Nowhere else does the sun shine so brightly, nor the birds sing so sweetly, nor the women seem so lovely as in the beautiful Southland.

And I never miss a chance to come to Atlanta. I love to read her history and study her achievements. I want to catch some of the inspiration of your progressive spirit and carry it back to my own beautiful city. Your city is full of sacred mementos. While here I want to go to the home of Henry L. Grady, and there with head uncovered, bow humbly and pay my tribute of respect to the loftiest genius and purest patriot of all Georgia's noblest sons. I want to go to the old home of "Uncle Remus" and sit on his vine-clad veranda, and listen in spirit to his homely stories of a people and a civilization which has passed into the realm of poetry and song. I want to go out to Crawfordsville and sit in the shadow of Liberty Hall, and commune with that lofty and inspired spirit of the old South, to the "greatest Roman of them all," the illustrious and immortal Alexander H. Stephens. And I want to visit a still more sacred spot to me, out here at Chicamaugua, where a little mound marks the last resting place of a best loved brother who laid down his young life trying to protect Atlanta from the ruthless tread of a hostile army.

But while we love to indulge in these sad and sacred memories, yet we meet in a most intensely practical period to discuss most intensely practical questions. We loved the "old South," but we love the "new South" better.

When the incubus of slavery, fastened upon an unwilling people by King George III, was unwittingly removed as the inevitable result of war directed by the overruling hand of Providence, and over the protest of both North and South, she sprang forward like a young athlete, and has never slackened her pace. Her people no longer meet in political conventions so much as they do in industrial gatherings like this, where schemes for material and civic betterments are devised and discussed. I, too, have been entranced by the eloquence

of Yancy, of Toombs, and of Breckenridge, but now they would have to discuss something besides Governmental theories in order to get a hearing. And who will say it is not better so? Bill Arp fairly illustrated both old and new politics when asked how he was going to vote and said, "I don't know until I ax Colonel Johnson, and I don't reckon he can tell me until he sees Judge Underwood; and maybe Underwood won't know until he hears from Aleck Stephens; but who in the dickens tells little Aleck how to vote I'll be dogged if I know."

I propose to discuss briefly a subject which has enlisted the thought and energies of the greatest intellects throughout civilization. One which lies at the very foundation of all material, social and commercial progress and development. Since the first suit of clothes was made out of fig leaves and the orignal sweat shop was established just outside the Garden, the question of transportation has figured in all man's achievements. The best use to which the armies of Caesar and Napoleon were ever put was when they were employed in building roads. The first thing to engage Washington's attention within less than twelve months after he resigned from the army, and before he was called to preside as Chairman of the Constitutional Convention, was a road across the Alleghany mountains. As early as 1784—three years before the adoption of the Constitution —Albert Gallatin, Jefferson's greatest Secretary of Treasury, at the suggestion of Patrick Henry, was looking at a large tract of land on the line of the road afterwards established when he came to a log cabin in the wilderness and found Washington, whom he had never met, seated at a rude table making notes of a possible road across Laurel Hill. Growing impatient at Washington's slow, methodical manner, he rudely interfered and, pointing with his cane to a crude profile, exclaimed; "There is the only way!" Washington removed his glasses, and, giving him a severe look of condemnation, slowly replaced them and went on with his investigation. Learning who Gallatin was he sent out for him, and on Gallatin re-entering the room, he said, "Sir, you were right,"—and this route became a part of the old historic Cumberland road established by Jefferson in 1806, and the subsequent history of which figured largely in the election of two Presidents of the United States. This old road was sometimes called the National, and sometimes Clay's road, because of the steadfast support this great constructive Statesman gave it for more than a quarter of a century.

Republics are not always ungrateful, for just outside of Wheeling, "on the old Pike," there now stands a splendid monument erected to Henry Clay. And at Boonsboro, near Gettysburg battlefield, stands the first monument erected as a memorial to George Washington whom Richard Henry Lee, the ancestor of Robert E. Lee, declared to be "First in War, first in Peace, and first in the hearts of his countrymen."

Gallatin also planned a National Highway from Maine to Georgia.

During the first quarter of a century of National existence the building of roads was regarded as one of the prime duties of the General Government. Mr. Jefferson laid out the first great National highway, extending from Cumberland, Maryland, to Wheeling, now West Virginia. The authority to appropriate the revenues to such purpose was early and persistently challenged by that pestilential brood of small lawyers and politicians who hoovers around the base of all great undertakings. These destructionists attacked and exerted every ingenuity to prevent the Louisiana purchase, and to this day you may hear half-baked politicians, with owl-like wisdom, call in question this great act of Constructive Statecraft. The general power of the Congress to appropriate the revenues to building roads was uniformly sustained by Jefferson, Madison, Monroe and Adams; and by Clay, Calhoun and Benton; by Chancellor Kent and by Chief Justice Story and Judge Cooley. As early as 1815 Madison, who was called "the father of the Constitution," in his annual message, said,—"Among the means of advancing the public interest this occasion is a proper one for recalling the attention of Congress to the great importance of establishing throughout our country the roads and canals which can best be executed under the National authority. No objects within the circle of political economy so richly repay the expense bestowed on them; there are none the utility of which is more universally ascertained and acknowledged; none that do more honor to the governments whose wise and enlarged patriotism duly appreciate them. Nor is there any country which presents a field where nature invites more the art of man to complete her own work for his accommodation and benefit. Whilst the States individually, with a laudable enterprise and emulation, avail themselves of the local advantages by new roads, by navigable canals, and by improving the streams susceptible to navigation, the General Government is the more urged to similar undertakings, requiring a National jurisdiction and National means by the prospect of thus systematically completing so estimable a work.

James Monroe succeeded Madison and carried on the great work inaugurated by Jefferson and sustained by Madison.

In 1824 this subject was a campaign issue, and on this issue John Quincy Adams was elected, and, under his Administration the Cumberland road was established from Zanesville, through the States of Ohio, Indiana, Illinois, and to the seat of Government at Jefferson City, Missouri. Had he have been re-elected his purpose was to carry it on across the continent to the Pacific Ocean. Webster, in his "reply to Hayne" immortalized himself as the great "expounder of the Constitution": but the student of political history will find that Calhoun's "reply to Webster" is the clearest, the most logical, and the profoundest ex-

position ever made of that great document. We have gotten far enough away from the heat and rancour engendered by the early discussions aroused by our experiment of a dual government to be able to look at these questions dispassionately, and to recognize ability and patriotism wherever we may find it.

Calhoun's reputation has suffered much by those who never read him and whose only knowledge was derived from the persistent assaults of a brood of literary and political "penny-a-liners" who had not the capacity to understand him, or the honesty to do him justice even if they had.

In discussing the Constitutional phase of Government aid in building roads, he said: "Let it not be said that internal improvements may be wholly left to the enterprise of the States and of individuals. I know that much may be justly expected to be done by them; but, in a country so new and so extensive as ours, there is room enough for all the General and State Governments, and individuals, in which to exert their resources. But many of the improvements contemplated are on too great a scale for the resources of the States or individuals: and many of such a nature as the rival jealousy of the States, if left alone, would prevent. They require the resources and the general superintendence of this Government to effect and complete them." And then he speaks of the rapid growth, and says. "Let it not however, be forgotten; let it be forever kept in mind, that our growth exposes us to the protest of all calamities—next to the loss of liberty—and even to that in its consequence—disunion. We are great, and rapidly, (I was about to say fearfully) growing. This is our pride and our danger; our weakness and our strength. Little does he deserve to be entrusted with the liberties of this people, who does not raise his mind to these truths! We are under the most imperious obligation to counteract every *tendency to disunion*. Whatever impedes the intercourse of the extremes with this, the center of the republic, weakens the union. Let us, then, bind the republic together with a perfect system of roads. *Let us conquer space.*" And he said further, "It is mainly urged that the Congress can only apply the public money in extension of the enumerated powers. I am no advocate for refined arguments on the Constitution. The instrument was not intended as a thesis for the logician to exercise his ingenuity on. It ought to be constructed with plain, good sense; and what can be more express than the Constitution on this very point? The Constitution gives to Congress the power to establish post-offices and post Roads. But suppose the Constitution to be silent —why should we be confined in the application of moneys to the enumerated powers? There is nothing in the reason of the thing why it should be so restricted. * * * If we are restricted in the use of our money to the enumerated powers on what principal can the purchase of Louisiana be justified? To pass over many instances, the identical power, now under

discussion, has,, in several instances, been exercised. To look no further back—at the last session a considerable sum was granted to complete the Cumberland road." And then he concluded,—"Uninfluenced by any other considerations than love of country and duty, let us add this to the many useful measures already adopted. *The money cannot be appropriated to a more exalted use.*"

Calhoun's scheme coincided with that of Gallatin, Clay and others, to build a trunk line road from *Maine* to *Georgia*, and several trunk lines from the Atlantic sea board to the West. Suppose this had been done. It might have even prevented the Civil War. This was followed up until 1836 when the era of railroad building crowded it out, and then the sticklers for Constitutional Construction found no difficulty in lending Federal support to the railroads. Since 1850 we have given more than 110,000,000 acres of the public lands to the railroad—an area larger than the combined acreage of Georgia, Alabama and Mississippi. Not only have we given this great empire of land to the railroads, but the Government has guaranteed their bonds in the sum of more than $63,000,000.00. About the time we entered upon the policy of giving extravagant aid to railroad Companies, one of the great political parties nominated General Lewis Cass upon a platform declaring it unconstitutional to give aid to internal improvements. Thereupon the people proceeded to elect Zacariah Taylor, President. Upon that issue Abraham Lincoln made a speech in Congress which had much influence in the election, and is a fit companion to that of John C. Calhoun, already quoted.

In discussing both the platform and a message of President Polk vetoing a road bill, Mr. Lincoln said:

"Those general positions are, that internal improvements ought not to be made by the General Government. First, because they would overwhelm the treasury. Second, because, while their burdens would be general, their benefits would be local and partial, involving an obnoxious inequality; and, third, because they would be unconstitutional. Fourth, because the States may do enough by levy and collection of tonnage duties; or, if not, fifth, that the Constitution may be amended." "Do nothing at all, lest you do something wrong," is the sum of these positions—is the sum of this message. And this, with the exception of what is said about constitutionality, applying as forcibly to what is said about making improvments by State authority as by the National authority; so that we must abandon the improvements of the country altogether, by any and every authority, or we must resist and repudiate the doctrines of this message. Let us attempt the latter.

The first position is, that a system of internal improvements would "overwhelm the treasury." That in such a system there is a tendency to undue expansion, is not to be denied. Such

tendency is found in the nature of the subject. A member of Congress will prefer voting for a bill which contains an appropriation for his district to voting for one which does not; and when a bill shall be expanded until every district shall be provided for, that it will be too greatly expanded is obvious. But is this any more true in Congress than in the State Legislature? If a member of Congress must have an appropriation for his district, so a member of a Legislature must have one for his county. And if one will overwhelm the National treasury, so the other will overwhelm the State treasury. Go where we will, the difficulty is the same. Allow it to drive us from the halls of Congress, and it will, just as easily, drive us from the State Legislature. Let us then grapple with it, and test its strength. Let us, judging of the future by the past, ascertain whether there may not be, in the discretion of Congress, a sufficient power to limit and restrain this expansive tendency within reasonable and proper bounds." And then he quotes the $200,000,000.00 which Polk says had been asked for during our past history, shows it had not been appropriated, and less than two millions appropriated during the four years of Mr. Adams' administration to roads, rivers and harbors. Nothing very "alarming" about that.

Then he meets the objection that the burdens would be general while the benefits would be largely local, by showing that this is always true, and cites naval appropriations to illustrate it by showing that no pirate ship is ever driven from the sea but that some individual merchant is especially benefited. And then he goes on to show that no improvement is so local as not to be of some general benefit; that there are few things wholly evil or wholly good. As to its being perfectly constitutional, he conclusively quotes both Chancellor Kent and Judge Story. He turns the president's attempt to quote Jefferson as against such appropriations, against the President's position; because Jefferson was, practically the author of these measures, and says this effort of the President's was like "McFingal's gun —bears wide and kicks the owner over." Then he sums up as follows:

"That the subject is a difficult one cannot be denied. Still, it is no more difficult in Congress than in the State Legislatures, in the counties or in the smallest municipal districts which anywhere exist. All can recur to instances of this difficulty in the case of county roads, bridges and the like. One man is offended because a road passes over his land, and another is offended because it does not pass over his; one is dissatisfied because the bridge for which he is taxed crosses the river on a different road from that which leads from his house to town; another cannot bear that the county should be got in debt for those same roads and bridges; while not a few struggle hard to have roads located over their lands, and then stoutly refuse to let

them be opened until they are first paid the damages. Even between the different wards and streets of towns and cities we find this same wrangling and difficulty. Now, these are no other than the very difficulties against which, and out of which, the President constructs his objections of "inequality," "speculation," and "crushing the treasury." There is but a single alternative about them; they are sufficient or they are not. If sufficient, they are sufficient out of Congress as well as in it, and there is the end. We must reject them as insufficient, or lie down and do nothing by any authority. Then, difficulty though there be, let us meet and encounter it. *"Attempt the end and never stand to doubt; nothing so hard but search will find out."* Determine that the thing can and shall be done and then we shall find the way.

Now, we have determined, at last, "that the thing can and shall be done."

Let us begin where we left off when the "bogy man" of doubtful authority made his appearance, take up the old Cumberland road, or any other road, carry it forward and intersect the Santa Fe trail and stretch one great National highway across the Continent. When this is done, "the way" discovered will seem so simple and so easy that we will only marvel at our sloth, and go forward in the only rational, feasible, equitable way of road building.

I have referred to the old, historic Cumberland road for its historic value, but chiefly as illustrating the practical solution of the road question. Instead of lessening effort by the State and local authority it ought to be and will be an incentive to greater effort on the part of everyone. Let us no longer quibble over hair-splitting theories of governmental power. Either the General Government has authority to appropriate National revenues to road building, or it has not. If it has not, then there is an end to the proposed National conservation of natural resources; great irrigation projects must cease; the rivers and harbors must be permitted to disintegrate; the Panama Canal must be abandoned; the title to millions of acres of the public domain given to the railroads is invalidated; every postoffice and custom house must be sold and the proceeds returned to the treasury, from which it has been illegally taken. There is as much authority, yes, more, for appropriating the public revenues to building roads than for any other purposes, for the Constitution expressly empowers Congress to "establish postoffices and post roads." If "establish" means to *"build"* postoffices, then it means to build roads as well.

Chancellor Kent and Joseph Story say the authority exists in the General Government. The difficulties and objections are enumerated and answered by Abraham Lincoln and John C.

Calhoun. No work upon which the Government can enter—no use to which the revenues can be applied—will be of such vast and permanent value to all the people.

Senator Aldrich says $300,000,000.00 of the revenues are wasted annually. Let's stop this waste by applying the revenues to the roads.

This does not mean that the States are to be relieved of any of the responsibilities and burdens of road building. By no means. The work is vast and vastly growing. New York has issued $50,000,000.00 in road bonds and is talking of $40,000,000.00 more. Any state in the class of Missouri and Georgia can well afford to do as much. We must cease regarding road building as a tax, and look upon it as an investment. *No better can be made.* The old idea of enmity between the State and Nation is well nigh obsolete. Each supplements the other. The revenues belong to the people and they demand their proper and judicious investment. Every time that the people see waste, inefficiency and extravagance in appropriating the revenues they feel a hand actually reaching into their pockets and taking away from them money which is their very own. The expenditures of the Government are huge. More than $300,000,000.00 have been invested in postoffice buildings alone—the necessity for which did not exist. This item alone would build ten great macadam roads from ocean to ocean, and ten from the Lakes to the Gulf. And now, when we demand a mere bagatelle of what is our very own, they cry out "Paternalism."

Be it so; but we shall not halt. We fear this charge even less than we did the equally foolish cry of "unconstitutionality." We are beginning to know our rights, and knowing them we dare maintain them. This question has figured largely in the election of two Presidents, and it may be of equal potency in the election of a third. *This is our money;* and we shall not stop until a portion of it is appropriated to the development and enrichment of the country, furnishing employment to thousands of idle hands, and adding millions in value to the wealth and prosperity of the country.

CHAPTER XI.

For a National Highway System

In the National House of Representatives, January 30, 1911.

The House being in Committee of the Whole House on the state of the Union and having under consideration the bill (H. R. 31856) making appropriations for the District of Columbia and for other purposes—

Mr. Borland said:

Mr. Chairman: I submit an address by J. M. Lowe, of Kansas City, Mo., delivered at the National Good Roads Convention in Oklahoma City, October 5, 1910.

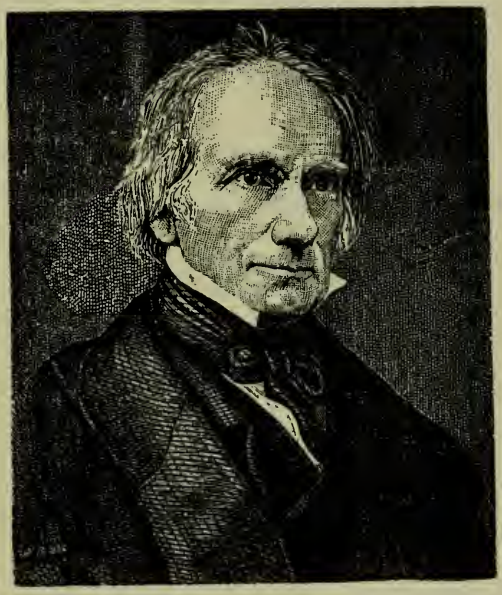
The amount of energy employed on the subject of good roads is out of proportion to the results obtained. This may be accounted for, to some extent, at least, because we have constantly presented the question, a difficult one from any standpoint, from the wrong side. Now, this is a national convention, and I propose discussing this question from a national point of view. In doing so, I propose, as an object lesson and for illustration, to tax your patience with historical reference to a great national highway which ought never to have been permitted to fall into decay, and which should now be revived and made the nucleus for a system of national, State, and county co-operation in the building and maintenance of good roads. There is no reason, as I hope to be able to show you why some portion of the national revenues should not be appropriated to the construction of the common highway of the country as they were for more than a quarter of a century, in the early history of this country. In the use to which I propose to apply the Cumberland Road, in this discussion, there is the additional advantage of concentrating our efforts to some definite and conspicuous line of action, not that this road is entitled to greater consideration than others, but chiefly because it stands out in history as the one great national highway upon which the Nation's thought was centered for a quarter of a century, and with which many of the most illustrious names of America's greatest statesmen are forever associated.

The Cumberland—or National—Road is as full of historic interest as the old wilderness road. It was inaugurated by the great constructive statesman, Albert Gallatin, during the administration of Thomas Jefferson, in 1806, at a time when we were just entering upon our novel dual system of government. The

powers and authority between the National and State Governments were illy defined, and have led to much controversy.

When the Cumberland Road was suggested as a national highway, leading from Cumberland, Md., to St. Louis, to be constructed by the General Government, Jefferson doubted the authority of the Government to enter upon such a system of internal improvement, and said it could only be done with the consent, at least, of the States. Thereupon Virginia, Maryland, and Pennsylvania enacted laws authorizing the General Government to construct such highway through their States, to be taken up (as originally planned) at Cincinnati, which was then on the edge of the Indian country, and carried on from that point to St. Louis. As built, it was located considerably north of this line and through Zanesville, Columbus, Indianapolis, etc. Congress passed the necessary act, commissioners were appointed to survey and locate the road, and Mr. Jefferson approved it. At that time McAdam had not impressed his name upon road building, and the road was constructed in places of dirt, plank, split poles, (corduroy), etc., and in a little while became absolutely impassable throughout much of its length. Its improvement afterwards became so necessary that it was a campaign issue in 1824—the "paramount" issue of that campaign. Mr. Adams, Henry Clay (to whom a monument was erected on the line of the road), and John C. Calhoun advocated the rebuilding of the road, one of the few questions on which they ever agreed. Jackson and Crawford advocated it half-heartedly; so strong was public sentiment in its favor that they hesitated to oppose it, and when Congress convened the act passed the House of Representatives by a large majority and almost unanimously in the Senate, there being but seven votes recorded against it. Monroe, who was then President, vetoed the bill. This disastrous veto left the road in a hopelessly ruinous condition. Monroe's veto message regarded at that time as a great state paper, particularly by Benton, was afterwards reversed by himself.

In 1836 the road was abandoned and turned back to the States. Afterward what was known as the Marysville (Ky.) Road was established by act of Congress, and Jackson vetoed the measure, as he also did of the canal around the Ohio Falls at Louisville. This put a final quietus upon the question of internal improvements, especially as to roads, but as to canals, waterways, etc., as well. At the time this question was being agitated the State Governments were almost supreme and the General Government was not so much thought of. Since then the General Government has become supreme and the State governments not so much in evidence; and we have found a way to give millions upon millions to aid railroads, etc., but not one dollar as yet to aid public highways, a bagatelle of which would have gridironed the country with macadam roads. In



HENRY CLAY

Missouri each alternate section in a strip 30 miles wide across the State was given the Hannibal & St. Joseph Railroad alone.

Why not the General Government take up, with the consent, if necessary, of the States through which the line runs, in obtaining the right of way, the old Cumberland—or national —Road, much of which is now macadamized, widen and improve it wherever necessary from Washington to St. Louis: and thence via the Boonslick Road to New Franklin, in Howard County, Mo., and there connect with the old and equally historic Santa Fe trail, and follow that line to its terminus in New Mexico; or the Oregon trail, and thence to the Pacific? The probable expense of such an undertaking would be perhaps, not to exceed $10,000,000. A slight scaling down of a few items in each annual recurring congressional appropriation would construct a great trunk-line macadam road from ocean to ocean. Other trunk lines might follow, either east and west or north and south; but it might be well, for a while at least, to limit such national improvements as this to trunk-line roads. Instead of diminishing State, county, and individual effort at road building, this it would seem to me, would lend an added impetus to a vast system of internal development, the idea being to classify the roads into national, State, and county roads. Next to the improvement of the navigable waters of the country ought to be a well-defined system of road building, both State and national. Individual effort can be concentrated and lateral roads built by county and State co-operation, connecting with the trunk lines.

The national Republican convention of 1908 recommended that roads be built and maintained by the General Government. The national Democratic platform of 1908 had a similar plank—so that we seem to have gotten away from the old idea that the General Government had no power, under the constitution, to build roads, canals, or other waterways, and have reached a conclusion that, after all, the General Government, out of the general revenue derived by the Government, is particularly qualified for this great work. The States have appropriated moneys to build monuments and markers along the route of the old Santa Fe and Oregon trails. Why not build the best monument possible to erect to the pioneers by macadamizing and rendering these historic roads of permanent value to the people? Ezra Meeker's ox team has been relegated by steam, electricity, and gasoline, but the road is the same he traveled 50 years ago.

The farmers ought not to be required to build all the roads of the country. This idea is being abandoned in all civilized countries. The master of the national grange says: "Statistics of the exports from the United States for the 10 years ending 1906 show that nearly 60 per cent of the exports during that period were products of the farm. Yet, for the benefit of the industry producing these enormous values, there was expended during the same period less than 1 per cent of the total Federal expendi-

tures." Since Congress has invaded what used to be considered the exclusive right of the State, to levy taxes upon corporations, incomes, inheritances, etc., there is added force in appropriating a part of the revenues thus derived to the building and maintenance of good roads.

William C. Cornwell says: "The six main agricultural products—cotton, corn, and hay, wheat, oats and tobacco—whose value as farm products was in 1909 $4,388,196,198, furnished a total export value (including their manufactured products and those of cattle and hogs) of $926,397,890, or over 56 per cent of the total exports of $1,638,355,593. They paid, through their products, internal-revenue taxes of $161,252,250, or about 65 per cent of the entire internal-revenue collections, and in the manufacture of their directly related products gave employment in 1905 to 1,144,705 persons, receiving wages of $467,395,645, and covered a capital investment of $2,561,090,051. If a Government wagon train of the old pioneer type should start from the California coast heavily guarded and loaded with nine thousand millions in gold, to be distributed on the way in the slow passage to the Atlantic coast, the event would create a storm of excitement throughout the country and over the world. That, in ultimate effect and in a quiet way, is really what is being done by the harvest this year. This distribution is now going on. The first to receive his reward has been the farm laborer, but there is no premium with his. To the successful farmer, whose crop has dodged too much rain and too much heat throughout this spotted season, the dollars are piled up and paid over. As the movement progresses transportation of all kinds gets its share. Then the factory and its laborers, the countingroom, the bank. The golden stream flows in all directions, and for a year or more will impart new cheer practically to all interests."

The large bulk of this stream of gold is hauled over mud roads. The Government has taken no steps to facilitate its transportation.

Cæsar and Napoleon were great builders of roads, but it seems never to have occurred to them to levy all the burden of their construction upon a single class—upon the farmers of the country.

In mentioning the historical names associated with this subject, among such progressive statesmen as Jefferson, Madison, Adams, and Calhoun, mention should be made of the great Secretary of the Treasury in Jefferson's cabinet, Albert Gallatin, whose great foresight planned the Cumberland Road as early as 1796, and who planned a road from Maine to Georgia. In 1784, at Patrick Henry's suggestion, he was looking at a large tract of land on the line of the road as subsequently established, when he came upon a log cabin in the forest and found Washington, who was there on a similar errand. He was sitting at a rude table, pen in hand, taking down, in his slow, methodical way,

the answers of the hunters and squatters as to the best route across the Alleghanies for a road. They had never met before, and Gallatin, growing impatient with Washington's deliberation, finally blurted out: "There's the only practicable route," pointing out the way. Thereupon Washington laid down his pen, removed his glasses, and, giving Gallatin a stern look of disapprobation, replaced his glasses, took up his pen, and proceeded with his investigation. Finally, when satisfied, he again removed his glasses, laid down his pen, and said, "Sir, you are right"; and this location was subsequently adopted by the surveyors and commissioners who located the road. After Gallatin had left the room, Washington on learning who he was, sent for him and offered to make him his land agent, which he declined. The people who are fond of real estate investments have illustrious examples. Mount Vernon consisted of more than 8,000 acres. Clay, in a speech at a Wheeling banquet, tendered him on account of his lifelong support of this road, thus describes the piece of road the location of which was suggested by Gallatin: Before it was built, he said, he and his family had expended a whole day of toilsome and fatiguing travel to pass the distance of about nine miles from Uniontown to Freeman's on the summit of Laurel Hill; adding that 80 miles over that and other mountains were now made in the public stage in one day. He said further: "We have had to beg, entreat, supplicate Congress, session after session, to grant the necessary appropriations to complete and repair the road." He was opposed to turning it back to the States, because, he said, it would be neglected and go to decay and ruin. His biographer says: "The country has not been wholly unmindful of Mr. Clay's preeminent services in behalf of this beneficent measure. On the Cumberland Road stands a monument of stone, surmounted by the genius of liberty and bearing as an inscription the name of Henry Clay."

If any shall stagger at the expense to be incurred if the Government should enter upon such system of internal improvement, it may be well to recall what someone has said, that "Government is a device for the collecting and spending of a people's money, and it is the history of them all, past and present, that their expenditures are ever and always on an ascending scale."

That "The genius of government is not, as is too generally believed, the organizing and putting armies in the field, or launching of great battleships, but in the discovering of new sources of revenue to pay for them." What a statesman he must have been who discovered windows and doors as proper sources of taxation, as they do in some European countries.

However all this may be, it must be apparent that no expenditure of a government's revenues can be more wisely and

prudently invested than in the internal developmnt and improvment of the country. One *Dreadnought* will build a macadam road from ocean to ocean.

The Cumberland Road as established was 80 feet wide, and to preserve the full width Jefferson recommended grading one-half the width at once, which was done. Appropriations were made by Congress from time to time until 1836. Its most active friends were Albert Gallatin, Thomas Jefferson, John C. Calhoun, John Quincy Adams, and Henry Clay, and its lukewarm friends were James Monroe, Andrew Jackson, and Thomas H. Benton. Benton was a prince in dealing with the Territories. Favored a national highway 200 feet wide from Kansas City to the Pacific, but thought Monroe's veto, based on State's rights, unanswerable.

A feature of this veto is that its arguments and logic are absolutely conclusive against the conclusion arrived at. Nowhere can be found stronger reasons in favor of the road. It was dated May 4, 1822, and aroused such a storm of protest that he hastened on the following 3d of December to reverse himself in his annual message, as follows: "It is understood that the Cumberland Road, which was constructed at a great expense, has already suffered from the want of that regular superintendence and those repairs which are indispensable to the preservation of such a work. This road is of incalculable advantage in facilitating the intercourse between the Western and the Atlantic States. Through it, the whole country from the northern extremity of Lake Erie to the Mississippi, and from all the waters which empty into each, find an easy and direct communication to the seat of government, and thence to the Atlantic. The facility which it affords to all military and commercial operations, and also to those of the Post Office Department, can not be estimated too highly. This great work is likewise an ornament and an honor to the Nation. Believing that a competent power to adopt and execute a system of internal improvement had 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 that effect should be recommended to the several States." Then, after stating that he had felt compelled to veto a bill appropriating funds for the repair of the road, he concludes as follows: "Should Congress, however, deem it improper to recommend such an amendment, they have, according to my judgment, the right to keep the road in repair by providing for the superintendence of it and appropriating the money necessary for repairs. Surely if they had the right to appropriate money to make the road, they have a right to appropriate it to preserve the road from ruin." The Congress passed the bill, and Monroe approved it; and yet Jackson went back of this annual message and made the

veto message of May, 1822, his authority for vetoing a similar appropriation for a different road in 1830, and this led to the final abandonment of the road in 1836.

Adams succeeded Monroe, and had the road surveyed through to Jefferson City in 1827, and had he been re-elected in 1828, the road would have been extended to its ultimate goal—the Pacific.

At heart Jackson favored the road and urged a constitutional amendment, as also did Jefferson and Monroe, but he could not rise above his jealousy and opposition to strike Clay whenever opportunity offered, hence his veto of the Maysville and Lexington Road. But it ought to be said that unlike Monroe's veto, the rugged old "war horse of the hermitage" had some cause for his action in the fact that Clay's Maysville Road was a local road of little national value and of even limited State value.

In his veto message, Jackson wrote: "In the administration of Mr. Jefferson we have two examples of the exercise of the right of appropriation, which, in the considerations that led to their adoption and in their effects upon the public mind, have had a greater agency in marking the character of the power (to appropriate public money) than any subsequent events. I allude to the payment of $15,000,000 for the purchase of Louisiana, and to the original appropriation for the construction of the Cumberland Road, the latter act deriving much weight from the acquiesence and approbation of three of the most powerful of the original members of the Confederacy, expressed through their respective legislatures. Although the circumstances of the latter case may be such as to deprive so much of it as relates to the actual construction of the road of the force of an obligatory exposition of the Constitution, it must nevertheless be admitted that so far as the mere appropriation of money is concerned they represent the principle in its most imposing aspect. No less than 23 different laws have been passed through all the forms of the Constitution, appropriating upward of $2,500,000 out of the National Treasury in support of that improvement, with the approbation of every President of the United States, including my predecessor, since its commencement."

My, what an indictment! All wrong but Jackson. Another case of 11 contrary jurors. The same strict construction would have prevented the Louisiana Purchase, and that territory would after the Battle of Waterloo, have fallen into the hands of England, and all the work of the Revolution would have been undone. For not even Jackson could have whipped her under such conditions. And therein again appears the marvelous genius of Jefferson. Had England have had his equal, she would today be ruler of the North American Continent. He also saw

with clearest vision the same danger lurking in the "Northwest Territory," when, as governor of Virginia, he sent Rogers Clarke to take Vincennes and Detroit. And yet I know of no monument in all the "Northwest Territory" erected to the memory of Rogers Clarke or Thomas Jefferson.

Doubtless Jackson was right in holding that the public revenues should be appropriated to public purposes only, but no road is of such local benefit as to be of no general advantage. And this was the point which Congress constantly haggled over. In 1824 Congress appropriated $30,000 for the survey of such roads as the President should deem of national importance. This, it would seem, ought to have settled the question without having to resort to a constitutional amendment. The same rule was applied in locating the Panama Canal. Congress had no such scruples when it appropriated millions of acres of the public domain to railroads, which, at best, were only quasi public corporations. If it had power to appropriate public property to such uses, then undoubtedly it had power to appropriate public funds to uses which are wholly public and which the Construction expressly authorizes Congress to establish. If it had no such power, then the title to millions of acres of land did not pass out of the Government, but still constitute part of the public domain.

But it may be said this would be to open wide the "pork barrell"—every congressional district would want a road. It may be replied that, as it is now most congressional districts have a creek or bayou which needs dredging, riprapping, or "snagging", and if road building was added, it would give the average Congressman something to do, and he could always report to his constituents how earnestly he had tried and what he could do next time. Sufficient revenues have been squandered on unnavigable streams to gridiron the United States with macadam roads. It hasn't been long since a Government boat, dredging one of these streams, turned up the river over which it had just traveled and stuck on a sand bar. This bar had formed in the rear of the boat, where the dredging had just been done. It is not unusual for some of these "navigable streams" to fill up overnight all that was dredged out the day previous.

The total appropriations for the Cumberland Road from 1806 to 1836 were $6,832,945.05. Expenditures for the period, $6,759,257.30; returned to the Treasury, $73,687.75. This for what Clay pronounced the "finest carriage road in America, over which the mail coaches travel 80 miles in a day." In 30 years less than $7,000,000 appropriated for this great work. With this let us compare the appropriations for rivers and harbors for the last 20 years, which, according to statement, from the Treasury Department, is here given:

"The appropriation made for rivers and harbors during the sessions of Congress from 1891 to 1911 were as follows:

1891	$25,136,295.00
1892	2,951,200.00
1893	22,968,218.00
1894	14,166,153.00
1895	20,043,180.00
1896	11,452,115.00
1897	15,944,147.00
1898	19,266,412.91
1899	14,492,459.56
1900	25,100,038.94
1901	16,175,605.75
1902	7,046,623.00
1903	32,540,199.59
1904	20,228,150.99
1905	10,872,200.00
1906	26,561,281.75
1907	17,254,050.04
1908	43,310,813.00
1909	18,092,945.00
1910	29,190,264.00
1911	49,381,141.50

"A total for 20 years of $441,273,493.94."

One hundred and fifty millions to rivers and harbors during the last four years. Enough to build 10 great trunk line macadam roads, five from the Atlantic to the Pacific, and five from the Lakes to the Gulf. This expenditure (for roads) would develop and enrich the country, furnish employment to thousands, and add millions in value to wealth and the general revenues. Instead of everybody "touring Europe, Europe would be "touring" America.

"The balance of trade," so largely affected by American travel abroad, would be speedily turned in our favor. People living east of the Alleghenies would learn there is a people and a country on the west side thereof; that there is a Pacific, a Grand Canyon, a Meteor Crater, a Yosemite, worth seeing.

President James K. Polk, in a pocket veto, in 1847, said: "The policy of embarking the Federal Government in a general system of internal improvements had its origin but little more than 20 years ago. In a very few years the applications to Congress for appropriations in furtherance of such objects exceeded $200,000,000." In the last 20 years we have appropriated to rivers and harbors more than $441,000,000. "In this alarming crisis," says Polk, "President Jackson refused to approve and sign the Maysville road bill, the Wabash River bill, and other bills of a similar character," etc. And then he says, "although the bill under consideration proposes no appropriation for a road or a canal, it is not easy to perceive the difference in principle or mischievous tendency between appropriations for making roads and digging canals and appropriations to deepen rivers and im-

prove harbors," etc. He was undoubtedly right; there is no difference.

Mr. Lincoln, then a member of Congress, so fully answered all the objections raised in this veto message, and all that can be reasonably urged against the policy of internal improvements generally, that the Congress shortly thereafter reversed the policy hitherto pursued and has been exceedingly liberal as to rivers and harbors, but very neglectful as to roads and highways, notwithstanding their immense importance in any scheme of transportation and general development. He began by quoting the anti-internal improvement plank in the Baltimore platform of 1848, upon which Gen. Cass was defeated by "Rough and Ready" Taylor upon a well-defined issue of internal improvements, and then goes on to enumerate the President's objections as follows:

"Those general positions are, that internal improvements ought not to be made by the General Government. First, because they would overwhelm the Treasury. Second, because, while their burdens would be general, their benefits would be local and partial, involving an obnoxious inequality; and, third, because they would be unconstitutional. Fourth, because the States may do enough by the levy and collection of tonnage duties; or, if not, fifth, that the Constitution may be amended." "Do nothing at all, lest you do something wrong," is the sum of these positions—is the sum of this message. And this, with the exception of what is said about constitutionality, applying as forcibly to what is said about making improvements by State authority as by the national authority; so that we must abandon the improvements of the country altogether, by any and every authority, or we must resist and repudiate the doctrines of this message. Let us attempt the latter.

The first position is that a system of internal improvements would "overwhelm the Treasury." That in such a system there is a tendency to undue expansion, is not to be denied. Such tendency is found in the nature of the subject. A member of Congress will prefer voting for a bill which contains an appropriation for his district to voting for one which does not; and when a bill shall be expanded till every district shall be provided for, that it will be too greatly expanded is obvious. But is this any more true of Congress than in a State legislature? If a member of Congress must have an appropriation for his district, so a member of a legislature must have one for his county. And if one will overwhelm the National Treasury, so the other will overwhelm the State treasury. Go where we will, the difficulty is the same. Allow it to drive us from the halls of Congress, and it will just as easily drive us from the State legislatures. Let us then grapple with it and test its strength. Let us, judging of the future by the past, ascertain whether there may not be, in the discretion of Congress, a sufficient power to limit and restrain

this expansive tendency within reasonable and proper bounds." And then he quotes the $200,000,000 which Polk says had been asked for during our past history, shows it had not been appropriated, and less than two millions appropriated during the four years of Mr. Adam's administration to roads, rivers, and harbors. Nothing very "alarming" about that.

Then he meets the objection that the burdens would be general while the benefits would be largely local, by showing that this is always true, and cites naval appropriations to illustrate it by showing that no pirate ship is ever driven from the sea but that some individual merchant is especially benefited. And then he goes on to show that no improvement is so local as not to be of some general benefit; that there are few things wholly evil or wholly good. As to its being perfectly constitutional, he conclusively quotes both Chancellor Kent and Judge Story. He turns the President's attempt to quote Jefferson as against such appropriations, against the President's position, because Jefferson was practically the author of these measures, and says this effort of the President's was like "McFingal's gun—bears wide and kicks the owner over." Then he sums up as follows:

"That the subject is a difficult one can not be denied. Still it is no more difficult in Congress than in the State legislatures, in the counties, or in the smallest municipal districts which anywhere exist. All can recur to instances of this difficulty in the case of county roads, bridges, and the like. One man is offended because a road passes over his land, and another is offended because it does not pass over his; one is dissatisfied because the bridge for which he is taxed crosses the river on a different road from that which leads from his house to town; another can not bear that the county should be got in debt for those same roads and bridges; while not a few struggle hard to have roads located over their lands, and then stoutly refuse to let them be opened until they are first paid the damages. Even between the different wards and streets of towns and cities we find the same wrangling and difficulty. Now these are no other than the very difficulties against which, and out of which, the President constructs his objections of 'inequality,' 'speculation,' and 'crushing the Treasury.' There is but a single alternative about them; they are sufficient or they are not. If sufficient, they are sufficient out of Congress as well as in it, and there is the end. We must reject them as insufficient or lie down and do nothing by any authority. Then, difficulty though there be, let us meet and encounter it. 'Attempt the end and never stand to doubt; nothing so hard but search will find it out.' Determine that the thing can and shall be done and then we shall find the way."

Now, we have determined, at last, "that the thing can and shall be done." The National Republican convention of 1908 resolved that:

"We recognize the social and economic advantages of good country roads maintained more and more largely at the public expense and less and less at the expense of the abutting property owner."

The Democratic national convention of 1908 resolved that, "We favor Federal aid to State local authorities in the construction and maintenance of post roads." Both parties having decided "that the thing can and shall be done," it only remains to search and "find the way." This is easy. Begin where we left off when the "bogy man" of doubtful authority made his appearance, take up the Old Cumberland Road, carry it forward and intersect the Santa Fe trail and the Oregon trail, and stretch one great national highway across the continent. When this is done, "the way" discovered will seem so simple and so easy that we will only marvel at our sloth and go forward in the only rational, feasible, equitable way of road building.

I have used the old, historic Cumberland Road for its historic value, but chiefly as illustrating the practical solution of the road question. Instead of lessening effort by the State and local authority it ought to be and will be an incentive to greater effort on the part of everyone. Let us no longer quibble over hair-splitting theories of governmental power. Either the General Government has authority to appropriate national revenues to road building, or it has not. If it has not, then there is an end to the proposed national conservation of natural resources; great irrigation projects must cease; the rivers and harbors must be permitted to disintegrate; the Panama Canal must be abandoned; the title to millions of acres of the public domain given to the railroads is invalidated; every post office and custom house must be sold and the proceeds returned to the Treasury from which it has been illegally taken. There is as much authority, yes, more, for appropriating the public revenues to building roads than for any of these purposes, for the Constitution expressly empowers Congress to "establish post offices and post roads." If "establish" means to "build" post offices, then it means to build roads as well.

Chancellor Kent and Joseph Story say the authority exists in the General Government. The difficulties and objections are enumerated and answered by Abraham Lincoln. No work upon which the Government can enter—no use to which the revenues can be applied—will be of such vast and permanent value to all the people.

If the piratical mode of appropriating the public revenues is to continue, then let it be done in a way to be of general benefit to the whole country. Senator Aldrich says $300,000,000 of the revenues are wasted annually. Let's stop this waste by applying the revenues to the roads.

Let's stop dissipating the revenues to purposes of doubtful utility, thus creating deficits for which new schemes of taxation must be devised after each congressional appropriation bill is passed.

Others have contributed of their experience and wisdom to this great and growing subject of the roads of the country, of their economic value and how their construction is to be consummated, all of which is of great value. I have now made mine, which may be of no value, but such as it is I leave it to your thoughtful, earnest, and serious consideration, believing as I do that this is, if not the only solution, at least the fair, reasonable, and equitable solution of this great question. It involves no question of State's rights. It does not impair or conflict with the right and the duty of the State and of local authorities to appropriate their revenues also to this great purpose. There is work enough for all. I do not believe the State or the county should appeal to the Government to do work which can be better done by local authority. What I do insist upon is, that if the policy of internal improvements, which has become the settled policy of the Government, is to continue, then the highways of the country shall share in that system as constituting a vital part thereof, and as such entitled to a square deal. As public highways they constitute a vital place in transportation, and, belonging to the public, they should be constructed and maintained by the public.

A SECTION OF THE OLD TRAILS ROAD.

CHAPTER XII.

Federal Aid.

Stenographic Report of Speech of J. M. Lowe, President National Old Trails Road Association, Convention of American Automobile Association, Washington, D. C., March 6-7, 1913.

Mr. Chairman, and Gentlemen of the Convention:—I shall not detain you very long. It is not very clear in my mind just what I ought to talk about. I have no prepared speech. I have, in fact, prepared a dozen speeches in my own mind since I have been in this convention; I had half a dozen on tap all day yesterday, particularly while my good friend, Judge Shackleford of Missouri was before you, and I am mighty sorry that the Judge is not here this morning. I shall not say much about him because he is not here. He is one of the best men on earth and one of the worst-advised men on earth on the road question. (Laughter and applause.)

It is a fact, and a fact that will apply to this convention, that this is a subject upon which more men differ than perhaps any question that ever comes before the people. I have been here now for four weeks witnessing the dying agonies of the last session of Congress. I have felt particularly interested in some of the bills. I sincerely hoped they might not pass, and they did not. That was real progress—to keep them from passing—because some of them would have turned the hands on the clock of progress back a hundred years if they had passed. I found that in Congress, as out of Congress, scarcely any two men were agreed upon this subject.

Mr. Lincoln, in 1848, in his place in Congress, made the best road speech that I have ever read. I have had more than 10,000 copies of that speech printed and distributed all along the line of the Old Trails Road. In that speech, in meeting this very question, Mr. Lincoln said:

"Of course, every Member of Congress would prefer to vote for a road which would improve his district: but," he said, "the difficulty in Congress was no different from what it was in the State Legislatures or before the county courts. One man will oppose a road because it does not come by his farm; another will oppose it because it does come by his farm; and another will favor the road until it is becomes an established fact and then refuse to permit it to be opened until his damages are paid."

Such are the twists and quirks of human nature, and we have to meet this question in a practical way.

I have entertained for months and then abandoned absolutely a great many theories with reference to this question, and one of them—and I want to meet it right in the beginning now—is that I have absolutely cut out of the literature of the Old Trails Road the words "National aid". We do not now believe in National aid, and I certainly hope that the resolutions to be adopted by this convention will leave those words out. They are a misnomer. They are misleading, and have misled public sentiment all along in the discussion of this question. We do not stand for National aid. The States do not need National aid. We are not pauper States. We are not coming before your next session of Congress on bended knee and begging you for the alms of the Government. The National revenues belong to the people. It is our money, and you are but our agents in its distribution; and what we ask, what we demand, is that the Government shall build National roads and maintain them. (Applause).

One gentleman said this morning, and it was repeated over and over again yesterday, that he thought the Government should furnish dollar for dollar to the States. In other words, that the States should be required to put up one dollar to match the Government's dollar before it should receive any aid from the Government. In other words, for the money raised from the people by taxation, before you shall have the benefit of one dollar of that money you shall be required to retax yourselves to the same amount and raise an equal amount of money. They did not make any such demand as that when they appropriated money for the rivers and harbors of the country. They make no such requirement as that when they appropriate the revenues for the great irrigation projects, for the Roosevelt dam, and other great irrigation works. They have made no such requirements when they have appropriated more than 200,000,000 acres of the public lands, which James Monroe in his veto message said was not different from giving away the public moneys. They at no time have made any such requirements as that in any of these appropriations; and we say that it is illogical, unfair and unreasonable to require the people, before they shall have the benefit of the money for which they are directly taxed, to consent to retax themselves to raise this money.

But how are you going to do it? One distinguished Senator said—and this is some of the demagogy that we run across—that his people would never consent to tax themselves to build an automobile road. Why, the proposition, as I understand it, is not to retax the people to build an automobile road or any other kind of a road. One of my pet theories—and I carried that along for quite a while in speaking on this subject—was that the Government should appropriate the funds necessary to build, and

build at least one transcontinental road each year. It was a modest request. It would perhaps not cost to exceed $40,000,000 or $50,000,000.

The Government appropriated $41,000,000 this year, this last Congress, for rivers and harbors improvements; $31,000,000 in 1911 (we were on our good behavior then, a national campaign on hand) and $29,000,000 in 1910; and altogether since 1875 over $600,000,000 have been appropriated for that purpose.

I am not attacking those appropriations. Neither do I attack the action of the Government in giving away 200,000,000 acres of land, an acreage of land greater than the combined territories of the great States of Missouri and Kansas, to the railroads; I do not say that even that was unwise.

In 1863, just after the battle of Chickamauga, or one of the other great battles of the war, I think it was Chickamauga, a bill was passed in Congress appropriating $53,000,000 and 20,000,000 acres of land—I am speaking from memory and I may not have the figures exactly correct—for the carrying of the Union Pacific Railroad to the Pacific Ocean; and Mr. Lincoln, that man of profound vision and imagination, the man who could see the end further away than any other man who has lived in American history, except Washington, signed that bill at a time when it was not sure that we had a government.

If we could do that in 1863, when the very life of the nation was at stake, why shall we hesitate now to build one pitiful little wagon road, not an automobile road, but a wagon road, for the benefit of all the people, from ocean to ocean.

The great trouble with Congress, and the great trouble with many of us who are not in Congress, and do not want to be there, is that we have never risen to the occasion of comprehending what it is to build roads. We have got to get out of this narrow provincialism that so many men think about so seriously. I am impressed with that when I hear men, so-called statesmen, talking about automobile roads and the interest of "Rube," and to give "Rube" a chance, as Judge Shackleford calls him. Great Heavens! "Rube" has always had a chance. He has always had the best chance.

Let me tell you something about him. I am one of them myself. There are no classes in this country. The speech of the gentleman from Virginia yesterday (Mr. Anderson) contained words of silver in a plate of gold. It was magnificent and so clear, so convincing and so well balanced throughout. But has Rube had a chance? In Jackson County, Missouri, where we have built a good many good roads, Kansas City, under an act of the Legislature pays 95 per cent of the road taxes of that county, and yet you may go out in the country and undertake to build a road, and frequently you will meet the opposition

of Rube. Rube does not think it is located just to suit him. But he gets the benefit of the 95 per cent of all our taxes paid in that county for road purposes.

We submitted an amendment to the constitution to the people of the State, to tax the people, permitting the county courts—and therein was its weakness—permitting instead of commanding the county courts to levy a tax of not to exceed 25 cents on the $100 of valuation for road purposes. It was carried by an overwhelming majority by the votes of Saint Louis and Kansas City. Rube voted against it. The county courts, because it left it to their discretion, have rarely made the levy. In Jackson County they made it, with the result that Kansas City pays 95 per cent of those taxes and Saint Louis pays her part.

The State of New York where they have done such magnificent work, where they are so unprovincial that they have outgrown all these narrow prejudices, with the assistance of the City of New York, carried the proposition of voting $50,000,000 of bonds for roads; and when they found out that was not enough added $50,000,000 to it, and now the city of New York pays 80 per cent of all the road taxes of the State of New York. Am I right?

Rep. Goulden of New York:—You are right. And the same thing might be said about the canal improvements, costing $107,000,000.

Mr. Lowe:—Has Rube had a chance? Does Rube get a chance? And yet men come in here and tell you not to honk him out of the roads.

I have been a farmer all my life. I only differ with Judge Shackleford in this, that he farms the farmer, and I run the farm. (Laughter.)

You have always got to take in a man's environments. Mr. Shackleford's district is a sort of a shoestring. I wish I could point it out to you on the map, and I wish I had time to tell you about the people there. They are all good people, splendid people, but I can say about a good many of them that when they move—and they move frequently—that a good many in the lower end of his district simply have to call the dogs and put out the fire. (Laughter.) I would like to tell you another thing in that connection—and if I am talking too long I will ask the Chairman to call me down.

Chairman Diehl:—Go ahead; we are glad to hear you.

Mr. Lowe:—When I was out in New Mexico I came up on El Camino Real. If there is anything on earth to which the New Mexican is attached, it is the old El Camino Real, the King's Highway. I said to them, "Does it occur to you that you are working now in the interest of the State of Missouri?" I saw a look on the faces of some of the men that made me think they might possibly thrown down their picks and shovels and quit, because they were trying to work for themselves. But when I

LINWOOD LAWN.

Located one mile south of Lexington, Mo. Cost $67,000. Built in 1861, when labor and material was one-third less than now. Once owned and occupied by the author.

detected that expression, showing their feelings about the matter, I said, "Did you know that way down yonder in the State of Missouri, the people living along the line of this old road have voluntarily voted bonds and taxed themselves to build this road for you?" And that is what they did. They did that in Shack's district; and one road district in his district, a purely farming community, carried the bond proposition by a unanimous vote. (Applause.)

Mr. Shackleford speaks of the people that are in favor of such a proposition as "highbrows." I do not care anything about how high their brows are, but I see that some of them are educated up to the point where they believe in building roads, because they voluntarily taxed themselves, not to build roads generally but to build this particular road. And that was in his district. When I told them about that in New Mexico a smile spread all over their faces. I said, "Do you not see that this is a community of interest, that it is no longer a selfish, local affair, this question of building roads, but is a community of interest, and a road is only valuable as it goes somewhere?" (Applause.)

A road extending across a township of course has some value; it has an increased value when it goes across a county; it has very considerably increased value when it extends across a State; but it is of infinite more value when it extends from State to State across the continent.

And, after all, and this was an education to myself as well, when I traveled over that old road from ocean to ocean, as I have done, it gradually dawned upon me that after all the people in Ohio, Pennsylvania, West Virginia and Maryland, and all the other States, were the same people that I had always known and associated with, that they were not different from the people of Kentucky, where I was born and raised, nor different from the people of my adopted State, Missouri; that they were the same people, the same nationality, with the same environments, the same aspirations, the same hopes and the same God.

Now, why confine their efforts and narrow them down? Why, as Mr. Shackleford says, should we make the railroad the center and let the little roads radiate out from each shipping point on the railroads? Does Mr. Shackleford know that with one exception every harbor in the United States is owned or controlled by the railroads of the country? I will say every one except two; or more properly speaking, every one except one and a-half. New Orleans owns her harbor, after a long fight with the railroads, fought out through the Supreme Court of the United States, with the aid of Daniel Webster; and New York owns one-half of hers—her water front. Now are you beginning to see where the trouble comes? I see it. I have seen it for years, in the rivers and harbors bills.

The gentleman who just preceded me says that they have now got the rivers and harbors improvements out of the old pork barrel proposition, and they are congratulating themselves upon it. I have seen the last river and harbor bill, and I must admit there is some truth in that statement. It is no doubt a much better bill than any such bill that has gone before; but there are some places mentioned in that bill that I cannot find on the map; it takes a getter geographer than I am to know where some of the places are. But no matter. These things I have mentioned are some of the things that I have learned in the discussion of this subject.

According to the program I see that you expect me to talk about the Old Trails Road.

Chairman Diehl:—You are not confined to that. You can submit a typewritten statement in regard to that and we will put it in the record.

Mr. Lowe:—Well, I have not prepared anything particular on that line; but I will say this much: I suspect that the Old Trails Road organization is the only one in the United States which is organized in every village and hamlet along the line of the road between the two oceans. We are thoroughly organized. But we do not stand for that road to the exclusion of any other road. Further, if there is any other line of road which ought to receive consideration first; which ought to be built first; which has greater claims and more of them than our old road has, as historic as it is; then we are ready to get behind that road and stand for that road just as strongly as we are ready to stand for the National Old Trails Road. (Applause.)

Now let us get together. My ideas or yours, especially on the road question, cannot always prevail; because the roads question is a subject on which we have a right to differ and on which we do differ. But let us stand for something affirmative. As Mr. Shackleford said yesterday, you cannot find a corporal's guard of men who are not now in favor of good roads. Everybody now is in favor of good roads. But let us get something concrete. Let us get a start somewhere, somehow, and follow that up. I say cut out that word "aid." Ask the Government to build the National roads, roads that are National in character. Let us stand behind that idea and stick to it. If we do that we are as sure to win as that the world goes round. (Applause.)

I know the average Congressman. I have had lots of dealings with him. I know that no man keeps his ear nearer the ground than he does; and this mighty swell that is lifting itself and being felt over the country he is watching; but just as long as we are divided and different in opinion and purpose, just that long he will sit back and take notice. But whenever we go to Congress

with a concrete proposition and say, "This is what we stand for, and this is what we are going to have," then he is going to do more than simply stand back and listen.

As I have said, let us adopt some system to work on, stand for it and push it to the best of our ability. If I had my way about it I would build a great National system of roads leading from our National capital to the capital of every State in the Union. I would stay behind that proposition until it went out through the country as the system we are in favor of. In doing so I would take over these magnificent roads of New York and Massachusetts and pay those States back dollar for dollar, every dollar that those roads are worth. I would do that so as to make it absolutely equal, absolutely fair to all the States in every respect.

Some say that that would bankrupt the Government. Have you ever stopped to think what it would cost? Probably 18,000 miles of road will build a trunk line right through every capital of every State in the Union—18,000 miles. Now, put it at the highest possible figure to build the best road that modern engineering has devised. The French engineer to whom we listened yesterday, a magnificent gentleman, said to us, that their best roads are costing them, as I understood him, about $12,000 a mile. Put it at that. Make that the average. The western half of these roads will cost a whole lot less than the eastern half. That is another fact that ought to be known. You ought to find out another thing, too. You want to get to the mountains to find good road country. In the sections of the country where you find mountain scenery you also find that it is easier to build roads than it is on the plains, and cheaper. Eighteen thousand miles multiplied by $12,000 makes what? $216,000,000. We have already given over $600,000,000, that card up there, says $900,000,000 (indicating a map on the wall.)

A Voice:—That is correct, it is nearer $900,000,000 than $600,000,000.

Mr. Lowe:—All right. $400,000,000 for the Panama Canal. It was a magnificent work and we did it and scarcely knew it. We fought the Spanish War, and would not have known that there was a war going on if it had not been for the newspapers. (Laughter.)

When Mr. Warburton comes before you I want you to listen to him. He has a map and I helped him prepare it, and that map shows a system of roads leading to every capital and every town of 20,000 population in the United States. He calculates that about 18,000 miles will cover that. Then he is going to show you something that will be of infinite interest, how to get the money to build those roads.

I will tell you a scheme. Talking of schemes, I am reminded of the story of the country school teacher who applied for a position. It was in the days when the school directors

conducted their own examinations. One of the school board asked the applicant for a position as teacher, "How do you teach geography, do you teach that the world is round or flat?" The applicant replied, "to tell you the truth, I usually consult the wishes of the majority of the parents whose children I am going to teach, and I am prepared to teach it either way." (Laughter)

I am a good deal like he was. I am prepared to teach this lesson either way, I will follow in with Mr. Warburton or with the American Automobile Association, or anybody's else proposition that will get somewhere. Let us cut out so many of these conventions, where we listen to splendid oratory and pass long resolutions and think we have accomplished something, whereas we have not accomplished anything because we have not taken a positive, affirmative position on this question. Let us take such a position today.

Mr. Warburton is going to tell you how to get the money, and he says by reinstating the war tax on tobacco we had during the Spanish War, we will be able to raise enough money to build the entire system of national roads; that we will be able to build them in five years, and we will be able to pay off the bonds, one-half of them at the expiration of five years; and the only convenience we will experience by reason of the tax will be that we will have to cut one cigar in 30, that we can only smoke 29 cigars for the price that we now buy 30 cigars. Well, I will go the full 30 and smoke with him on that proposition.

I have not figured his plan out very fully, but if it works out as he says it does that will supply the money and that will build the system of roads.

Now, I am not getting old, and I rarely think of my age, but there is one thing that does begin to haunt me a little bit, and that is that I would like to see some fruition of the hopes I have had during my time on earth. As I heard Colonel Potter say one day, I would rather ride one mile on a good road while I am alive than a thousand miles after I am dead. (Laughter.)

So let us get together on this proposition—the National Old Trails Road. I speak of it as an illustration at this point. More than one half of it is graded, and a third of it is built. That road can be finished without any question by the time of the great Panama Exposition in San Francisco in 1913. If the next Congress will take that up and appropriate the money, that road, at least, can be completed by that time. Maybe others can be completed too. It is altogether likely that others can be built also. We have learned how to do things and do them rapidly when we once get at it. It does not take a lifetime to accomplish a big thing nowadays. Within five years this whole country ought to be gridironed with National roads. After carrying out our plan of these National highways, let the counties and the States build and maintain their own roads connecting

with the National high road system, and then we will have roads that are worth while, and there will be no conflict of authority anywhere.

What would you think if we applied this idea of divided control and management to the improvement of the rivers and harbors of the country? Imagine a river divided up, letting each State through which it passes, maintain it and regulating and controlling its navigation. Do you not know that such a thought is utterly inconsistent and illogical? It is just as practical, though, to manage the navigable waters of the country in that way as it is to manage the National roads by divided authority.

Let the authority over the National roads remain where of right it belongs, in the National Government, under the supervision and control of National authority. (Applause.) And let the States and counties manage their own affairs in their own way.

Now, let us get behind a single project. If it be not my project let it be yours, and if we decide on taking up some other proposition other than mine, I will back it with all the power I have. But let us get behind something definite, and stand for it, not only in this Convention, but when this convention adjourns and we go home let us stand for it; and talk for it; and if we do that before the Ides of next November you will see the Congress of the United States obeying our will and giving us the project we have been hoping for during all these long years. We will then come in and carry out a project that will do more for the up-building of the country; do more for the progressive ideas of the country; do more for the school system of the country; do more for the churches of the country; do more for the patriotism and manhood and womanhood of the country than any project ever conceived in the mind of man. (Applause)

Chairman Diehl:—One moment before adjournment. The Chairman of the Committee on Resolutions states he wishes to make a personal report and ask the adoption of that report before adjournment. I recognize L. R. Speare, Chairman of the Committee on Resolutions.

Mr. Speare:—Your Committee will take only a very little of your time. I will now read the resolutions we present, and move their adoption:

"Whereas, in the development of our country's transporting appliances for man and goods from place to place, it has become the universal will of the people of the United States for better roads; therefore, be it

"Resolved, That we recommend our Federal Government to build and maintain an interstate system of highways connecting the capitals of the various States, and with the National Capital.

Resolved, That we advocate the creation, wherever they do not now exist, of effective State Departments of Highways, in the various States, and that copy of this resolution be sent to the Governor of each State."

The resolutions were unanimously agreed to.

The Chairman of the Resolutions Committee read as follows:

"Whereas, In the development of our country's transporting appliances for man and goods from place to place, it has become almost the universal will of the people of the United States for better roads; therefore, be it,

"Resolved, That we recommend our Federal Government to build and maintain an inter-state system of highways connecting the capitals of the various States, and with the National Capital.

"Resolved, That we advocate the creation, wherever they do not now exist, of effective State Departments of Highways, in the various States, and that a copy of this resolution be sent to the Governor of each State."

Chairman Diehl (continuing):—I would say in addition to that that the Chairman of the Committee gave quite a lengthy explanation of the fact that this was all boiled down into a few resolutions.

Mr. Tomlinson:—I thank you very much.

Chairman Diehl:—Is there anything further we can discuss with reference to the report of the Committee on Resolutions?

Mr. Lowe: I move that the following resolution be adopted:

"Resolved, That the taxes, approximately, that were in existence in 1879 on tobacco be restored and used for the purpose of building a National system of highways."

I want to cover the suggestion made by Mr. Warburton in his speech.

Chairman Diehl:—According to our rules that resolution would be referred without debate to the Committee on Resolutions, unless there is unanimous consent to its immediate consideration. Is there any objection to adopting that resolution in the Convention now? If not, I will declare the motion in order.

Mr. Shackleford:—I do not rise to oppose it, but to offer an amendment, and that is that the money raised by this taxation be set apart as the fund to be applied to the construction or maintenance, or both, of such roads as Congress shall adopt. The gentleman from Kansas City moved that this be set apart in aid of a system of National roads. I move to amend this by saying it shall be set apart as a sacred fund to be used in the construction and maintenance of such roads as Congress shall determine to give aid to by Congressional legislation.

The question was taken on the adoption of the amendment, and the Chair announced that the amendment was rejected.

Mr. Shackleford:—I ask for a division on that.

A division was taken and the Chair announced that the amendment was lost.

Chairman Diehl:—The motion recurs on the original motion of Judge Lowe.

The question was taken, and the Chair announced that the motion was apparently agreed to.

Mr. Shackleford:—I ask for a division.

A division was taken, and the vote resulted, yeas, 46; nays 2. So the resolution was agreed to.

CHESTNUT RIDGE, MARYLAND.

CHAPTER XIII.

Speech of Abraham Lincoln in Favor of Internal Improvements

Delivered in the United States House of Representatives, June 20, 1848.

(Issued first in 1912, by the National Old Trails Road Association.)

In Committee of the Whole on the State of the Union, on the Civil and Diplomatic Appropriation Bill:

Mr. Chairman: I wish at all times in no way to practice any fraud upon the House or the Committee, and I also desire to do nothing which may be very disagreeable to any of the members. I therefore state in advance that my object in taking the floor is to make a speech on the general subject of internal improvements; and if I am out of order in doing so, I give the chair an opportunity of so deciding, and I will take my seat.

The Chair: I will not undertake to anticipate what the gentleman may say on the subject of internal improvements. He will, therefore, proceed in his remarks, and if any question of order shall be made, the Chair will then decide it.

Mr. Lincoln. At an early day of this session the President sent us what may properly be called an internal improvement veto message. The late Democratic convention, which sat at Baltimore, and which nominated General Cass for the presidency, adopted a set of resolutions, now called the Democratic platform, among which is one in these words:

"That the Constitution does not confer upon the General Government the power to commence and carry on a general system of internal improvements."

General Cass, in his letter accepting the nomination, holds this language:

"I have carefully read the resolutions of the Democratic National Convention, laying down the platform of our political faith, and I adhere to them as firmly as I approve them cordially.

These things, taken together, show that the question of internal improvements is now more distinctly made—has become more intense—than at any former period. The veto message and the Baltimore resolution I understand to be, in substance, the same thing: the latter being the more general statement, of which the former is the amplification—the bill of particulars. While

I know there are many Democrats on this floor and elsewhere, who disapprove that message, I understand that all who shall vote for General Cass will thereafter be counted as having approved it—as having indorsed all its doctrines. I suppose all, or nearly all, the Democrats will vote for him. Many of them will do so not because they like his position on this question, but because they prefer him, being wrong on this, to another whom they consider farther wrong on other questions. In this way the internal improvement Democrats are to be, by a sort of forced consent, carried over and arrayed against themselves on this measure of policy. General Cass, once elected, will not trouble himself to make a Constitution argument, or perhaps any argument at all, when he shall veto a river or harbor bill; he will consider it a sufficient answer to all Democratic murmurs to point to Mr. Polk's message, and to the "Democratic Platform." This being the case, the question of improvements is verging to a final crisis; and the friends of this policy must now battle, and battle manfully, or surrender all. In this view, humble as I am, I wish to review, and contest as well as I may, the general positions of this veto message. When I say general positions, I mean to exclude from consideration so much as relates to the present embarrassed state of the treasury in consequence of the Mexican War.

Those general positions are that internal improvements ought not to be made by the General Government. First—Because they would overwhelm the treasury. Second—Because, while their burdens would be general, their benefits would be local and partial, involving an obnoxious inequality. Third—Because they would be unconstitutional. Fourth—Because the States may do enough by the levy and collection of tonnage duties; or if not. Fifth—That the Constitution may be amended. "Do nothing at all, lest you do something wrong," is the sum of these positions—is the sum of this message. And this, with the exception of what is said about constitutionality, applying as forcibly to what is said about making improvements by State authority as by the national authority; so that we must abandon the improvements of the country altogether, by any and every authority, or we must resist and repudiate the doctrines of this message. Let us attempt the latter.

The first position is, that a system of internal improvements would overwhelm the treasury. That in such a system there is a tendency to undue expansion, is not to be denied. Such tendency is founded in the nature of the subject. A member of Congress will prefer voting for a bill which contains an appropriation for his district, to voting for one which does not; and when a bill shall be expanded till every district shall be provided for, that it will be too greatly expanded is obvious. But is this any more true in Congress than in a State legislature? If a member of Congress must have an appropriation for

his district, so a member of a legislature must have one for his county. And if one will overwhelm the national treasury, so the other will overwhelm the State treasury. Go where we will, the difficulty is the same. Allow it to drive us from the halls of Congress, and it will, just as easily, drive us from the State legislatures. Let us, then, grapple with it, and test its strength. Let us, judging of the future by the past, ascertain whether there may not be, in the discretion of Congress, a sufficient power to limit and restrain this expansive tendency within reasonable and proper bounds. The President himself values the evidence of the past. He tells us that at a certain point of our history more than two hundred millions of dollars had been applied for to make improvements; and this he does to prove that the treasury would be overwhelmed by such a system. Why did he not tell us how much was granted? Would not that have been better evidence? Let us turn to it, and see what it proves. In the message the President tells us that "during the four succeeding years embraced by the administration of President Adams, the power not only to appropriate money, but to apply it, under the direction and authority of the General Government, as well to the construction of roads as to the improvement of harbors and rivers was fully asserted and exercised."

This, then, was the period of greatest enormity. These, if any, must have been the days of the two hundred millions. And how much do you suppose was really expended for improvements during that four years? Two hundred millions? One hundred? Fifty? Ten? Five? No, sir; less than two millions. As shown by authentic documents, the expenditures on improvements during 1825, 1826, 1827, and 1828 amounted to one million eight hundred and seventy-nine thousand six hundred and twenty-seven dollars one cent. These four years were the period of Mr. Adams' administration, nearly and substantially. This fact shows that when the power to make improvements "was fully asserted and exercised," the Congress did keep within reasonable limits; and what has been done, it seems to me, can be done again.

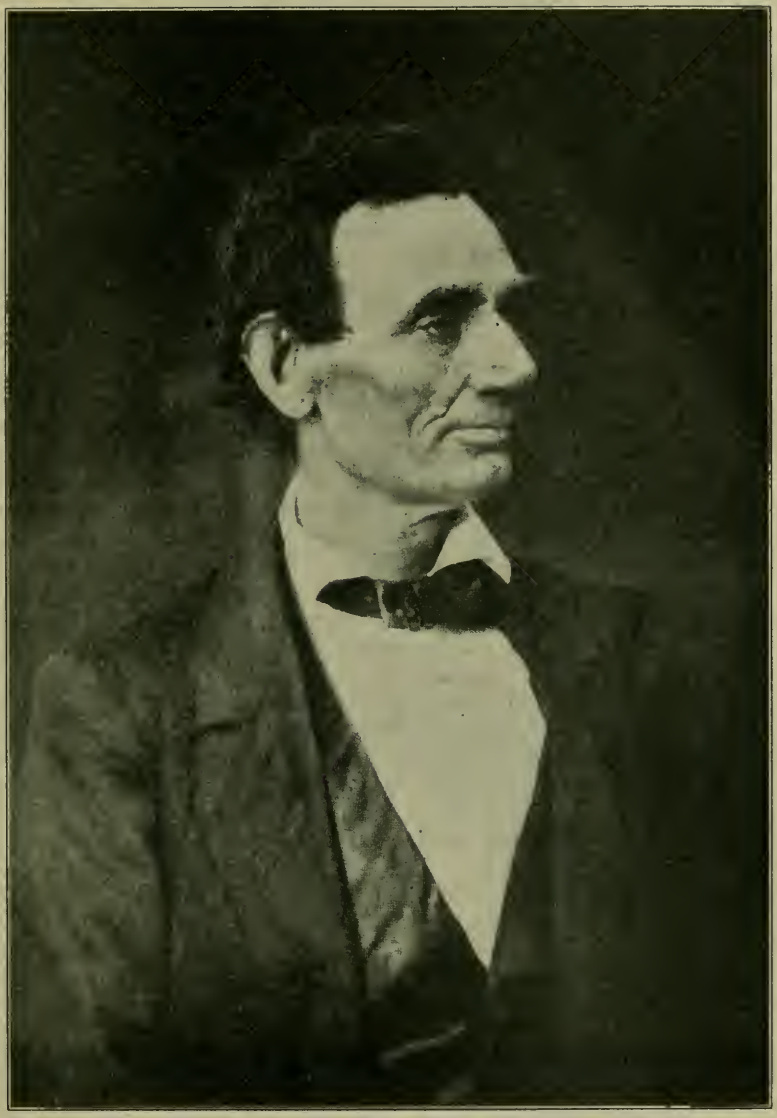
(Note. Adams was elected on a platform pledging aid to the Cumberland Road, and had it surveyed to the capital of Missouri.)

Now, for the second portion of this message—namely, that the burdens of improvements would be general, while their benefits would be local and partial, involving an obnoxious inequality. That there is some degree of truth in this position, I shall not deny. No commercial object of government patronage can be so exclusively general as to not be of some peculiar local advantage. The navy, as I understand it, was established and is maintained at a great annual expense, partly to be ready for war when war shall come, and partly also, and perhaps chiefly for the protection of our commerce on the high seas. This latter

object is, for all I can see, in principle the same as internal improvements. The driving a pirate from the track of commerce on the broad ocean, and the removing a snag from its more narrow path in the Mississippi River, cannot, I think, be distinguished in principle. Each is done to save life and property, and for nothing else.

The navy, then, is the most general in its benefits of all this class of objects; and yet even the navy is of some peculiar advantage to Charlestown, Baltimore, Philadelphia, New York, and Boston, beyond what it is to the interior towns of Illinois. The next most general object I can think of would be improvements on the Mississippi River and its tributaries. They touch thirteen of our States—Pennsylvania, Virginia, Kentucky, Tennessee, Mississippi, Louisiana, Arkansas, Missouri, Illinois, Indiana, Ohio, Wisconsin and Iowa. Now I suppose it will not be denied that these thirteen States are a little more interested in improvements on that great river than are the remaining seventeen. These instances of the navy and the Mississippi River show clearly that there is something of local advantage in the most general objects. But the converse is also true. Nothing is so local as to not be of some general benefit. Take, for instance, the Illinois and Michigan Canal. Considered apart from its effects, it is perfectly local. Every inch of it is within the State of Illinois. That Canal was first opened for business last April. In a very few days we were all gratified to learn, among other things, that sugar had been carried from New Orleans through this canal to Buffalo in New York. This sugar took this route, doubtless, because it was cheaper than the old route. Supposing benefit of the reduction in the cost of carriage to be shared between seller and buyer, the result is that the New Orleans merchant sold his sugar a little dearer, and the people of Buffalo sweetened their coffee a little cheaper than before—a benefit resulting from the canal, not to Illinois, where the canal is, but to Louisiana and New York, where it is not. In other transactions Illinois will, of course, have her share, and perhaps the large share, too, of the benefits of the canal; but this instance of the sugar clearly shows that the benefits of an improvement are by no means confined to the particular locality of the improvement itself.

The just conclusion from all this is that if the nation refuse to make improvements of the more general kind because their benefits may be somewhat local, a State may for the same reason refuse to make an improvement of a local kind because its benefits may be somewhat general. A State may well say to the nation, "If you will do nothing for me, I will do nothing for you." Thus it is seen that if this argument of "inequality" is sufficient anywhere, it is sufficient everywhere, and puts an end to improvements altogether. I hope and believe that if both the nation and the States would, in good faith, in their respective



A RARE LIKENESS OF LINCOLN.

The Liberty Magazine, published by the Tribune Publishing Co., Chicago, comments in part as follows, on a picture of Abraham Lincoln:

"An unusual stroke of fortune enables the Liberty to commemorate the birthday of Abraham Lincoln by presenting the hitherto unpublished photograph of the great Emancipator, reproduced on the cover of this issue.

"Added interest is lent the photograph by the circumstances under which it was taken. It dates from 1857, the year after Lincoln was first mentioned as a possible Republican candidate for President in the 1860 election. Lincoln was in Chicago arguing a case in the United States Circuit Court, and various members of the Chicago Bar requested the photograph. Lincoln, accordingly went with Joseph Medill to Alexander Hesler, a Chicago photographer. Mr. Hesler attempted to smooth the sitter's hair; but Lincoln not liking the result, rumpled his hair and bade the photographer go ahead." So it seems that the "good fortune" the Liberty Magazine fell heir to was Mr. Lincoln's choice and is the best likeness ever made of the great President.

spheres do what they could in the way of improvements, what of inequality might be produced in one place might be compensated in another, and the sum of the whole work might not be very unequal.

But suppose after all, there should be some degree of inequality. Inequality is certainly never to be embraced for its own sake; but is every good thing to be discarded which may be inseparably connected with some degree of it? If so, we must discard all government. This capital is built at the public expense, for the public benefit; but does anyone doubt that it is of some peculiar local advantage to the property-holders and business people of Washington? Shall we remove it for this reason? And if so, where shall we set it down, and be free from the difficulty? To make sure of our object, shall we locate it nowhere, and have Congress hereafter to hold its sessions, as the loafer lodged, "in spots about?" I make no allusion to the present President when I say there are few stronger cases in this world of "burden to the many and benefit to the few," of "inequality," than the presidency itself is by some thought to be. An honest laborer digs coal at about seventy cents a day, while the President digs abstractions at about seventy dollars a day. The coal is clearly worth more than the abstractions, and yet what a monstrous inequality in the prices! Does the President, for this reason, propose to abolish the presidency? He does not, and he ought not. The true rule in determining to embrace or reject anything, is not whether it have any evil in it, but whether it have more of evil than of good. There are few things wholly evil or wholly good. Almost everything, especially of government policy, is an inseparable compound of the two; so that our best judgment of the preponderance between them is continually demanded. On this principle the President, his friends, and the world generally act on most subjects. Why not apply it, then, upon this question? Why, as to improvements, magnify the evil, and stoutly refuse to see any good in them?

Mr. Chairman, on the third position of the message—the constitutional question—I have not much to say. Being the man I am, and speaking where I do, I feel that in any attempt at an original constitutional argument, I should not be, and ought not to be, listened to patiently. The ablest and the best of men have gone over the whole ground long ago. I shall attempt but little more than a brief notice of what some of them have said. In relation to Mr. Jefferson's views, I read from Mr. Polk's veto message:

"President Jefferson, in his message to Congress in 1806, recommended an amendment of the Constitution, with a view to apply an anticipated surplus in the Treasury, 'to the great purpose of the public education, roads, rivers, canals, and such other objects of public improvements as it may be thought proper

to add to the constitutional enumeration of the federal powers'; and he adds: '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.' In 1825, he repeated in his published letters the opinion that no such power has been conferred upon Congress."

(Note. It is now conceded on all sides that amendment of the Constitution is not necessary, and Mr. Jefferson signed the Bill Nationalizing the Cumberland Road in 1806.)

I introduce this not to controvert just now the constitutional opinion, but to show that, on the question of expediency Mr. Jefferson's opinion was against the present President—that this opinion of Mr. Jefferson, in one branch at least, is in the hands of Mr. Polk like McFingal's gun—"bears wide and kicks the owner over."

But to the constitutional question. In 1826 Chancellor Kent first published his "Commentaries" on American law. He devoted a portion of one of the lectures to the question of the authority of Congress to appropriate public moneys for internal improvements. He mentions that the subject had never been brought under judicial consideration, and proceeds to give a brief summary of the discussion it had undergone between the legislative and executive branches of the government. He shows that the legislative branch had usually been for, and the executive against, the power, till the period of Mr. J. Q. Adams' administration, at which point he considers the executive influence as withdrawn from opposition, and added to the support of the power. In 1844 the chancellor published a new edition of his "Commentaries," in which he adds some notes of what had transpired on the question since 1826. I have not time to read the original text on the notes; but the whole may be found on page 267, and the two or three following pages, of the first volume of the edition of 1844. As to what Chancellor Kent seems to consider the sum of the whole, I read from one of the notes:

"Mr. Justice Story, in his commentaries on the Constitution of the United States, Vol. II, pp. 429-440, and again pp. 519-538, has stated at large the arguments for and against the proposition that Congress have a constitutional authority to lay taxes, and to apply the power to regulate commerce as a means directly to encourage and protect domestic manufactures; and without giving any opinion of his own on the contested doctrine, he has left the reader to draw his own conclusions. I should think, however, from the arguments stated, that every mind which has taken no part in the discussion, and felt no prejudice or territorial bias on either side of the question, would deem the arguments in favor of the Congressional power vastly superior."

(Note. Judge Cooly affirms the power. So has the Supreme Court of the United States.)

It will be seen that in this extract the power to make improvements is not directly mentioned; but by examining the context, both of Kent and Story, it will be seen that the power mentioned in the extract, and the power to make improvements, are regarded as identical. It is not to be denied that many great and good men have been against the power; but it is insisted that quite as many, as great and as good, have been for it; and it is shown that, on a full survey of the whole, Chancellor Kent was of the opinion that the arguments of the latter were vastly superior. This is but the opinion of a man; but who was that man? He was one of the ablest and most learned lawyers of his age, or of any age. It is no disparagement to Mr. Polk, nor indeed to anyone who devotes much time to politics, to be placed far beyond Chancellor Kent as a lawyer. His attitude was most favorable to correct conclusions. He wrote coolly, and in retirement. He was struggling to rear a durable monument of fame: and he well knew that truth and thoroughly sound reasoning were the only sure foundations. Can the party opinion of a party President on a law question, as this purely is, be at all compared or set in opposition to that of such a man, in such an attitude, as Chancellor Kent? This constitutional question will probably never be better settled than it is, until it shall pass under judicial consideration; but I do think no man who is clear on the questions of expediency need feel his conscience much pricked upon this.

Mr. Chairman, the President seems to think that enough may be done, in the way of improvements, by means of tonnage duties under State authority, with the consent of the General Government. Now I suppose this matter of tonnage duties is well enough in its own sphere. I suppose it may be efficient, and perhaps sufficient, to make slight improvements and repairs in harbors already in use and not much out of repair. But if I have any correct general idea of it, it must be wholly inefficient for any general beneficent purposes of government. I know very little, or rather nothing at all, of the practical matter of levying and collecting tonnage duties; but I suppose one of its principles must be to lay a duty for the improvement of any particular harbor upon the tonnage coming into that harbor; to do otherwise—to collect money in one harbor to be expended on improvements in another—would be an extremely aggravated form of that inequality which the President so much deprecates. If I be right in this, how could we make any entirely new improvement by means of tonnage duties? How make a road, a canal, or clear a greatly obstructed river? The idea that we could involve the same absurdity as the Irish bull about the new boots. "I shall niver get 'em on." says Patrick, "till I wear them a day or two, and stretch 'em a little." We

shall never make a canal by tonnage duties until it shall already have been made awhile, so the tonnage can get into it.

After all the President concludes that possibly there may be some great objects of improvement which cannot be effected by tonnage duties, and which it therefore may be expedient for the General Government to take in hand. Accordingly he suggests in case any such is discovered, the propriety of amending the Constitution. Amend it for what? If, like Mr. Jefferson, the President, thought improvements expedient, but not constitutional, it would be natural enough for him to recommend such an amendment. But hear what he says in this very message:

"In view of these portentious consequences, I cannot but think that this course of legislation should be arrested, even were there nothing to forbid it in the fundamental laws of our Union."

For what, then, would he have the Constitution amended? With him it is a proposition to remove one impediment merely to be met by others, which, in his opinion, cannot be removed —to enable Congress to do what, in his opinion, they ought not to do it if they could.

(Here Mr. Meade of Virginia inquired if Mr. Lincoln understood the President to be opposed, on grounds of expediency, to any and every improvement.)

Mr. Lincoln answered: "In the very part of his message of which I am speaking, I understand him as giving some vague expression in favor of some possible objects of improvement; but in doing so I understand him to be directly on the teeth of his own arguments in other parts of it. Neither the President nor any one can possibly specify an improvement which shall not be clearly liable to one or another of the objections he has urged on the score of expediency. I have shown, and might show again, that no work—no object—can be so general as to dispense its benefits with precise equality; and this inequality is chief among the "portentious consequences" for which he declares that improvements should be arrested. No, sir. When the President intimates that something in the way of improvements may properly be done by the General Government, he is shrinking from the conclusions to which his own arguments would force him. He feels that the improvements of this broad and goodly land are a mighty interest; and he is unwilling to confess to the people, or perhaps to himself, that he built an argument which, when pressed to its conclusions, entirely annihilates his interest.

I have already said that no one who is satisfied of the expediency of making improvements needs be much uneasy in his conscience about its constitutionality. I wish now to submit a few remarks on the general proposition of amending the Constitution. As a general rule, I think we would much better

let it alone. No slight occasion should tempt us to touch it. Better not take the first step, which may lead to a habit of altering it. Better, rather, habituate ourselves to think of it as unalterable. It can scarcely be made better than it is. New provisions would introduce new difficulties, and thus create an increased appetite for further change. No, sir; let it stand as it is. New hands have never touched it. The men who made it have done their work, and have passed away. Who shall improve on what they did? Note: How wise he was.

Mr. Chairman, for the purpose of reviewing this message in the least possible time, as well as for the sake of directness, I have analyzed its arguments as well as I could, and reduced them to the propositions I have stated. I have now examined them in detail. I wish to detain the committee only a little while longer with some general remarks upon the subject of improvements. That the subject is a difficult one cannot be denied. Still it is no more difficult in Congress than in the State legislatures, in the counties, or in the smallest municipal districts which anywhere exist. All can recur to instances of this difficulty in the case of country roads, bridges, and the like. One man is offended because a road passes over his land, and another is offended because it does not pass over his; one is dissatisfied because the bridge for which he is taxed crosses the river on a different road from that which leads from his house to town; another cannot bear that the county should be got into debt for these same roads and bridges; while not a few struggle hard to have roads located over their lands, and then stoutly refuse to let them be opened until they are first paid the damages. Even between the different wards and streets of town and cities we find this same wrangling and difficulty. Now these are no other than the very difficulties against which, and out of which, the President constructs his objections of "inequality", "speculation," and "crushing the treasury." There is but a single alternative about them; they are sufficient, or they are not. If sufficient, they are sufficient out of Congress as well as in it, and there is the end. We must reject them as insufficient, or lie down and do nothing by any authority. Then, difficulty though there be, let us meet and encounter it. "Attempt the end, and never stand to doubt; nothing so hard, but search will find it out." Determine that the thing can and shall be done, and then we shall find the way. The tendency to undue expansion is unquestionably the chief difficulty.

How to do something, and still not do too much, is the desideratum. Let each contribute his mite in the way of suggestion. The late Silas Wright, in a letter to the Chicago convention, contributed his, which was worth something; and I now contribute mine, which may be worth nothing. At all events, it will mislead nobody, and therefore will do no harm. I would not borrow money. I am against an overwhelming,

crushing system. Suppose that, at each session, Congress will first determine how much money can, for that year, be spared for improvements; then apportion that sum to the most important objects. So far all is easy; but how shall we determine which are the most important? On this question comes the collision of interests. I shall be slow to acknowledge that your harbor or your river is more important than mine, and vice versa. To clear this difficulty, let us have that same statistical information which the gentleman from Ohio (Mr. Vinton) suggested at the beginning of this session. In that information we shall have a stern, unbending basis of facts— a basis in no wise subject to whim, caprice, or local interest. The pre-limited amount of means will save us from doing too much, and the statistics will save us from doing what we do in wrong places. Adopt and adhere to this course, and, it seems to me, the difficulty is cleared.

One of the gentlemen from South Carolina (Mr. Rhett) very much deprecates these statistics. He particularly objects, as I understand him, to counting all the pigs and chickens in the land. I do not preceive much force in the objection. It is true that if everything be enumerated, a portion of such statistics may not be very useful to this object. Such products of the country as are to be consumed where they are produced need no roads or rivers, no means of transportation, and have no very proper connection with this subject. The surplus—that which is produced in one place to be consumed in another; the capacity of each locality for producing a greater surplus; the natural means of transportation, and their susceptibility of improvement; the hindrances, delays, and losses of life and property during transportation and the causes of each, would be among the most valuable statistics in this connection. From these it would readily appear where a given amount of expenditure would do the most good. These statistics might be equally accessible, as they would be equally useful, to both the nation and the States. In this way, and by these means, let the nation take hold of the larger works, and the States the smaller ones; and thus, working in a meeting direction, discreetly, but steadily and firmly, what is made unequal in one place may be equalized in another, extravagance avoided and the whole country put on that career of prosperity which shall correspond with its extent of territory, its natural resources, and the intelligence and enterprise of its people.

(Note. The Democrats were divided, Mr. Lincoln said in another speech, about equally, on internal improvements, and Cass was defeated. The Democratic platform of 1844, 1908 and 1912 declares in favor of National Roads.)

Long years after this celebrated speech was delivered, the Supreme Court of the United States rendering an opinion in Stockton vs. Baltimore, etc., R. R. (32 Fed. Rep. 9) said:

"Nor have we any doubt that under the same power the means of commercial communication by land as well as water may be opened up by Congress between different States whenever it shall see fit to do, either on the failure of the States to provide such communication, or whenever, in the opinion of Congress, increased facilities of communication ought to exist. Hitherto it is true the means of commercial communication have been supplied either by nature in the navigable waters of the country or by the States in the construction of roads, canals, and railroads, so that the functions of Congress have not been largely called into exercise under this branch of its jurisdiction and power, except in the improvement of rivers and harbors, and the licensing of bridges across navigable streams. But this is no proof that its power does not extend to the whole subject in all possible requirements. Indeed it has been put forth in several notable instances, which stand as strong arguments of practical construction given to the Constitution by the legislative department of the Government. The Cumberland or National Road is one instance of a grand thoroughfare protected by Congress, extending from the Potomac to the Mississippi.

IN THE ALLEGHANIES.

CHAPTER XIV.

The Cumberland Road.

Speech of Hon. Andrew Stewart of Pennsylvania, in Reply to James Buchanan, Afterwards President of the United States.

On the 27th of January, 1829, the Hon. Andrew Stewart, of Pennsylvania, in a vigorous speech on the floor of Congress, repelled the proposition that the general government was lacking in power and authority to make and preserve the Cumberland road, from which the following extracts are taken:

"Mr. Stewart expressed his regret that gentlemen had deemed this a fit occasion to draw into discussion all the topics connected with the general power over the subject of internal improvements. If repeated decisions and the uniform practice of the government could settle any question, this, he thought, ought to be regarded as settled. The foundation of this road (the National or Cumberland) was laid by a report made by Mr. Giles, the present Governor of Virginia, in 1802, and was sanctioned the next session by a similar report, made by another distinguished Virginian (Mr. Randolph) now a member of this House—it was the offspring of Virginia, and he hoped she would not now abandon it as illegitimate. Commenced under the administration of Mr. Jefferson, it had been sanctioned and prosecuted by every president, and by almost every Congress, for more than a quarter of a century. * * *"

Note: The following is too good to lose, hence printed here:

WILLING TO COMPLY.

"It is said that Chief Justice Marshall used to narrate with great glee the following correspondence on a point of honor between Governor Giles of Virginia and Patrick Henry:

"Sir," wrote the governor, "I understand that you have called me a bobtail politician. I wish to know if it is true, and, if true, your meaning.—W. R. Giles."

Patrick Henry's reply came promptly: "Sir, I do not recall calling you a bobtail politician at any time, but I think it probable that I have. I can't say what I did mean; but if you will tell me what you think I meant, I will tell whether you are correct or not."

"This was leaving it to Giles with a vengeance, but as there was no further correspondence the governor of Virginia must have read somewhere between the lines the meaning of Henry's brilliantly equivocal reply.

"With roads and canals, of what avail was it to the people of the West to possess a country, abounding with all the essential elements of wealth and prosperity—of what avail was it to have a country abounding with inexhaustible mines of coal and ore; to possess a fruitful soil and abundant harvests, without the means of transporting them to the places, where they were required for consumption? Without a market, the people of the West were left without a motive for industry. By denying to this portion of the Union the advantages of internal improvements, you not only deprive them of all the benefits of governmental expenditures, but you also deprive them of the advantages which nature's God intended for them. Possessing the power, how, he asked, could any representative of the interior or western portions of this Union vote against a policy so essential to the prosperity of the people who sent him here to guard their rights, and advance their interests? * * * Note: (But they did when they voted to substitute the Federal Aid Act for the Townsend Bill.)

"The right of this government to construct such roads and canals as were necessary to carry into effect its mail, military, and commercial powers, was as clear and undoubted as the right to build a postoffice, construct a fort, or erect a lighthouse. In every point of view the cases were precisely similar, and were sustained and justified by the same power. * * *

"The power," said Mr. Stewart, "to establish postoffices and post roads, involves the power and duty of transporting the mail, and of employing all the means necessary for this purpose. The simple question, then, was this: Are roads necessary to carry the mail? If they were, Congress had expressly the right to make them, and there was an end to the question." "Roads were," he contended, "not only necessary to carry into effect this power, but they were absolutely and indispensably necessary; you cannot get along without them, and yet we are gravely told that Congress has no right to make a mail road or repair it when made! That to do so would ruin the States and produce consolidation—ruin the States by constructing good roads for their use and benefit; produce consolidation by connecting the distant parts of the Union by cheap and rapid modes of inter-communication. If consolidation meant to confirm and perpetuate the Union, he would admit its application, but not otherwise. But we are told that the States will make roads to carry the mails. This was begging the question. If the States would make all the roads required to carry into effect our powers, very well; but, if they did not, then we may undoubtedly

make them ourselves. But it was never designed by the farmers of the Constitution that this government should be dependent on the States for the means of executing its power. 'Its means were adequate to its ends.' This principle was distinctly and unanimously laid down by the Supreme Court in the case already referred to: 'No trace,' says the Chief Justice, 'is to be found in the Constitution of an intention to create a dependence of the government of the Union on the States for the execution of the powers assigned to it—*its means are adequate to its ends.. To impose on it the necessity of restoring to means it cannot control, which another government may furnish or withhold, would render its course precarious, the result of its measures uncertain, and create a dependence on other governments, which might disappoint the most important designs, and is incompatible with the language of the Constitution.* And this was in perfect harmony with the constant and uniform practice of the government.'' ***

Mr. Stewart begged gentlemen to turn their attention for a moment to the statute book, and see what the practice of the government had been; what had been already done by Congress in virtue of this power of ''establishing postoffices and post roads.'' ''In 1825 an act had been passed, without a word of objection, which went infinitely further than the bill under consideration. His colleague (Mr. Buchanan) was then a member of this House, and, no doubt, voted for it. His eloquence was then mute—we heard nothing about States rights spectres and sedition laws. This bill, regulating the postoffice establishment, not only created some thirty or forty highly penal offenses, extending not only over the Cumberland Road, but over every other road in the United States, punishing with severest sanctions, even to the taking away the liberty and the lives of the citizens of the States, and requiring the State courts to take cognizance of these offenses and inflict these punishments. This was not all; this act not only extended over all the mail roads, but all other roads running parallel with them, on which all persons are prohibited, under a penalty of fifty dollars, from carrying letters in stages or other vehicles performing regular trips, and authorizing, too, the seizure and sale of any property found in them for the payment of the fines. The same regulations applied to boats and vessels passing from one town to another. Compare that bill with the one under debate. This bill had two or three trifling penalties of ten dollars, and was confined to one road of about one hundred and fifty miles in extent, made by the United States, while the other act, with all its fines and forfeitures, pains and penalties, extended not only to all the mail roads in the United States, but also to all parallel roads; yet no complaint was then heard about the constitutionality of this law, or the dreadful consequences of carrying the citizens hundreds of miles to be tried. Under it no difficulties had ever been experienced and no complaint had ever been heard. There had been no oc-

casions for appointing United States Justices and creating federal courts to carry this law into effect, about which there was so much declamation on this occasion; this was truly choking at gnats and swallowing camels. To take away *life* by virtue of the postoffice power for robbing the mail, is nothing; but to impose a fine of ten dollars for wilfully destroying a road which has cost the government a million of dollars, is a dreadful violation of State Rights! An unheard-of usurpation, worse than the sedition law; and went further towards a dissolution of the Union than any other act of the government. Such were the declarations of his colleague; he hoped he would be able to give some reason for thus denouncing this bill, after voting for the act of 1825, which carried this same power a hundred times further than this bill, both as regards the theatre of its operations, and the extent of its punishments." * * *

Having thus established, and, as he thought, conclusively, the right to construct roads and canals for mail and military purposes, he came next to say a few words on the subject of those which appertained to the express power of "*regulating commerce with foreign antions and among the several States.*" "This power carried with it, as a necessary incident, the right to construct commercial roads and canals. From this grant Congress derived exactly the same power to make roads and canals that it did sea-walls, lighthouses, buoys, beacons, etc., along the seaboard. If the power existed over the one it existed over the other in every point of view; the cases were precisely parallel; it was impossible to draw a distinction between them. This power was essential to every government—there was no government under the sun without it. All writers on national law and political economy considered the right to construct roads and canals as belonging to the commercial power of all governments. * * *

"There were great arteries of communication between distant divisions of this extensive empire, passing through many States or bordering upon them, which the States never could and never would make. These works were emphatically national, and ought to be accomplished by national means."

He instanced the road now under consideration—it passed through Maryland, Pennsylvania and Virginia, yet neither of these States would give *a dollar to make it.* It passed mostly through mountainous and uninhabited regions. He adverted to the Potomac, Ohio and Mississippi rivers. Important as they were to all the States, yet they were the internal concerns of none—they were mere boundaries to which the States would give nothing, while they had so many objects exclusively internal requiring all their means. For these reasons he was utterly *opposed to the project of dividing the surplus revenue of the general government among the several States;* this would be to surrender the national means which the people had confided to

NATIONAL OLD TRAILS ROAD.

Twenty-two miles east of Cumberland, Md., before rebuilding. At the time of rebuilding, the state engineer, in reply to my question, wrote that there was a saving of at least 50 per cent in the above foundations.

IMPRESSIONS OF ENGLISH HIGHWAYS.—By A. B. Fletcher, Consulting Highway Engineer, United States Bureau of Public Roads. Examination made 1924, closing paragraph of which follows:

"It is doubtful if we can hope to equal the bituminous roads of England, until we pay more attention to the foundations. We should either follow somewhat after the English method or develop a substitute, possibly less costly, which will be as effective."

this purpose to mere *local* and *sectional* objects, while those truly national would remain forever unprovided for. He did not claim for this government the power to make roads and canals for all purposes. The powers of this government and of the States were distinct and well defined. To the national government belonged, under the Constitution, the power of making national roads and canals for *national* purposes. To the States belonged the power of providing for *State* and *local* objects. The roads and canals projected and executed by the States and private companies were often highly important in a national point of view; and to such, in his opinion, this government ought always to afford aid in a proportion corresponding with the interest the nation had in their accomplishment. "When individuals were willing to go before and invest millions of their private funds in works strictly and truly national, connecting the remote sections of the Union together (of which we had two distinct examples, one in the district, and the other in a neighboring city, Baltimore), could this government, charged with the care and guardianship of all the great interests of the nation, look on with cold indifference? Was it not our duty to lend a helping hand to encourage, to cheer, and to sustain them in their noble and patriotic efforts?" * * *

Mr. Stewart said he would now proceed to answer, as briefly as possible, some leading arguments urged by gentlemen in opposition to the bill under consideration. His colleague (Mr. Buchanan) had said that this bill proposed a greater stretch of power than the sedition law. This was an argument *"ad capitandum vulgus."* He would not do his colleague the injustice to suppose that he was so ignorant of the Constitution of his country as seriously to address such an argument to the understanding of this House. The bill under consideration was necessary to carry into effect the express power of transporting the mail. What power of this government was the sedition law intended to carry into effect? None. It was, therefore, not only clearly unconstitutional on this ground, but it went directly to abridge the freedom of the press, and, of course, was a plain and palpable violation of that provision in the Constitution, which declared that "Congress shall make no law abridging the freedom of speech or of the press." Now, if his colleague could show any provision in the Constitution in the slightest degree impugning the right of Congress to pass this bill, then he might have some excuse for offering such an argument, otherwise, he had none. "The gentleman had, in a very labored effort, endeavored to prove that this government had no kind of jurisdiction or control whatever over this road. Yet his own amendment recognized the existence of the very power which he denies. By this amendment he proposes what? That this government shall cede the roads to the States, with the power to erect gates and collect as much toll as was necessary to keep

it in repair. But his whole argument went to prove that Congress did not possess the very power which his amendment assumed, and proposed to the States. The gentleman's amendment, and his speech, therefore, were at open war with each other, and would perhaps both perish in the conflict. Centainly, both could not survive—one or the other must fall.

The gentleman, proceeding in his argument, had assumed premises which nobody would admit, and then, with an air of great triumph, he drew conclusions which even his own premises would not support. He takes for granted that this government, with all its mail, military, and commercial powers, has no more right to make a road to carry these powers into effect, through a State, than any individual possessing none of these powers would have. Thus, having assumed what was utterly inadmissible, he triumphantly inquires whether an individual, having obtained leave to make a road through anothers land, could put up gates and exact toll? The gentleman says, surely not. But he said, surely yes, unless expressly prohibited by the contract. "Suppose, by permission, I build a mill," said Mr. Stewart, "upon that gentleman's estate, and construct a bridge and turnpike road to get to it, have not I as much right to demand toll at the bridge as at the mill? Most undoubtedly; so that the gentleman's premises and his conclusions were alike fallacious and unsound. This position had been taken by both the gentlemen from Virginia (Mr. Barbour and Mr. Archer) to whom he would make the same reply. A most extraordinary argument had been advanced against military roads; the public enemy may get possession of them in war! Was it possible that an American statesman could, at this time of day, urge such an argument? It might be addressed to a set of timid savages, secure in the midst of the wilderness. The enemy get possession of our roads, and, therefore, not make them! Such cowardly arguments would deprive us of every possible means of defense. The enemy, it might be said with equal propriety, may get our ships, our forts, our cannon, our soldiers, and, therefore, we ought not to provide them. What would the brave freemen of this country say to the men who would deny them roads to travel on, lest the enemy might take them from us in war? They would reply, with Spartan magnanimity, 'Let them come and take them.' * * *

"A great deal has been said on the subject of jurisdiction: that, if it existed at all, it must be exclusive; that it could not attach to soil, and much metaphysical refinement of this sort, which had little to do with the subject. On this point, the only sound and practical rule was, that this government had a right to assume such jurisdiction over the roads as was necessary for their preservation and repair by such means as should be deemed

most expedient, leaving everything beyond that to the States. Thus far the Constitution declared the legislation of Congress to be 'the supreme law of the land, anything in the Constitution and laws of any State to the contrary notwithstanding.' This left to the laws of the States the right to punish all offenses, and other acts committed upon the road, in the same manner as though they had occurred in any other part of their territory. Such has been the uniform practice of the government in executing all its powers up to the present time, and no complaint had ever been made or inconvenience experienced.

"It has been universally conceded on all hands in this debate, that the consent of the States could not confer any jurisdiction or powers on this government beyond what it had derived from the Constitution. This was too clear a proposition to admit of doubt. Yet the names of Jefferson, Madison, Monroe and Gallatin were introduced and relied on. Did gentlemen forget that Mr. Gallatin was the very first man that ever suggested the plan for making the Cumberland road, and that it had been sanctioned, and actually constructed under the administrations of Jefferson, Madison and Monroe? Their opinions were thus reduced to practice, which was the best evidence in the world—'By their fruits shall ye know them.'"

How strikingly similar is this language, delivered by Stewart in 1829, to the language employed by Justice Brewer when delivering the opinion of the Supreme Court in the case of Stockton vs. Baltimore R. R. Fed. Rep. 9, in 1902, as follows:

"Nor have we any doubt that under the same power the means of commercial communication by land as well as water may be opened up by Congress between the different States whenever it shall see fit to do so, either on the failure of the State to provide such communication, or whenever, in the opinion of Congress, the increased facilities of communication ought to exist. Hitherto it is true the means of commercial communication have been supplied either by nature in the navigable waters of the country or by the States in the construction of roads, canals and railroads. So that the functions of Congress have not been largely called into exercise under this branch of its jurisdiction and power, excepting in the improvement of rivers and harbors and the licensing of bridges across navigable streams. But this is no proof that its power does not extend to the whole subject in all possible requirements. Indeed, it has been put forth in several notable instances, which stand as strong arguments of practical construction given to the constitution by the legislative department of the Government. The Cumberland or National Road is one instance of a grand thoroughfare projected by Congress, extending from the Potomac to the Mississippi."

SPEECH OF SENATOR WORKS OF CALIFORNIA.

The Congressional Record of May 2, 1916, when the original Federal Aid Act of unhappy memory, was pending, Senator Works of California spoke as follows:

Mr. Works. Mr. President, I have occupied all the time I think I ought to consume in the discussion of this bill; but I have here a synopsis of the statement made by Judge J. M. Lowe, who is president of the National Old Trails Road Association of Kansas City, Mo., before the Good Roads Committee of the House of Representatives, which was prepared by Judge Lowe himself, and which bears upon this question. I should like to have it read by the Secretary.

The Presiding Officer. Without objection, the Secretary will read as requested.

The Secretary read as follows:

Synopsis of Statement Made by Judge J. M. Lowe, President of National Old Trails Road Association, of Kansas City, Mo., before the Good Roads Committee of the House of Representatives at Washington, D. C., 1914.

To the Good Roads Committee of the House of Representatives:

As you kindly requested me to make a brief resume of my statements made when before you the other day, I hereby respectfully submit the following:

As "Federal Aid" in some form is being agitated as preferable to a system of national highways, permit me to ask why make the States contribute an equal amount or any other amount as a condition precedent to any action by the General Government?

Why make the State contribute to a national enterprise at all?

If a road is not of national concern, ought the national revenues be appropriated to it?

If it is of national concern, ought the State to contribute?

But you may say that it will be of benefit to the State. Granted; but shall the Government refuse to enter upon an internal improvement for fear it will benefit the State?

Shall the State be taxed because she is benefited by such improvement?

If this is to be the policy, then why not apply it to rivers and harbors? They, too, are of local benefit. And to public buildings, and many other public enterprises?

"No enterprise is so general as not to be of some local benefit"; but shall all progress cease, all activities end, because some local benefit may result? Inequalities of benefits are never to be courted, and "equal and exact" benefits should be striven for, but that some inequalities will exist in any scheme possible to devise, goes without saying. Shall we do nothing lest some inequalities may be created? If so, all progress must cease.

But "cross-country roads," "tourists' roads," "ocean-to-ocean highways" ought not to be built for fear automobile "joy riders" will use them!

The roads most in favor by these critics are "the rural roads," the roads in the back districts, in remote sections, where there are no products to market and no people to use them, either for "joy" or necessity—roads that "begin nowhere and end nowhere"—roads of little local value and no general value; these are the roads to which it is proposed by some that the general revenue be applied.

Moreover, one-half of the States can not participate in any co-operative scheme because of constitutional limitations.

The States in which constitutional amendments are necessary to permit co-operation or acceptance of "Federal Aid" are:

Arizona, Arkansas, Colorado, Florida, Georgia, Indiana, Kansas, Louisiana, Michigan, Missouri, Nebraska, Nevada, North Dakota, Ohio, Pennsylvania, Oregon, South Dakota, Texas, Utah, Virginia, West Virginia and Wisconsin.

I have been asked if the States thus prohibited by their constitutions from co-operation could not raise their pro rata by a system of general increase of taxes? They probably could, but a legislature would likely hesitate to increase taxes in order that a constitutional provision might be nullified.

For instance, Pennsylvania has just voted down a constitutional amendment providing for issuing of road bonds.

Would her legislature be likely to reverse this action of her people?

Possibly a number of these States would amend their constitution, but this would be both slow and doubtful; and if a single State should fail or refuse, any general system of roads would fail.

Both Monroe and Jackson held tenaciously to the policy of appropriating the national revenues to national purposes only.

Monroe, in reversing a former conclusion, states that a more thorough study of the whole subject had convinced him that Congress had the right to appropriate the national revenues to "national, not State; general, not local, purposes," and that this should be the settled policy of his administration, and it was.

Andrew Jackson, when vetoing a bill appropriating the national revenues to the building of the northern end of the Old Wilderness Road, leading from Lexington, Ky., to Maysville, a distance of about 60 miles, quoted the language of President Monroe as sustaining his own veto to-wit:

"That Congress could rightly appropriate the national revenues to roads of general, not local; national, not State, benefit," whereas the part of the road sought to be improved by Mr. Clay's bill was purely local, and not of any general or national benefit.

This is undoubtedly the correct principle, and it ought to forever put at rest schemes and subterfuges for appropriating the national revenues to matters of local and State concern only.

President Jackson said further, in speaking of Mr. Clay's road: "It has no connection with any established system of improvements; it is exclusively within the limits of a State, starting at a point on the Ohio River and running out 60 miles to an interior town, and, even as far as the State is interested, conferring partial instead of general advantages. * * *

"Although many of the States with laudable zeal and under the influence of an enlightened policy, are successfully applying their separate efforts to work of this character, the desire to enlist the aid of the General Government in the construction of such as, from their nature, ought to devolve upon it, and to which the individual States are inadequate, is both rational and patriotic; and if that desire is not gratified now, it doesn't follow that it never will be. The general intelligence and public spirit of the American people furnish a sure guaranty that at the proper time this policy will be made to prevail under circumstances more auspicious to this successful prosecution than those which now exist."

He stood for a system of national highways, and states in his veto message that if the local Maysville and Lexington Pike had been a link or part of such a system he would have approved it.

On March 3, 1837, the very last day of his last administration, he approved an appropriation to continue the construction of the Old Cumberland (national) Road, a national highway, built and maintained by the Government, and supported by every administration from Jefferson's in 1806, to 1837.

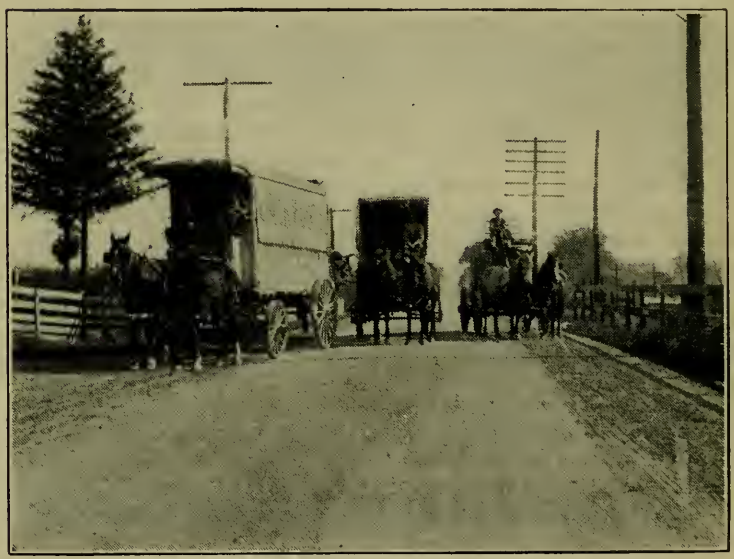
But shall those live States and communities which have already awakened to the importance of good roads and have issued road bonds be permitted to participate in this "aid," or shall it be given as a free bounty or reward only to those backward and slothful communities where there are neither products to market nor people to transport?

If the former are treated at least equally with the latter, then they have already issued $410,000,000 in road bonds and are ready to wipe up any appropriation Congress may make. New York alone is ready to take up $100,000,000 of this "aid."

Besides, is it not illogical and impracticable to give, or try to give, joint authority and supervision to the States over a national highway or over any highway? The Supreme Court has repeatedly said that there is no difference between a highway on the land and on the water. What would be the result if every State through which a navigable stream may run had jurisdiction and control over it? There would be no uniformity in its upkeep nor in the navigation laws governing its use.

Joint control and supervision is impracticable and unworkable. Either the state or the General Government must be supreme. If each is supreme over its own system, and only over its own system, there will be no friction, no departure from the uniform practice of the Government, no questions of State rights nor of paternal nor concentrated Federl power, no conflict of authority, no dodging of responsibility.

And, after all is said, why tax the State, or the people of the State, before permitting them to have any benefit from taxes already paid? For, twist the whole matter as we may, it all comes back to the ultimate fact that "the people pay the freight," whether it comes out of the National treasury or a part of it out of the State treasury.



NATIONAL OLD TRAILS ROAD IN INDIANA.

CHAPTER XV.

The Amended Federal Aid Act.

THE CHICAGO COMPROMISE—HAS IT BEEN KEPT?

Speech of the President National Old Trails Road Association, Before the Highway Industries Road Congress, in Chicago, December 12, 1918.

Mr. Chairman and Gentlemen of the Convention:

We meet under most favorable conditions. The nightmare of war is over, and the Dove of Peace is hovering over all the land.

Wisely, or otherwise, the Federal Government ignored the economic value of highway construction in its plans for winning the war, but with the coming of peace, all restrictions were removed, and we were urged to go forward with our work. We are losing millions because of the inability to market the products of the country. There is high authority for the statement that fifty per cent of our perishable products are wasted through inability to get them to market. One of the great causes for this condition of affairs has been brought about because official Washington has had both eyes and ears closed to its importance, and all our energies have been buried in one of the branches of our government, from which I have always believed it must be rescued, if our country is to retain its place among the civilized nations. Indicating that this is in no sense a late or a captious conclusion, you will pardon me if I quote from a letter written to the Kansas City Star in August, 1911. I was then making an automobile tour across the country, studying the road situation, and wrote a letter from Decatur, Illinois, in part as follows: "*The department of roads under the direction of Logan Waller Page, has done much valuable work, but there should be a department of highways, just as there is a department of agriculture, of the interior, etc.*"

We have all looked toward this department to lead the way, but the work is so vast, and the duties of the Department so comprehensive, it is evident that if we are to have a vast system of National Highways, we should have a commission, divorced from all other departments, whose supreme business it will be to have charge of the construction and maintenance of such system.

Those only who have been engaged in this work the longest can realize the slow, but at the same time the vast, progress we have made.

Congress has found no difficulty in appropriating billions of dollars to the railroads. A like appropriation will build, if the average cost be thirty thousand dollars per mile, several thousand miles of National or Interstate Highways. Moreover, the billions of dollars appropriated to the railroads, however necessary it may have been, did not add one dollar to the National wealth, while every dollar invested in roads increases the wealth of the Nation. Any way you may think of it, we shall never accomplish the great work that we should, until we have a large, instead of a small, system of National Highways, built and maintained out of the National revenues; supplemented by systems of State roads, built and maintained by the State Governments, and supplemented again by systems of county and township roads. These systems to be under the supervision and control of these different departments; but if, in addition, a more inefficient idea shall prevail, and the General Government shall furnish a part of the cost of a State system as well, leaving the balance of such cost to be raised by the States, then by all means, if the money is to be mixed, the construction and supervision of such State roads ought also to be mixed. This, in my judgment, is unwise, and will lead to conflicts and delays among the various departments; as it has already. Nothing is quite so helpful in material affairs as *fixed responsibility*. Of course, there are patriots for "Federal Aid", provided Uncle Sam will let them have full supervision in spending it, and this fits the "pork barrell politician," who wants it applied where it will do the most good—to him.

I desire to congratulate you most heartily upon the organization of the Highway Industries Association, under the direction of my good friend, Mr. S. M. Williams; I have known him long and well. This is no aftersight or scheme of his, to make himself a place in this great work. I will state, that as far back as 1914, he and I had repeated conversations on this subject. The thought was then incubating in his mind as to the value of such an organization. He has thrown his whole heart into this work, and you will pardon me for saying, that it is high time the various industries, who shall reap great profits from this enterprise, were taking a more pronounced and effectual stand on this question. Let me emphasize the fact that the farmers and the people of the small towns have gone far ahead of you in this work.

Illustrating again, by mentioning the National Old Trails Road Association, let me say that at the time of its organization in 1912, not one mile of it was in good, usable condition. We organized the people all along this line, never received one dollar from any manufacturing or material industry, but de-

rived all of our support from the people along its line, and we have built and rebuilt the road, or have its building fully financed, from Washington and Baltimore, to the Mississippi river. And within the next sixty days we shall have it completely financed from the Mississippi to the Rocky Mouuntains. If we could do that, under most adverse circumstances, what may we expect when two such great organizations as those assembled here today, shall put their shoulders to the wheel and concentrate their mighty energies to this great purpose? I congratulate you further, that so many of the National Associations have united behind your Association for a *national plan*, each forgetting for the moment our individual projects, because we now realize, as perhaps never before, that the success of a National plan will necessarily include, sooner or later, any road to which our hearts are devoted, provided it has merit; if it has not, it ought not to be included. If this war has taught us anything, it is the value of co-operation.

In conclusion, I congratulate you above all things that this cruel and unnatural war is over; and that the American Army, under the gallant John J. Pershing, so gloriously turned the tide of battle at Chateau Thierry, and won a victory to rank in history far above Waterloo or Gettysburg. Discredit our country all you can—call it but "two per cent of achievement," if you will, and it still remains the greatest victory in the annals of war.

The three most marvelous months in the history of the human race were those from July 15 to October 15, 1918. Of the earlier date, even the stout-hearted British warrior, General Haig, cried out, "Our backs are to the wall," and shells were falling daily in Paris. More than a million inhabitants had fled from Paris; men sat down and looked at each other in sullen gloom and despair. Teutonic dreams of World Empire were well nigh realized. Thus it was in July; but in October came the American Army, and three million of the picked veterans of Germany were in full retreat, and suing for Peace.

I congratulate you further that the American President has today arrived in Paris, and will take his place as the presiding genius over the greatest convention that has ever assembled in the history of all the ages—a convention, assembled, in part, for the purpose of translating into practical reality, the inspired vision of Tennyson, when he exclaimed: "For I dipped into the future, far as human eye could see, saw a vision of the world, and all the wonder that would be; till the war drum throbbed no longer, and the battle-flags were furled in the parliament of man, the federation of the world."

We are living in a brand new world—the most gloriously inspiring epoch of all time. Let's stop talking of military roads, built by military despots, for military conquests. Any road good enough for Peace is good enough for War. *No road*

is good enough for either War or Peace which does not meet the demands of modern traffic.

"It would consume too much time to undertake anything like a detailed history of the National Old Trails Road, its origin, its accomplishments, its purpose, at this time.

"It was long a mooted question as to who was entitled to the credit for its conception and inauguration. It was finally pretty generally accepted that Albert Gallatin, Secretary of the Treasury in Mr. Jefferson's cabinet, was entitled to the greatest credit, and we have generally followed that conclusion; but on a careful investigation we have been induced to revise this part of history and to place credit where beyond all kind of doubt it really belongs, and that is, to George Washington.

"Woodrow Wilson in his History of the American People, Volume 3, in speaking of Washington and the settlement of what was then known as the Ohio country, says:

"When he (meaning Washington) had written his farewell to the army from his headquarters at Rocky Hill (November 2, 1783,) he embraced his officers and comrades in arms in a last affectionate leave-taking at the Fraunce's Tavern in New York, December 4th, and delivering up his commission to the Congress sitting at Annapolis, December 23rd, he returned for a little respite to his home at Mt. Vernon to which these long years through his thoughts had reverted with an ever-increasing longing; but the very next year saw him upon the mountains again observing what lands were to be had there and studying once more the best means of communication between the East and West. The primary object of his visit was to procure good lands for himself and for old comrades who had made him their agent and adviser in that matter; but this statesman's eye apprised him of the full meaning of the new migration now afoot along all the western border. For one thing, he saw how serious a situation it might prove should this body of settlers, sure to grow greater and more masterful from year to year, continue for long to look back upon almost impenetrable mountains piled between them and the eastern ports and highways. Their natural outlet, when once the mountains were well behind them, would be the Mississippi, their natural highway and stream which ran to the Gulf. It was possible that they might see their chief advantage in a connection with the Spaniards at New Orleans rather than with the well nigh inaccessible eastern settlements on the Atlantic Seaboard—even with the English again by the highway of the lakes and the St. Lawrence."

"The western settlers, he declared, stand as it were upon a pivot, the touch of a feather would turn them away."

"He returned home to push again with a renewed vigor the project which for now twenty years he had at heart and which had in these new days of independence, as it seemed to him, become a sheer political necessity,—the opening of the upper

reaches of the Potomac to navigation. In order that the East might there at any rate be linked with the West by joining the waters of the Potomac with the streams which ran down into the Ohio. This had been one of the plans of the old Ohio company of which the Washingtons and Fairfaxes had been members. The revolution had interrupted its plans; there was now added reason for renewing them.

While the historian does not tell in this connection, the incident which is well vouched for as happening on the occasion of this trip of Washington to these western mountains, when, sitting at a rude table in a dilapidated cabin making a map and studying the topography of the country, Albert Gallatin, who was in that country under the direction of Patrick Henry for the same purpose, came upon Washington, and as he was puzzling over the altitude of Laurel Hill and seeking the best outlet through the mountains, Gallatin, who had never met Washington, very rudely pointed with his cane to Laurel hill, and stated that there was the only practicable route for a road.

This was the beginning of the ultimate definition or location of the Old Cumberland (National) Road. It was to begin at Cumberland, the end of Tidewater on the Potomac, and extend in a generally western direction to the Ohio River at or near Wheeling.

But about this time John Jay, who then held the office of Secretary of Foreign Affairs, although the government had not yet been really established, as the constitutional convention was yet to take place two years later, but the Congress had bidden him to negotiate a treaty of commerce with Don Diego Gardoqui, the newly arrived representative of Spain, to surrender the navigation of the whole Mississippi, which he thought was not needed, in exchange for the commercial advantages which would redound to the profits of the merchants of the shipping colonies.

The instant cry of hot protest that came out of the West apprised the eastern politicians of the new world springing into existence in the West, and notified that the new frontier of the nation did not end at the Alleghany Mountains. The proposed treaty was not adopted.

It was this same John Jay who come very near wrecking the treaty when considering the Louisiana Purchase, and if Mr. Jefferson had not have sent James Monroe to Paris as a special representative, clothed with special power to that end there is no telling what the results of that treaty might have been.

The committee appointed by Mr. Jefferson to lay out and establish the road stated in their report, "That the tendency of this road will be to cement the states and thus preserve the union." So its mission at the beginning had for its purpose the great and patriotic one of saving the Union which then was in

great danger of dissolution, and which the farseeing statesman's eye of Washington alone seemed to comprehend.

The act of Congress establishing it as a National highway was signed by Mr. Jefferson in 1806, and shortly thereafter the act of construction began, but the finances for its construction had been provided for in the act of Congress admitting Ohio into the Union in 1802, whereby a certain percentage of monies arising from the sale of public lands should be applied to the building of this road. This same provision entered into the Acts admitting the states of Indiana, Illinois and Missouri, and a road was thus carried through to completion and pronounced, when finished by Henry Clay, as the greatest piece of construction work of this kind in all history, superior in every respect to the famous Appian Way.

Then, from time to time, Congress by additional Acts extended the road as nearly on an air line as was practicable westward to the Mississippi "at or near" the city of St. Louis.

In the effort to reach as many capitals as possible, the road necessarily bore to the southwest from Indianapolis in order to take in Vandalia, the then capital of Illinois. Had Springfield at that time have been the capital, there is no doubt but the road would have continued, as it had begun, on an air line through Springfield, and ultimately due west from that point.

It is a curious coincidence that about that time, when the eastern end of this road was being established, Daniel Boone and his two sons, Nathan and Daniel, were busy surveying and cutting a road across Missouri long known as the Boonslick Road.

Afterward, in 1824, just after Missouri had been admitted to the Union, her first as well as her greatest senator, Thomas H. Benton, brought forward a bill to continue the Old Cumberland (National) Road on west through what was then called the Indian country to end at a foreign country, to-wit: Santa Fe, New Mexico. This road was surveyed and established under that Bill, and thus it came about that the Old Cumberland (National) Road was established throughout its entire length by Acts of Congress as a National Highway.

When the era of railroad building came on this road was abandoned, to-wit: about 1837, and permitted to lapse into ruin and decay. No steps were made for its maintenance or rebuilding until Missouri first made the movement in 1907. This was changed into a National movement in 1912, when the most remarkable convention of the kind, perhaps ever held, met in this city and declared that these various Acts of Congress resulting in the establishment of this great highway should now be rebuilt from its beginning, or from Washington, west to the Pacific Ocean.

After a two days' session of the most enthusiastic character the convention adjourned, but, unfortunately, while it had elected a treasurer, not one dollar was left in the treasury with which

to begin the effort to carry out the great patriotic conception of this great convention.

We cannot dwell further upon the historic features surrounding it but hasten to a conclusion by saying that today it is completely hard surfaced from the Atlantic Seaboard to the Mississippi at St. Louis. It has now been taken over practically throughout its entire length across the state as the first interstate highway to be built under the late Act of the Missouri legislature. This insures its completion in the near future to Kansas City. Very much of the road between Kansas City and Los Angeles has already been built, and is in good travelable condition.

It is hoped that the road West of the Mississippi will be 24 feet wide, and this road from Kansas City west will be uniformly paved 24 feet wide. It is already practically all graded and bridged. It is the only road you can take at the Mississippi River and reach the Atlantic Seaboard over a hard surfaced road. It is the only National road ever established in the history of this country, and will be the first to be completed.

RESOLUTIONS ADOPTED AT HIGHWAY INDUSTRIES ASSOCIATION CONGRESS.

"Chicago, December 12.—The first highway congress to be held in the United States comprising the American Association of State Highway Officials and the Highway Industries Association continued in joint session today.

"Forty-four states were represented on the floor, nine representatives appeared from Canada.

"All during the day—in the lobbies, and on the convention floor—intense conferences were held, informal and otherwise, on the real issue before the Congress, the indorsement of a Federal Highway System and recommending the appropriation of $500,000,000 for the construction and maintenance by the Federal government of an interstate road system.

The Resolution as Adopted Follows:

"*Whereas,* The President of the United States in his recent message to the Congress, recognized the value of Improved Highways in the general transportation system of the nation and definitely recommended and urged their rapid development; and

"*Whereas,* This work is necessary to give employment to our returning soldiers and also to furnish worthy projects on which unemployed labor can be engaged during the period of readjustment; and

"*Whereas,* We recognize the necessity for a well defined and connected system of improved highways in order to expedite the distribution of large volumes of food stuffs now wasted on ac-

count of the lack of prompt and adequate highway transportation and to better serve the economic and military needs of the nation.

"Therefore, be it Resolved, That a Federal Highway Commission be created to promote and guide this powerful economic development of both highways and highways traffic and establish a national highways system.

"Be it Further Resolved, That the present appropriations for federal aid to the States be continued and increased and the States urged to undertake extensive highway construction so as to keep pace with the development of this country and its transportation needs, and that in carrying out the provisions of the present Federal Aid Act or any amendment thereto that the state highway departments shall co-operate with the Federal Highways Commission.

"Be it Further Resolved, That all governmental activities with respect to highways be administered by the Federal Highways Commission, and also the motions adopted at the second annual convention of the Automobile Association of America, March 6 and 7, 1913, and those adopted by the National Old Trails Association April 16 and 17, 1912, and compared with Sec. 6 of the present Federal Aid Act.

"The resolution committee which presented the report in regard to the Federal Highway system was as follows: Paul Sargent, Augusta, Me.; W. T. White, Cleveland, Ohio; George Deihl, Buffalo, N. Y.; George E. Johnson, Lincoln, Neb.; W. O. Rutherford, Akron, Ohio; J. M. Lowe, Kansas City, Mo.; W. G. Thompson, Trenton, N. J.; A. N. Johnson, Chicago, Ill.; John Kraft, Montgomery, Ala.; William E. Metzger, Detroit, Mich. A. R. Hirst, Madison, Wis.; W. P. Blair, Cleveland, Ohio; J. D. Clarkson, St. Joseph, Mo.; Prof. A. H. Blanchard, New York City, N. Y.; H. S. Quine, Akron, Ohio; Ira Browning, Salt Lake City, Utah; A. P. Sandles, Columbus, Ohio; G. P. Coleman, Richmond, Va.; S. F. Beatty, Chicago, Ill.; H. O. Cooley, Aberdeen, S. D.; C. F. Adams, Chillicothe, Mo.; C. H. Houston, Chattanooga, Tenn.; W. A. Alsdorf, Columbus, Ohio."

CHAPTER XVI.

Excerpts From an Address by the Author.

Third Annual Convention, National Old Trails Road Association, at Indianapolis, May 7, 1914.

Assuming that it would be a waste of time to discuss before this intelligent audience the general history of the Cumberland Road, I will mention only that phase or part of it lying within the States of Ohio, Indiana, Illinois, and Missouri. It is worth mentioning that this road was first conceived as a National Highway by Albert Gallatin, Mr. Jefferson's great Secretary of the Treasury, and brought forward in a bill as early as 1802. Note: George Washington this should be. Before that the Articles of Confederation had given Congress the power to "establish Post Offices," but not roads, in all the States, but the Constitution of 1787 went one step farther and expressly gave the power to "establish Post Offices and Post Roads," and to "regulate commerce among the several States." Upon this last clause the Supreme Court of the United States has uniformly based its numerous decisions in sustaining the many land grants to railroad companies, etc., and in deciding every controversy involving interstate travel and commerce; and yet, political conventions seem to have discovered the "Post Office and Post roads" clause, but have been oblivious to the existence of the more important provision known as "The Commerce Clause."

Now, how could there be "commerce among the several States" to be "regulated by Congress" unless there was transportation; and how could there be transportation without roads?

Not until 1802, the birthday of this old road, was there a steamboat in all the world, and not until 1807 did Fulton put his first boat on the Hudson. It was in 1829, during the presidential term of Andrew Jackson that steam was adapted to railroad transportation. The only commerce possible among the States at the time the Constitution vested the supreme power in Congress to regulate it, was commerce made possible by the means of transportation. It is worth repeating that all the decisions relating to inter-state commerce rest upon the Act establishing the Old National (Cumberland) Road.

It has often been stated that this old National Road grew out of the Aaron Burr conspiracy, and there is no doubt that this ambitious statesman, when his term as Vice President ex-

pired in 1805, found a condition existing in the public mind west of the Allegheny Mountains which needed but little fanning to break into a conflagration. They were completely shut off from the seat of Government and from the markets by mountain ranges on the east and the navigable waters of the south were held by foreign governments. The committee reporting the bill to establish the road defined it as a measure of necessity—"to cement the States and to thus preserve the Union."

This was the first step taken by Congress to "preserve the Union," and "to regulate Commerce among the States" by providing a means, and the only means then known, of transportation to and among the States. This Bill was approved by Mr. Jefferson in 1806.

But, confining our remarks to that part of this road lying in the four States mentioned, we have only time to say that by the Enabling Act admitting Ohio to the Union in 1802, the Government solemnly pledged itself to appropriate the net proceeds of the sale of one-twentieth of all the public lands located in the State to a National Road to be built by the Government to and through that State. The same contract substantially, was made on the admission of Indiana, Illinois and Missouri. From the date of admission of these four States to the 31st day of March, 1837, when the road was abandoned and turned back to the States, the public land sales of these States amounted to $47,676,208.57, as follows: Ohio, $16,077,251.88; Indiana, $15,026,020.81; Illinois, $10,506,569.55; Missouri, $6,066,366.33. Mark you, the public lands located in the original thirteen States were retained by those States and the proceeds of the public lands of these States thus solemnly pledged were appropriated principally to this road in the States of Maryland, Pennsylvania and Virginia, which States did not contribute one dollar. Ohio received considerable benefit as the road was built across that State; Indiana, some; Illinois, but little; and Missouri, none; from building this road. And it was never turned back to or accepted by either Indiana, Illinois or Missouri. Indiana made the mistake of bringing a suit against the Government for her part of the money thus appropriated instead of insisting upon a specific performance of the agreement, and Justice Gray in delivering the opinion of the Court (in 48 Fed. Rep.) uses the following significant language:

> "As appears by the definition of the petitioner's position at the beginning of the brief of its counsel, the failure of the United States to build the National Road was not made the foundation of the claim, but was only suggested in argument as a motive, by way of incidental explanation of the Act of March 3, 1857."

This Act simply authorized this reserved road fund *not already applied* to the road to be refunded to the States. That

is all, and yet, if you ask the average Congressman about this fund, he will tell you it has been refunded to the States. Of course this was not true, and Indiana made the mistake of bringing suit to recover the money put into the road instead of suing, as we are practically doing, for specific performance of the contract between the State and the General Government.

Now, as to a system of National Highways: The National Highways promoters claim that if "radial roads, from railroad stations and market towns, to farms" are to be improved by national appropriations, there can be no discrimination as to locality and if distributed equitably about 85,000 railroad stations will participate in the benefits. The annual average appropriation asked for in the so-called "Federal Aid" bills before Congress is $20,000,000. If there are to be roads radiating from each station, $20,000,000 a year will mean not quite $250 for each station, or $62.50 for each road. This would build out from each station about sixty-five feet of road each year or one mile in an ordinary lifetime. To build two miles from each station would take 160 years; three miles, 240 years; four miles, 320 years; and five miles, 400 years. One mile out from each station would cost $1,600,000,000; and five miles, $8,000,000,000. To make such an improvement within a reasonable time, say twenty years, would mean $400,000,000 per annum. This plan is manifestly absurd. It is unthinkable that the nation should undertake so gigantic a task and of such a local character, even supposing, under such circumstances, all the money got into hands, As a matter of fact, history teaches that the bulk of it would get into politics, and not roads. Radiating market roads under "Federal Aid" plan would give half our people "Roads Beginning Nowhere, and Ending Nowhere," while National Highways will give all our people "Roads Beginning Somewhere and Ending Somewhere."

We claim that a 50,000 mile system of national highways will serve 92 per cent of our population in 2,471 counties out of a total of 2,932 in the Nation. Such a system will build main trunk lines passing through every congressional district of the United States. These roads will connect every large city, town and capital of the nation with the farming districts. They not only will be national highways, but likewise, State, County and town highways in the localities through which they pass. Sixty-six per cent of the population of the United States live within 1,277 counties traversed by them; twenty-six per cent in 1,194 adjoining counties: or a total of ninety-two per cent of the entire population of the country, in 2,471 counties, to be served by such a system. Only 461 sparsely settled counties out of a total of 2,932 in the nation would not be either traversed by or adjoining such a system of National Highways. Another great point in their favor is that the National Highways would cost not more than $1,000,000,000 at the extreme limit, and probably

not over one-half that amount and could be built within a reasonable time, say twenty years, without costing more than $25,000,000 a year. Moreover, they will serve the vast majority of the farming communities and care for much more than half the traffic, although constituting only a little over two per cent of the total road mileage.

We claim that if roads are only of local concern, then the nation has no right to participate, even to the extent of monetary gifts, in their construction. Furthermore, gifts of money, such as "Federal Aid" would be, are unprecedented in the annals of the nation. On the other hand, we deny that National Roads are only of local concern. We claim that the great trunk roads now have a traffic which, in ever-increasing volume, is inter-state in character, and thus of national concern. That as such they should be built and maintained exclusively by the National Government, and supplemented by the State highway systems and again by the county and town road systems. Thus the heavy traffic roads would be cared for by the nation, State or county; and the townships thus relieved would be free to improve their shorter and lighter roads without serious financial burden. The financing of the entire highway system of the nation, (about 2,300,000 miles) would be equitably distributed; there would be no conflict of authority, and the moneys would get into roads and not into politics. Each civil division would have its distinct field, unhampered by the action of any other division, as might be the case with so-called "Federal Aid."

The problem of the ages has been the equal distribution of the burdens of taxation and the equitable dispensation of the benefits of government. Under our dual system of National and State Governments, can any more equitable system be devised than this? Under this system, or under any other possible plan some inequalities of the benefits and burdens are inevitable. Any road touching on a farm enhanches the value of that farm above that of a farm not so located. No doubt about that. But when the assessor and the tax collector get through, values have been adjusted and the more fortunately located farm has paid an additional tax because of this enhanced value and the State and county can apply this tax to building roads to and through less fortunate localities.

That all the roads, National, State and local cannot be built at once is evident, and to oppose every system suggested until everybody can be provided for, is to assume the position of the Irishman who declared he could never "get his boots on until he had worn them awhile." Difficult as it may seem, it can never be solved until we try. Every mile of road built by the Government will be within the limits of some State and solves the problem of such State to that extent. Can the wit of man devise a better system than one which accommodates more than 66 per cent of the entire population and can be built and

Certificate of Honor

AWARDED TO

Judge J. M. Lowe

By the State Highway Commission; and the Missouri State Wide Good Roads Association in recognition of and for loyal and efficient service rendered in the conducting of the Educational Campaign for Proposition Number Five, during the Fall of 1924.

Given at Jeffreson City, Missouri, December 9, 1924.

STATE HIGHWAY COMMISSION

MISSOURI STATE WIDE GOOD ROADS ASSOCIATION

maintained in from 10 to 20 years without levying one dollar of additional taxation?

This Association insists that the National honor shall be preserved, by a faithful observance of its pledges made at a time when the preservation of the Union was at stake, by rebuilding and extending the old National Road as pledged in the Enabling Acts before mentioned. We also insist that a general system of National Highways to be built and maintained out of the National revenues is the reasonable, equitable and economic solution of the road question, a question of greater moment to the general welfare than any other now before the people. And this Association has offered such a bill.

All along the Old Trails Road, from the Atlantic to the Pacific, nature has supplied in cheap abundance the best material yet discovered for road building, to-wit: rock and water!

We are free from any entangling alliance with any special interest of any character whatsoever. No manufacturer of road vehicles, road machinery or road material has contributed one dollar to our support. The delegates to this convention are here at their own expense. The membership extending across the continent are a patriotic, public-spirited body of men and women seeking by donating their time and money to this cause, to do what they can to further the cause of the material, social and spiritual welfare of all the people. For this patriotic and unselfish work, their principal reward thus far has been to be lampooned and maligned upon the floor of the National House of Representatives. But this neither weakens our cause nor discourages our efforts. No great cause was ever won in a day, nor without great sacrifice. Undismayed and unharmed by the opposition of those who have not the capacity to comprehend our purpose, nor the honesty to treat fairly even if they had, we shall neither abandon the field, nor march under the white flag of a dishonorable surrender. Like the drummer boy at Marengo, we do not know how to retreat. When the great commander thought the battle lost, he ordered the boy to beat a retreat, and the boy replied: "Sir, I do not know how: it was never taught me. But I can beat a charge, oh, sire, I can beat a charge that will make these stones fight your battles. I beat that charge at Austerlitz, I beat it at the Bridge of Lodi. Oh, sire, may I beat it here?" The order was given, and Marengo was added to the list of Napoleon's victories.

During the great Civil War, a soldier in the Southern army to which I belonged, was observed hastening to the rear, when the commanding officer ordered him to "fall in line." He replied, that there was no good place to "fall in." Again came the order, sharp and decisive, "fall in anywhere, there is good fighting all along the line." So it is today. "There is good fighting all along the line."

All transcontinental roads will have to be built on the earth —they cannot be built in the air. They will necessarily pass through farming districts. The farmer above all others will be the chief beneficiary, and that too, "without cost and without price," while those who shed crocodile tears for "the one-gallused farmer" are advocating "Federal Aid" which retaxes the farmer for every dollar given by the Government. The opprobious epithet of "one gallus" no longer applies to the farmers of this country. They now wear two galluses and are living on the fat of the land! Demagogic appeals like this no longer mislead him. He is capable of doing his own thinking and "fighting his own flies." His standard of living and his habits of life, have kept step with the progress of the age. When they move now, except in a few districts where they still refer to him as "one gallused," he has something more to do than to put out the fire and call the dogs. With his head lifted high and his step as firm as McGregor's on his native heath, he looks the political demagogue straight in the eye, and asks him, "What are you going to do about it?"

The demagogical appeal to his old-time prejudice against the automobile and against those who live in town and city, is fast disappearing. He knows that a road good enough for an automobile is none too good for him. He knows now that the new method of building permanent roads taxes those who live in town as well as those who live in the country. He knows that under modern methods Indianapolis, as an illustration, will pay 80 per cent of the road taxes of Marion County. He knows that the interests of town and country are mutual—that the markets will be of little advantage if the roads are such that he can't get to them. He knows that every so-called "Federal Aid" bill thus far introduced, unfairly discriminates between towns and country. He knows that divided responsibility and divided supervision means no responsibility and no supervision anywhere. Knowing these things, he stands now on this as on every other question, in favor of "Equal Rights to All and Special Privileges to None."

While the scenic beauty of the western end of the Old Trail is fine beyond imagination, yet that is not its chief or principal recommendation. True, it is the home of the Pueblo Indian, the direct descendants of the Cliff Dwellers, the foundations of whose palaces and dwellings still exist, some of them so immense that they dwarf our apartment houses into insignificance, accommodating as many as 50,000 people in a single apartment. On every hand are to be found archaeological and ethnological evidences of a people and a civilization which existed long before Christopher Columbus was born. In addition to all this, (and much more) the Old Trail ends, as it began, brimful of historic romance, pathos and patriotic memories. Over this road from Santa Fe via El Camina Real—the Kings High-

way—marched the invincible army of General Alexander W. Doniphan to the conquest of Mexico, comparable only in military annals to the march of the army of Xenophon, and with him for some distance, until he turned to the West, marched the intrepid volunteers under General Stephen Kearney on their way to the conquest of California.

Tell me if you will, of the military roads of Rome—of the Appian Way, and of those made famous by Napoleon and his army, and I will bid you look upon one richer far in historic interest, more replete with scenic grandeur, and every mile of which preaches the Gospel of Christian civilization. Cast your lot if you will, in foreign lands, "by the side of the waters of Babylon," but let me build my house by the side of "The Old Trails Road," beneath the stars and stripes of my Native Land, and there live in peace and liberty until the sun shall go down forever.

"There are hermit souls that live withdrawn,
In the peace of their self-content;
There are souls, like stars, that dwell apart
In a fellowless firmament;
There are pioneer souls that blaze their paths
Where the highways never ran—
But let me live by the Old Trails road,
And be a friend to man."

FAC SIMILE OF SIGN POSTS ON N. O. T. ROAD.

CHAPTER XVII.

"A Monument of a Past Age".

It is well to keep in mind that this road was neither a military nor a post road as originally established. Its purpose was well expressed by the congressional committee to which the act to establish the Cumberland Road was referred, which, in reporting the bill in 1805, said: "To enlarge upon the highway important considerations of cementing the Union of our citizens located on the Western waters with those of the Atlantic States, would be an indelicacy offered to the understandings of the body to whom this report is addressed, as it might seem to distrust them; but from the interesting nature of the subject the committee is induced to ask the indulgence of a single observation: Politicians have generally agreed that rivers unite the interests and promote the friendship of those who inhabit their banks; while mountains, on the contrary, tend to dis-union and estrangement of those who are separated by their intervention. In the present case, to make the crooked ways straight, and the rough ways smooth, will, in effect, remove the intervening mountains, and by facilitating the intercourse of our Western brethren with those of the Atlantic, substantially unite them in interest, which, the committee believe, is the most effectual cement of union applicable to the human race."

Honorable James Veech, in 1837, in a speech welcoming John Quincy Adams, former President of the United States, to Uniontown, Pennsylvania, said: "It is a monument of a past age; but like all other monuments it is interesting as well as venerable. It carried thousands of population and millions of wealth into the West; and more than any other material structure in the land, served to harmonize and strengthen, if not save, the Union." Albert Gallatin, in his report to the Senate, said: "No other single operation within the power of the Government can more effectually tend to strengthen and perpetuate the Union."

That expressed exactly the purpose had in view by the men who established the road. There was a great, aggressive, and restless population in the West, absolutely isolated and cut off by the Appalachian chain of mountains from the seat of government at Washington. It was this situation which appealed to the restless ambition of Aaron Burr. It was clear to every thinking man that these new States, to be carved out of the new territories, were to become a part of the Union, then the States east

of the mountains must be put in closer touch with those west of the Ohio River. John C. Calhoun, the so-called "disunionist," made this the very keynote in his speeches for the maintenance of this road, and it served its purpose well. It justly took rank, as expressed by Henry Clay, as superior in every way to the old Appian Way. No sooner was it built than millions of population and wealth streamed across the Ohio, peopled and developed that great State, and also Indiana, Illinois, Missouri and the entire Western and Northwestern country, and again contributed to the preservation of the Union. But for this old road, who will say how history would have been written?

The thirteen colonies, which constituted the Union at the time of the establishment of this road, had no public lands, the proceeds from which could be appropriated to the use of the General Government. The only means of raising revenue was by taxation. Six other States were afterwards admitted to the Union by direct act of Congress without going through the territorial stage, and those States did not supply any public lands for the use of the Government.

Had we time we would go into a general discussion of the financial affairs of the Government with which the great Albert Gallatin, Secretary of the Treasury, was wrestling; but we have time only to say that some means had to be devised to meet the expenses of the Government and redeem its obligations, and no better way could be devised than by the sale of public lands of the 29 new States.

When the Old Cumberland Road was established, by act of Congress, approved by Mr. Jefferson in 1806, the bill establishing the road appropriated $30,000 to be expended in surveying and opening the road from Cumberland, Maryland, on the Potomac River, to the east bank of the Ohio River at, or near, Wheeling, Virginia.

In the act admitting Ohio in 1802, five per cent of the net revenues derived by the General Government from the sale of public lands within that State was reserved and declared to be a separate fund for the building of roads, two per cent of which should be appropriated to roads leading *to* Ohio, and three per cent on roads within the State. Thus, Ohio became the real foster parent of the Cumberland Road, and in her admission to the Union, the plan was devised for the future disposition of the public lands.

The appropriation for opening the road was taken from this reserve fund arising from the sale of lands in Ohio. And this policy of creating a reserve fund of five per cent or more for road purposes was afterwards applied to seven of the so-called "public land" States. Illinois asked that each alternate section be reserved for building roads, and this was endorsed by Mr. Lincoln in a speech in Congress.

This Ohio fund was continually used for the building of this road from Cumberland, Maryland, to Wheeling, Virginia, for thirteen years, up to March 3, 1819, at which time the appropriation was made from the reserve fund created upon the admission of Ohio, Indiana and Illinois.

On May 15, 1820, Congress passed an act extending the road from Wheeling, Virginia, through the States of Ohio, Indiana and Illinois to a point on the left bank of the Mississippi, east of St. Louis, and established it at eighty feet in width, the road from Cumberland to Wheeling having been established at sixty feet in width. The appropriation to carry this act into effect was to be taken out of the general revenues.

March 3, 1825, Congress again passed an act, introduced by Senator Benton, extending the road from the town of Canton, Ohio, opposite Wheeling, Virginia, to Zanesville, Ohio, and ordered the surveys completed for an extension of the same through the permanent seats of government of Ohio, Indiana and Illinois to Jefferson City, Missouri, and the expense therefor was appropriated from the reserve fund created upon the admission of Ohio, Indiana, Illinois and Missouri.

John Quincy Adams had been elected in 1824, upon a platform favoring the extension of the road.

March 2, 1827, practically the same bill was again passed.

March 19, 1828, an act appropriated money taken from the reserve fund created upon the admission of Ohio, Indiana, Illinois and Missouri, for establishing and opening this road to be eighty feet wide, "east and west from Indianapolis." Approved by Jackson.

March 31, 1830, an act appropriated money from this same fund to pay for grading west of Zanesville through Ohio, and on the road in Indiana, and through Illinois. Approved by President Jackson.

March 2, 1831, an act was passed to pay for work already done on the road east of Zanesville and for making a survey to the capital of Missouri, and for grading in the State of Indiana, including a bridge over White River at Indianapolis, and for grading and bridging in Illinois. Appropriation was made from the fund created upon the admission of Ohio, Indiana, Illinois and Missouri. Approved by President Jackson.

July 3, 1832, money was appropriated from this same fund for repairs on the road east of the Ohio River, and for continuing the road west from Zanesville through Indiana and Illinois. Approved by Jackson.

About this time the question was agitated as to whether the General Government had power under the constitution to establish toll gates along the line of the road in the several States through which it ran. This question was finally turned over to be solved by the State legislatures.

Pennsylvania and Maryland passed acts of their legislatures agreeing to build gates and toll houses and collect the tolls, provided, "that Congress would appropriate money and put the road in good repair, and also furnish the money necessary to build the houses and toll gates. These acts were passed in 1831, in 1832, and Ohio and Virginia passed similar acts, except that they did not require Congress to repair the road—that is ("shell the corn").

July 3, 1832, Congress declared its assent to the above-mentioned laws of Pennsylvania and Maryland in these words: "To which acts the assent of the United States is hereby given *to remain in force during the pleasure of Congress.*"

And on March 2, 1833, assented to the acts of the legislatures of Virginia and Ohio with a similar limitation.

June 24, 1834, Congress passed an act to repair the road as requested by Maryland and Pennsylvania and placed army engineers in control of the road, and in charge of the appropriation, taken from the reserve fund created by the admission of Ohio, Indiana, Illinois and Missouri. Thus these four States supplied the revenues to repair the road and build the toll gates in Maryland and Pennsylvania in order that it might be acceptable to them.

April 1, 1835, Congress appropriated money from the general revenues for continuing the road in Ohio, Indiana and Illinois, and for the completion of a bridge at Brownsville, Pennsylvania.

Thus it appears that long after the conditional acts of the legislatures agreeing to take over the road and build toll gates, etc., and long after Congress had passed an act reserving the power and the right to withdraw from such agreement, Congress continued to treat the road the same as if no such acts had ever been passed, and particularly is this true in the act of 1838. It will be observed further that Indiana, Illinois and Missouri never did apply for or agree to take over the road in such States, nor did Congress ever offer to relinquish its possession and control over the road through those States. So far as legislation goes, the National Pike is *a legal entity in those states.*

It is to be observed that the appropriations for the National Pike were not made from the reserve road fund, created upon the admission of Alabama, Mississippi, and Arkansas, for the very evident reason that this road did not lead to those States.

It will also be observed that out of a little less than $7,000,000 appropriated first and last for the building of this road, all of it was appropriated from the special road fund reserved to the States of Ohio, Indiana, Illinois and Missouri, and so far as Missouri was concerned the only semblance of a road she ever got was a partial survey.

WASHINGTON'S FIRST MONUMENT.

The first monument ever erected to the memory of George Washington stands in a bramble patch on the summit of South Mountain, near Boonsboro, Md., its top knocked off by lightning and its side rent by an alien enemy's dynamite. It was built by Boonsboro citizens who had fought under Washington in the Revolution and was dedicated July 4, 1827. At the instigation of Harvey S. Bromberger, State Senator of Maryland, Representative Zihlman, in whose district it stands, will ask congress to restore the pile and make it a public reservation. It overlooks the Antietam and Gettysburg battle fields, Harper's Ferry, the route of General Sheridan's famous ride, and a number of other historic spots. All who go over the National Old Trails Highway east and west, pass the spot.

There were many other acts of Congress appropriating funds from the general revenues to the building and repairing and maintenance of the road, but it is perfectly safe to say that all of the money which went into the construction and repair of the road was taken from the reserved road fund belonging to the States of Ohio, Indiana, Illinois and Missouri.

Of the said four States, the reserve fund mentioned, bore all the expense, while the expensive part of its construction and maintenance lay *east of the Ohio.* Illinois received but little of its benefits, and Missouri none.

It will be further observed that the act of March 3, 1837, five years after the road had been tentatively turned over to the States of Maryland, Pennsylvania, Virginia and Ohio, was for the express purpose of continuing the road in Ohio, Indiana and Illinois, and the act "provided that the road in Illinois shall not be stoned or graveled unless it can be done at a cost not greater than the average cost of stoning and graveling the road in Ohio and Indiana," and this appropriation was taken from the reserve road fund of Ohio, Indiana and Illinois.

Mark you, this was as late as 1837.

And provided that the amounts therein appropriated were "for continuing the construction of the Cumberland Road in the States of Ohio, Indiana and Illinois, and shall be replaced by said States, respectively, out of the funds reserved to each for laying out and making roads under the direction of Congress by the several acts passed for the admission of said States into the Union on an equal footing with the original States."

Section 2 provided, "and be it further enacted that the section of an act for the continuation of the Cumberland Road in the States of Ohio, Indiana and Illinois, approved the 2nd day of July, 1836, shall not be applicable to expenditures hereafter to be made on said road."

What was section 2 of the act of July 2, 1836, which it was herein declared "shall not be applicable to expenditures hereafter to be made on said road?"

Said section 2 of act of July 2, 1836, was as follows: "And be it further enacted, That the moneys hereby appropriated for the construction of said road in the States of Ohio and Indiana be expended in completing the greatest possible continuous portion of said road in said States, *so that such finished parts thereof may be surrendered to the States, respectively.*" This, the act of 1837, declares shall "not be applicable to expenditures hereafter to be made on said road."

Can language be plainer or stronger?

Transportation facilities were such at that time that the road could not be macadamized in Illinois as cheaply as it could be done in Indiana or Ohio, but this is no longer true, and had the same facilities for road building existed then as they do now, there is no doubt but that the road would have been ma-

cadamized through the State of Illinois. Moreover, this act of March 3, 1837, contains no hint of the purpose of the general Government to abandon the road, but on the contrary indicates clearly and unmistakably the purpose to maintain and preserve it as a National highway. It is equally clear that Illinois and Indiana so understood it.

The five per cent road fund, reserved for these four States and for Mississippi, Alabama and Arkansas, would, if applied to the purpose for which it was solemnly set apart in the Acts of Congress admitting such States, go far toward building National highways to those States.

The question might be asked: "To what uses has it been diverted, or applied?" I do not know; but I am perfectly safe in saying that it has not been applied to the building of roads.

If this five per cent fund arising from the admission of the four States mentioned, paid the expense of the original construction of the road, it is fair to assume that the same percentage derived from the admission of other Western States would have built the road through to the Pacific.

Neither Indiana, Illinois nor Missouri ever did anything indicating a desire to take over the road in such States, nor did Congress manifest any intention of surrendering the road to those States. The road fund, however, of each of these States, and of Ohio as well, was appropriated to the building, repair and maintenance of the road lying east of the Ohio River, and the road fund of Missouri applied wholly to the road east of the Mississippi.

Congress, in the act relinquishing the road to Maryland, Pennsylvania, Virginia and Ohio, expressly stated that this act should remain in force, "*during the pleasure of Congress,*" only

Therefore, the only legislation necessary, is for Congress to do exactly what they did do in 1837, appropriate money to rebuild, repair and maintain the road. No act to reinvest the Government with title to or control over the road is necessary. No act declaring it to be a "National Highway" is necessary, for the act of 1806 and acts subsequent thereto, have fixed its character for all time. It not only *was* the Old National Road, but It Is Now the National Old Trails Highway and the *only* National highway, and has existed as such since the Government was organized.

"The foundation of this road," declared Hon. Andrew Stewart, of Pennsylvania, in a speech in Congress in 1829, "was laid by a report made by Mr. Giles, the present governor of Virginia, in 1802, and was sanctioned at the next session by a similar report, made by another distinguished Virginian (Mr. Randolph) now a member of this House—it was the offspring of Virginia, and we hope she will not now abandon it as illegitimate. Commenced under the administration of Mr. Jefferson, it had been sanctioned and prosecuted by every President, and by almost

every Congress for more than a quarter of a century * * * Possessing the power, how, he asked, could any representative of the interior or Western portions of this Union vote against a policy so essential to the prosperity of the people who sent him here to guard their rights, and advance their interests. The right of this Government to construct such roads and canals as are necessary to carry into effect its mail, military, and *commercial powers,* was as clear and undoubted as the right to build the post-office, construct the forts, or erect a lighthouse. In every point of view the cases were precisely similar and were sustained and justified *by the same power.*"

How strikingly similar is this language, delivered by Stewart in 1829, to the language employed by Justice Brewer when delivering the opinion of the Supreme Court in the case of Stockton vs. Baltimore R. R. 32 Fed. Rep. 9, in 1902, as follows:

"Nor have we any doubt that under the same power the means of commercial communication by land as well as water may be opened up by Congress between the different States whenever it shall see fit to do so, either on the failure of the States to provide such communication, or whenever, in the opinion of Congress, the increased facilities of communication ought to exist. Hitherto it is true the means of commercial communication have been supplied either by nature in the navigable waters of the country or by the States in the construction of roads, canals and railroads. So that the functions of Congress have not been largely called into exercise under this branch of its jurisdiction and power, excepting in the improvement of rivers and harbors and the licensing of bridges across navigable streams. *But this is no proof that its power does not extend to the whole subject in all possible requirements.* Indeed it has been put forth in several notable instances which stand as strong arguments of practical construction given to the constitution by the legislative department of the Government. *The Cumberland or National Road is one instance of a grand thoroughfare projected by Congress, extending from the Potomac to the Mississippi.*"

Mark you, Mr. Stewart in his speech was arguing the very question then being agitated by Mr. Buchanan, afterwards President, and others, in favor of turning the road back to the States so that toll might be collected. The very point and only point involved was the collection of tolls. Mr. Stewart said further: "I do not claim for this Government the power to make roads and canals for all purposes. The powers of this Government and the States were distinct and well defined. To the National Government belongs, under the Constitution, the power of making national roads and canals for national purposes. To the States belong the power of providing for State and local objects * * * by his (Mr. Buchanan's) amendment, he proposes what? That this Government shall cede the roads to the States, with the power to erect gates and collect as much toll as was necessary to

keep it in repair, but his whole argument went to prove that Congress did not possess the very power which his amendment assumes and proposes to the State. The gentleman's amendment, and his speech, therefore, were at open war with each other, and will perhaps both perish in the conflict. Certainly both could not survive—one or the other must fall."

The argument of Mr. Buchanan and others was just as sound against national roads as they were against military roads; "the enemy may get possession of them in time of war!"

"Was it possible," exclaimed Mr. Stewart, "that an American statesman could, at this time of day, urge such an argument? It might be addressed to a set of timid savages, secure in the midst of the wilderness. The enemy get possession of our roads, and, therefore, not make them! Such cowardly arguments would deprive us of every possible means of defense. The enemy, it might be said with equal propriety, may get our ships, our forts, our cannon, our soldiers, and, therefore, we ought not to provide them. What would the brave freemen of this country say to the men who would deny them roads to travel on, lest the enemy might take them from us in war? They would reply, with Spartain magnanimity, 'Let them come and take them' * * * It has been universally conceded on all hands of this debate, that the consent of the States could not confer any jurisdiction or powers on this Government beyond what it had derived from the Constitution. This was too clear a proposition to admit of doubt. Yet the names of Jefferson, Madison, Monroe and Gallatin were introduced and relied on. Did gentleman forget that Mr. Gallatin was the very first man who ever suggested the plan for making the Cumberland Road, and that it had been sanctioned and actually constructed under the administrations of Jefferson, Madison and Monroe? Their opinions were thus reduced to practice, which was the best evidence in the world, 'By their fruits ye shall know them.'"

I have stated that the platform upon which John Quincy Adams was elected in 1824, favored the extension of the road. Adams, like Clay, Calhoun, and others, had been a life-long friend to the road, and upon this issue, distinctly drawn, was elected President. In his inaugural address he spoke as follows: "The roads and aqueducts of Rome have been the admiration of all after ages, and have survived thousands of years after all her conquests have been swallowed up in despotism or become the spoils of barbarians. Some diversity of opinion has prevailed with regard to the powers of Congress for legislation upon subjects of this nature. The most respectful deference is due to doubts originally in pure patriotism and sustained by venerated authorities. But nearly twenty years have passed since the construction of the first national road was commenced. The authority for its construction was then unquestioned. To how many thousands of our countrymen has it proved a benefit?

To what single individual has it ever proved an injury? Repeated, liberal, and candid discussions in the legislature have conciliated the sentiments and approximated the opinions of enlightened minds upon the question of constitutional power. I cannot but hope that by the same process of friendliness, patience and persevering deliberations all constitutional objections will ultimately be removed. The extent and limitation of the powers of the General Government in relation to this transcendently important interest will be settled and acknowledged to the common satisfaction of all, and every speculative scruple will be solved by the practical public blessings."

This agitation has gone on, however, but gradually growing less and less, until now the doubt of constitutionality is confined to the thin ranks of small 6x8 "constitutional lawyers," who sometimes still raise that question. The Supreme Court however, in a series of well considered cases, and particularly and finally, in the case of Stockton vs. Baltimore before cited, pass directly upon this question and concludes in the following language. *"The Cumberland or National Road is one instance of a grand thoroughfare projected by Congress extending from the Potomac to the Mississippi."*

This opinion forever puts at rest any question which can be raised as to the right of Congress to build national highways, and it bases the opinion upon the commerce clause of the constitution.

It is true that President Monroe, in the early stages of his first administration, vetoed a bill appropriating money for this road, but he afterwards, when approving a like bill stated that "on further reflection and observation" his mind had undergone a change; that his opinion then was, "that Congress has unlimited power to raise money, and that in its appropriation they have a discretionary power restricted only by the duty to appropriate it to purposes of common defense and of *general*, not *local; national*, not *State* benefits;" and this was allowed to be the governing principle through the residue of his administration.

Andrew Jackson, when vetoing a bill appropriating the national revenues to the building of the northern end of the old Wilderness Road, leading from Lexington, Kentucky, to Maysville, a distance of about sixty miles, quoted the language of President Monroe as sustaining his own veto of said bill, to-wit: "That Congress could rightly appropriate the national revenues to roads of general, not local; national, not State, benefits," whereas, the part of the road sought to be improved by Mr. Clay's bill, was purely local, and not of any general, or national benefit. This is undoubtedly the correct principle, and it ought to forever put at rest schemes and subterfuges for appropriating the National revenues to matters of local and State concern only.

President Jackson said further, in speaking of Mr. Clay's road: "It has no connection with any *established system of improvements;* it is exclusively within the limits of a State, starting at a point on the Ohio River and running out sixty miles to an interior town, and even as far as the State is interested, conferring partial instead of general advantages." * * * "Although many of the States, with laudable zeal and under the influence of an enlightened policy, are successfully applying their separate efforts to work of this character, the desire to enlist the aid of the General Government in the construction of such as, from their nature, ought to devolve upon it, and to which the means of the individual States are inadequate, is both *rational* and *patriotic.* And if that desire is not gratified now, it does not follow that it never will be. The general intelligence and public spirit of the American people furnish a sure guaranty that at the proper time this policy will be made to prevail under circumstances more auspicious to its successful prosecution than those which now exist." (During the panic of 1837.)

This veto message of "Old Hickory" has the true ring of the iron blooded statesman that he was, and instead of being constructed as it often has been, by the shallow reader, as an argument against national roads, it is, when rightly considered, the very strongest argument possible in their favor, and forever puts at rest the cheap tawdry, and ill-considered arguments presented by Mr. Buchanan and others when seeking to emasculate and destroy this great work—this National Monument, which has come down through the ages, and will continue to perpetuate and hold in everlasting memory the heroic statesmen who first conceived it, and gave to its construction and maintenance their lives of patriotic devotion, and will commemorate as well as the heroes and heroines who marched over it, foot-sore and weary though they were, away to the great West and Northwest, there to lay down their lives in building and perpetuating a mighty empire, consecrated to liberty and progress.

Ohio set the pace. The first "public land State" to be admitted to the Union, she was also the first to provide in part a national road fund. This she did as early as 1802, and Congress appropriated much of it to the Cumberland Road before it touched the border of the State.

What I have said in no way reflects upon the grand old States of Virginia, not only the "mother of Presidents," but of constitutional government as well, or of Pennsylvania and Maryland; only, I could wish that, when Pennsylvania got ready to give us a President she had given us some such man as that grandest old Roman of them all, Andrew Stewart, instead of the lamentable James Buchanan, who was seldom right and never strong on any question of national policy.

Let Congress make an appropriation to repair, rebuild, and maintain the Old National Road, your road, built chiefly by appropriations from the National road fund of the four States mentioned, and I would like to see the member, particularly from either of these twenty-nine "public land" States, who will vote against it. I do not believe, I will not believe, that we have any such member, but if we have, we will brand him as a degenerate son of a nobler generation and turn him back to the oblivion from which he sprang, and consign him sorrowfully to everlasting shame and despair.

Moreover, the act of April 30, 1802, admitting Ohio to the Union, as also the act of April 19, 1818, admitting Indiana, and of April 18, 1818, admitting Illinois, and of March 6, 1820, admitting Missouri, and of 1817 admitting Mississippi, and of 1819, admitting Alabama, and of 1836 admitting Arkansas, was a solemn covenant and agreement by which Congress pledges the Government to administer and appropriate the national road fund created and reserved for that purpose by those acts to the establishment and building of national highways. Congress so interpreted the agreement at the time and every administration for more than a quarter of a century carried this contract into execution. *This fund cannot be appropriated to any other purpose.*

The act of 1806, appropriated $30,000 out of Ohio's national road fund to open the road to Wheeling, and the subsequent acts appropriated the national reserve road fund of Ohio, Indiana, Illinois and Missouri to this road.

This compact between the Government and the twenty-nine "public land" States, could not be cancelled or annulled by either of the high contracting parties, without the consent of the other. The Government has never indicated a disposition to disregard it except in the conditional manner mentioned as to four of the States, and this for the purpose alone of enabling them to erect toll gates, and this was disregarded almost as soon as made, and in no event did it apply to any of the States except Ohio, Virginia, Pennsylvania and Maryland.

It was at best, a timid, ill-timed, illogical makeshift, offered in an amendment to an appropriation bill by that prince of reactionaries, James Buchanan, whose greatest claim for political distinction was his ability never to meet an emergency, and whose chief reason for emasculating this great highway was, the coward's plea, "that it might fall into the hands of our enemies."

Even then Congress amended the amendment by relinquishing it to the States *"during the pleasure of Congress"* only.

Ohio came into the Union on condition that Congress, not the State, would build roads leading *to* the State. Was it com-

Judge Lowe Presenting the "Van Buren Gavel" to President Wilson at the Centennial Celebration of the N. O. T. R. at Indianapolis, Oct. 12, 1916. Recently, in Grading This Road to Rebuild it One of the Planks Was Dug Up and a Gavel Made From It. (Copy Now in the Office of Judge Lowe.) This Plank Was Placed in Mudhole in Which Van Buren's Carriage Was Stuck.

petent for Congress to violate this compact, even though the State legislature might have expressed a willingness to condone such act?

No lawyer will contend that Congress derived any power to deal with this question by reason of the action of any of the States. Jurisdiction cannot be thus confirmed. Either it was acquired by the compact of Union or by the Constitution. As the legislature cannot confer power nor jurisdiction on Congress, neither can it by any so-called "consent," take it away. This is too plain for argument, and this question stands precisely where it stood before the action of the legislatures of Virginia, Maryland, Pennsylvania and Ohio. If the legislature was powerless to confer jurisdiction, it was equally powerless to take it away, and the Government had no power to refund this money to the States if such is the fact.

But Congress never offered to relinquish the road to Indiana, Illinois and Missouri.

So far as these three States are concerned, this question stands just as the acts admitting them to the Union left them. Three others of the tenty-nine public land States, to-wit: Alabama, Mississippi and Arkansas, having a like reserve road fund, as one of the conditions upon which they entered the Union, occupy the same position.

This reserve road fund was guaranteed to all States admitted to the Union prior to 1837, to be applied by the Government to building roads leading to such States, and after that, this fund given to the balance of the twenty-nine public land States to be administered by the State legislatures. Two per cent of this fund was to be used in building roads to such State, from what point? Evidently from the seat of government. No other idea prevailed at that time, nor was there any thought of limiting government activity to a single line of road. The committee of the House in reporting the Cumberland Road bill, mentioned several lines, but reported in favor of only one, for the sole reason that there were only funds sufficient to build one. They considered this as only a beginning, and when Alabama, Mississippi and Arkansas entered into the compact of Union they came in on exactly the same terms as those given to Ohio, Indiana, Illinois and Missouri, and that was, a national highway connecting their States with the national capital.

When Wisconsin was admitted, Abraham Lincoln, "the sweetest and wisest soul of all days and lands," supported an amendment which had passed the Senate, reserving each alternate section of the public lands in Illinois, to be appropriated to *building roads in Illinois.* The amendment was defeated in the House and the land subsequently *given to railroads.*

Two hundred million acres of these public lands taken from the "public land States" have been given to railroads, nearly double the combined acreage of Ohio, Indiana, Illinois and Mis-

souri, and now it is seriously proposed that "*National Aid*" be applied to building roads as "*feeders to the railroads.*"

To refund this money to the States is no compliance with this agreement, neither does the ingenious but impracticable scheme of Senator Bourne called "federal aid," whereby Ohio would be taxed $104,400,000 for the privilege of borrowing $50,200,000 at four per cent. But the "Government cancels the State bonds!" Why shouldn't it, since the State has paid it twice over? God save us from such "aid" as that.

Congress may pile dollars heaven high, and turn it over to the States or the Congressional districts, and it would be no compliance. The agreement was *to build roads to the States*—the States to be carved out of the territory of the great Northwest, saved to the Union by that indomitable American soldier, George Rogers Clark, and his intrepid Virginia and Kentucky volunteers at Old Vincennes, and the States to be carved out of the Louisiana Purchase.

I am raising no new question of State Rights, and no new principle of law. All we ask is, that the Government shall keep sacred its promises and fulfill the conditions upon which these States came into the Union.

Is there a court in all the land that would not enforce it if made between individuals? Is it less binding between the Government and the State? If Congress may repudiate this agreement then it can set at naught any and all covenants for the admission of the States and thus do what four long years of bloody warfare failed to accomplish: Dissolve the Union, and reduce the States to their original territorial condition.

The act authorizing these States to qualify for admission to the Union embodied the following clauses:

"The following propositions be and the same are hereby offered to the convention (authorized to adopt a constitution) of said territory, for the free acceptance or rejection, which, if accepted by the convention, *shall be obligatory upon the United States.*"

Then follows various propositions and among them the reserved road fund as already stated. For illustration, Missouri in her ordinance of acceptance recites the five propositions submitted by Congress, the third being the provision for a road fund, in the following language: "Now, this convention for and in behalf of the people do accept the five before recited propositions, offered by the Act of Congress * * * and this convention doth hereby request the Congress of the United States so to modify their third proposition that the whole amount of five per cent on the sale of public lands therein offered may be applied to the construction of roads and canals, and the promotion of education within this State, under the direction of the legislature thereof."

If this proposition, submitted by Congress to the States as an inducement to join the Union, can be set aside and annulled by a subsequent Act of Congress, then every other proposition and provision in the compact may be disregarded. Whether or not it was competent for the legislatures of Virginia, Pennsylvania and Maryland, constituting a portion of the original thirteen States, to accept the provisions of the Buchanan amendment, it is clear that the legislature of Ohio and the other public land States had no such power. Ohio had entered the compact of Union by accepting the terms offered by Congress, and this acceptance was made by the only authority competent to make it, and could not be unmade by any body of men having less authority. The ordinance accepting the terms of Union could not be changed by any subsequent act emanating from a source having no authority to make or change the terms of this agreement. The State legislatures had no more authority to change the compact of Union than a school district or a town council would have had.

The territories had the right to reject any and all overtures of Union. The General Government said to them: "These propositions are offered for their free acceptance or rejection, which, if accepted by the convention (not the legislature), *shall be obligatory upon the United States.*

The political reason for building National roads may not be as acute now as it was in the beginning of our great Governmental experiment, but who shall say what dangers await us in the future? Who will deny the prophetic wisdom of the sages who planned this road? Who will deny the cohesive power of cementing the States by a great system of National highways? And who will lightly value the sacred promises solemnly made by the original thirteen States to induce the new territories to join the Union? Ohio has kept the faith, and for thirteen years her national road fund was appropriated beyond the borders of the State. Then she was joined in a similar compact by Indiana, Illinois and Missouri, and unitedly they built and maintained this road out of their own road fund, and thus "saved the union." They, too, "kept the faith." Can the Government—can any government long survive which keeps only "Punic Faith" with its own people?

CHAPTER XVIII.

System of National Highways

In 1913 we proposed and had introduced in Congress the following Bill to construct a system of National or Interstate Highways:

A Bill to Provide for the Construction, Maintenance and Improvement of a System of National Highways and to Provide Funds for Their Construction and Maintenance.

Be it Enacted by the Senate and House of Representatives of the United States of America, in Congress Assembled.

That there shall be established a National Highways Commission, consisting of the Director of the Bureau of the Office of Public Roads, and four other members to be appointed by the President of the United States, by and with the consent of the Senate, one for the term of one year, one for two years, one for three years, and one for four years, and annually thereafter one shall be appointed for the term of four years, and said commissioners shall serve until their successors are appointed and qualified.

Not more than three of said Commissioners, including the Director of Roads, shall belong to the same political party as the President.

Sec. 2. That said Commissioners so to be appointed, with the Director of the Bureau of the Office of Public Roads, who shall also be a member of the President's Cabinet, as chairman, shall be known as the National Highways Commission, and each commissioner shall receive a salary of $5,000 per annum and necessary expenses, payable monthly out of the United States Treasury, but said Director shall receive no salary in addition to that received as Director of the Bureau of the Office of Public Roads. Any member of the National Highways Commission shall be subject to removal by the President for inefficiency, neglect of duty or malfeasance in office.

Sec. 3. That it shall be the duty of said Commission to carry out the provisions of this Act, and it shall have authority to appoint an assistant director in each State, who shall discharge such duties and receive such compensation as shall be fixed by said Commission, not to exceed $3,000 per annum; and it shall employ such engineers, patrolmen and assistants as may be neces-

sary and proper in carrying out the work contemplated by this Act, and the expenses thereof shall be paid out of the funds hereinafter appropriated.

Sec. 4. That in the execution of its duty said Commission shall have power and authority to call to its aid and assistance competent engineers to make surveys, maps, plats and profiles for its use, and to do all things necessary to the proper prosecution of said work; and it shall have the power to employ all necessary workmen, aid and assistance for the prosecution of said work and to fix their compensation.

Sec. 5. That said National Highways Commission shall have supervision of the construction, reconstruction, maintenance and repair of said roads, their bridges and their general construction; shall determine the manner thereof and material thereof, the plans and specifications necessary thereto, and the times and manner of letting contracts for the same, and the time and manner of payment therefor.

And in the further discharge of its duties said Commission may apply to the Secretary of War for such part of the engineering force not now needed in the completion of the Panama Canal, and for such machinery or material no longer needed in such work and such as may be useful in the construction of said highways.

Sec. 6. That all of the moneys and income derived by the United States from the internal revenue tax on cigars, chewing and smoking tobaccos of every description, as provided in this Act, above and in excess of the sum of $70,000,000 annually shall be set aside by the Treasurer of the United States and placed in a separate fund, to be known as the National Highways Road Fund. The Treasurer of the United States shall, at the end of each month, approximate the amount of revenues derived from said internal revenue tax that will be necessary to retain in order to provide for the $70,000,000, and put the balance of the monthly receipts in said National Highways Road Fund. The said National Highways Commission may draw on the Treasurer of the United States as rapidly as funds accumulate in the said National Highways Road Fund for the purpose of defraying the expenses of said Commission, the salaries of the officers and employees, for defraying the cost of location of said highways, the acquisition of the necessary lands for rights of way, either by purchase, condemnation proceedings or otherwise, and the cost of construction and maintenance of said highways. The moneys paid into the National Highways Road Fund as above provided are hereby appropriated for the purpose above mentioned.

Sec. 7. That section thirty-three hundred and sixty-eight of the Revised Statutes, as amended by section thirty-one of the Act of August fifth, nineteen hundred and nine, entitled "An

Act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," be, and the same is hereby, amended to read as follows:

"Sec. 3368. Upon tobacco and snuff manufactured and sold, or removed for consumption or use, there shall be levied and collected the following taxes:

"On snuff, manufactured of tobacco or any substitute for tobacco, ground, dry, damp, pickled, scented, or othewise, of all descriptions, when prepared for use, a tax of 24 cents per pound. And snuff flour, when sold or removed for use or consumption, shall be taxed as snuff and shall be put up in packages and stamped in the same manner as snuff.

"On all chewing and smoking tobacco, fine cut, Cavendish, plug, or twist, cut or granulated, of every description; on tobacco twisted by hand or reduced into a condition to be consumed, or in any manner other than the ordinary mode of drying and curing, prepared for sale or consumption, even if prepared without the use of any machine or instrument and without being pressed or sweetened; and on all fine-cut shorts and refuse scraps, clippings, cuttings and sweepings of tobacco, a tax of 16 cents per pound.

"That section thirty-three hundred and ninety-four of the Revised Statutes of the United States, as amended by the Act of August fifth, nineteen hundred and nine, entitled "An Act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," be, and the same is hereby, amended to read as follows:

"Sec. 3394. Upon cigars and cigarettes which shall be manufactured and sold, or removed for consumption or sale, there shall be assessed and collected the following taxes, to be paid by the manufacturer thereof: On cigars of all descriptions made of tobacco or any substitute therefor and weighing more than three pounds per thousand and of a wholesale value or manufactured to be sold at wholesale price of less than $40 per thousand, $4.50 per thousand; on cigars made of tobacco or any substitute therefor and weighing not more than three pounds, $1.50 per thousand; on cigers made of tobacco or any substitute therefor and weighing more than three pounds and of the wholesale value or manufactured to be sold at the wholesale price of not less than $40 per thousand and not more than $110 per thousand, there shall be assessed and collected as taxes $6 per thousand; on cigars of all kinds made of tobacco or any substitute therefor and weighing more than three pounds per thousand and of the wholesale value or manufactured to be sold for the wholesale price of not less than $110 per thousand and not more than $160 per thousand, there shall be assessed and collected as taxes $9 per thousand; on cigars made of tobacco or any substitute therefor and weighing more than three pounds and of the wholesale value of or manufactured to be sold for the

wholesale price of more than $160 per thousand, there shall be assessed and collected as taxes $12 per thousand; on cigarettes or any substitute therefor weighing more than three pounds per thousand there shall be assessed and collected as taxes $6 per thousand; on cigarettes made of tobacco or any substitute therefor and weighing not more than three pounds per thousand, there shall be assessed and collected as taxes $2.50 per thousand: *Provided,* That all rolls of tobacco or any substitute therefor wrapped with tobacco shall be classed as cigars, and all rolls of tobacco or any substitute therefor wrapped in paper or any substance other than tobacco shall be classed as cigarettes.

"And the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall provide dies and stamps for cigars such as made necessary by the provisions of this Act, and for cigarettes at the rate of the tax imposed by this section: *Provided,* That such stamps shall be in denominations such as may be necessary for the carrying into effect the provisions of this Act; and the laws and regulations governing the packing and removal for sale of cigarettes and the affixing and canceling of the stamps on the packages thereof shall apply to cigars weighing not more than three pounds per thousand.

"No packages of manufactured tobacco, snuff, cigars, or cigarettes prescribed by law shall be permitted to have packed in or attached to or connected with them nor affixed to, branded, stamped, marked, written, or printed upon them any paper, certificate, or instrument purporting to be or represent a ticket, chance, share, or interest in or dependent upon the event of a lottery, nor any indecent or immoral picture, representation, print, or words; and any violations of the provisions of this paragraph shall subject the offender to the penalties provided by section thirty-four hundred and fifty-six of the Revised Statutes."

Sec. 8. That the said National Highways Commission shall, as soon as funds become available under this Act, lay out and definitely locate, take over, construct and maintain the following National, Commercial and Military Highways and Post Roads to be known as follows:

Road No. 1 shall be known as the National Old Trails Road, and shall be located as follows: Beginning at Washington, D. C., and passing via Frederick, Hagerstown, Cumberland and Frostburg in Maryland; via Petersburg, Farmington, Uniontown, Brownsville, Centerville, Washington and Alexander in Pennsylvania; via Wheeling, W. Va.; Bridgeport, Saint Clairsville, Cambridge, Zanesville, Columbus, Springfield and Dayton in Ohio; via Richmond, Indianapolis and Terre Haute in Indiana; via Casey, Effingham, Vandalia and Troy in Illinois; via Missouri First Cross-State Highway through St. Louis, St. Charles, Fulton, Columbia, Marshall, Lexington and Kansas City in Missouri;

via Olathe, Baldwin, Osage City, Council Grove, Herington, Marion, McPherson, Lyons, Great Bend, Larned, Dodge City and Garden City in Kansas; via La Junta and Trinidad in Colorado; via Raton, Las Vegas, Santa Fe, Albuquerque and Gallup in New Mexico; via Holbrook, Flagstaff, Williams and Kingman in Arizona; via Needles, Barstow, San Bernardino to Los Angeles in California.

Road No. 2 shall be located as follows: Bebinning at Boston, Mass., thence via Worcester and Springfield, Mass.; via Albany, Utica, Syracuse, Rochester, Buffalo and Niagara Falls in New York; via Erie, Pennsylvania; via Cleveland and Toledo in Ohio; via Detroit, Jackson, Lansing and Grand Rapids in Michigan; via South Bend, Indiana; via Chicago, Illinois; via Milwaukee and Green Bay in Wisconsin; via St. Paul and Minneapolis, Minnesota; via Fargo and Bismarck, North Dakota; via Billings and Helena, Montana; via Spokane, Seattle and Olympia in Washington; via Portland, Oregon; via Sacramento, Stockton, San Francisco, Fresno and Bakersfield in California, to connect with road numbered 1, at Barstow. With these connections to Road No. 2:

(1) Fall River, Mass., to Boston, Mass.

(2) Rockport, Mass., to Boston, Mass.

(3) Bay City, Mich., to Detroit, Mich.

(4) Bellingham, Wash., to Seattle, Wash.

Road No. 3 shall be located as follows: Beginning at Washington, D. C., and passing via Charlottesville, Lynchburg and Chatham in Virginia; via Greensboro, Salisbury and Charlotte in North Carolina; via Yorkville and Abbeville in South Carolina; via Athens and Atlanta in Georgia; via Birmingham, Alabama; via Jackson and Vicksburg, Miss.; via Monroe and Shreveport in Louisiana; via Dallas, Fort Worth and Abilene in Texas; via Roswell and Las Cruces in New Mexico to El Paso, Tex.; via Deming and Lordsburg, New Mexico; via Douglas, Tucson, Phoenix and Yuma in Arizona; via El Centro and San Diego in California, to Los Angeles on road numbered 1. With these connections to Road No. 3.

(1) From Tallahassee, Fla., through Macon, Ga., to Atlanta, Ga.

(2) From Flagstaff, Ariz., on Road No. 1, through Prescott, Ariz., to Phoenix, Ariz.

Road No. 4 shall be located as follows: Beginning at Bangor, Me., and passing via Augusta and Portland, Me.; via Concord and Manchester, N. H.; via Boston, Mass.; via Providence, R. I.; via New London and New Haven, in Connecticut; via New York in New York; via Trenton, N. J.; via Philadelphia, Pa.; via Wilmington, Del.; via Baltimore, Md.; via Washington, D. C.; via Charlottesville, Richmond, Portsmouth in Virginia; via

Raleigh, N. C.; via Florence, Columbia and Charleston in South Carolina; via Savannah, Ga.; via Jacksonville, Fla., to Tampa, Fla. With these connections to Road No. 4.

(1) Burlington, Vt., through Montpelier, Vt., to Concord, N. H.

(2) Springfield, Mass., on Road No. 2, through Hartford, Conn., to New Haven, Conn.

(3) Albany, N. Y., on Road No. 2, to New York City.

(4) Snow Hill, Md., through Dover, Del., to Wilmington, Del.

(5) Annapolis, Md., to Washington, D. C.

(6) Greensboro, N. C., on Road No. 3, to Raleigh, N. C.

(7) Wilmington, N. C., to Raleigh, N. C.

(8) Atlanta, Ga., on Road No. 3, to Columbia, S. C.

Road No. 5 shall be located as follows: Beginning at Sheboygan, Wis., on Road No. 2, and passing via Madison, Wis.; via Dubuque, Iowa; via Rock Island and Springfield, Ill.; via St. Louis and Charleston, Mo.; via Paducah, Ky.; via Jackson and Memphis, Tenn.; via Jackson, Miss.; via Baton Rouge to New Orleans, La.

Road No. 6 shall be located as follows: Beginning at the boundary between Canada and the United States at or near Pembina, North Dakota, and passing via Grand Forks, Fargo and Wahpeton, N. D.; via Watertown, Arlington and Yankton, S. D.; via Columbus and Geneva, Neb.; via Concordia, Salina, McPherson, Newton and Wichita, Kas.; via El Reno and Lawton, Okla.; via Wichita Falls, Ft. Worth, Waco, Austin, San Antonio, Laredo, Houston, Galveston and Beaumont in Texas; via Lake Charles and New Iberia, in Louisiana, to Road No. 5 at Baton Rouge, La.

With these connections to Road No. 6:

(1) From Bismarck, N. D., on Road No. 2, through Pierre and Huron, S. D., to Arlington, S. D.

Road No. 7 shall be located as follows: Beginning at Albany, N. Y., and passing via Binghamton, N. Y.; via Scranton, Wilkesbarre, Harrisburg and Gettysburg, in Pennsylvania; via Frederick, Md.; via Elkins, Charleston and Huntington, in West Virginia; via Winchester, Lexington, Frankfort and Louisville, Ky.; via Vincennes, Ind., to Effingham, Ill., on Road No. 1.

Road No. 8 shall be located as follows: Beginning at Superior, Wis., and passing via Duluth and Minneapolis, Minn.; via Fort Dodge and Des Moines, Iowa; via Gallatin and Kansas City, Mo.; via Olathe, Paola, Pleasanton, Fort Scott and Pittsburg, Kas.; via Joplin, Mo.; via Rogers, Fort Smith and Texarkana, Ark.; via Shreveport, Alexandria, Baton Rouge, La., to New Orleans, La.

Road No. 9 shall be located as follows: Beginning at South Bend, Ind., on Road No. 2, and passing via Rochester and Indianapolis, Ind.; via Louisville, Ky., to Nashville, Tenn., on Road No. 5, and following the line of Road No. 5 via Jackson and Memphis, Tenn., to Helena, Ark.; thence via Little Rock, Pine Bluff and Texarkana, Ark., to Dallas, Texas, on Road No. 3.

Road No. 10 shall be located as follows: Beginning at Chicago, Ill., on Road No. 2, and passing via Aurora and Ottawa, Ill., via Davenport, Muscatine, Des Moines and Council Bluffs, Iowa; via Omaha, Lincoln and McCook, Neb.; via Denver, Glenwood Springs and Grand Junction, Colo.; via Salt Lake and Logan, Utah; via Ely, Reno and Carson City, Nev.; to Sacramento, Cal., on Road No. 2.

Road No. 11 shall be located as follows: Beginning at Chicago, Ill., on Road 2, and passing via Bloomington, Springfield and Pittsfield, Ill.; via Louisiana, Bowling Green, Fulton, Jefferson City, Springfield and Joplin, Mo.; via Vinita, Muskogee and Oklahoma City, Okla., to El Reno, Okla., on Road No. 6.

Road No. 12 shall be located as follows: Beginning at Portland, Ore., on Road No. 2, and passing via Vancouver and Walla Walla, Wash.; via Baker City, Ore.; via Boise and Twin Falls, Idaho; via Logan and Salt Lake City, Utah; via Evanston and Cheyenne, Wyo.; via Denver, Colorado Springs and Pueblo, Colo., to Trinidad, Colo., on Road No. 1.

With this connection to Road No. 12:

(1) From Road No. 2 at the most practical point, through North Yakima to Road No. 12.

Road No. 13 shall be located as follows: Beginning at St. Louis, Mo., on Road No. 1, and passing along Road No. 5 via Bonne Terre, Mo., to Charleston, Mo.; via Jonesboro, Little Rock and Fort Smith, Ark., to Muskogee and Oklahoma City, to El Reno, Okla., on Road No. 6.

Road No. 14 shall be located as follows: Beginning at Yankton, S. D., on Road No. 6, and passing via Sioux City and Council Bluffs, Iowa; via Omaha, Neb.; via Atchison, Leavenworth, Kansas City, Lawrence and Topeka, in Kansas, to connect with Road No. 1 at or near Scranton, Kas.

Road No. 15 shall be located as follows: Beginning at Memphis, Tenn., on Road No. 5, and passing via Corinth, Miss.; via Florence, Birmingham, Montgomery and Mobile, Ala.; via Pensacola, Fla.; via Gulfport, Miss.; via Covington, La., to Baton Rouge, La., on Road No. 5.

Road No. 16 shall be located as follows: Beginning at Cleveland, Ohio, on Road No. 2, and passing via Canton, Columbus, Dayton and Cincinnati, Ohio; via Covington, Frankfort, Lexington and Winchester, Ky.; via Knoxville, Tenn.; via Asheville, N. C., to Charlotte, N. C., on Road No. 3.

Road No. 17 shall be located as follows: Beginning at Lynchburg, Va., on Road No. 3, and passing via Rockymount, Va.; via Laurel Springs, N. C.; via Knoxville and Chattanooga, Tenn.; via Chickamauga, Ga., to Nashville, Tenn., on Road No. 9.

Road No. 18 shall be located as follows: Beginning at Philadelphia, Pa., on Road No. 4, and passing via Harrisburg, Johnston, Pittsburg and Washington, in Pennsylvania, to Wheeling, W. Va., on Road No. 1.

With this connection to Road No. 18:

(1) From Scranton, Pa., on Road No. 7, passing via Easton and Reading, Pa., on Road No. 18, by the most practical route.

Sec. 9. That all roads constructed under this Act are hereby declared to be National Roads ,and shall be hard surfaced not less than sixteen feet in width, and shall be of the best material and most approved type of construction, as decided by said commissioners.

Sec. 10. That said National Highways Commission may locate the roads in this Act provided for along and over any road within any State established by any local authority used as a highway. It is hereby authorized and empowered to enter upon, purchase, take and hold any lands or premises that may be necessary and proper for the construction, change of location, and operation of said roads, to exercise the power of eminent domain on behalf of the United States, and to institute and prosecute actions to condemn such land and property as it may deem necessary for the location and construction of the roadways herein provided. In the trial of actions to condemn property it shall be permitted to offer evidence showing the benefit that will accrue to the owner of the remaining land by the construction and maintenance of the proposed roadway as an offset to the damages the owner may show he will suffer by the taking of such land necessary for such roadway. After the National Highways Commission has definitely located the proposed roads in any State, it shall file with the Governor of such State a map of the definite location of such roadways.

Sec. 11. That the said National Highways Commission shall not construct or improve any road or street within the corporate limits of any city, town or village. Whenever the Commission proposes to locate or construct a roadway, which, when projected, will pass into and through any incorporated city, town or village and such city, town or village has not paved or provided for the pavement of its streets connecting with the proposed roadway at each edge of its corporate limits, then the said Commission shall locate and constuct the proposed roadway outside of the corporate limits of such city, town or village.

Sec. 12. That whenever the National Highways Commission shall locate any part of a roadway over and along a roadway within any State that has been permanently improved by

such State or municipality or road district thereof, the said Commission shall ascertain the actual value in money of such improvements, except bridges, will be to the United States in the construction of its roadway. The actual value of such improvements shall be paid to such State or municipality or road district, not to exceed, however, $5,000 per mile. That the amount that any State or municipality or road district shall be entitled to under the provisions of this section shall be determined by the Commission, and its determinination of the amount shall be conclusive and final upon all parties. The actual value of such improvements in money, as soon as ascertained, shall be paid by said Commission to the treasurer of such State, municipality or road district within five years in equal amounts as the Commission may decide.

Sec. 13. That the said National Highways Commission shall maintain and keep in repair every bridge constructed over every large navigable stream within any State at the point or points across which river the Commission may locate any of the proposed highways and the State wherein such bridge is located shall reimburse the Government for such maintenance. In case there is no bridge across any navigable stream within a State at the point said Commission shall locate any roadway across such stream, then in that event said State, by proper authority, shall agree to maintain or cause to be maintained at such point a ferry.

Sec. 14. That the said National Highways Commission is hereby authorized and directed, that after the roads before mentioned are constructed, to construct similar roadways, under the same conditions before mentioned connecting every city of more than twenty thousand population, with one of the main line roadways hereinbefore provided or branch lines in this provided, leaving the main line of such roadway or such branch line of roadway at the most feasible point nearest such city: *Provided*, That such city can be reached by the construction of not more than 50 miles of roadway. In case such city cannot be reached by 50 miles of roadway or less, from the main line of roadway or from a branch line herein provided, then in that case the said Commission is authorized to locate a proposed roadway connecting such city and enter into an agreement with the State in which such roadway is to be located, or with such municipality, that if it or the State will improve such located roadway, and forever maintain the same in first class condition from said city to within 50 miles of such main line of roadway, or branch line of roadway, in accordance with the standard required by this Act, and by said Commission, the United States will construct the connecting 50 miles of road. The State or municipality shall first construct its proportion of said road, and when completed then said Commission shall have the option to take over said roadway in the name of the United States of America with the

agreement to forever maintain the same: *Provided,* further, That no such branch line of roadway provided for in this section shall be constructed, if it be necessary for the United States to build any bridge over a navigable stream.

Sec. 15. There shall be a maintenance fund appropriated and set aside out of the revenues to be derived under the provisions of this Act of 10 per cent annually of the cost of construction, or so much thereof as shall be necessary, to be applied to the maintenance and repair of the roads to be constructed under this Act, and the National Highways Commission herein provided for shall have exclusive jurisdiction and supervision of such maintenance and repairs, and shall draw all warrants for the cost thereof against the funds thus provided.

Note:—This bill included a map of the entire system of roads above described, as follows: See pages 242 and 243.

N. O. T. IN ARIZONA.

CHAPTER XIX.

National Roads vs. National Aid.

Arguments Submitted Before the United States Senate and House of Representatives by J. M. Lowe.

There are those who believe that the general Government should appropriate some of the general revenues to road building—*on certain conditions.* One class takes the position that there must be some kind of reciprocity or partnership between the Government and the State or the people, and that for every dollar appropriated by the Government, the State or county, etc., must pay an equal or greater sum. They differ as to the share each shall pay. They differ also as to the distribution of the Government's "bounty"; one class believes the State should be the unit with which the Government should co-operate, while another would extend "aid" to the county, township or road district. As illustrating that all these schemes are utterly impracticable and will result in dissipating the revenues without building roads, the following statements are submitted:

As to requiring the State, county or other subdivision to retax themselves before receiving any benefit from the taxes already paid to the general Government, it is sufficient to say that the States, counties and other subdivisions have already issued road bonds in excess of $410,000,000. And this is a bagatelle of what the people have spent upon the roads. By the time this can be done the people will have raised and expended more than another $410,000,000. Note: Since then 20 of the 48 States have voted bonds for more than one billion dollars. How many have even one cross-state road? WHY? Moreover, the Federal Aid Act required Interstate Roads to connect or correlate with like roads of adjoining States. How many of them do? Those who thus vex their righteous souls lest the Government may do more than "its equitable part" in road building need not worry—just yet.

Moreover, distributing the revenues, if the State is made the unit, as has been suggested by men in high places, would result as follows:

If $50,000,000 were appropriated annually (about the amount of the annual River and Harbor appropriation) each State would receive, in round numbers, $1,000,000.

As illustrating how this would work, Kansas could build one mile of road, Missouri, Virginia and Kentucky could build four-fifths of a mile, Georgia could build seven-tenths of a mile, and Texas, with her 234 counties, could build only two-fifths of a mile in each county.

How soon could we get a system of roads, or any roads worth while, if such a foolish plan as this were adopted?

And this is the most conservative and probably the wisest unit suggested by those favoring "National Aid."

If the county were made the unit, as favored by some, the 3,000 counties in the United States would each receive an average of $16,666, and if economically expended each county could build about one and one-half miles of road. If the railroad depot were made the "hub," as some advocate, from which the roads shall radiate, just one depot in each county would get one and one-half miles of road from each appropriation of $50,000,000.

If either the State or county should be adopted as the unit, and the national appropriations turned over to them, we shall simply be repeating on a larger scale, the ineffectual and criminal waste exemplified in River and Harbor legislation, with its attendant scandals. As the rivers have not been made navigable, neither will roads be built under any such method.

Even were such schemes feasible in other respects, the purpose of dividing responsibility and effecting co-operation between national and State or county officials is no more practicable or possible than it would be to divide and co-operate in the improvement and navigation of the rivers. As the rivers are but national highways under national supervision, so must the national roads be subject to national jurisdiction, just as the State and county road systems must be under the supervision of State and county authorities.

It would be just as logical to subject the navigable rivers to State and county navigation laws as it would be to turn the national highways over to such control.

Then what is the wise and proper thing to do?

The answer is for the Government to build, supervise and maintain its own system, whether large or small, of national highways.

When it shall have built 30,000 miles of roads, as suggested by attached map, it will have but little over one per cent of the roads of the country. There will remain 99 per cent for the States and counties to build and maintain.

A glance at this tentative map will indicate that if the suggested system should be adopted, each State would get an average of two national highways, one each way across the State, each connecting with and forming a part of a general system.

Would not this be of greater value to the State—of more direct value to a greater number of people—than would the stub-end of a road in each county, even if such stub-ends should be built?

This system of 30,000 miles can be built at an average cost of $10,000 per mile, or $300,000,000.

This is $110,000,000 less than the States and counties have already issued in road bonds.

It is $100,000,000 less than the cost of the Panama Canal.

It is only equal to the *ANNUAL* appropriations for the army and navy.

It is about equal to the *ANNUAL* appropriations for pensions and public buildings.

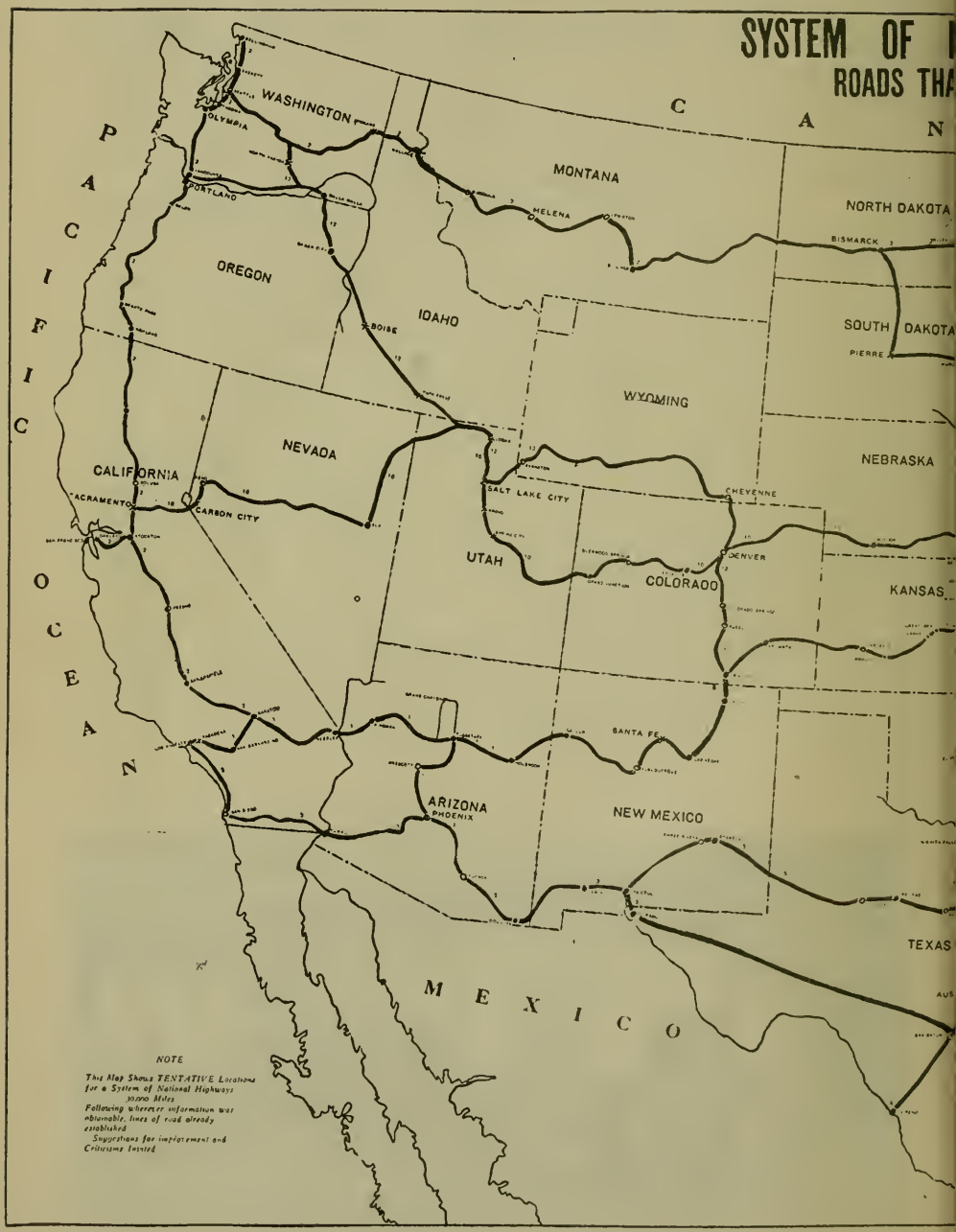
It is only one-half the sum already appropriated to rivers and harbors.

It is not one-third the sum given to the railroads.

Build this, or some similar system, and let the State and county systems connect with it. It will add value to the farm lands many times its cost. It will give employment to an army of idle men. It will furnish a ready market for farm products and manufactured utensils. It will decrease the cost of transportation, and consequently the cost of living. It will benefit both the producer and the consumer. Like the gentle dews of Heaven, its blessings will fall upon all the people, both in town, city and country.

Build it, and an era of prosperity will follow such as the world has not known. It will be of greater direct benefit to a greater number of people than any material project ever conceived in the mind of man.

YESTERDAYS—CUMBERLAND, MD., 1816.


SYSTEM OF
ROADS THA
C A N
P A C I F I C O C E A N
WASHINGTON
OLYMPIA
PORTLAND
OREGON
MONTANA
HELENA
NORTH DAKOTA
BISMARCK
IDAHO
BOISE
SOUTH DAKOTA
PIERRE
WYOMING
NEVADA
CALIFORNIA
SACRAMENTO
CARSON CITY
SALT LAKE CITY
CHEYENNE
NEBRASKA
UTAH
DENVER
COLORADO
KANSAS
SANTA FE
ARIZONA
PHOENIX
NEW MEXICO
TEXAS
M E X I C O
NOTE
This Map Shows TENTATIVE Locations
for a System of National Highways
10,000 Miles
Following wherever information was
obtainable, lines of road already
established
Suggestions for improvement and
Criticisms Invited


ONAL HIGHWAYS
SOMEWHERE
CONNECTING ALL STATE CAPITOLS AND PRINCIPAL CITIES
WITH
THE NATIONAL CAPITOL
MINNESOTA
WISCONSIN
MICHIGAN
IOWA
ILLINOIS
INDIANA
OHIO
PENNSYLVANIA
NEW YORK
MAINE
VT.
N. H.
MASS.
CONN.
R. I.
N. J.
MISSOURI
KENTUCKY
WEST VIRGINIA
VIRGINIA
NORTH CAROLINA
SOUTH CAROLINA
TENNESSEE
ARKANSAS
MISSISSIPPI
ALABAMA
GEORGIA
LOUISIANA
FLORIDA
ATLANTIC OCEAN
PUBLISHED UNDER THE DIRECTION OF
NATIONAL OLD TRAILS ROAD ASSOCIATION
Midland Bldg Kansas City, Mo
J. M. LOWE
PRESIDENT
COMPILED BY
FRANK A. DAVIS
SECRETARY

CHAPTER XX.

The Townsend Bill.

Synopsis of Statement Made by J. M. Lowe, June 18, 1920, Before the Committee of Postoffice and Post Roads of the United States Senate.

"The School of Experience ought to teach us much on the subject before us for consideration. National highways, to be built and maintained by the General Government, is far from being a new or startling proposition. It is as old as the Government itself. The Constitutional Convention of 1783 had just been adjourned, and the Government organized thereunder was in a formative condition when this question arose, and a measure was passed and approved by Mr. Jefferson in 1806, establishing the Old National or Cumberland Road, beginning at Cumberland, Maryland, and extending to the Ohio River at Wheeling; and by various acts of Congress, extending westward until it reached the Mississippi River opposite St. Louis. This road was built and maintained by the General Government until 1837.

"In 1824 this question became a National issue, and John Quincy Adams was elected President upon this issue. Immediately following such election, President Monroe sent a message to Congress, suggesting the appointment of a Commission of three to select and lay out a system of National Highways, and to make its report to the next Congress. Mr. Monroe was so well pleased with the character of the men who agreed to serve upon that commission that he sent a special message to the Senate, congratulating the country upon the men chosen for that Commission.

"Senator Benton from Missouri proposed an amendment to the bill, providing for said Commission, and suggesting that the Congress itself make the selection of such system, because, he said, he feared that the politicians would 'surround' the Commissioners, and influence them to lay out roads favorable to certain local interests rather than to the general interests of the country.

"His amendment was defeated, and the Bill was passed, practically unanimously, there being but six votes in the Senate against it. At the following session of Congress, the Commissioners made their report. Mr. Benton, in criticizing the report, showed that 'the expected had happened.'

"In a speech before the Senate, Mr. Benton said: 'Early in the succeeding administration, a list of some ninety routes were reported to Congress, in which occurred the names of places hardly heard of before, outside of the State or section in which they were found. Saugutuck, Amounisuck, Pasumic, Winnispiseegee, Piscataqua, Titonic Falls, Lake Memphramagog, Conneaut Creek, Holmes Hole, Love Joys Narrows, Steeles Ledge, Cowhegan, Androscoggin, Cobbiescont, Conceaupecheaux, alias Soapy Joe, were among the objects which figured in the list for National improvements.'

In short, it was detached, unconnected pieces of road, forming no system, and calculated to be of no general benefit to the country. This report was so absurd and impractical that it was pigeon-holed by Mr. Adams, although he was a very sincere advocate of a National System, and this was the end of agitation for road building.

"In the same year, Mr. Benton brought forward a bill, extending the Old National Road, above mentioned, on West, and ending at Santa Fe, the capital of a foreign state. This bill was opposed because it was claimed that the Government had no power to invade a foreign State and construct a highway. In this dilemma, Benton visited the Sage of Monticello, Thomas Jefferson, on Christmas Day, 1824, and at the Christmas table Benton brought up the subject and asked Mr. Jefferson if there was any precedent for the proposed action. Promptly Mr. Jefferson informed him that there was such a precedent, established during his second term, and with the consent of such foreign country, the proposition was entirely feasible. Returning to the Senate, Mr. Benton quoted Jefferson as above stated, and the Act was passed and became a law, thus establishing the 'Santa Fe Trail.'

"It is too late now and would consume your time unnecessarily to discuss the question of the constitutionality of the proposed system of National Highways. That question was thrashed out and settled for all time during the pendency of the measure above indicated. Even John C. Calhoun, of South Carolina, the greatest stickler for state rights, and for the strict construction of the Constitution, then living, supported this measure.

"In the case of Stockton vs. Baltimore A. T. Z. Railroad, 32 Federal Reporter, Page 9, Justice Brewer, in rendering the decision of the Court, said: 'Nor have we any doubt that under the same power, the means of commercial communication by land as well as water may be opened up by Congress between different States whenever it shall see fit to do so, either on the failure of the States to provide such communication, or whenever, in the opinion of Congress, the increased facilities of communication ought to exist. Hitherto, it is true, the means

of commercial communication have been supplied either by nature in the navigable waters of the country, or by the States in the construction of roads, canals and railroads. So that the functions of Congress have not been largely called into play, under this branch of its jurisdiction and power, excepting in the improvement of rivers and harbors, and the licensing of bridges across navigable streams; but this is not proof that its power does not extend to the whole subject in all possible requirements. Indeed, it has been put forth in several notable instances which stand as strong arguments of practical construction given to the constitution by the Legislative Department of the Government. The Cumberland or National Road is one instance of a grand thoroughfare projected by Congress, extending from the Potomac to the Mississippi."

"I have quoted the above decision because I have recently seen a letter from one high in authority, who readily quotes the Post Roads Clause of the Constitution, but seems to have entirely forgotten or to have overlooked the Commerce Clause of that instrument.

"Now, one word as to the practicability of the proposed measure. We have had about five years of experience in attempting to build roads under what is called 'the Federal Aid Act,' with the result that only $12,000,000 of the $275,000,000 appropriated, has been actually expended under the provisions of that measure, and this money went into a scattered, detached, unconnected system of roads, or rather no system at all, resulting in the building of short sections, so scattered over the country as to be of no general benefit. The longest single section of road built, up to March, 1919, was just nine miles.

"This $12,000,000, if it had been applied upon a continuous road, would have at least built one road, if the cost of construction should be $30,000 per mile, 400 miles in length, but would not have reached entirely across many of the States. If it had been supplemented by an equal amount of money raised by the State, County, or smaller legal subdivisions thereof, it would have built 800 miles of road. And this would have been of some general benefit to the country. Under the present method, billions may be spent without any general good being accomplished. Built in scattered sections, wholly unconnected, of different types, much of it dirt, sand clay, water-bound macadam, and other so-called cheap roads, which are practically no roads at all, it is scarcely too much to charge the entire sum off the ledger, and credit to *absolute waste.*

"Study this question in the light of experience, analyze it any way you may, and there is but one possible conclusion that can solve the road problem in a sensible, practical, business-like way, and that is for the General Government to build a system of National Highways, under the supervision and control of National authority, preferably its execution placed in

the hands of some one individual like a Goethels or a Hoover, or a Charles Henry Davis, of Massachusetts, with responsibility fully fixed, clothed with all needful authority and fully financed by the Government.

"This National System can then be supplemented by a State System, under absolute authority and direction of the State. County and other legal subdivisions can then build their own system, all connected with the State and National Systems, and thus ultimately resulting in a splendid system of all the year round roads, reaching every nook and corner of the entire country.

"All attempts to develop roads by first building local roads, 'radial' roads, or roads reaching out from the railroad station and ending on Possum Ridge or in Raccoon Hollow, have failed. Not until trunk lines are built will there be any material advance in road building. These trunk lines will be educational in their effect, and will bring about a desire for building local lines. Otherwise, there will be no desire or reason for the existence of such local feeders. Branch railroad lines were built after the trunk lines were established, otherwise they could not have existed.

"While discrimination as between districts is neither wise nor fair, nevertheless, if any preference should be favored, the farming and rural districts are entitled to first consideration, for the reason that they need roads more than the urban centers do, and, what is more, they need help to build them. In most districts, they can not of themselves furnish the funds necessary with which to build, either by undertaking the job at their own expense, or by matching dollars with the General Government.

"A National System of highways, built and maintained by the National Government, will serve National purposes, and likewise be the heavy traffic main trunk lines within the several States. Such a system will relieve the States of any cost of their construction and maintenance. Thus relieved, the States could build more miles than now of State Highways, thereby reaching more remote farming districts than are now reached.

"Such a system of State Highways will likewise be the heavy traffic lines within the several counties. They will be connected with the National System. Such system of National and State roads will thus relieve the counties of any expense for their construction, and such counties can then build more miles of other or secondary roads, thereby still further reaching out into the more remote farming districts.

"Such system of county roads will likewise be the traffic roads within their respective counties, and, therefore, finally, the township or district can build more miles than now of their lighter traffic roads, and thereby reach those farming districts farthest from the market towns and railroads.

"By this four-fold system of roads there will be an impetus as yet unthought of given to road building throughout the United States. Authority and responsibility will be logically and economically fixed without complications arising. Uniformity and efficiency will be established. Rivalry in construction and maintenance will exist between the different systems. This will give us *good roads everywhere*, by a well-balanced, connected system of National, State, County and Township highways. The monies thus raised and appropriated will get into roads, where it belongs, and not into politics, where it does not belong. The cost will be equitably distributed upon those communities best able to bear the burden.

"By the present system, if system it may be called, we are placed in the anomalous condition that the tourist, starting from the Atlantic, is liable to arrest the moment he crosses a State line, and remains under such embarrassment at every State line he may cross between the Atlantic and the Pacific. He must pay a license tax in every State through which he may travel. As some indication of the enormous expense attending such transportation, it may be stated that as early as 1912, there were 35,000 foreign automobiles who took out licenses and toured California, leaving $17,500,000 in that State. It is a safe calculation to multiply that sum now by five or six times. In the same year of 1912, there were 6,000 'foreign' cars in Colorado, leaving $2,700,000 in that State. This, too, may be multiplied five or six times now.

"While the average tourist is one of the most liberal spenders of money, without any such charge as the above being made against him, they ought to be encouraged, because they will put into circulation vast volumes of money in every State through which they may travel.

"Suppose the navigable rivers of the country were made subject to different navigation laws in every State through which such rivers may flow; such complications would arise that it would put an effectual embargo on such traffic; and yet it is just as practicable and sensible to subject the navigable rivers of the country to State and local supervision and control as it is to subject the National roads of the country.

"No purpose to which the revenues can be applied will accomplish so much good to so many people, for it will in a few short years place this country, in material prosperity, far above any country in the old world.

"This four-fold system is the solution, and the only solution, of the whole vast problem of building a system of dependable roads throughout the country, and when it is done, we will only marvel at our long delay, and wonder why we postponed the accomplishment of the greatest purpose ever conceived in the mind of man."

CHAPTER XXI.

Benton Forsaw Danger of "Local" Roads.

Excerpts From an Address by the Author, Delivered at St. Paul, Minn., November 16, 1914.

This address contains in part a speech by Senator Benton. This is the first time this speech has appeared in print, at least since 1824.

The danger we, who favor Federal activity in road building, have to meet is the same now as it always has been. But for the threat of what Monroe characterized as "local" and neighborhood roads, and, therefore, outside the jurisdiction and power of Congress to legislate in their favor, concurred in by Andrew Jackson and Thomas H. Benton—termed "over expansion" by Abraham Lincoln, and now popularly called "log rolling," "pork barrell" measures, we would now have a great system of National Highways ramifying every nook and corner and reaching every part of the United States.

This selfish and narrow principle defeated the great National system as devised and promulgated by Albert Gallatin and Thomas Jefferson. The friends and supporters of the old Cumberland National road had this element to contend with for more than a quarter of a century. It culminated in the National campaign in 1824, when a general system of National Highways to be built and maintained out of the National revenues swept the country.

No sooner was the election over than this element rushed a bill before Congress authorizing President Monroe to select and define such system. Thereupon a commission of engineers was appointed to select, survey and report such a system. Notwithstanding the language of the Act was plain and unequivocal that the roads selected must be National in character, the element referred to, seized the opportunity and did what Benton said they would, and brought in a report in favor of 90 roads—odds and ends of roads, having no semblance of Nationality.

Foreseeing this danger the wise old Statesman, Thomas H. Benton, one of the wisest and ablest senators this country has ever had, brought forward an amendment which was practically a new bill, specifically defining and describing the roads which should constitute such system of National Highways. In support of this bill Mr. Benton spoke as follows:

SURVEYS FOR ROADS AND CANALS

"The bill from the House of Representatives, 'to provide for making surveys for roads and canals,'" was then taken up for consideration, in Committee of the whole. The question was upon an entire new bill, offered as an amendment, by Mr. Benton.

Mr. Benton rose and said he would compare the provisions of the bill from the House of Representatives with the provisions of the amendment which he had submitted, and he would state the reasons which induced him to prefer the amendment to the bill.

The bill is general. It places $30,000 in the hands of the President and leaves him at liberty to select such routes for roads and canals as he shall think proper. It contains no details neither as to the construction of the roads, nor as to the depths and widths of the canals. It contains no limitation upon the number of persons to be employed in the survey, nor upon the wages to be allowed them. It asks no consent from the States to the execution of the works proposed to be undertaken within their limits.

The amendment is specific. It places the same thirty thousand dollars in the hands of the President, but specifies the routes to which he shall apply it. It defines the extent and capacity of the intended works. It limits the number of surveyors to be employed and fixes their compensation. It asks the consent of the States to the execution of the works.

On this proposition to amend, Mr. Benton did not consider the field to be open for debate on the constitutionality or general expediency of internal improvements. He considered the debateable ground to lie between the bill and the amendment. Their comparative merits was the object of inquiry. He would limit himself to it, and endeavor to show:

1. That it is better to adopt the specific than the general provision.
2. That the routes specified are national.
3. That we have the funds to execute them.

On the first point. The adoption of the bill with the general provisions, would subject the President to a labor which ought not to be thrown upon him. He is an executive officer, created for great national purposes, and his duties are defined in the Constitution. I do not deny but that the Congress may add to them, but it ought never to be done, except in a case of clear necessity, and here is no necessity at all. It is a deception practiced upon itself, for the Congress to suppose that the talent and character of the President is to be embarked in those legislative duties annually assigned him. He has enough under the Constitution. He cannot quit the great concerns of

SENATOR THOS. H. BENTON.

the nation to superintend these subaltern affairs. They are devolved upon some subordinate officer, we know not whom, and the errors and mistakes of the unknown are sanctified by the adoption of his august superior.

It is wrong to throw upon the President the responsibility of making these selections. They interest the local feelings of every part of the Union and every section will claim its road or canal. If disappointed, it will be discontended, and nine-tenths of the applicants must be disappointed. No human being can decide upon their jarring pretentions, and give a general satisfaction. We cannot do it ourselves, though drawn from every part of the Union. The moment we begin to touch the internal improvement fund, we take the attitude of legatees, dividing the estate of an ancestor. Each goes for himself. How stands the question at the moment in the Senate? We have one proposition to divide the fund according to the populations of the States; another to divide according to the rule of paying taxes; a third to divide according to the superficial content of the States; and each State goes for that, by which it would gain most. The amendment which I have submitted adopts a rule of division different from all these; it proposes to apply the fund *nationally*, to make roads and canals where the national *interest requires them,* without regard to population, direct taxes, or the size of the States. The Congress can agree upon neither, and it throws the responsibility of division upon the President. What will be the result? Why, the President will order some routes to be surveyed, and when the surveys are brought in and an appropriation is demanded, all the disappointed may stand together, attack his selection, and defeat it.

It was wrong to give the President a legislative duty to perform. The selection of these routes is a legislative function. It involves appropriations and local interests, and may give great advantage to one part of the Union over another. Seventeen years ago, it was said by one of our most eminent statesmen, that "The National Legislature alone, embracing every local interest, and superior to every local consideration, is competent to the selection of such National objects"—(Gallatin on Roads and Canals).

It is wrong to give the executive the vast increase of patronage which the general provisions of this bill will confer upon him. It was said in England thirty years ago, that the power of the Crown had increased, was increasing and ought to be diminished. The same may be said of the patronage of the American Executive; and shall we, instead of diminishing, add to it some twenty or thirty million more? Shall we refuse to sit here and vote upon these routes in our characters of Senators, and then rush to our President, and in the supplicant posture of petitioners, humbly sue him for a division of the spoil?

The adoption of the amendment will prevent all these evils, will save the President from a labor to which he ought not to be subjected, from a responsibility to which he ought not to be exposed—from a legislative duty which does not belong to him—from an increase of patronage which may bring the members of the National Legislature in crowds to his feet.

Then he proceeds:

"The routes specified in the amendment are National: They are:

FOR ROADS.

1. From Washington City, south to Florida.

2. From Washington City, north to Maine.

3. From Washington City, southwest through Virginia and Tennessee.

4. From Washington City, northwest, in completion of the Cumberland road to Missouri.

5. From New Orleans to Columbus, in Ohio."

Upon the subject of the roads which his amendment specified, Mr. Benton would be brief. Their number and direction had been stated. Issuing from the doors of the Capital, four of them would proceed to the four grand divisions of the Republic. The fifth traversing the valley of the Mississippi, from north to south, would pass through the center of the intermediate States, intersecting the great southwest road, in Tennessee, and the great northwest road in the State of Ohio. Each of them combines the characteristics of National highways. They follow the direction of traveling, whether for business or pleasure—the direction of the great mails, and the lines upon which troops would be marched for the defense of the country.

"Have we the money to execute this great system of internal improvement? * * *

"Here, then, are ample funds for carrying on the great works advocated in the amendment. Admit that they shall require twenty-five to thirty millions, yet they are not to be completed in a year, and the amount will not be required at once. An annual appropriation of two or three millions, distributed in due proportions among the different works, would complete them all in some ten or fifteen years. We should then have all the grand divisions of the Republic united and bound together by great leading roads and canals, made at the National expense. The State government might complete the system, by executing smaller works at their own expense. When completed, the whole would redound to the benefit to all parts of the country, and of every individual in the community. Roads and canals are objects of universal use and convenience. They belong to that class of benefits which it is the noblest ambition

of the statesman to bestow upon his country. The most eminent conquerers have deemed their glory incomplete, unless crowned with the merit of these beneficent works. The great Napoleon, when giving the law to Europe, was also engaged in digging canals and opening roads through the interior of France. Caesar, when triumphant over all enemies, gave orders to drain the Pontine marshes, to cut through the isthmus of Corinth, to dig harbors on the coast of Italy, and to open roads across the Appenine mountains.

"Our great Washington, in all the situations of his life, when a young man in the Colonial Legislature, when President, when again retired to private station, was a constant advocate for internal improvements. To us, who are mere legislators, whose peculiar duty it is to apply the public money, I can see no higher object of ambition than that of applying it in a way so universally advantageous to the whole body of the people."

A careless reading of "Benton's Thirty Years' View," may mislead the student of history, but the quotation made can be found on Page 534, Annals of Congress, as it was then called, and nowhere else. Benton's bill was defeated, and the House Bill described before was adopted by a vote of 24 to 18, Benton, himself, voting for the House Bill. Monroe approved it, but as Benton well says, it drew from him one of the greatest messages ever delivered to Congress. In part, it reads as follows:

"Good roads will promote many very important National purposes: They will facilitate the operations of war, the movements of troops, the transportation of cannon, of provisions and every warlike store, much to our advantage and to the disadvantage of the enemy in time of war. Good roads will facilitate the transportation of mail, and thereby promote the purposes of commerce and political intelligence among the people. They will, by being properly directed to these objects, enhance the value of our vacant lands as treasure of vast resource to the Nation. To the appropriation of the public money to improvements having these objects in view and carried to a certain extent I do not see any well founded constitutional objection.

"* * * There is another view in which these improvements are still of more vital importance. The effect which they would have on the bond of Union itself affords an inducement for them more powerful than any which have been urged or than all of them united. The only danger to which our system is exposed arises from its expansion over a vast territory. Our Union is not held together by standing armies or by any ties other than the positive interests and powerful attractions of its parts toward each other. Ambitious men may hereafter grow up among us who may promise to themselves advancement from a change; and by practicing upon the sectional interests, feelings and prejudices endeavor upon various pretexts to promote it. The history of the world is replete with examples of this kind—

of military commanders and demagogues becoming usurpers and tyrants, and of their fellow citizens becoming their instruments and slaves. I have little fear of this danger, knowing well how strong the bond which holds us together is and who the people are who are thus held together; but still, it is proper to look at and to provide against it, and it is not within the compass of human wisdom to make a more effectual provision than would be made by these improvements. With their aid and the intercourse which would grow out of them the parts would soon become so compacted and bound together that nothing could break it." He said further that "a more thorough study of the whole subject had convinced him that Congress has the right to appropriate the National revenues to 'National, not State; General, not Local, purposes,' and that this should be the settled policy of his administration."

Lack of time will not permit more than a reference to the inaugural address, followed by the message of John Quincy Adams, who was elected upon this distinct issue, and during whose term the disastrous report of this Commission was made. Suffice it to say that the purpose of that selfish, sordid, narrow-minded board of pothouse politicians prevailed, and thus the great far-seeing and patriotic purposes of Gallatin, Jefferson, Calhoun, Monroe, Jackson, Clay and Adams was destroyed.

But, this part of our history would be incomplete, did we not recall that other great State paper, submitted by Andrew Jackson, who succeeded Quincy Adams. He said:

"Although many of the States with laudable zeal and under the influence of an enlightened policy, are successfully applying their separate efforts to work of this character, the desire to enlist the aid of the General Government in the construction of such as, from their nature, ought to devolve upon it, and to which the individual States are inadequate, is both rational and patriotic. And if that desire is not gratified now, it doesn't follow that it never will be. The general intelligence and public spirit of the American people furnish a sure guaranty that at the proper time this policy will be made to prevail under circumstances more auspicious to this successful prosecution than those which now exist."

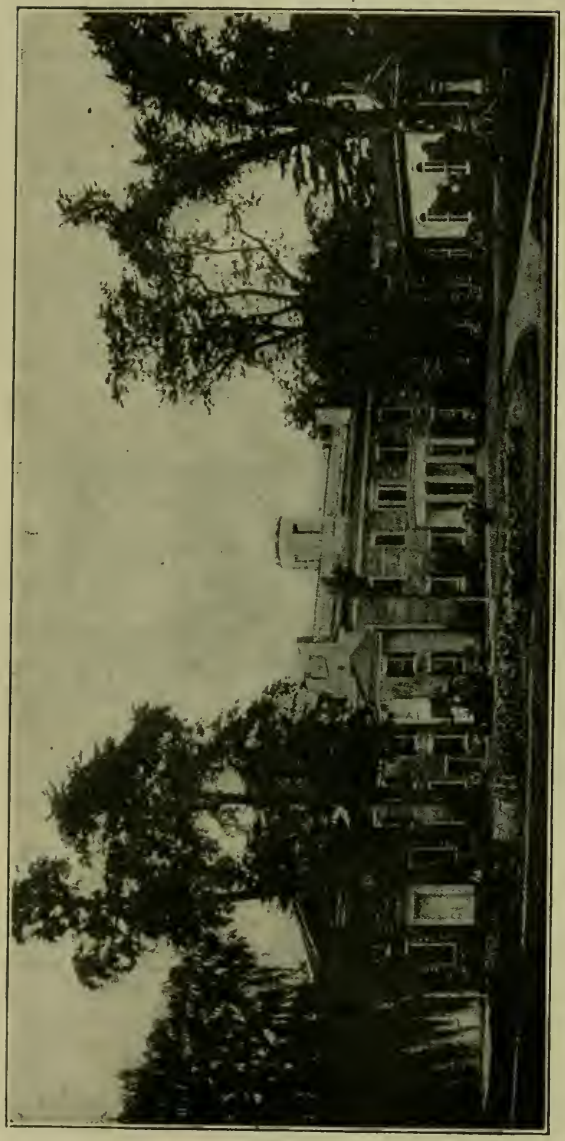
He said further: "That Congress could rightly appropriate the National revenues to roads of General, not Local; National, not State, benefits," whereas, the part of the road sought to be improved by Mr. Clay's bill "was purely local, and not of any general, or national benefit, and not a part of a general system."

This question again became an issue in the National campaign of 1848, and again it won. The same objections had to be met then as now. During that campaign Abraham Lincoln made a great speech on the floor of the House of Representatives, which I can quote from very briefly. In part he spoke as follows:

"The first position (of the opposition) is, that a system of internal improvements would overwhelm the treasury. That in such a system there is a tendency to undue expansion, is not denied. Such tendency is founded in the nature of the subject. A member of Congress will prefer voting for a bill which contains an appropriation for his district, to voting for one which does not; and when a bill shall be expanded till every district shall be provided for, that it will be too greatly expanded is obvious. But is this any more true in Congress than in the State legislature? If a member of Congress must have an appropriation for his district, so a member of a legislature must have one for his county. And if one will overwhelm the National Treasury, so the other will overwhelm the State Treasury. Go where we will, the difficulty is the same. Allow it to drive us from the hall of Congress, and it will, just as easily, drive us from the State Legislatures. Let us, then, grapple with it, and test its strength.

Now, for the second objection—namely, that the burdens of improvements would be general, while their benefits would be local and partial, involving an obnoxious inequality. That there is some degree of truth in this position, I shall not deny. No commercial object of government patronage can be so exclusive general as to not be of some peculiar local advantage.

"That the subject is a difficult one, cannot be denied. Still it is no more difficult in Congress than in the State Legislatures, in the counties, or in the smallest municipal districts which anywhere exist. All can recur to instances of this difficulty in the case of country roads, bridges and the like. One man is offended because a road passes over his land, and another is offended because it does not pass over his: one is dissatisfied because the bridge for which he is taxed crosses the river on a different road from that which leads from his house to town; another cannot bear that the county should be got into debt for these same roads and bridges; while not a few struggle hard to have roads located over their lands, and then stoutly refuse to let them be opened until they are first paid the damages. Even between the different wards and streets of towns and cities we find this same wrangling and difficulty. Now, these are no other than the very difficulties against which, and out of which, the opposition constructs its objections of 'inequality,' 'speculation' and 'crushing the treasury.' There is but a single alternative about them: they are sufficient or they are not. If sufficient they are sufficient out of Congress as well as in it, and there is the end. We must reject them as insufficient, or lie down and do nothing to any authority. Then difficulty though there be, let us meet and encounter it. Attempt the end, and never stand to doubt; nothing so hard, but search will find it out. Determine that the thing can and shall be done, and then we shall find the way. There is now no dif-



THE HOME OF "CHARLES CARROLL, OF CARROLLTON".

One of the Signers of the Declaration of Independence. Situated by the Side of the Road, Ellicott City, Md.

ficulty 'in finding the way'; cut the pork out of the River and Harbor bill, all army and navy and building bills and all road bills as well; let each proposition stand on its own merits, and if it will not bear the acid test of being a National proposition, then the National revenues ought not to be appropriated. Let there be a Budget Committee to which all appropriation bills shall be referred. We have proposed a bill modeled after Senator Benton's bill, providing for a system of 50,000 miles of National Highways, to be built and maintained by the General Government, without levying one dollar of additional taxes. This may seem large, but it is less than 2 per cent of our roads and will serve 66 per cent of our population, and if those living in adjoining counties are included, this system will serve 92 per cent of the people; 6 per cent of the roads of France are National roads. Can't we build 2 per cent? $25,000,000 appropriated annually for a period of ten years will build the entire system, if the average cost be $5000 per mile. To what better purpose can it be applied?"

WOULD CAPITALIZE TAX FOR HIGHWAYS.

(From the Kansas City Journal, May 1, 1912.)

A plan by which motor car owners, without increasing their present license taxes, can build great trunk highways in every state in the Union, has been devised by Judge J. M. Lowe, of Kansas City, president of the National Old Trails Road Association. In behalf of the plan, it is urged that the farmer would get much of his road building done for nothing and the motorist would have the satisfaction of seeing his license fees applied to a purpose that would benefit him.

"I propose that the amounts collected in license fees on motor cars in each State, shall form the basis of bond issues," said Judge Lowe yesterday. "The long and short of the plan, which, so far as I have been able to learn, is an entirely new one, is the capitalization of the motor car tax for good roads purposes.

"In Missouri, for instance, the automobile tax amounts to about $80,000 a year. Within the time that it would require to issue bonds it would amount to $90,000 a year, and it would keep on increasing. But $90,000 would pay the interest on $1,500,000 in bonds and would also provide a sinking fund to pay off the issue when due.

"Suppose we obtain, as we will, federal aid for building the cross-state Highway. It would require only $500,000 to pay the State's share of the expense. We would have $1,000,000 left to apply to other great road projects. Or, if Federal aid should fail, we could spend the necessary $1,000,000 on the St. Louis Kansas City road, and have $500,000 left for other projects.

In the end, that automobile license fund, if made the basis of bond issues, would build a comparatively fine network of macadam roads all over the State. With this network built, the local connecting links would be bound to come."

Judge Lowe yesterday opened Old Trails headquarters at 222 Midland building, and began the preliminaries of a campaign in behalf of the Old Trails Ocean-to-Ocean Highway. The campaign will have three general divisions.

One thing to be accomplished is to induce every State along the route of the trans-continental highway to apply its motor car license fund to the project. A bill containing Judge Lowe's suggestion will be introduced at the next session of the Missouri General Assembly, and similar bills probably will be introduced in other States which now license motor cars.

"Another thing that we will most certainly accomplish is the enrollment of 100,000 members in the Old Trails Road Association," said Judge Lowe. "We are ready to begin the work of recruiting now and we are going to comb the territory along the trails with a fine-tooth comb.

We are also going after Federal aid, and will have a committee before the Underwood Congressional Committee, which is to pass upon the claims of various highways for Federal aid. The Old Trails Road is going to get what it is after. It has not only 170 Congressmen who can be depended upon to help, but it has the endorsement of most of our great constructive statesmen of the past—all the way down from Washington and Jefferson. These men, with Clay, Calhoun, Lincoln, Benton and others, saw a long way into the future, and their dreams of a great trans-continental Highway are just about to come true."

Twenty-four States, including Missouri, have adopted this plan, and they all agree it has solved their difficulties. This is not a proposition to levy a tax, but only a proposition to appropriate a tax already levied to road construction.—(Editor.)

HISTORY IN THE MAKING?

The marking or monumenting of the Santa Fe Trail was first suggested by Mrs. ex-Governor Bradford L. Prince, State Regent of the Daughters of the American Revolution of New Mexico, in 1898, to erect an arch at the end of the Trail in Santa Fe in honor of the home-coming of the soldiers of the Spanish-American War. In the ensuing year, at a congress of the D. A. R. in Washington, she interested the State Regent of Kansas, wife of Governor Stanley, and she entered into the plan of marking the Trail across that State with such enthusiasm that the Legislature of 1905 appropriated $1,000 for this purpose, and the school children of the State raised an additional $584.40. Shortly thereafter the Legislature of Colorado appro-

priated $2,000 for the same purpose. In 1909 the last Territorial Legislature of New Mexico appropriated $600 toward this work, and in 1911 the Legislature of Missouri appropriated $3,000 to this purpose.

In the meantime, the question of establishing and adopting a Cross-State Highway had arisen in Missouri, and there was sharp competition by three rival lines, with the result that the State Board of Agriculture adopted the Central, or "College Route," as the First Cross-State Highway. This route, while substantially following the route of the Boonslick and Santa Fe Trail across the State, varies at many points, some times for several miles. In Howard County, for instance, two rival lines were adopted, and there was no thought or pretense of adopting the Santa Fe Trail in its original integrity as part of either of these alternative routes.

In April, 1912, the National Old Trails Road Association adopted in Missouri the "First Cross-State Highway" from St. Louis to Kansas City (approximating the Boonslick Road, Old Santa Fe Trail.)

The marking and monumenting as provided for in the Act of the Missouri Legislature did not pretend to follow the line of the First Cross-State Highway, now the National Old Trails Road—the road which has been permanently located and sign-posted from Los Angeles to St. Louis, and is being permanently constructed. The Act appropriating the money for marking had reference only to the Santa Fe Trail, and in many places the monuments are miles away from "The Old Trails Road," being as much as 15 to 18 miles south of the Western terminus of the N. O. T. in this State.

In Kansas the "National Old Trails Road" varies at many places from the Santa Fe Trail, owing to the topography of the country, etc., and the marking or monumenting in that State also follows the "Santa Fe Trail" substantially, but not accurately, regardless of the National Old Trails Road.

Now, why not remove these monuments and place them where they would serve some useful purpose?

CHAPTER XXII

Dedication of the Boonville, Missouri, Bridge.

Address of J. M. Lowe, on the Occasion of this Great Red Letter Day in the History of Booneville and of the State.

Mr. Chairman, Ladies and Gentlemen—I congratulate you upon this red-letter day in the history of Boonville. Some of you, no doubt, have looked forward to this great day with fond but doubtful anticipation for a great, great while. If there be those who pay little regard to celebrations and dedications like this, I do not agree with them. If there be those who deem it unwise to mix "sentiment" with the every-day-affairs of life, I do not agree with them. If there be those whose sordid souls never rise above a very limited horizon, and regard "Idealism" as only fit for the indulgence of women and "visionaries," I do not belong with them. If there be those backward looking, pessimistic souls whose horizon is limited by their front dooryard, I do not agree with them.

On this occasion you will recall, no doubt, that great August day in 1907, when you met in Jefferson City in one of the greatest conventions of any character that ever called the people together, and resolutely fought out and won the location of the "cross-state highway." What a wonderful day that was, and how we love to to recall it! From that day on to this, some of us have fought and struggled day after day looking toward the accomplishment of the great project then inaugurated. And some of you also attended that other red-letter day in the history of this road, when we met in the most remarkable road convention, perhaps, ever held in the United States, at Kansas City, Mo., on the 16th and 17th days of April, 1912, and there launched the *first* National Organization pledged to the building of a great paved highway from Washington City to Los Angeles on the Pacific, and christened it "The National Old Trails Road." So we were *first* in organizing a State Good Roads Association: we were *first* in the organization of a National Association which had for its purposes the building and maintenance of a great National Highway System throughout the length and breadth of the United States, in April, 1912.

The historic mile-stones of this old road are worth recalling and commemorating, together with the great work you are today dedicating. Let me recall them briefly in their order.

This road was first
Conceived by George Washington prior to 1800.
Financed by Act of Congress admitting Ohio into the Union in 1802.
Established by Act of Congress by almost unanimous vote and approved by Thos. Jefferson in 1806.
Extended by repeated Acts of Congress to the Mississippi River at St. Louis; built and maintained by Act of Congress 1806 to 1837.
Extended by Act of Congress by an Act introduced by Thos. H. Benton, the great Missouri Senator, to Santa Fe, N. M., in 1824-25.
Restoration and construction advocated by the "Missouri Old Trails Association," in convention assembled in 1907.
Taken over, adopted and christened "The National Old Trails Road," at Kansas City, Mo., in convention assembled April 16-17, 1912.
Completely paved to St. Louis 1923.

It was the first and only National Road ever built and maintained by the Government. It is the first and only National Road now established by Acts of Congress nearly entirely across the Continent. It is completely paved across the first six states—or one-half of the states through which it runs. Its memorial character is also worthy of consideration. Our purpose always has been and is, that it shall remain a memorial for all time to come to the Soldiers of the American Revolution, the Soldiers on both sides in the great Civil War, to the Soldiers, Sailors and Marines of the great World War, and to the Pioneer Men and Women who blazed its way and left the impress of their feet upon its surface which a thousand years will not be able to eradicate. And yet, while I hesitate to say anything on this gala occasion that might seem out of place, yet there be those whom I have described above, in a general way, who would now hawk at, desecrate, and destroy this great work in which we, and a great host of others, have labored so long to develop and perpetuate.

But on this occasion we have met more expressly for the specific purpose of dedicating this bridge, one of the essential links in this great Highway. It is with profound pleasure that in this connection I mention the Banquet in Columbia in that memorable gathering when the first steps were really taken toward the construction of this splendid and magnificent bridge. At the close of a brief and eloquent address by your great citizen, Col. T. A. Johnson, Superintendent of the Prize Military School in the United States, he announced that he was ready to subscribe $10,000 toward its construction; and we came so near tearing the house down with the applause which followed that I knew the question was settled, and that this bridge would speedily follow. The

funds were readily subscribed and steps were immediately taken for its construction. It has been stated in the Press that the State of Missouri, together with the Federal Government under the Federal Aid Act, had financed its Construction. Let me state with emphasis that this is not true. The State of Missouri from its $60,000,000 road fund, or from any other source, has never contributed one dollar toward the building of this bridge, or either of the other three bridges now in process of construction at Glasgow, Waverly and Lexington. On the contrary, it is but fair to claim and to state the truth, that they were financed by the National Old Trails Road counties and towns through which the road runs, and by individual contributions, together with Federal Aid. Is it too much or improper to claim that but for these facts the Missouri River, which has "Rolled unvexed to the Sea" ever since the "Stars sang together at Creation's Birth," is now being spanned by this bridge, and the three other magnificent bridges along side the National Old Trails Road between Boonville and Kansas City, a distance of about one hundred and thirty miles, and that another free bridge will soon be acquired at Kansas City, with the prospect of soon taking over the Toll Bridge at St. Charles and making it free—thus tying together not only the Interstate roads crossing the State, but the entire road system of the State? What, let me ask, has materialized these great movements, except the Idealism of the people who so early enlisted in this great campaign, and who have adhered to it until its consummation is well nigh complete?

The pessimistic, non-sentimental crowd above referred to, or their descendants, will no doubt, when the Great Arch Angel Gabriel shall stand with one foot upon the sea and one upon the land and shall declare that time shall be no more, will declare that "This is entirely too sudden! The country is not prepared for it! Its cost will be prohibitive! The people are not ready for it!" and will demand a postponement to a better and more opportune time—"A more convenient season." But they will be swept away into that oblivion to which they are so well entitled. This brood of spineless individuals who finally crept into the band wagon have always sought to block the onward march of Christian civilization in both material and spiritual affairs. They are the blood clot on humanities brain. They are the laggards and drones who forever hang on the outskirts of the march of civilization. They are men who have never won a victory on any of life's great battle fields. They never gave birth to a great purpose, nor added anything worth while to the general good of humanity. They never offered cool water to parched lips, nor planted hope in the hearts of the dying. They never cut the brambles and thorns, nor smoothed the rough places in life's pathway. They never inspired a line worth remembering nor added anything of

value to the world's literature. If the principles which dominate them had been the only ones to escape from Pandora's Box—if optimism, hope, faith, imagination, "Idealism," if you please, had not opposed them from the beginning, the world would have indeed and in fact been nothing but a mad house. All the joys of life, all the hopes of the future would have been destroyed. The greatest Idealist that ever walked the earth was the Immortal Nazarene, whom we all worship. Man, now but little lower than the Angels, would then have been but little higher than the brute. Let the Idealist go "With his head in the Clouds, hugging to his heart the primitive flower engendered by a Noble Ambition," as stated by Balzac, if you will; it is infinitely better than to be like the "Eyeless Mole," which ever burrows in the earth. I would, had I the power, drive it out of the hearts of all and back to its native heli, its congenial habitat. "Keep your eyes toward the sunrise, and your wagon hitched to a star," is the only safe and sane rule of life. The man without sentiment, without ideals, without vision, is practically dead, and had as well have never lived. Victor Hugo's hero of the French Revolution, walking his dungeon cell the night before his execution, exclaimed "My motto is: Always forward—if God had wanted man to go backward he would have put an eye in the back of his head. Let us always look toward the Sunrise, Development, Birth." It is the Sunrise of Hope which has no night.

Standing by the side of this Old Road and looking down toward the "end of the Trail," I see it paved at least fifty feet in width, widened by the addition of at least one hundred feet in depth on either side of it; splendidly parked and ornamented with trees, shrubbery, and flowers; monumented and marked along its borders with appropriate devices.

A great writer has said, "What kills propaganda, (in general) is the obvious purpose behind it. One little admixture of self interest and your effort is wasted." This was the foundation principle upon which our Association has stood from the beginning. Some small people have said in criticism of us: "It is true that they stand for the construction of *one* road, but we favor an enlarged system of roads." Why, bless their hearts, this Association introduced the first bill in Congress since 1824, declaring in favor of establishing a great splendid system of National Highways to be built and maintained forever by the Government throughout the whole of the United States. Then, we stood staunchly and earnestly for the $60,000,000 bond issue in this State, to be applied to the building of a great State System of roads, and now, when a final campaign is on to increase the Automobile Tax fifty per cent, and to levy a two cent per gallon tax on gasoline for the purpose of raising an additional fund to go toward the completion of this State System, we appeal to those

in charge of that movement that we will gladly get behind it with all the power we possess. This Association has had no ax to grind, no selfish interests to serve, no salaried officers, no one trying to make this a stepping stone to political preference, no side issues to maintain. We have made no appeal for support in order that some one may be personally benefited thereby, nor has this Association any selfish interests behind it, nor has it received one dollar, knowingly, from any selfish source, but has relied solely on the contributions of those living along its line. Founded upon a great principle like this, we have never worried about the indifference of the multitude, nor the criticisms of the unfair.

Let our friends tie their fortunes to this fact! In due time it will find its place. Agreements do not make facts, but facts make agreements. People who do not agree with the truth get bumped by it. It is not our place to do the bumping—the truth takes care of that. The only legitimate propaganda along all lines of material and spiritual endeavor is the ascertainment and establishment of true principles. A true solution of any worth while question is as permanent as the fixed stars. Winter nor indifference will not freeze it; summer nor heated opposition will not melt it; apathetic and sordid pessimism will not affect it.

I cannot close without asking you to join me in giving three cheers to Theodore Gary, chairman of the State Highway Commission, who has so helpfully, so successfully, so loyally supported the best interests of the state, and also to the great State Highway Commission's Chief Engineer, Mr. B. H. Piepmeier.

CHAPTER XXIII.

Federal Highway Act.

(Public—No. 87—67th Congress.)

An Act to amend the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Feleral Highway Act.

Sec. 2. That, when used in this Act, unless the context indicates otherwise—

The term "Federal Aid Act" means the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended by sections 5 and 6 of an Act entitled "An Act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1920, and for other purposes," approved February 28, 1919, and all other Acts amendatory thereof or supplementary thereto.

The term "highway" includes rights of way, *bridges*, drainage structures, signs, guard rails, and protective structures in connection with highways, but shall not include any highway or street in a municipality having a population of two thousand five hundred or more as shown by the last available census, except that portion of any such highway or street along which within a distance of one mile the houses average more than two hundred feet apart.

The term "State highway department" includes any State department, commission, board, or official having adequate powers and suitably equipped and organized to discharge to the satisfaction of the Secretary of Agriculture the duties herein required.

The term "maintenance" means the constant making of needed repairs to preserve a smooth surfaced highway.

The term "construction" means the supervising, inspecting, actual building, and all expenses incidental to the construction of a highway, except locating, surveying, mapping, and costs of rights of way.

The term "reconstruction" means a widening or a rebuilding of the highway or any portion thereof to make it a continuous road, and of sufficient width and strength to care adequately for traffic needs.

The term "forest roads" means roads wholly or partly within or adjacent to and serving the national forests.

The term "State funds" includes for the purposes of this Act funds raised under the authority of the State, or any political or other subdivision thereof, and made available for expenditure under the direct control of the State highway department.

Sec. 3. All powers and duties of the Council of National Defense under the Act entitled "An Act making appropriations for the support of the Army for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916, in relation to highway or highway transport, are hereby transferred to the Secretary of Agriculture, and the Council of National Defense is directed to turn over to the Secretary of Agriculture the equipment, material, supplies, papers, maps, and documents utilized in the exercise of such powers. The powers and duties of agencies dealing with highways in the national parks or in military or naval reservations under the control of the United States Army or Navy, or with highways used principally for military or naval purposes, shall not be taken over by the Secretary of Agriculture, but such highways shall remain under the control and jurisdiction of such agencies.

The Secretary of Agriculture is authorized to co-operate with the State highway departments, and with the Department of the Interior in the construction of public highways within Indian reservations, and to pay the amount assumed therefor from the funds allotted or apportioned under this Act to the State wherein the reservation is located.

Sec. 4. That the Secretary of Agriculture shall establish an accounting division which shall devise and install a proper method of keeping the accounts.

Sec. 5. That the Secretary of War be, and he is hereby authorized and directed to transfer to the Secretary of Agriculture, upon his request, all war material, equipment, and supplies now or hereafter declared surplus from stock now on hand and not needed for the purposes of the War Department but suitable for use in the improvement of highways, and that the same shall be distributed among the highway departments of the several States to be used in the construction, reconstruction, and maintenance of highways, such distribution to be upon the same basis as that hereinafter provided for in this Act in the distribution of Federal-aid fund: *Provided,* That the Secretary of Agriculture, in his discretion, may reserve from such distribution not to exceed 10 per centum of such material, equipment, and supplies for use in the construction, reconstruction,

A CORNER OF OUR WORKSHOP.

and maintenance of national forest roads or other roads constructed, reconstructed, or maintained under his direct supervision.

"Sec. 6. That in approving projects to receive Federal aid under the provisions of this Act the Secretary of Agriculture shall give preference to such projects as will expedite the completion of an adequate and connected system of highways, interstate in character.

"Before any projects are approved in any State, such State, through its State highway department, shall select or designate a system of highways not to exceed 7 per centum of the total highway mileage of such State as shown by the records of the State highway department at the time of the passage of this Act.

"Upon this system all Federal aid apportionments shall be expended.

"Highways which may receive Federal aid shall be divided into two classes, one of which shall be known as primary or interstate highways, and shall not exceed three-sevenths of the total mileage which may receive Federal aid, and the other which shall connect or correlate therewith and be known as secondary or intercounty highways, and shall consist of the remainder of the mileage which may receive Federal aid.

"The Secretary of Agriculture shall have authority to approve in whole or in part the systems as designated or to require modifications or revisions thereof: *Provided*, That the States shall submit to the Secretary of Agriculture for his approval any proposed revisions of the designated systems of highways above provided for."

Not more than 60 per centum of all Federal aid allotted to any State shall be expended upon the primary or interstate highways until provision has been made for the improvement of the entire system of such highways: *Provided*, That with the approval of any State highway department the Secretary of Agriculture may approve the expenditure of more than 60 per centum of the Federal aid apportioned to such State upon the primary or interstate highways in such State.

The Secretary of Agriculture may approve projects submitted by the State highway departments prior to the selection, designation, and approval of the system of Federal-aid highways herein provided for if he may reasonably anticipate that such projects will become a part of such system.

Whenever provision has been made by any State for the completion and maintenance of a system of primary or interstate and secondary or intercounty highways equal to 7 per centum of the total mileage of such State, as required by this Act, said State, through its State highway department, by and with the approval of the Secretary of Agriculture, is hereby authorized to add to the mileage of primary or interstate and secondary or intercounty systems as funds become available for the construction and maintenance of such additional mileage.

Sec. 7. That before any project shall be approved by the Secretary of Agriculture for any State such State shall make provisions for State funds required each year of such States by this Act for construction, reconstruction, and maintenance of all Federal-aid highways within the State, which funds shall be under the direct control of the State highway department.

Sec. 8. That only such durable types of surface and kinds of materials shall be adopted for the construction and reconstruction of any highway which is a part of the primary or interstate and secondary or intercounty systems as will adequately meet the existing and probable future traffic needs and conditions thereon. The Secretary of Agriculture shall approve the types and width of construction and reconstruction and the character of improvement, repair, and maintenance in each case, consideration being given to the type and character which shall be best suited for each locality and to the probable character and extent of the future traffic.

Sec. 9. That all highways constructed or reconstructed under the provisions of this Act shall be free from tolls of all kinds.

That all highways in the primary or interstate system constructed after the passage of this Act shall have a right of way of ample width and a wearing surface of an adequate width which shall not be less than eighteen feet, unless, in the opinion of the Secretary of Agriculture, it is rendered impracticable by physical conditions, excessive costs, probable traffic requirements, or legal obstacles.

Sec. 10. That when any State shall have met the requirements of this Act, the Secretary of the Treasury, upon receipt of certification from the governor of such State to such effect, approved by the Secretary of Agriculture, shall immediately make available to such State, for the purpose set forth in this Act, the sum apportioned to such State as herein provided.

Sec. 11. That any State having complied with the provisions of this Act, and desiring to avail itself of the benefits thereof, shall by its State highway department submit to the Secretary of Agriculture project statements setting forth proposed construction or reconstruction of any primary or interstate, or secondary or intercounty highway therein. If the Secretary of Agriculture approve the project, the State highway department shall furnish to him such surveys, plans, specifications, and estimates therefor as he may require; items included for engineering, inspection, and unforeseen contingencies shall not exceed 10 per centum of the total estimated cost of its construction.

That when the Secretary of Agriculture approves such surveys, plans, specifications, and estimates, he shall notify the State highway department and immediately certify the fact to the Secretary of the Treasury. The Secretary of the Treasury shall thereupon set aside the share of the United States payable under this Act on account of such projects, which shall not exceed 50

per centum of the total estimated cost thereof, except that in the case of any State containing unappropriated public lands exceeding 5 per centum of the total area of all lands in the State, the share of the United States payable under this Act on account of such projects shall not exceed 50 per centum of the total estimated cost thereof plus a percentage of such estimated cost equal to one-half of the percentage which the area of the unappropriated public lands in such State bears to the total area of such State: *Provided*, That the limitation of payments not to exceed $20,000 per mile, under existing law, which the Secretary of Agriculture may make be, and the same is hereby, increased in proportion to the increased percentage of Federal aid authorized by this section: *Provided further*, That these provisions relative to the public land States shall apply to all unobligated or unmatched funds appropriated by the Federal Aid Act and payment for approved projects upon which actual building construction work had not begun on the 30th day of June, 1921.

Sec. 12. That the construction and reconstruction of the highways or parts of highways under the provisions of this Act, and all contracts, plans, specifications, and estimates relating thereto, shall be undertaken by the State highway departments subject to the approval of the Secretary of Agriculture. The construction and reconstruction work and labor in each State shall be done in accordance with its laws and under the direct supervision of the State highway department, subject to the inspection and approval of the Secretary of Agriculture and in accordance with the rules and regulations pursuant to this Act.

Sec. 13. That when the Secretary of Agriculture shall find that any project approved by him has been constructed or reconstructed in compliance with said plans and specifications, he shall cause to be paid to the proper authorities of said State the amount set aside for said project.

That the Secretary of Agriculture may, in his discretion, from time to time, make payments on such construction or reconstruction as the work progresses, but these payments, including previous payments, if any, shall not be more than the United States pro rata part of the value of the labor and materials which have been actually put into such construction or reconstruction in conformity to said plans and specifications. The Secretary of Agriculture and the State highway department of each State may jointly determine at what time and in what amounts payments as work progresses shall be made under this Act.

Such payments shall be made by the Secretary of the Treasury, on warrants drawn by the Secretary of Agriculture, to such official or officials or depository as may be designated by the State highway department and authorized under the laws of the State to receive public funds of the State.

Sec. 14. That should any State fail to maintain any highway within its boundaries after construction or reconstruction under the provisions of this Act, the Secretary of Agriculture shall then serve notice upon the State highway department of that fact, and if within ninety days after receipt of such notice said highway has not been placed in proper condition of maintenance, the Secretary of Agriculture shall proceed immediately to have such highway placed in a proper condition of maintenance and charge the cost thereof against the Federal funds allotted to such State, and shall refuse to approve any other project in such State, except as hereinafter provided.

Upon the reimbursement by the State of the amount expended by the Federal Government for such maintenance, said amount shall be paid into the federal highway fund for reapportionment among all the States for the construction of roads under this Act, and the Secretary of Agriculture shall then approve further projects submitted by the State as in this Act provided.

Whenever it shall become necessary for the Secretary of Agriculture under the provisions of this Act to place any highway in a proper condition of maintenance the Secretary of Agriculture shall contract with some responsible party or parties for doing such work. *Provided, however,* That in case he is not able to secure a satisfactory contract he may purchase, lease. hire, or otherwise obtain all necessary supplies, equipment, and labor, and may operate and maintain such motor and other equipment and facilities as in his judgment are necessary for the proper and efficient performance of his functions.

Sec. 15. That within two years after this Act takes effect the Secretary of Agriculture shall prepare, publish, and distribute a map showing the highways and forest roads that have been selected and approved as a part of the primary or interstate, and the secondary or inter-county systems, and at least annually thereafter shall publish supplementary maps showing his program and the progress made in selection, construction, and reconstruction.

Sec. 16. That for the purpose of this Act the consent of the United States is hereby given to any railroad or canal company to convey to the highway department of any State any part of its right of way or other property in that State acquired by grant from the United States.

Sec. 17. That if the Secretary of Agriculture determines that any part of the public lands or reservations of the United States is reasonably necessary for the right of way of any highway or forest road or as a source of materials for the construction or maintenance of any such highway or forest road adjacent to such lands or reservations. the Secretary of Agriculture shall file with the Secretary of the department supervising the administration of such land or reservation a map showing the portion of such lands or reservations which it is desired to appropriate.

If within a period of four months after such filing the said Secretary shall not have certified to the Secretary of Agriculture that the proposed appropriation of such land or material is contrary to the public interest or inconsistent with the purposes for which such land or materials have been reserved, or shall have agreed to the appropriation and transfer under conditions which he deems necessary for the adequate protection and utilization of the reserve, then such land and materials may be appropriated and transferred to the State highway department for such purposes and subject to the conditions so specified.

If at any time the need for any such lands or materials for such purposes shall no longer exist, notice of the fact shall be given by the State highway department to the Secretary of Agriculture, and such lands or materials shall immediately revert to the control of the Secretary of the department from which they had been appropriated.

Sec. 18. That the Secretary of Agriculture shall prescribe and promulgate all needful rules and regulations for the carrying out of the provisions of this Act, including such recommendations to the Congress and the State highway departments as he may deem necessary for preserving and protecting the highways and insuring the safety of traffic thereon.

Sec. 19. That on or before the first Monday in December of each year the Secretary of Agriculture shall make a report to Congress, which shall include a detailed statement of the work done, the status of each project undertaken, the allocation of appropriations, and itemized statement of the expenditures and receipts during the preceding fiscal year under this Act, an itemized statement of the traveling and other expenses, including a list of employees, their duties, salaries, and traveling expenses, if any, and his recommendations, if any, for new legislation amending or supplementing this Act. The Secretary of Agriculture shall also make such special reports as Congress may request.

Sec. 20. That for the purpose of carrying out the provisions of this Act there is hereby appropriated, out of the moneys in the Treasury not otherwise appropriated, $75,000,000 for the fiscal year ending June 30, 1922, $25,000,000 of which shall become immediately available, and $50,000,000 of which shall become available January 1, 1922.

Sec. 21. That so much, not to exceed 2 1-2 per centum, of all moneys hereby or hereafter appropriated for expenditure under the provisions of this Act, as the Secretary of Agriculture may deem necessary for administering the provisions of this Act and for carrying on necessary highway research and investigational studies independently or in co-operation with the State highway departments and other research agencies, and for publishing the results thereof, shall be deducted for such purposes, available until expended.

Within sixty days after the close of each fiscal year the Secretary of Agriculture shall determine what part, if any, of the sums theretofore deducted for such purposes will not be needed and apportion such part, if any, for the fiscal year then current in the same manner and on the same basis as are other amounts authorized by this Act apportioned among all the States, and shall certify such apportionment to the Secretary of the Treasury and to the State highway departments.

The Secretary of Agriculture, after making the deduction authorized by this section, shall apportion the remainder of the appropriation made for expenditure under the provision of the Act for the fiscal year among the several States in the following manner: One-third in the ratio which the area of each State bears to the total area of all the States; one-third in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census; one-third in the ratio which the mileage of rural delivery routes and star routes in each State bears to the total mileage of rural delivery and star routes in all the States at the close of the next preceding fiscal year, as shown by certificate of the Postmaster General, which he is directed to make and furnish annually to the Secretary of Agriculture: *Provided*, That no State shall receive less than one-half of 1 per centum of each year's allotment. All moneys herein or hereafter appropriated for expenditure under the provisions of this Act shall be available until the close of the second succeeding fiscal year for which apportionment was made: *Provided further*, That any sums apportioned to any State under the provisions of the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all Acts amendatory thereof and supplemental thereto, shall be available for expenditure in that State for the purpose set forth in such Acts until two years after the close of the respective fiscal years for which any such sums become available, and any amount so apportioned remaining unexpended at the end of the period during which it is available for expenditure under the terms of such Acts shall be reapportioned according to the provisions of the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916: *And provided further*, That any amount apportioned under the provisions of this Act unexpended at the end of the period during which it is available for expenditure under the terms of this section shall be reapportioned within sixty days thereafter to all the States in the same manner and on the same basis, and certified to the Secretary of the Treasury and the State highway departments in the same way as if it were being apportioned under this Act for the first time.

Sec. 22. That within sixty days after the approval of this Act the Secretary of Agriculture shall certify to the Secretary of the Treasury and to each of the State highway departments the sum he has estimated to be deducted for administering the provisions of this Act and the sums which he has apportioned to each State for the fiscal year ending June 30, 1922, and on or before January 20 next preceding the commencement of each succeeding fiscal year, and shall make like certificates for each fiscal year.

Sec. 23. That out of the moneys in the Treasury not otherwise appropriated, there is hereby appropriated for the survey, construction, reconstruction, and maintenance of forest roads and trails, the sum of $5,000,000 for the fiscal year ending June 30, 1922, available immediately and until expended, and $10,000,000 for the fiscal year ending June 30, 1923, available until expended.

(a) Fifty per centum, but not to exceed $3,000,000 for any one fiscal year, of the appropriation made or that may hereafter be made for expenditure under the provisions of this section shall be expended under the direct supervision of the Secretary of Agriculture in the survey, construction, reconstruction, and maintenance of roads and trails of primary importance for the protection, administration, and utilization of the national forests, or when necessary, for the use and development of the resources upon which communities within or adjacent to the national forests are dependent, and shall be apportioned among the several States, Alaska, and Porto Rico by the Secretary of Agriculture, according to the relative needs of the various national forests, taking into consideration the existing transportation facilities, value of timber, or other resources served, relative fire danger, and comparative difficulties of road and trail construction.

The balance of such appropriations shall be expended by the Secretary of Agriculture in the survey, construction, reconstruction, and maintenance of forest roads of primary importance to the State, counties, or communities within, adjoining, or adjacent to the national forests, and shall be pro-rated and apportioned by the Secretary of Agriculture for expenditures in the several States, Alaska, and Porto Rico, according to the area and value of the land owned by the Government within the national forests therein as determined by the Secretary of Agriculture from such information, investigation, sources, and departments as the Secretary of Agriculture may deem most accurate.

(b) Co-operation of Territories, States, and civil subdivisions thereof may be accepted but shall not be required by the Secretary of Agriculture.

(c) The Secretary of Agriculture may enter into contracts with any Territory, State, or civil subdivision thereof for the construction, reconstruction, or maintenance of any forest road or trail or part thereof.

(d) Construction work on forest roads or trails estimated to cost $5,000 or more per mile, exclusive of bridges, shall be advertised and let to contract.

If such estimated cost is less than $5,000 per mile, or if, after proper advertising, no acceptable bid is received, or the bids are deemed excessive, the work may be done by the Secretary of Agriculture on his own account; and for such purpose the Secretary of Agriculture may purchase, lease, hire, rent, or otherwise obtain all necessary supplies, materials, tools, equipment, and facilities required to perform the work.

The appropriation made in this section or that may hereafter be made for expenditure under the provisions of this section may be expended for the purpose herein authorized and for the payment of wages, salaries, and other expenses for help employed in connection with such work.

Sec. 24. That in any State where the existing constitution or laws will not permit the State to provide revenues for the construction, reconstruction, or maintenance of highways, the Secretary of Agriculture shall continue to approve projects for said State until three years after the passage of this Act, if he shall find that said State has complied with the provisions of this Act in so far as its existing constitution and laws will permit.

Sec. 25. That if any provision of this Act, or the application thereof to any person or circumstances, shall be held invalid the validity of the remainder of the Act and of the application of such provision to other persons or circumstances shall not be affected thereby.

Sec. 26. That all Acts or parts of Acts in any way inconsistent with the provisions of this Act are hereby repealed, and this Act shall take effect on its passage.

Approved, November 9, 1921.

Note:—It requires no great amount of legal acumen to construe this Act. The application of common sense and an honest purpose is all that is required.

It is stated elsewhere in this book the cost in each State of constructing a National (Interstate) System of Roads; and if an inter-county System is to be included under this Act, and if the States will capitalize the automobile tax in order to raise a

State fund with which to co-operate with the Federal Government, as twenty-four of them have done, then, in such States it will not cost the tax payers one dollar, whether one owns a car or not. If any State refuses to raise such State fund this will not block the wheels of Government for one moment, the only effect will be that such State will have to pay its proportionate part of Federal taxes in any event. It is for each State to decide whether it shall share in the benefits of this measure or prefers to see the Federal taxes paid by such State appropriated to the States prepared to receive it.

ON THE NATIONAL OLD TRAILS ROAD, NEAR ARROW ROCK, MO., 1825.

CHAPTER XXIV

The Pioneers.

Before reading this chapter, let your mind's eye look upon a wild, unbroken wilderness, extending from the Atlantic Ocean to the Pacific, inhabited by wild beasts of all descriptions, and by wilder and more dangerous people. Into this unbroken wilderness the pioneer preacher, some times derisively referred to as the "Hedge Priest" carried the Bible and established the Christian religion which we inherited. A fair illustration of a "Hedge Priest" flippantly referred to by a modernist preacher in Scribner's Magazine is illustrated in Wm. Cullen Bryant's History of the United States, in which he pictures Roger Williams felling the timber with which to build "The meeting house." A missionary Baptist church in the wilderness of Rhode Island. It is through the very heart of this former wilderness that the National Old Trails Road was established by Act of Congress in 1806 (eighteen hundred and six) now rapidly approaching completion and intersected by various roads of like character, leading from the lakes of the north to the Gulf of Mexico. This could never have been done except by following the footsteps of the pioneer, who blazed the way, and whose tired and weary feet left a trail which thousands of years have not erased.

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The writer lived in a generation not so far removed from the present that I do not recall the hardships of pioneer life so vividly as I do its greatness and its pleasures. While it is true that their hardships were many, it is equally true that their pleasures were genuine. I do not recall that Mr. Lincoln ever said much about the hardships associated with his name, yet I can well realize that he never enjoyed a thrill of pleasure to a greater degree than when, at eventide, as he approached his cabin home, witth his ax on his tired shoulders, he felt subconsciously, it may be, that while the day's work had been difficult as he felled the great trees and split them into rails, he had contributed something to the world's betterment, and this thought lifted much from his shoulders, and fitted him all the more for the evening's rest at home. At least no one ever heard him complain of the hardships through which he had come. And as I recall the pioneer's life, he stands out as one of the most prominent representatives of the life that I touched so closely. It has given me a thrill of pleasure,

always, to recall an evening like that, when my father, with many lusty fellows had spent the day in the forest felling great trees which shook the very earth as they crashed down upon it in great heaps for the log rolling which was to follow, when I was permitted to accompany him back to help him to "chunk up" the fires, which had already been started, then to accompany him home to a frugal meal, after which we probably went our way to the log church, about a mile away, to listen to a sermon delivered by a preacher somewhat like the one hereinafter mentioned; possibly on this occasion it was preached by Mr. Cleveland, a great stalwart man, who filled his pulpit to the brim; for he was no weakling, physically or mentally, and we could hear his great resonant voice as it rang out on the evening air and so varied does time weave the ever changing scenes of life that during the presidency of Grover Cleveland when idly looking over the events of his life, I found that a near kinsman of his was a Baptist preacher in Kentucky, and closely related to my wife. It may have been that this discovery mellowed or influenced the memory of that evening.

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THE BLIND PREACHER.

By William Wirt, Attorney General of United States, one of the greatest orators of America, and who prosecuted Aaron Burr.

As I traveled through the county of Orange, my eye was caught by a cluster of horses tied near a ruinous old wooden house in the forest, not far from the roadside. Having frequently seen such objects before, in traveling through these States, I had no difficulty in understanding that this was a place of religious worship.

Devotion alone should have stopped me to join in the duties of the congregation; but I must confess, that curiosity to hear the preacher of such a wilderness, was not the least of my motives. On entering, I was struck with his preternatural appearance. He was a tall and very spare old man; his head, which was covered with a white linen cap, his shriveled hands, and his voice, were all shaking under the influence of a palsy: and a few moments ascertained to me that he was perfectly blind.

The first emotions that touched my breast were those of mingled pity and veneration. But how soon were all my feelings changed? The lips of Plato were never more worthy of a prognostic swarm of bees than were the lips of this holy man! It was a day of the administration of the sacrament: and his subject was, of course, the passion of our Savior. I had heard the subject handled a thousand times; I had thought it exhausted long ago. Little did I suppose, that, in the wild woods of America, I was to meet with a man whose eloquence would give to this topic a new and more sublime pathos than I had ever before witnessed.

As he descended from the pulpit to distribute the mystic symbols, there was a peculiar, a more than human solemnity in his air and manners, which made my blood run cold and my whole frame shiver. He then drew a picture of the sufferings of our Savior: his trial before Pilate; his ascent up Calvary; his crucifixion. I knew the whole history; but never until then had I heard the circumstances so selected, so arranged, so colored. It was all new; and I seemed to have heard it for the first time in my life. His enunciation was so deliberate that his voice trembled on every syllable and every heart in the assembly trembled in unison.

His peculiar phrases had that force of description that the original scene appeared to be at that moment acting before our eyes. We saw the very faces of the Jews: the staring, frightful distortion of malice and rage. We saw the buffet; my soul kindled with a flame of indignation and my hands were involuntarily and convulsively clinched.

But when he came to touch on the patience, the forgiving meekness of our Savior; when he drew, to the life, his voice breathing to God a soft and gentle prayer of pardon on his enemies, "Father, forgive them, for they know not what they do," the voice of the preacher, which had all along faltered, grew fainter, until, his utterance being entirely obstructed by the force of his feelings, he raised his handkerchief to his eyes, and burst into a loud and irrepressible flood of grief. The effect was inconceivable. The whole house resounded with the mingled groans, and sobs, and shrieks of the congregation.

It was some time before the tumult had subsided so far as to permit him to proceed. Indeed, judging by the usual but fallacious standard of my own weakness, I began to be very uneasy for the situation of the preacher. For I could not conceive how he would be able to let his audience down from the height to which he had wound them without impairing the solemnity and dignity of the subject, or perhaps shocking them by the abruptness of his fall. But, no: the descent was as beautiful and sublime as the elevation had been rapid and enthusiastic.

The first sentence with which he broke the awful silence was a quotation from Rousseau: "Socrates died like a philosopher, but Jesus Christ, like a God!" I despair of giving you any idea of the effect produced by this short sentence, unless you could perfectly conceive the whole manner of the man, as well as the peculiar crisis in the discourse. Never before did I completely understand what Demosthenes meant by laying such stress on delivery.

You are to bring before you the venerable figure of the preacher; his blindness, constantly recalling to your recollection old Homer, Ossian, and Milton, and associating with his perform-

ance the melancholy grandeur of their geniuses; you are to imagine that you hear his slow, solemn, well accented enunciation, and his voice of affecting, trembling melody; you are to remember the pitch of passion and enthusiasm to which the congregation were raised; and then, the few moments of portentous, death-like silence, which reigned throughout the house; the preacher, removing his white handkerchief from his aged face (even yet wet from the recent torrent of his tears), and slowly stretching forth the palsied hand which held it, begins the sentence, "Socrates died like a philosopher"—then, pausing, raising his other hand, pressing them both clasped together with warmth and energy to his breast, lifting his "sightless balls" to heaven, and pouring his whole soul into his tremulous voice—"but Jesus Christ, like a God!"

This man has been before my imagination almost ever since. A thousand times, as I rode along, I dropped the reins of my bridle, stretched forth my hand, and tried to imitate his quotation from Rousseau; a thousand times I abandoned the attempt in despair, and felt persuaded that his peculiar manner and power arose from an energy of soul which nature could give, but which no human being could justly copy. As I recall, all this moment, several of his awfully striking attitudes, the chilling tide with which my blood begins to pour along my arteries reminds me of the emotions produced by the first sight of Gray's introductory picture of his Bard.

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