

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (S. 3576) for the relief of Margarethe Murphy, and the same was referred to the Committee on Foreign Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MORIN: A bill (H. R. 12058) to authorize the appointment as a colonel on the retired list of the Army, with retired pay, of the person now holding a commission as colonel in the Officers' Reserve Corps who has served more than 45 years in the military forces of the United States and State of Pennsylvania and has had certain military service; to the Committee on Military Affairs.

By Mr. GIBSON: A bill (H. R. 12059) to provide for the regulation of motor-vehicle traffic in the District of Columbia, increase the number of judges of the police court, and for other purposes; to the Committee on the District of Columbia.

By Mr. TAYLOR of Colorado: A bill (H. R. 12060) to establish a free guide service for the Capitol Building; to the Committee on Accounts.

By Mr. MOONEY: A bill (H. R. 12061) to authorize the sale of lighthouse property and keepers' dwellings thereon at Cleveland, Ohio, and providing more suitable quarters for the lighthouse keepers at Cleveland, Ohio; to the Committee on Interstate and Foreign Commerce.

By Mr. LINEBERGER: A bill (H. R. 12062) to provide cooperation to safeguard endangered agricultural and municipal interest and to protect the forest cover on the Santa Barbara, Angeles, San Bernardino, and Cleveland National Forests from destruction by fire, and for other purposes; to the Committee on Agriculture.

By Mr. SEARS of Florida (by request): A bill (H. R. 12063) to authorize the Secretary of War to grant a perpetual easement for railroad right of way over and upon a portion of the military reservation on Anastasia Island, in the State of Florida; to the Committee on Military Affairs.

By Mr. HILL of Maryland: A bill (H. R. 12064) to recognize and reward the accomplishment of the world flyers; to the Committee on Military Affairs.

By Mr. KVALE: Memorial of the Legislature of the State of Minnesota, urging the Congress of the United States to enact legislation restoring equality to agriculture through creation of an export corporation; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COLE of Ohio: A bill (H. R. 12065) granting an increase of pension to Susan Williams; to the Committee on Invalid Pensions.

By Mr. McSWEENEY: A bill (H. R. 12066) granting a pension to Agnes V. Kready; to the Committee on Pensions.

By Mr. MAJOR of Illinois: A bill (H. R. 12067) granting an increase of pension to Nancy H. Berry; to the Committee on Invalid Pensions.

By Mr. PERLMAN: A bill (H. R. 12068) for the relief of R. S. Howard Co.; to the Committee on War Claims.

By Mr. SEARS of Nebraska: A bill (H. R. 12069) granting an increase of pension to Lydia A. Raynor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12070) granting a pension to Louise J. Eller; to the Committee on Invalid Pensions.

By Mr. STEAGALL: A bill (H. R. 12071) permitting the sale of lot 9, 16.63 acres, in section 31, township 2 south, range 17 west, in Bay County, Fla., to P. C. Black; to the Committee on the Public Lands.

By Mr. SWOOPE: A bill (H. R. 12072) granting an increase of pension to Elizabeth Longenecker; to the Committee on Invalid Pensions.

By Mr. TEMPLE: A bill (H. R. 12073) granting a pension to Maggie E. Anderson; to the Committee on Invalid Pensions.

By Mr. VAILE: A bill (H. R. 12074) granting a pension to Mary E. Barnes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12075) granting a pension to Susan A. Drake; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12076) granting a pension to Mary J. Edwards; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12077) granting a pension to Clara J. Horner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12078) granting a pension to Mary Ann Sinclair; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12079) granting a pension to Elizabeth Thomas; to the Committee on Invalid Pensions.

By Mr. VINSON of Kentucky: A bill (H. R. 12080) granting a pension to Mary E. Voorheis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12081) granting an increase of pension to Sewell C. Rose; to the Committee on Invalid Pensions.

By Mr. WYANT: A bill (H. R. 12082) granting an increase of pension to Martha J. McLaughlin; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3606. By the SPEAKER (by request): Petition of Woman's Republican Club (Inc.), New York City, N. Y., urging Congress to enact House bill 9225, providing punishment for sending propaganda against the Government through the mails; to the Committee on the Post Office and Post Roads.

3607. By Mr. BIXLER: Petition of citizens of North Warren, Warren County, Pa., opposing Sunday observance legislation; to the Committee on the Judiciary.

3608. Also, petition of Oil City Rotary Club, Oil City, Pa., favoring increase of appropriations to Bureau of Fisheries, Department of Commerce; to the Committee on Appropriations.

3609. By Mr. HOWARD of Nebraska: Petition of citizens of Tekamah, Nebr., opposing the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3610. By Mr. MORROW: Petition of the Chaves County (N. Mex.) Game Protective Association, in favor of the game refuge bill; to the Committee on Agriculture.

3611. By Mr. O'CONNELL of New York: Petition of the City Club of New York, favoring the passage of House bill 7014 and Senate bill 2287; to the Committee on Military Affairs.

3612. Also, petition of the Chamber of Commerce of the State of New York, favoring the passage of House bill 7014; to the Committee on Military Affairs.

3613. Also, petition of the New York Life Insurance Co. opposing the passage of House bill 11078 and Senate bill 3764, known as "the District of Columbia rent act"; to the Committee on the District of Columbia.

3614. Also, petition of the Eberhard Faber Pencil Co. of Brooklyn, N. Y., favoring the passage of House bill 9629, "reorganization bill"; to the Committee on the Civil Service.

3615. By Mr. SWING: Petition of citizens of Anaheim, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

SENATE

SATURDAY, January 31, 1925

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father and our God, always remembering our needs and seeking our highest good, we humbly beseech of Thee to accept our thanks this morning, and grant unto us constantly a realization of Thy nearness, so that whatever we may do, or say, or think may be agreeable to Thy good pleasure. Help us in matters of deepest moment, and when perplexities multiply may we find for ourselves that Thou hast opened a pathway toward which righteousness tends and that the highest excellencies of Government shall be realized in and through us. Hear us, help us, be with us always. We ask in Jesus' name. Amen.

The reading clerk proceeded to read the Journal of the proceedings of the legislative day of Monday, January 26, 1925, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

SENATOR FROM TENNESSEE

The PRESIDENT pro tempore laid before the Senate the credentials of L. D. TYSON, elected a Senator from the State of Tennessee for the term beginning on the 4th day of March, 1925, which were read and ordered to be filed, as follows:

STATE OF TENNESSEE,
DEPARTMENT OF STATE.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 4th day of November, 1924, L. D. TYSON was duly chosen by the qualified electors of the State of Tennessee a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1925.

Witness: His excellency our governor, Austin Peay, and our seal hereto affixed at Nashville, this 14th day of January, in the year of our Lord 1925.

AUSTIN PEAY, Governor.

In witness whereof, I have hereto affixed my signature and the great seal of the State, at Nashville, this 14th day of January, in the year of our Lord 1925.

[SEAL.]

E. N. HASTON,
Secretary of State.

FEDERAL INDUSTRIAL INSTITUTION FOR WOMEN

The PRESIDENT pro tempore laid before the Senate a letter signed by the Attorney General, the Secretary of the Interior, and the Secretary of Labor, reporting, in compliance with law, upon the selection of a site for the Federal Industrial Institution for Women, which was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., January 29, 1925.

Hon. A. B. CUMMINS,

President of the Senate, Washington, D. C.

MY DEAR MR. PRESIDENT: In compliance with section 2 of the act of June 7, 1924, "For the establishment of a Federal Industrial Institution for Women," we have the honor to report that we have selected Alderson, W. Va., as the site for the institution in question.

We have examined into the merits of the respective sites offered, and have fixed upon Alderson, W. Va., not only because the natural advantages of the location are equal to those found at any other site available, but because (1) a tract of land comprising 202 acres, known as the "Rose farm," situated in Monroe and Summers Counties, W. Va., is to be donated free of cost to the United States Government, (2) 300 acres of adjoining farm land comprised in the "Nash farm" can be purchased for \$48,000, (3) the town of Alderson has agreed to cooperate with the Government in securing an adequate water supply for the institution, and (4) necessary terminal facilities will be provided by the railroad companies.

Respectfully,

HARLAN F. STONE,
Attorney General.

HUBERT WORK,
Secretary of the Interior.

JAMES J. DAVIS,
Secretary of Labor.

REPORT OF THE CAPITAL TRACTION CO.

The PRESIDENT pro tempore laid before the Senate the report of the Capital Traction Co., submitted pursuant to law, for the year ended December 31, 1924, which was referred to the Committee on the District of Columbia.

PETITIONS AND MEMORIALS

Mr. FESS presented resolutions of the East Cleveland (Ohio) Chamber of Commerce, favoring the participation of the United States in the World Court under the terms of the so-called Harding-Hughes plan, which were referred to the Committee on Foreign Relations.

Mr. CAPPER presented resolutions of the Kansas State Board of Agriculture, favoring the imposition of a sales tax on luxuries and a tariff duty on hides, which were referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Eldorado, Kans., remonstrating against the passage of the so-called compulsory Sunday observance bill for the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. BROOKHART presented the petition of Mrs. J. M. Williams and sundry other members of the Lowell Club, of Boone, Iowa, praying for the adherence of the United States to the World Court under the terms of the so-called Harding-Hughes plan, which was referred to the Committee on Foreign Relations.

He also presented the memorial of B. F. Carviness and sundry other citizens of Warren County, Iowa, remonstrating against the passage of the so-called compulsory Sunday observance bill for the District of Columbia, which was referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. PEPPER, from the Committee on the Library, to which was referred the joint resolution (S. J. Res. 178) to provide for the loaning to the Pennsylvania Academy of the Fine Arts of the portraits of Daniel Webster and Henry Clay, reported it without amendment.

He also, from the same committee, to which was referred the bill (S. 3899) to create a Library of Congress Trust Fund Board, and for other purposes, reported it with amendments.

Mr. WADSWORTH, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 3824) to provide for the appointment of a leader of the Army band (Rept. No. 948); and

A bill (S. 4010) to amend the national defense act of 1916, as amended (Rept. No. 949).

Mr. WILLIS, from the Committee on Territories and Insular Possessions, to which was referred the bill (H. R. 4825) for the establishment of industrial schools for Alaskan native children, and for other purposes, reported it without amendment and submitted a report (No. 954) thereon.

Mr. KENDRICK, from the Committee on Irrigation and Reclamation, to which was referred the bill (S. 4151) to provide for aided and directed settlement on Government land in irrigation projects, reported it without amendment and submitted a report (No. 955) thereon.

Mr. REED of Pennsylvania, from the Committee on Military Affairs, to which was referred the bill (S. 2941) authorizing the President of the United States to appoint Philip T. Coffey to the position and rank of captain in the United States Army and immediately retire him with the rank and pay held by him at the time of his discharge, reported it with amendments and submitted a report (No. 956) thereon.

Mr. BROOKHART, from the Committee on Claims, to which was referred the bill (H. R. 6695) authorizing the owners of the steamship *Malta Maru* to bring suit against the United States of America, reported it without amendment and submitted a report (No. 960) thereon.

COLUMBIA RIVER BRIDGE

Mr. JONES of Washington. From the Committee on Commerce I report back favorably with an amendment the bill (H. R. 10533) granting the consent of Congress to the State of Washington to construct, maintain, and operate a bridge across the Columbia River, and I submit a report (No. 950) thereon. I ask unanimous consent for the present consideration of the bill.

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

The amendment was, on page 1, line 4, to strike out the words "its successors," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Washington, and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Columbia River, at a point suitable to the interests of navigation, approximately 1 mile south of the town of Chelan Falls, in the State of Washington, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

RIO GRANDE RIVER BRIDGE

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 10645) granting consent of Congress to the Valley Bridge Co. for construction of a bridge across the Rio Grande near Hidalgo, Tex., and I submit a report (No. 951) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the consent of Congress be, and is hereby, granted to the Valley Bridge Co., a corporation organized under the laws of Texas, to construct, maintain, and operate a bridge and approaches thereto, at a point suitable to the interests of navigation across the Rio Grande near Hidalgo, Tex., in accordance with the pro-

visions of an act entitled "An act to regulate the construction of bridges across navigable waters," approved March 23, 1906: *Provided*, That the consent of the proper authorities of the Republic of Mexico to the construction, maintenance, and operation of the bridge shall also be obtained.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

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

TENNESSEE RIVER BRIDGE

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 10150) to revive and reenact the act entitled "An act to authorize the construction of a bridge across the Tennessee River at or near the city of Decatur, Ala.," approved November 19, 1919, and I submit a report (No. 952) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole and it was read, as follows:

Be it enacted, etc., That the act approved November 19, 1919, authorizing the Limestone-Morgan Bridge Co. to construct, maintain, and operate a highway and interurban railway bridge and approaches thereto across the Tennessee River at or near the city of Decatur, Ala., be, and the same is hereby, revived and reenacted: *Provided*, That this act shall be null and void unless the actual construction of the bridge hereby authorized be commenced within one year and completed within three years from the date of approval hereof.

SEC. 2. The State of Alabama shall have the right and power at any time after such authorization is granted to acquire said bridge and approaches thereto constructed under the authority of this act at a reasonable price, such price not to exceed in any event the actual necessary cost thereof, less reasonable depreciation: *Provided*, That the said State of Alabama shall operate and maintain the same as a free bridge, either immediately upon acquiring it or after collecting tolls thereon for such period as may be necessary to reimburse the State the cost of its acquisition and to meet the necessary repair, maintenance, and operation costs during such period.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

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

PEARL RIVER BRIDGE

Mr. SHEPPARD. From the Committee on Commerce I report back favorably with amendments the bill (S. 3782) granting the consent of Congress to the Great Southern Lumber Co., a corporation of the State of Pennsylvania, doing business in the State of Mississippi, to construct a railroad bridge across Pearl River at approximately 1½ miles north of Georgetown, in the State of Mississippi, and I submit a report (No. 953) thereon. I ask unanimous consent for the present consideration of the bill.

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

The amendments were, on page 1, line 3, to strike out all after the word "the," where it occurs the first time, down to the word "approximately," on page 2, line 1, and insert "times for commencing and completing the construction of a bridge authorized by act of Congress approved January 31, 1923, to be built by the Great Southern Lumber Co. across the Pearl River at"; and in line 2, page 2, to strike out after the word "Mississippi" and the comma, the remainder of the bill down to and including the figures "1906," on page 2, line 5, and insert "are hereby extended one and three years, respectively, from the date of approval hereof," so as to make the bill read:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge authorized by act of Congress approved January 31, 1923, to be built by the Great Southern Lumber Co. across the Pearl River at approximately 1½ miles north of Georgetown, in the State of Mississippi, are hereby extended one and three years, respectively, from the date of approval hereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to extend the time for the construction of a bridge across Pearl River at approximately 1½ miles north of Georgetown, in the State of Mississippi."

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McNARY:

A bill (S. 4158) to prevent a recurrence of agricultural depression; to place agricultural commodities upon an equality under the tariff laws with other commodities; to place agriculture upon an equality with industry and labor; and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. MOSES:

A bill (S. 4159) granting a pension to William H. Davis (with accompanying papers); to the Committee on Pensions.

By Mr. BUTLER:

A bill (S. 4160) granting an increase of pension to Richard F. Murphy (with accompanying papers); to the Committee on Pensions.

By Mr. WADSWORTH:

A bill (S. 4161) authorizing the transfer of abandoned and unused lighthouse-reservation lands and buildings to States, counties, or municipalities for public-park purposes, and authorizing the transfer of lighthouse-reservation lands and buildings in exchange for other real property, and for other purposes; to the Committee on Commerce.

By Mr. JONES of Washington:

A bill (S. 4162) to establish home ports of vessels of the United States, to validate documents relating to such vessels, and for other purposes; to the Committee on Commerce.

A bill (S. 4163) for the relief of Heimo Sarkkinen; to the Committee on Claims.

By Mr. TRAMMELL:

A bill (S. 4164) for the purchase of a site and the erection of a post-office building thereon at West Palm Beach, Fla.;

A bill (S. 4165) for the erection of a public building for a post office and other purposes at Key West, Fla.;

A bill (S. 4166) for the purchase of a site and the erection of a post-office building thereon at Monticello, Fla.;

A bill (S. 4167) to enlarge, extend, remodel, etc., public building at Miami, Fla.;

A bill (S. 4168) for the purchase of a site and the erection of a post-office building thereon at Daytona, Fla.;

A bill (S. 4169) for the purchase of a site and the erection of a post-office building thereon at Fort Myers, Fla.;

A bill (S. 4170) for the purchase of a site and the erection of a post-office building thereon at Madison, Fla.;

A bill (S. 4171) for the purchase of a site and the erection of a post-office building thereon at Quincy, Fla.;

A bill (S. 4172) for the purchase of a site and the erection of a post-office building thereon at De Funiak Springs, Fla.;

A bill (S. 4173) for the purchase of a site and the erection of a post-office building thereon at Milton, Fla.;

A bill (S. 4174) for the purchase of a site and the erection of a post-office building thereon at Clearwater, Fla.;

A bill (S. 4175) for the purchase of a site and the erection of a post-office building thereon at Fort Pierce, Fla.;

A bill (S. 4176) for the purchase of a site and the erection of a post-office building thereon at Starke, Fla.; and

A bill (S. 4177) for the purchase of a site and the erection of a post-office building thereon at Perry, Fla.; to the Committee on Public Buildings and Grounds.

By Mr. EDGE:

A bill (S. 4178) to authorize the Port of New York Authority to construct, operate, maintain, and own a bridge across the Hudson River between the States of New York and New Jersey; and

A bill (S. 4179) to authorize the Port of New York Authority to construct, operate, maintain, and own bridges across the Arthur Kill between the States of New York and New Jersey; to the Committee on Commerce.

By Mr. FLETCHER:

A bill (S. 4180) for the relief of H. C. Magoon; to the Committee on Claims.

By Mr. WALSH of Massachusetts:

A bill (S. 4181) granting a pension to Anastasia Carroll (with accompanying papers); to the Committee on Pensions.

By Mr. PHIPPS:

A bill (S. 4182) granting a pension to Ulysses G. Jones; to the Committee on Pensions.

By Mr. JONES of Washington:

A joint resolution (S. J. Res. 180) authorizing and requesting the Postmaster General to design and issue a special postage stamp to commemorate the one hundredth anniversary of the founding of Fort Vancouver, Wash.; and in recognition of

the Fort Vancouver centennial celebration in 1925 (with accompanying papers); to the Committee on Post Offices and Post Roads.

AMENDMENT TO GOOD ROADS BILL

Mr. CURTIS submitted an amendment intended to be proposed by him to the bill (H. R. 4971) 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, which was ordered to lie on the table and to be printed.

AMENDMENT TO RIVERS AND HARBORS BILL

Mr. HEFLIN submitted an amendment intended to be proposed by him to the bill (H. R. 11472) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which was referred to the Committee on Commerce, and ordered to be printed.

CHANGES OF REFERENCE

Mr. JONES of Washington. Mr. President, Senate bill 4133, authorizing the Secretary of War to award the congressional medal of honor to Theophile A. Dauphin, was referred to the Committee on Commerce by mistake. The bill should go to the Committee on Military Affairs, and I ask unanimous consent that the Committee on Commerce be discharged from its further consideration, and that the bill may be referred to the Committee on Military Affairs.

The PRESIDING OFFICER (Mr. Fess in the chair). Without objection, it is so ordered.

Mr. STERLING. Mr. President, the statement of the Senator from Washington in regard to another bill reminds me that House bill 646, to make valid and enforceable written provisions or agreements for arbitration of disputes arising out of contracts, maritime transactions, or commerce among the States or Territories or with foreign nations, is identical with Senate bill 1005. The House bill came to the Senate and inadvertently was referred to the Committee on Commerce, instead of the Committee on the Judiciary. I ask that the Committee on Commerce be discharged from the further consideration of that bill and that it may be referred to the Committee on the Judiciary.

Mr. JONES of Washington. I have no objection to that.

The PRESIDING OFFICER. Without objection the change of reference will be made. The Chair hears no objection.

REUBEN R. HUNTER

Mr. CAPPER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 353) for the relief of Reuben R. Hunter, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1; and agree to the same.

ARTHUR CAPPER,
SELDEN P. SPENCER,
THOMAS F. BAYARD,

Managers on the part of the Senate.

GEORGE W. EDMONDS,
CHARLES L. UNDERHILL,
JOHN C. BOX,

Managers on the part of the House.

Mr. FLETCHER. May I ask the Senator from Kansas to explain the report.

Mr. CAPPER. The beneficiary was an employee of the Government who had a claim against the Government for personal injuries. The House reduced the allowance to \$3,000. The Senate conferees have agreed to the reduction made by the House.

The report was agreed to.

PRESIDENTIAL APPROVALS

A message from the President of the United States by Mr. Latta, one of his secretaries, announced that the President had approved and signed acts and a joint resolution of the following titles:

On January 29, 1925:

S. 1656. An act granting the consent and approval of Congress to the La Plata River compact;

S. 1976. An act for the relief of the Commercial Union Assurance Co. (Ltd.), Federal Insurance Co., American & Foreign Marine Insurance Co., Queen Insurance Co. of America, Fireman's Fund Insurance Co., St. Paul Fire & Marine Insurance Co., and the United States Lloyds; and

S. 2764. An act authorizing the President to order Leo P. Quinn before a retiring board for a rehearing of his case and upon the findings of such board either confirm his discharge or place him on the retired list with the rank and pay held by him at the time of his discharge.

On January 30, 1925:

S. 387. An act to prescribe the method of capital punishment in the District of Columbia;

S. 1179. An act to authorize the Commissioners of the District of Columbia to close certain streets, roads, or highways in the District of Columbia rendered useless or unnecessary by reason of the opening, extension, widening, or straightening, in accordance with the highway plan of other streets, roads, or highways in the District of Columbia, and for other purposes;

S. 1665. An act to provide for the payment of one-half the cost of the construction of a bridge across the San Juan River, N. Mex.;

S. 3509. An act to change the time for the holding of terms of court in the eastern district of South Carolina; and

S. J. Res. 107. Joint resolution directing the Interstate Commerce Commission to take action relative to adjustments in the rate structure of common carriers subject to the interstate commerce act, and the fixing of rates and charges.

On January 31, 1925:

S. 51. An act for the relief of the owner of the schooner *Itasca*.

PAN AMERICAN EDUCATIONAL CONFERENCE (S. DOC. NO. 191)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

I transmit herewith a report by the Secretary of State concerning participation by the Government of the United States in the Pan American Educational Conference, which, in pursuance of a resolution of the Fifth International Conference of American States, will be held at Santiago, Chile, in September, 1925. A copy of the proposed agenda of the conference is annexed to the report.

I request of Congress legislation authorizing and providing an appropriation of \$24,230 for the expenses of delegates of the United States and their clerical and other assistants to the said conference, in accordance with the budget incorporated in the Secretary of State's report.

The attention of Congress is invited to the interest shown in this conference by educators in the United States, as illustrated in the memorandum accompanying the Secretary of State's report.

CALVIN COOLIDGE.

THE WHITE HOUSE,

Washington, January 31, 1925.

The PRESIDENT pro tempore. Morning business is closed.

POSTAL SALARIES AND POSTAL RATES

Mr. MOSES. Mr. President, yesterday in the course of the discussion of the postal rates bill, which the Senate passed during the afternoon, I promised to present my estimate of the sums to be raised by the measure under the different classifications of rates and mail matter, and I now wish to present the data. I shall ask to have the table which I hold in my hand printed in the RECORD as a part of my remarks, but before I submit it I wish to make certain observations regarding the figures which it contains.

From the first-class mail matter my estimate is that we shall derive \$12,500,000. This is based upon the estimate of the Post Office Department of 12,500,000,000 private mailing cards and post cards.

From second-class mail matter, namely, periodical and newspapers, I estimate that we shall derive \$2,000,000 additional revenue. In connection with this I should state that the greater part of this added revenue will be derived, as I view it, from the increase in the volume of second-class mail which will be drawn back into the Postal Service.

From the second-class transient mail my estimate is that we shall derive \$1,000,000 added revenue, and that is based upon the figures of the Post Office Department showing the volume of that class of mail, which is readily ascertainable.

I estimate that from the third-class mail, by the transfer of all packages less than 4 ounces in weight from fourth class to third class, we will increase the revenue by \$3,000,000.

I estimate that in the fourth class, under the service charge of 1 cent as voted by the Senate in adopting the amendment proposed by the Senator from Tennessee [Mr. McKellar], we shall derive \$9,000,000.

I estimate that from the use of the expedition stamp, which is the 25-cent charge for special handling of parcels-post packages, we shall derive \$6,750,000. This estimate is based upon the assumption that no more than 3 per cent of the parcel-post packages will make use of this special service. It is my personal opinion that a much larger percentage than 3 per cent of the parcel post will carry this charge.

From the added fees for insurance of packages in the third and fourth class mail I estimate that we shall receive \$3,000,000 additional, and that is the figure stated by the Post Office Department.

From the increased fees for money orders I estimate that we shall receive \$3,500,000, and this is also the estimate of the Post Office Department.

From the increase in fees for registration I estimate we shall procure \$4,000,000 additional revenue, and this, too, is the estimate of the Post Office Department.

From the increase of fees on C. O. D. packages in the third and fourth classes I estimate an added revenue of \$1,000,000, and this, too, is the estimate of the Post Office Department.

From the increase in fees for special delivery I estimate an additional revenue of \$900,000, and this also bears the sacrosanct stamp of approval of the Post Office Department.

The total which I estimate the bill as passed by the Senate will add to the postal revenues is \$46,650,000.

I ask that the table which I send to the desk may be inserted in the RECORD as a part of my remarks.

The PRESIDENT pro tempore. Without objection it is so ordered.

The table is as follows:

First class	\$12,500,000
Second class	2,000,000
Second class, transient	1,000,000
Third class, by transfer from fourth class	3,000,000
Fourth class, service charge	9,000,000
Expedition stamp	6,750,000
Insurance	3,000,000
Money orders	3,500,000
Registry	4,000,000
C. O. D.	1,000,000
Special delivery	900,000
Total	46,650,000

Mr. NORRIS. Mr. President, may I ask the Senator a question before he surrenders the floor?

Mr. MOSES. Certainly.

Mr. NORRIS. A part of the estimates at least, it seems to me, would bring about an increase of expenses. For instance, the 25-cent stamp to be put on parcels that will enable them to travel as first-class mail would increase the amount of the space necessary to be hired, would it not?

Mr. MOSES. I do not think so, to any material extent, because, except on fast through trains, the parcel-post packages go along with the first-class matter, and in many of the closed pouches that are put off at intermediate stations they go in the same way.

Mr. NORRIS. Has the Senator deducted anything from any estimates on account of any increase in expense to the Government that it might bring about or would bring about?

Mr. MOSES. No; I have not, Mr. President, except with reference to the transfer of the 4-ounce packages from fourth to third class. I estimate a very great reduction in the volume of parcel-post mail.

Mr. WILLIS subsequently said: Mr. President, this morning the Senator from New Hampshire [Mr. MOSES] submitted a very interesting analysis of and some statements relative to the amount of revenue to be produced by the bill which passed the Senate yesterday increasing postal salaries and postal rates. I got into communication with the Post Office Department and have secured from that source the estimate made by the department. I think it is useful as public information, and I ask to have it printed in the RECORD.

Mr. CARAWAY. Mr. President, I understand that in an hour or two we will have the bill back here, so that if the Senator had waited—

Mr. WILLIS. I thought it desirable to get this information in the RECORD before the bill came back.

The PRESIDING OFFICER (Mr. FESS in the chair). Is there objection to the request of the Senator from Ohio?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., January 31, 1925.

HON. FRANK B. WILLIS,
United States Senate.

MY DEAR SENATOR: In response to your telephone request for a statement as to the effect of Senate bill 3674 as it relates to postal

rates as passed by the Senate yesterday, I have to inform you as follows:

It is estimated that under the bill as passed by the Senate the following increase and decrease of revenues will result:

	Decrease	Increase
First class		\$6,250,000.00
Second class		
Transient		1,000,000.00
Publishers	\$1,644,560.47	
Third class		3,000,000.00
Fourth class		10,000,000.00
Insured mail		3,058,147.94
Collect-on-delivery		1,103,879.19
Money-order service		3,582,490.29
Registry service		3,980,000.00
Special-delivery service		900,000.00
Total	1,644,560.47	32,874,517.42
		1,644,560.47
Net gain		31,229,956.95

These rates, according to the bill, will go into effect April 15 and produce for the present fiscal year about \$6,506,000, whereas the salary increases, as the bill now stands, will go into effect last July 1st and entail an expenditure for the fiscal year of approximately \$68,000,000.

Sincerely yours,

HARRY S. NEW,
Postmaster General.

THE CALENDAR

Mr. CURTIS. Mr. President, I wish to submit a unanimous-consent agreement. I ask unanimous consent that the Senate proceed to the consideration of the calendar under Rule VIII until 2 o'clock; that at 2 o'clock the unfinished business be temporarily laid aside; that the remainder of the afternoon be devoted to unobjected bills on the calendar; and that debate be limited after 2 o'clock to five minutes.

Mr. MOSES. Should the unanimous-consent request be granted the remainder of the day will be consumed in the consideration of the calendar?

Mr. CURTIS. Yes.

The PRESIDENT pro tempore. Is there objection to the request for unanimous consent which has been preferred by the Senator from Kansas?

Mr. HEFLIN. Mr. President, I should like to secure an agreement for the consideration and passage of the roads bill, which has been made the unfinished business. I do not think it will take long; probably it will not consume over 10 minutes.

Mr. MOSES. I think it will.

Mr. CURTIS. There are some amendments to be offered to that bill, and we shall take it up on Monday. As I understand, the Senator from South Dakota [Mr. STERLING], who is in charge of the bill, is perfectly willing to have that done. So I hope the Senator from Alabama will not object to the unanimous-consent agreement which I have asked.

Mr. HEFLIN. With that understanding, I shall not object.

The PRESIDENT pro tempore. Is there objection?

Mr. FESS. Mr. President, I should like to ask the Senator from Kansas [Mr. CURTIS] a question. Is it proposed that we shall proceed with unobjected bills on the calendar until 2 o'clock?

Mr. CURTIS. No; my request is that we shall proceed with the calendar under Rule VIII until 2 o'clock.

Mr. FESS. That is satisfactory to me.

Mr. FLETCHER. Would there be an objection to beginning the consideration of the calendar where we left off the last time the calendar was before the Senate?

Mr. CURTIS. I should have no objection to that, but I understand that the Senator from Maryland [Mr. BRUCE] has one bill on the calendar that he should like to have reached, which is before the point where the calendar was left off. I therefore ask that we begin the consideration of the calendar with the first bill.

The PRESIDENT pro tempore. The Chair did not understand the modification of the unanimous-consent request suggested by the Senator from Florida.

Mr. FLETCHER. I merely inquired whether we might not begin the consideration of the calendar where we left off when it was last before the Senate, but there seems to be a question about that, and so I withdraw the suggestion.

Mr. BRUCE. I thank the Senator.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. Does the Senator from Utah desire that a quorum shall be present before the unanimous-consent agreement shall be made? Without objection, the

unanimous-consent agreement is entered into. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Edge	Jones, N. Mex.	Reed, Pa.
Ball	Ernst	Jones, Wash.	Sheppard
Bayard	Ferris	Kendrick	Shipstead
Bingham	Fess	McKellar	Shortridge
Borah	Fletcher	McKinley	Simmons
Brookhart	Frazier	McLean	Smoot
Bruce	George	McNary	Spencer
Bursum	Glass	Means	Stanfield
Butler	Gooding	Metcalf	Sterling
Cameron	Greene	Moses	Swanson
Capper	Hale	Neely	Trammell
Caraway	Harreld	Norbeck	Wadsworth
Copeland	Harris	Norris	Walsh, Mass.
Couzens	Harrison	Oddie	Walsh, Mont.
Cummins	Heflin	Overman	Warren
Curtis	Howell	Pepper	Watson
Dial	Johnson, Calif.	Phipps	Wheeler
Dill	Johnson, Minn.	Reed, Mo.	Willis

Mr. HARRISON. Mr. President, I desire to announce that the junior Senator from Utah [Mr. KING] is necessarily absent on account of illness.

The PRESIDENT pro tempore. Seventy-two Senators have answered to the roll call. There is a quorum present. The Secretary will state the first bill on the calendar.

The bill (S. 55) making an appropriation to pay the State of Massachusetts for expenses incurred and paid, at the request of the President, in protecting the harbors and fortifying the coast during the Civil War, in accordance with the findings of the Court of Claims and Senate Report No. 764, Sixty-sixth Congress, third session, was announced as first in order.

Mr. DIAL. I ask that that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1181) naming the seat of government of the United States was announced as next in order.

Mr. SMOOT. I ask that that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 33) making eligible for retirement under certain conditions officers of the Army of the United States, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 60) to stimulate crop reduction in the United States was announced as next in order.

Mr. SMOOT. Let that resolution go over.

The PRESIDENT pro tempore. The resolution will be passed over.

The resolution (S. Res. 124) directing the Interstate Commerce Commission to secure information relative to amount of money expended for the purpose of creating public interest favorable to railroad sentiment was announced as next in order.

Mr. BRUCE. I ask that the resolution go over.

The PRESIDENT pro tempore. The resolution will be passed over.

The bill (S. 185) to promote agriculture by stabilizing the price of wheat was announced as next in order.

Mr. REED of Pennsylvania. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2401) providing for the compensation of retired warrant officers and enlisted men of the Army, Navy, and Marine Corps, or any other service or department created by or under the jurisdiction of the United States Government, and warrant officers and enlisted men of the Reserve Corps of the Army and Navy was announced as next in order.

Mr. SMOOT. I think that bill has been made a special order for February 2.

The PRESIDING OFFICER (Mr. Fess in the chair). The present occupant of the chair is advised that this is not the bill which has been made a special order.

Mr. SMOOT. I stand corrected. The bill which has been made a special order is Senate bill 33. I ask, however, that Senate bill 2401 may be passed over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2299) to validate the payment of commutation of quarters, heat, and light under the act of April 16, 1918, and of rental and subsistence allowances under the act of June 10, 1922, was announced as next in order.

Mr. SMOOT. Let that bill go over for the present.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2149) to facilitate and simplify the work of the Forest Service, United States Department of Agriculture, and to promote reforestation, was announced as next in order.

Mr. SMOOT. The Senator from Nebraska [Mr. NORRIS], the chairman of the Committee on Agriculture and Forestry, who introduced the bill, is not present at the moment, and I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2150) to authorize arrests by officers and employees of the Department of Agriculture in certain cases and to amend section 62 of the act of March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States," was announced as next in order.

Mr. SMOOT. That bill also had better go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2151) to increase the subsistence and per diem allowances of certain officers and employees of the Department of Agriculture, was announced as next in order.

Mr. SMOOT. That bill also had better go over.

The PRESIDING OFFICER. The bill will be passed over.

EMELUS S. TOZIER

The bill (S. 1809) for the relief of Emelus S. Tozier, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged men of the United States Navy, Emelus S. Tozier, formerly a seaman in the United States Navy, shall hereafter be held and considered to have been honorably discharged on the 31st day of January, 1865.

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

COURT REPORTERS IN UNITED STATES DISTRICT COURTS

The bill (S. 1639) to provide for the appointment of a court reporter by each judge of the United States district court, fixing their salaries and fees, defining their duties, and repealing all laws and parts of laws inconsistent herewith was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That the district court of the United States in each district shall, for the purpose of perpetuating the testimony and proceedings therein, appoint one or more competent stenographic reporters, as the business to be done may require, who shall be known as the official reporters of said courts and who shall hold office during the pleasure of the judges appointing them, or of the successors of said judges. Such reporters as may be appointed from time to time shall attend all sessions of or hearings before the said district courts, and shall, upon the direction of the court in any civil or criminal action or proceedings, take in shorthand the testimony and all proceedings had upon the trial or hearing, except the arguments of counsel, and shall, when directed by the court or a party to the proceedings, transcribe the same within such time as the court may designate and preserve the original stenographic notes for a period of not less than five years.

SEC. 2. Such reporters before entering upon the duties of the office shall be sworn to the faithful performance thereof.

SEC. 3. The transcript of the testimony and proceedings in any case when duly certified by such reporters shall be deemed prima facie a correct statement of such testimony and proceedings.

SEC. 4. The compensation of such stenographers for services and transcripts and their duties, and the rules and regulations relating thereto, shall be prescribed by rules to be adopted by the district court in each district. The compensation shall not exceed such as is now or may be hereafter provided by law in the State courts in the State in which such district court is held, if such law there be. Such compensation for services shall be paid to the stenographers herein authorized in the same manner as the salaries of the judicial office are paid. The fees to be paid to such stenographers by the parties to actions or proceedings in said courts shall be prescribed by rules to be adopted by said court in each district. They shall not exceed such as are now or may be hereafter required to be paid to the State stenographers in the respective States in which said district courts are held, if any such there be.

In addition to the salary hereinbefore provided for, each reporter shall be entitled to receive his railroad fare and other traveling expenses, including subsistence, not exceeding \$5 per day while absent from the place of his residence in the discharge of his official duties.

The amendment was agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the appointment of stenographers in the courts of the United States and to fix their duties and compensation."

BILL PASSED OVER

The bill (S. 1387) to provide for payment of the amount of a war-risk insurance policy to a beneficiary designated by Capt. John W. Loveland, jr., deceased, was announced as next in order.

Mr. REED of Pennsylvania. I ask that the bill may go over. The PRESIDING OFFICER. The bill will be passed over.

JURISDICTION OF CIRCUIT COURTS OF APPEALS AND SUPREME COURT

The bill (S. 2060) to amend the Judicial Code, further to define the jurisdiction of the circuit courts of appeals and of the Supreme Court, and for other purposes, was announced as next in order.

Mr. CUMMINS. Mr. President, I have no intention of asking for the consideration of this bill under Rule VIII, but I rise for the purpose of directing the attention of Senators to it and asking them to become familiar with it, for it is a bill of very great importance. I shall endeavor at some appropriate time in the very near future to ask the Senate to take it up for consideration, and I am hoping that Senators who are interested in the administration of the law in the circuit courts of appeals and in the Supreme Court of the United States will become as familiar with it in the meantime as their convenience will permit. I hope to be able to secure the passage of the bill at this session of Congress.

Mr. REED of Pennsylvania. Mr. President, will the Senator permit a question?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Pennsylvania?

Mr. CUMMINS. Certainly.

Mr. REED of Pennsylvania. I think the attention of every lawyer in the Senate has been called to this bill long ago by the members of the committee which prepared the original bill. Most of us have read it over carefully and studied it as far as time permits; and it was my impression, when the bill was last reached on the call of the calendar, that it would have been passed under the five-minute rule if the Senator himself had not asked that it go over. I think we are all familiar with it, and I do not see why the Senator does not permit it to be passed and go to the House.

Mr. CUMMINS. That is better than I had hoped, that Senators are all familiar with it; and if there is no opposition to it I shall be very glad to have it pass now.

Mr. COPELAND. Mr. President, I am sorry to say that there is opposition to this bill from certain of the leading attorneys of the city of New York; and I should not want action taken at this time, until the objections raised by these attorneys have been presented to the Senate in a proper way.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over.

Mr. FLETCHER. Mr. President, while one objection would carry the bill over, I think it is in order for the Senator to move to take it up if he desires to do so. We are now considering bills under Rule VIII, which permits a motion to take it up.

The PRESIDING OFFICER. That is the situation. The Senator can move to take up the bill if he so desires.

Mr. FLETCHER. I think the bill is an important one and ought to be passed.

Mr. CUMMINS. Mr. President, I move that the Senate proceed to the consideration of this bill.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2060) to amend the Judicial Code, further to define the jurisdiction of the circuit courts of appeals and of the Supreme Court, and for other purposes, which had been reported from the Committee on the Judiciary with an amendment, on page 15, line 2, after the word "Congress," to insert a colon and the following proviso:

Provided, That this section shall not apply to any suit, action, or proceeding brought by or against a corporation incorporated by or under an act of Congress wherein the Government of the United States is the owner of more than one-half its capital stock.

So as to make the bill read:

Be it enacted, etc., That sections 128, 129, 237, 238, 239, and 240 of the Judicial Code as now existing be, and they are severally, amended and reenacted to read as follows:

"Sec. 128. (a) The circuit courts of appeal shall have appellate jurisdiction to review by appeal or writ of error final decisions—

"First. In the district courts, in all cases save where a direct review of the decision may be had in the Supreme Court under section 238.

"Second. In the United States district courts for Hawaii and for Porto Rico in all cases.

"Third. In the district courts for Alaska or any division thereof, for the Virgin Islands, and for the Canal Zone, in all cases, civil and criminal, wherein the Constitution or a statute or treaty of the United States or any authority exercised thereunder is involved; in all other civil cases wherein the value in controversy, exclusive of interest and costs, exceeds \$1,000; in all other criminal cases where the offense charged is punishable by imprisonment for a term exceeding one year or by death, and in all habeas corpus proceedings.

"Fourth. In the Supreme Courts of the Territory of Hawaii and of Porto Rico, in all civil cases, civil or criminal, wherein the Constitution or a statute or treaty of the United States, or any authority exercised thereunder is involved; in all other civil cases wherein the value in controversy, exclusive of interest and costs, exceeds \$5,000, and in all habeas corpus proceedings.

"Fifth. In the United States Court for China, in all cases.

"(b) The circuit court of appeals shall also have appellate jurisdiction—

"First. To review the interlocutory orders or decrees of the district courts which are specified in section 129.

"Second. To review decisions of the district courts sustaining or overruling exceptions to awards in arbitrations, as provided in section 8 of an act entitled 'An act providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees,' approved July 15, 1913.

"(c) The circuit courts of appeal shall also have an appellate and supervisory jurisdiction under sections 24 and 25 of the bankruptcy act of July 1, 1898, over all proceedings, controversies, and cases had or brought in the district courts under that act or any of its amendments, and shall exercise the same in the manner prescribed in those sections; and the jurisdiction of the Circuit Court of Appeals for the Ninth Circuit in this regard shall cover the courts of bankruptcy in Alaska and Hawaii, and that of the Circuit Court of Appeals for the First Circuit shall cover the court of bankruptcy in Porto Rico.

"(d) The review under this section shall be in the following circuit courts of appeal: The decisions of a district court of the United States within a State in the circuit court of appeals for the circuit embracing such State; those of the District Court of Alaska or any division thereof, the United States district court and the Supreme Court of Hawaii, and the United States Court for China, in the Circuit Court of Appeals for the Ninth Circuit; those of the United States district court and the Supreme Court of Porto Rico in the Circuit Court of Appeals for the First Circuit; those of the District Court of the Virgin Islands in the Circuit Court of Appeals for the Third Circuit; and those of the District Court of the Canal Zone in the Circuit Court of Appeals for the Fifth Circuit.

"(e) The circuit courts of appeal are further empowered to enforce, set aside, or modify orders of the Federal Trade Commission, as provided in section 5 of 'An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes,' approved September 26, 1914; and orders of the Interstate Commerce Commission, the Federal Reserve Board, and the Federal Trade Commission, as provided in section 11 of 'An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes,' approved October 15, 1914.

"Sec. 129. Where, upon a hearing in a district court, or by a judge thereof in vacation, an injunction is granted, continued, modified, refused, or dissolved by an interlocutory order of decree, or an application to dissolve or modify an injunction is refused, or an interlocutory order or decree is made appointing a receiver, or refusing an order to wind up a pending receivership or to take the appropriate steps to accomplish the purposes thereof, such as directing a sale or other disposal of property held thereunder, an appeal may be taken from such interlocutory order or decree to the circuit court of appeals; and sections 239 and 240 shall apply to such cases in the circuit courts of appeals as to other cases therein: *Provided*, That the appeal to the circuit court of appeals must be taken within 30 days from the entry of such order or decree and shall take precedence in the appellate court; and the proceedings in other respects in the district court shall not be stayed during the pendency of such appeal unless otherwise ordered by the court, or the appellate court, or a judge thereof: *Provided, however*, That the district court may, in its discretion, require an additional bond as a condition of the appeal."

"Sec. 237. (a) A final judgment or decree in any suit in the highest court of a State in which a decision in the suit could be had, where is drawn in question the validity of a treaty or statute of the United States, and the decision is against its validity; or where is drawn in question the validity of a statute of any State on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, and the decision is in favor of its validity, may be reviewed by the Supreme Court upon a writ of error. The writ shall have the same effect as if the judgment or decree had been rendered or passed in a court of the United States. The Supreme Court may reverse, modify, or affirm the judgment or decree of such State court and may, in its discretion, award execution or remand the cause to the court from which it was removed by the writ.

"(b) It shall be competent for the Supreme Court, by certiorari, to require that there be certified to it for review and determination, with the same power and authority and with like effect as if brought up by writ of error, any cause wherein a final judgment or decree has been rendered or passed by the highest court of a State in which a decision could be had where is drawn in question the validity of a treaty or statute of the United States; or where is drawn in question the validity of a statute of any State on the ground of its being repugnant to the Constitution, treaties, or laws of the United States; or where any title, right, privilege, or immunity is specially set up or claimed by either party under the Constitution or any treaty or statute of, or commission held or authority exercised under, the United States; and the power to review under this paragraph may be exercised as well where the Federal claim is sustained as where it is denied.

"(c) If a writ of error be improvidently sought and allowed under this section in a case where the proper mode of invoking a review is by a petition for certiorari, this alone shall not be a ground for dismissal; but the papers whereon the writ of error was allowed shall be regarded and acted on as a petition for certiorari and as if duly presented to the Supreme Court at the time they were presented to the court or judge by whom the writ of error was allowed: *Provided*, That where in such a case there appears to be no reasonable ground for granting a petition for certiorari it shall be competent for the Supreme Court to adjudge to the respondent reasonable damages for his delay and single or double costs, as provided in section 1010 of the Revised Statutes."

"SEC. 238. A direct review by the Supreme Court of an interlocutory or final judgment or decree of a district court may be had where it is so provided in the following acts or parts of acts, and not otherwise:

"(1) Section 2 of the act of February 11, 1903, 'to expedite the hearing and determination' of certain suits brought by the United States under the antitrust or interstate commerce laws, etc.

"(2) The act of March 2, 1907, 'providing for writs of error in certain instances in criminal cases' where the decision of the district court is adverse to the United States.

"(3) An act restricting the issuance of interlocutory injunctions to suspend the enforcement of the statute of a State or of an order made by an administrative board or commission created by and acting under the statute of a State, approved March 4, 1913.

"(4) So much of 'An act making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1913, and for other purposes,' approved October 22, 1913, as relates to the review of interlocutory and final judgments and decrees in suits to enforce, suspend, or set aside orders of the Interstate Commerce Commission other than for the payment of money."

"SEC. 239. In any case, civil or criminal, in a circuit court of appeals, or in the Court of Appeals of the District of Columbia, the court at any time may certify to the Supreme Court of the United States any questions or propositions of law concerning which instructions are desired for the proper decision of the cause; and thereupon the Supreme Court may either give binding instructions on the questions and propositions certified or may require that the entire record in the cause be sent up for its consideration, and thereupon shall decide the whole matter in controversy in the same manner as if it had been brought there by writ of error or appeal."

"SEC. 240. (a) In any case, civil or criminal, in a circuit court of appeals, or in the Court of Appeals of the District of Columbia, it shall be competent for the Supreme Court of the United States, upon the petition of any party thereto, whether Government or other litigant, to require by certiorari, either before or after a judgment or decree by such lower court, that the cause be certified to the Supreme Court for determination by it with the same power and authority, and with like effect, as if the cause had been brought there by writ of error or appeal.

"(b) All judgments and decrees of the circuit courts of appeal and of the Court of Appeals of the District of Columbia shall be subject to review as provided in this section, and not otherwise."

SEC. 2. That cases in a circuit court of appeals under section 8 of "An act providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees," approved July 15, 1913; under section 5 of "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," approved September 26, 1914; and under section 11 of "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, are included among the cases to which sections 239 and 240 of the Judicial Code shall apply.

SEC. 3. (a) That in any case in the Court of Claims, including those begun under section 180 of the Judicial Code, that court at any time may certify to the Supreme Court any definite and distinct questions of law concerning which instructions are desired for the proper disposition of the cause; and thereupon the Supreme Court may give appropriate instructions on the questions certified and transmit the same to the Court of Claims for its guidance in the further progress of the cause.

(b) In any case in the Court of Claims, including those begun under section 180 of the Judicial Code, it shall be competent for the Supreme Court, upon the petition of either party, whether Government or claimant, to require, by certiorari, that the cause, including the findings of fact and the judgment or decree, but omitting the evidence, be certified to it for review and determination with the same power and authority and with like effect as if the cause had been brought there by writ of error or appeal.

(c) All judgments and decrees of the Court of Claims shall be subject to review by the Supreme Court as provided in this section, and not otherwise.

SEC. 4. That in cases in the district courts wherein they exercise concurrent jurisdiction with the Court of Claims or adjudicate claims against the United States the judgments shall be subject to review in the circuit courts of appeals like other judgments in the district courts; and sections 239 and 240 of the Judicial Code shall apply to such cases in the circuit courts of appeals as to other cases therein.

SEC. 5. That the Court of Appeals of the District of Columbia shall have the same appellate and supervisory jurisdiction over proceedings, controversies, and cases in bankruptcy in the District of Columbia that a circuit court of appeals has over such proceedings, controversies, and cases within its circuit, and shall exercise that jurisdiction in the same manner as a circuit court of appeals is required to exercise it.

SEC. 6. (a) In a proceeding in habeas corpus in a district court, or before a district judge or a circuit judge, the final order shall be subject to review, on appeal, by the circuit court of appeals of the circuit wherein the proceeding is had.

(b) In such a proceeding in the Supreme Court of the District of Columbia, or before a justice thereof, the final order shall be subject to review, on appeal, by the court of appeals of that district.

(c) Sections 239 and 240 of the Judicial Code shall apply to habeas corpus cases in the circuit courts of appeals and in the Court of Appeals of the District of Columbia as to other cases therein.

(d) The provisions of sections 765 and 766 of the Revised Statutes, and the provisions of an act entitled "An act restricting in certain cases the right of appeal to the Supreme Court in habeas corpus proceedings," approved March 10, 1908, shall apply to appellate proceedings under this section as they heretofore have applied to direct appeals to the Supreme Court.

SEC. 7. That in any case in the Supreme Court of the Philippine Islands wherein the Constitution, or any statute or treaty of the United States is involved, or wherein the value in controversy exceeds \$25,000, or wherein the title or possession of real estate exceeding in value the sum of \$25,000 is involved or brought in question, it shall be competent for the Supreme Court of the United States, upon the petition of a party aggrieved by the final judgment or decree, to require, by certiorari, that the cause be certified to it for review and determination with the same power and authority, and with like effect, as if the cause had been brought before it on writ of error or appeal; and, except as provided in this section, the judgments and decrees of the Supreme Court of the Philippine Islands shall not be subject to appellate review.

SEC. 8. (a) That no writ of error, appeal, or writ of certiorari, intended to bring any judgment or decree before the Supreme Court for review shall be allowed or entertained unless application therefor be duly made within three months after the entry of such judgment or decree, excepting that writs of certiorari to the Supreme Court of the Philippine Islands may be granted where application therefor is made within six months: *Provided*, That for good cause shown either of such periods for applying for a writ of certiorari may be extended not exceeding 60 days by a justice of the Supreme Court.

(b) Where an application for a writ of certiorari is made with the purpose of securing a removal of the case to the Supreme Court before the court wherein the same is pending has given a judgment or decree the application may be made at any time prior to the hearing and submission in that court.

SEC. 9. That in any case where the power to review, whether in the circuit courts of appeals or in the Supreme Court, depends upon the amount or value in controversy, such amount or value, if not otherwise satisfactorily disclosed upon the record, may be shown and ascertained by the oath of a party to the cause or by other competent evidence.

SEC. 10. That no court having power to review a judgment or decree of another shall dismiss a writ of error solely because an appeal should have been taken, or dismiss an appeal solely because a writ of error should have been sued out; but where such error occurs the same shall be disregarded and the court shall proceed as if in that regard its power to review were properly invoked.

SEC. 11. (a) That where, during the pendency of an action, suit, or other proceeding brought by or against an officer of the United States, or of the District of Columbia, or the Canal Zone, or of a Territory, or an insular possession of the United States, or of a county, city, or other governmental agency of such Territory or insular

possession, and relating to the present or future discharge of his official duties, such officer dies, resigns, or otherwise ceases to hold such office, it shall be competent for the court wherein the action, suit, or proceeding is pending, whether the court be one of first instance or an appellate tribunal, to permit the cause to be continued and maintained by or against the successor in office of such officer, if within six months after his death or separation from the office it be satisfactorily shown to the court that there is a substantial need for so continuing and maintaining the cause and obtaining an adjudication of the questions involved.

(b) Similar proceedings may be had and taken where an action, suit, or proceeding brought by or against an officer of a State, or of a county, city, or other governmental agency of a State, is pending in a court of the United States at the time of the officer's death or separation from the office.

(c) Before a substitution under this section is made, the party or officer to be affected, unless expressly consenting thereto, must be given reasonable notice of the application therefor and accorded an opportunity to present any objection which he may have.

SEC. 12. That no district court shall have jurisdiction of any action or suit by or against any corporation upon the ground that it was incorporated by or under an act of Congress: *Provided*, That this section shall not apply to any suit, action, or proceeding brought by or against a corporation incorporated by or under an act of Congress wherein the Government of the United States is the owner of more than one-half its capital stock.

SEC. 13. That the following statutes and parts of statutes be, and they are, repealed:

Sections 130, 131, 133, 134, 181, 182, 236, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, and 252 of the Judicial Code.

Sections 2, 4, and 5 of "An act to amend an act entitled 'An act to codify, revise, and amend the laws relating to the judiciary,' approved March 3, 1911," approved January 28, 1915.

Sections 2, 3, 4, 5, and 6 of "An act to amend the Judicial Code, to fix the time when the annual term of the Supreme Court shall commence, and further to define the jurisdiction of that court," approved September 6, 1916.

Section 27 of "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," approved August 29, 1916.

So much of sections 4, 9, and 10 of "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, as provides for a review by the Supreme Court on writ of error or appeal in the cases therein named.

So much of "An act restricting in certain cases the right of appeal to the Supreme Court in habeas corpus proceedings," approved March 10, 1908, as permits a direct appeal to the Supreme Court.

So much of sections 24 and 25 of the bankruptcy act of July 1, 1898, as regulates the mode of review by the Supreme Court in the proceedings, controversies, and cases therein named.

So much of "An act to provide a civil government for Porto Rico, and for other purposes," approved March 2, 1917, as permits a direct review by the Supreme Court of cases in the courts in Porto Rico.

So much of the Hawaiian organic act, as amended by the act of July 9, 1921, as permits a direct review by the Supreme Court of cases in the courts in Hawaii.

So much of section 9 of the act of August 24, 1912, relating to the government of the Canal Zone, as designates the cases in which, and the courts by which, the judgments and decrees of the district court of the Canal Zone may be reviewed.

Sections 763 and 764 of the Revised Statutes.
An act entitled "An act amending" of the Revised Statutes," approved March 3, 1885.

An act entitled "An act to prevent the abatement of certain actions," approved February 8, 1899.

All other acts and parts of acts in so far as they are embraced within and superseded by this act or are inconsistent therewith.

SEC. 14. That this act shall take effect three months after its approval; but it shall not affect cases then pending in the Supreme Court, nor shall it affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect.

The amendment was agreed to.

MR. CUMMINS. Mr. President, the first purpose of this bill is to collect in a single statute the provisions of the law relating to the appellate jurisdiction of the Supreme Court of the United States and the circuit courts of appeals. Its second purpose is to restrict or reduce the appellate jurisdiction of the Supreme Court of the United States in order to enable it fairly to meet the demands that are made upon it.

The Supreme Court is now 15 or 18 months behind in its work. It is a denial of justice to permit a system to continue that enables those who are interested in the delay of decisions by a court to bring about a delay for such a length of

time. It is a denial of justice to those who desire their cases promptly submitted and decided to oblige them to wait for a period of anywhere from 15 to 18 months before reaching the case for argument and submission.

The substance of the bill is:

In the first place, with regard to the appellate jurisdiction of the Supreme Court, as all lawyers know, there are at the present time four ways of reaching the Supreme Court of the United States. One is by writ of error. That is a writ of right. The second is by appeal. That is also a matter of right. The third is by a certificate of the inferior court in which the case is tried, presenting questions to be answered by the Supreme Court which are material to the decision of the case. The fourth is by the writ of certiorari, which is in the discretion of the Supreme Court of the United States.

This bill does not materially affect the writs of error that may as a matter of right issue to the courts of last resort in the several States. It broadens, however, the jurisdiction of the Supreme Court in issuing writs of certiorari which may bring up the record in the State courts.

With regard to the circuit courts of appeals, the bill substantially provides that all the cases which have been heard by the circuit courts of appeals shall come to the Supreme Court of the United States by certiorari, and abolishes, in substance, the obligatory appellate jurisdiction of the Supreme Court over decrees and judgments rendered in the circuit courts of appeals.

It will be remembered that any case that reaches the circuit court of appeals has already been tried in the district court of the United States, and when it is decided by the circuit court of appeals the litigant has had one trial in the district court. He has had a second trial in the circuit court of appeals. These courts of appeals, as you all know, are composed of from three to five judges; and it is believed, I think, by most people who have examined the subject, that when a litigant has had an opportunity to try his case in two courts, one of them being a court of appeals composed of lawyers of the highest standing and highest ability in the country, any further appeal or review of the case ought to be in the discretion of the Supreme Court of the United States, and not a matter of right with the litigant.

MR. HARRELD. Mr. President—

The PRESIDING OFFICER (Mr. Fess in the chair). Does the Senator from Iowa yield to the Senator from Oklahoma?

MR. CUMMINS. I yield to the Senator from Oklahoma.

MR. HARRELD. I have not had an opportunity to study this bill, but does it simplify the law so as to make it clear whether, in a given case, the lawyer should proceed to the court to procure a writ of certiorari or a writ of error?

The lawyers in my State complain that very frequently they have to proceed by both methods, because the present law is so ambiguous that they can not tell whether they should come to the Supreme Court by writ of error or whether they should come by certiorari, and frequently they have to bring the matter here in both ways in order to preserve their rights. Does this bill clarify that matter so that there will be no dispute about it?

MR. CUMMINS. I did not enlarge upon that. It was the first point I mentioned.

The object of the bill is to collect in one statute and to clarify the methods of reaching either the circuit court of appeals in the first instance or the Supreme Court of the United States. These statutes are so inconsistent—they have accumulated during years—that it puzzles the most accomplished lawyer to determine just how he is to secure his review. This bill brings all these statutes into one, making the changes that I have suggested, and under the bill, if any lawyer makes a mistake with regard to the way of reaching the Supreme Court—that is to say, if he believes that a writ of error is the proper way, and he should be found mistaken in that and applies for a writ of certiorari, or if he applies for a writ of certiorari and it is found that the proper method is by writ of error or appeal—this proposed statute provides that the appellate court shall consider either as sufficient, and use it either as a writ of error or a petition for a writ of certiorari, as the circumstances may require.

MR. HARRELD. Mr. President, that seems to me a very great improvement.

Another complaint that I have from lawyers in my State is that when they come to the Supreme Court of the United States by writ of certiorari under the present law the matter is passed on by one judge only. Some one of the judges simply marks it "Denied," and they can not get it before the other judges or before the court. Will that condition continue if the bill is passed in its present form?

Mr. CUMMINS. The bill does not change or direct the manner in which the Supreme Court shall pass upon the merits of a writ of certiorari, but the Senator from Oklahoma or the lawyers who have represented that matter to him are mistaken in regard to the manner in which the Supreme Court passes upon a petition for a writ of certiorari. It is not passed upon by a single judge. On the contrary, it is passed upon by a majority of the members of the Supreme Court. The hearings so show. There were extensive hearings upon this bill in which it is fully explained, and that is one of the subjects considered in the hearings.

Mr. HARRELD. It is generally understood among the lawyers of that State that the only way in which you can get a hearing before the Supreme Court is by coming here on a writ of error. Therefore they all try to come on a writ of error.

Mr. CUMMINS. The writ of error, as the Senator knows, is a writ sued out of right, and the Supreme Court has nothing to say about the merits of a writ of error until a motion is made to dismiss the writ of error because it is not within the statute, or for some other reason, or until the court reaches the final decision of the case.

The writ of certiorari, when it applies, is a writ addressed to the discretion of the Supreme Court, and when a petition for such a writ is presented it is considered, not by a single member of the Supreme Court but by the whole court.

Mr. HARRELD. It is not considered in open court, though.

Mr. CUMMINS. There is no hearing provided for. There is no fixed method for presenting petitions for writs of certiorari. The court takes the petition and considers it, and if it believes it presents a case which ought to be reviewed in the Supreme Court, it grants the writ of certiorari.

Mr. GEORGE. Mr. President, the reference of the Senator from Oklahoma undoubtedly is to the practice which the court itself adopts of having one of its members examine the petition for the writ. That is done by all reviewing courts, but finally the writ is either granted or refused by the court itself.

Mr. HARRELD. The point I am driving at is this, naturally the Supreme Court prefers to pass on these matters without having them argued before the court. Consequently they want to increase the use of the writ of certiorari, and decrease the use of the writ of error. That is perfectly natural. Are we not likely to fall into a fault here in following their advice on that point in enacting this bill? Will they not want to go too far, and put too many cases in that class which is brought to the Supreme Court by a writ of certiorari, rather than those that are brought there by writ of error, because it is less trouble for them to handle them? I have had that complaint of the Supreme Court presented to me pretty strongly.

Mr. CUMMINS. I do not know the merits of a complaint which may have been suggested to the Senator from Oklahoma, but a petition for a writ of certiorari is originally presented to a single judge, and then is laid before the court itself for consideration, and if the court believes that the case ought to be reviewed, the writ is granted.

Mr. HARRELD. The complaint that comes to me is that the petitioner has no chance to argue the petition orally, or present the petition for the writ of certiorari at all.

Mr. CUMMINS. A petition for a writ of certiorari is not ordinarily argued before the court. The petition itself is supposed to present the reasons for the exercise of the jurisdiction by the Supreme Court.

Mr. PEPPER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Pennsylvania?

Mr. CUMMINS. In just a moment, when I have completed this answer. If the court were to permit every petition for a writ of certiorari to be argued orally, instead of being 20 months behind, or 18 months behind, in its work, it would be 40 months behind in a very short period.

Mr. HARRELD. On the other hand, are we not likely to let them put too many cases into the class that come to the court under writ of certiorari, because they do not have to hear argument, and will not some men's rights be prejudiced thereby?

Mr. CUMMINS. I reply to that that no case reaches the Supreme Court upon a petition for a writ of certiorari—with rare exceptions, because there are some cases of direct jurisdiction over the district courts in certain matters—until it has been tried by two courts, and it is the view of the proponents of this bill that any further review ought to be in the discretion of the Supreme Court.

I now yield to the Senator from Pennsylvania.

Mr. PEPPER. Mr. President, I was merely going to suggest to the Senator, with reference to the point made by the Senator

from Oklahoma, that a good deal of light can be thrown on this question by referring to the experience in actual practice that is found in the State of Ohio, where a practice such as is proposed in this measure is actually in operation with respect to the appellate jurisdiction of the court of last resort in that State.

I have found to my own satisfaction that while the apprehension of the Senator from Oklahoma is a perfectly natural one—and such an apprehension was entertained in Ohio—in point of fact the system has worked so well there that all such apprehension has been removed, and the court is finding it possible to satisfy the bar, and at the same time keep up with its docket. I have a most illuminating communication from the chief justice of Ohio on the subject, and as this is an attempt to do for the Supreme Court of the United States what has been successfully done in that great jurisdiction, I thought it was worth mentioning their successful experience as bearing upon this question.

Mr. COPELAND. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New York?

Mr. CUMMINS. I yield.

Mr. COPELAND. I want to ask a question of the Senator in order that at some time in the debate he may cover the point I have in mind.

The criticism which is made by the attorneys of my State is that apparently this bill would result in the circuit courts of appeals becoming courts of last resort on constitutional questions.

Mr. CUMMINS. That is true unless one of two methods of reviewing the decisions of the circuit courts of appeals is pursued. One is through the writ of certiorari; the other is through a certificate issued by a circuit court of appeals presenting to the Supreme Court questions for answer. Of course, it is the invariable practice of the Supreme Court, in cases which have been differently decided by circuit courts of appeals, to allow a writ of certiorari. The effort is to bring the law of the United States into uniformity. It is quite true that not every case which is alleged to involve a constitutional question is permitted to reach the Supreme Court as a matter of right, under this bill.

Mr. COPELAND. If this bill were to go into effect in its present form would there not be considerable surprise and dissatisfaction over the fact that the circuit courts had become courts of last resort?

Mr. CUMMINS. The circuit court of appeals is now a court of last resort in many cases.

Mr. COPELAND. I mean on constitutional questions.

Mr. CUMMINS. No; I answer the Senator from New York rather certainly on that point. The Supreme Court of the United States can not pass on every question that may arise in a lawsuit. I think we will have to depend upon the patriotism and the intelligence of the Supreme Court in determining whether a particular case decided by a circuit court of appeals is one which ought to be reviewed by the Supreme Court. It may, of course, refuse to grant a petition for a writ of certiorari. I am not familiar with the exact proportion of cases that are brought to the Supreme Court by the writ of right as compared with the cases that are brought there upon a writ of discretion.

Mr. McNARY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. McNARY. I think in common with all Senators present I am enjoying the remarks of the Senator from Iowa. I am in favor of the bill, and I think we all are. I suggest to the Senator that if he would abide by Rule VIII he might get his bill through.

My parliamentary inquiry is this: Under Rule VIII, during the morning hour may a Member of this body speak more than once or longer than five minutes on the subject matter before the Senate?

Mr. WILLIS. I remind the Senator that this bill was brought up by motion.

Mr. CUMMINS. The five-minute rule does not apply when a bill is taken up on motion.

Mr. McNARY. I am very sorry, because we all feel somewhat interested in the morning hour devoted to the calendar.

Mr. FLETCHER. Mr. President, may I suggest to the Senator from Iowa that what seems to disturb the Senator from New York is the thought that the jurisdiction of the Supreme Court on all constitutional questions should be obligatory.

The PRESIDING OFFICER pro tempore. The Chair will answer the parliamentary inquiry of the Senator from Oregon.

The rule under which we are operating, Rule VIII, at the close of the first paragraph, provides:

But if the Senate shall proceed with the consideration of any matter notwithstanding an objection, the foregoing provisions touching debate shall not apply.

So the Senator from Iowa is in order.

Mr. COPELAND. Mr. President, if the Senator will yield, it is absurd for me to attempt any discussion of this matter with the Senator from Iowa, but I had intended to place in the hands of somebody who has knowledge of these matters the correspondence I have had with certain attorneys in New York. But in view of the parliamentary situation, I do feel it my duty, if the Senator will bear with me for a moment, to state what the objection is from the standpoint of these attorneys.

Mr. CUMMINS. I certainly will bear with the Senator for any length of time.

Mr. COPELAND. Under present law, when the validity of a statute is attacked in a State court, the constitutional question may be taken as a matter of right to the Supreme Court from the State court of last resort in the manner and under the limitations prescribed in section 237 of the Judicial Code. If the same question arises in a case brought in the Federal court, it may likewise be taken as matter of right to the Supreme Court under the Judicial Code, section 238. Under the proposed law, the question if arising in the Federal court could be taken as of right only to the circuit court of appeals, whose decision would be final and reviewable only by certiorari. In other words, the bill gives the circuit court of appeals jurisdiction and makes it the court of last resort in an important class of cases in which a State supreme court is in effect only an intermediate tribunal.

With regard to the suggestion that cases from the State courts like those from the circuit courts of appeals be subjected to review only on writ of certiorari, there is reason for doubting the desirability of such a change. If any question should go to the Supreme Court as matter of right it is the question of the validity of a statute under the Federal Constitution.

Would it not be better to meet the situation by retaining in section 238 as amended by the bill the provision of the present section giving a direct review by the Supreme Court of a judgment or decree of a district court "in any case that involves the construction or application of the Constitution of the United States; in any case in which the constitutionality of any law of the United States or the validity or construction of any treaty made under its authority is drawn in question; and in any case in which the constitution or law of a State is claimed to be in contravention of the Constitution of the United States."

Mr. CUMMINS. I understand perfectly that part of his objection. I do not understand his reference to the court of last resort in a State. This bill provides for a review upon a writ of error, a judgment, or decree of court of last resort in any State in any case in which there is drawn in question the validity of a Federal statute or treaty and the decision of the State court is against its validity, or where there is drawn in question the validity of a State statute on the ground that it is repugnant to the Constitution, treaties, or laws of the United States and the decision is in favor of its validity. I do not understand how any case can go from a court of last resort in a State to the circuit court of appeals. There is no such provision in the law now nor is any such provision contemplated in the bill that I have presented.

Whether a constitutional question that may arise in circuit courts of appeals should, as a matter of right, go to the Supreme Court of the United States is quite a different proposition and it is one upon which lawyers may differ. I do not impeach the view of lawyers who hold a contrary opinion. In my judgment the country can well repose enough confidence in the Supreme Court of the United States to assume that in any important matter concerning the Constitution of the United States upon which there is difference of opinion the Supreme Court will issue its writ of certiorari and review the decision of the circuit court of appeals. It depends upon the confidence one may have in the desire of the Supreme Court of the United States to maintain uniformity of decisions with respect to the interpretation of the Constitution.

Mr. COPELAND. One last remark and then I shall close. I have simply been acting as the shock troops until the big guns could be moved up. I am not competent, of course, to discuss the question. But it has been stated to me that the amendment suggested would be of real service, because it is believed that if the bill should go through in its present form when it went into operation and lawyers discovered that the

circuit court of appeals had become a court of last resort on constitutional questions there would be surprise and dissatisfaction.

Mr. CUMMINS. Does the Senator interpret the letter he has read as suggesting that every constitutional question or every question that concerns the Constitution which arises in the circuit court of appeals shall as a matter of right be reviewed by the Supreme Court of the United States?

Mr. COPELAND. No; I do not. I understand from the criticisms presented to me that in certain cases involving the Constitution the circuit court of appeals becomes a court of last resort and that the matter ends there. That is the criticism.

Mr. CUMMINS. It is now a court of last resort.

Mr. COPELAND. Upon constitutional questions?

Mr. CUMMINS. Upon some constitutional questions.

Mr. COPELAND. I take it that it would mean under the terms of the bill that in all matters involving constitutional questions the action of the circuit court of appeals would be final.

Mr. CUMMINS. No; because the Supreme Court has the right to review any decision of the circuit court of appeals upon a writ of certiorari.

Mr. COPELAND. But it would be a discretionary power?

Mr. CUMMINS. It would be at the discretion of the Supreme Court.

Mr. COPELAND. I assume that is the objection to this particular clause of the bill.

Mr. CUMMINS. I ought to have stated originally probably that the bill was prepared by the justices of the Supreme Court of the United States. The work was done principally by a committee appointed from the membership of the Supreme Court. It is a bill which was most carefully studied, and I think is the result of many months of consideration by that tribunal. The members of that court feel that they can not do justice under the law as it now is, not only because of the very many and often repeated mistakes made by counsel in endeavoring to interpret a perfect maze of statutes in the way of reaching the Supreme Court, but because they can not reach these cases after they are properly within its jurisdiction for so long a period of time that it becomes a denial of justice in two aspects: First, a man against whom a decree or a judgment is rendered may prosecute an appeal or a writ of error purely for delay, and if the execution of the judgment or decree is delayed for a period of anywhere from 15 to 20 months, it sometimes and oftentimes results in the loss of the advantages which the decree or the judgment gave to the successful litigant.

Mr. SWANSON. Mr. President, will the Senator yield for a moment?

Mr. CUMMINS. Certainly.

Mr. SWANSON. How did the Judiciary Committee stand with reference to the passage of the bill? How many favored it and how many opposed it when it was reported to the Senate?

Mr. CUMMINS. When the bill was submitted to the Judiciary Committee there was not a vote against it. All of the members of the Judiciary Committee were not present when the bill was ordered to be reported to the Senate. It is a little invidious to mention individual members of the Judiciary Committee, and I do not intend to do it.

Mr. WALSH of Montana. Mr. President—

Mr. CUMMINS. I yield to the Senator from Montana.

Mr. WALSH of Montana. Will the Senator tell us what members of the committee were present?

Mr. CUMMINS. I do not remember. A quorum of the committee was present.

Mr. WALSH of Montana. Will the Senator be able to tell us how long the committee took to consider the bill?

Mr. CUMMINS. This is the history of the bill. I introduced the bill at the suggestion of the members of the Supreme Court. The bill was referred to a subcommittee, of which I was chairman, I believe, and the Senator from Missouri [Mr. SPENCER] and the Senator from North Carolina [Mr. OVERMAN] were members. We called three members of the Supreme Court to explain the bill. They were Justices Van Devanter, McReynolds, and Sutherland. Each of these justices expressed his view with respect to the character, the results, and the merits of the measure. The members of the subcommittee then met in executive session and considered the bill with very great care, and reported it to the full committee in a written report.

Mr. SWANSON. Was that report signed by all three members of the subcommittee?

Mr. CUMMINS. Yes; by all of them. There was no dissent. That report was submitted to the full committee and the committee voted to report the bill favorably.

Mr. REED of Missouri. How much time was taken on the bill by the full committee?

Mr. CUMMINS. Oh, I do not remember. It was in the last days of the last session or toward the end of the last session, and I can not remember how much time was devoted in the committee to a consideration of the bill. All I know is that there seemed to be no opposition to it among the members who were present.

Mr. REED of Missouri. If the Senator will pardon me—

Mr. CUMMINS. Certainly.

Mr. REED of Missouri. My recollection in regard to the bill is that it was called up one day and opposition at once appeared. There was some slight discussion of the bill, but no attempt at a real analysis, because it would take many hours to analyze the bill, for it involves an examination of many statutes and no one can tell its meaning without first laying down and having before him the statutes that are changed. My recollection is that the bill then went over. I was not present at the meeting when the bill was reported out and had no idea that it was here on the calendar.

I want to ask the Senator from Iowa if he expects to press for the passage of the bill to-day? I think it is a bill of such importance that it ought to have a full discussion on the floor. Speaking for myself, I want time really to study it. It is a very important bill to be passed on lightly. With all the respect in the world for the judges of the Supreme Court—and I entertain the very highest respect for them—I am not unmindful of the fact that it is our duty here to enact the statutes just as it is their duty to construe them. We must exercise our judgment.

Mr. CUMMINS. I realize the force of all that the Senator from Missouri has said, and I agree that it is the duty of the Senate to give careful consideration to the bill, because it is of great importance. I stated when the bill was reached on the calendar that I did not feel that it could be considered under the 5-minute rule, for it is manifest that it takes longer than that even very briefly to explain the bill. But the Senator from Missouri will remember that when the subcommittee made its favorable report it presented a brief but comprehensive, after all, analysis of the bill. That analysis of the bill has been in print for nearly a year and open to the examination of every Senator who is interested in the subject. The full committee heard an explanation of the analysis of the bill. While it is an important bill, it is not a difficult bill for lawyers to understand.

I do not blame the Senator from New York [Mr. COPELAND] for hesitating to enter upon an argument with regard to the merits of the bill. He is a very modest as well as a very useful Senator, and I am very glad that he has presented the matter which he laid before the Senate, because that matter really touches the only point about which there can be fair controversy respecting the bill. I do not mean the constitutional question altogether, but whether there should be any obligatory appellate jurisdiction by the Supreme Court of the United States over the decisions and decrees of the circuit courts of appeals. I do not think there will be any question with regard to the other portions of the bill.

Mr. BRUCE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Maryland?

Mr. CUMMINS. Certainly.

Mr. BRUCE. Was there any division of sentiment with reference to the bill among the lawyers who are members of the committee?

Mr. CUMMINS. I have already stated that every member of the committee who was present when the bill was ordered reported was in favor of it. There was no dissent.

Mr. BRUCE. I have listened to the Senator's entire argument, except that I was called out of the Chamber to the telephone for two or three minutes, and it may have been he made that statement while I was at the telephone.

Mr. CUMMINS. I stated at the same time that all of the members of the committee were not present when the bill was acted upon.

Mr. COPELAND. Mr. President, may I ask the Senator a question?

Mr. CUMMINS. Certainly.

Mr. COPELAND. Would the Senator consider that the amendment which I have suggested would damage the bill?

Mr. CUMMINS. I think it would go very far toward neutralizing the relief which the Supreme Court seems to consider

necessary in order that it may do its work with reasonable promptitude.

Mr. COPELAND. I desire to have the Senator know that my friends who have raised these objections tell me that they are in sympathy with the general objects of the bill. They have long been of the opinion that many cases of interest only to the particular litigants involved have been permitted to be carried to the Supreme Court which should have been finally determined by either the highest court of the States in which they arose or by the circuit court of appeals in the circuits in which they arose. The United States Supreme Court is one of the three great coordinate branches of the Government, and its time and labor should, generally speaking, be devoted to matters of general interest and importance and not to deciding private controversies between citizens involving no questions of general public importance. So my friends are in great sympathy with the bill, but they are very insistent that this particular proposition will not be kindly received by the bar when it is fully understood.

I dislike to be in this position, as the Senator from Iowa knows, yet I do feel that, in justice to my friends, I must present the matter so that it may be considered by the Senate, and those who are competent to discuss the question may do so in detail.

It is said that under the present law there is an absolute right of appeal to the Supreme Court from certain classes of decisions on constitutional questions, whether made by a State court or a Federal court. Under the proposed law the decision of the highest court of the State holding a Federal statute invalid or sustaining the validity of a State statute would be reviewable as a matter of right, whereas the identical decision, if made by a circuit court of appeals, would be final and reviewable only by certiorari.

Mr. CUMMINS. That is fairly correct, but this proposed statute does not make a material difference in the review of cases arising in or coming from the court of last resort of a State. It does make a very great change in the law with respect to the review of decisions of circuit courts of appeal. The reason for that is, as I have already stated, that it is to be assumed, I think, that when a man has had two trials—I am speaking now of a private litigant—one in the district court and one in the circuit court of appeals, a further review and delay in a case of that character ought to be discretionary. That is the view that I have taken and that the Supreme Court takes in regard to this bill.

With respect to the constitutional question, I only repeat that those who have confidence in the desire of the Supreme Court of the United States to maintain a correct interpretation of the Constitution, and not only to maintain a correct interpretation but to make that interpretation uniform or fairly uniform throughout the country, see no objection to making these reviews through the writ of certiorari instead of by appeal or writ of error.

Mr. REED of Missouri. Mr. President, I do not wish to debate this question now. I am not prepared to express myself in that thoughtful and deliberate way that I should like to, touching certain phases of the bill. So far, however, as the observation of the Senator from Iowa is concerned, to the effect that a man who has had one trial in the district court and a rehearing in a circuit court of appeals having had all that he is entitled to, I offer the observation that the Supreme Court of the United States has very frequently reversed the decisions of various courts of appeal, and when it did reverse them it, of course, held that the litigants had not received justice in the court of appeals.

Mr. CURTIS. Mr. President, will the Senator from Missouri yield to me?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Kansas?

Mr. REED of Missouri. I yield.

Mr. CURTIS. I was going to suggest that it would be impossible to pass this bill before 2 o'clock, and that it ought to be laid aside in order that we might go on with some other business, for the calendar is only to be considered until 2 o'clock under Rule VIII.

Mr. REED of Missouri. Of course, that remark is not to be addressed to me but to the Senator from Iowa [Mr. CUMMINS].

Mr. CURTIS. I understand that.

The PRESIDING OFFICER. Is there objection to laying the bill aside?

Mr. REED of Missouri. I have some further observations which I desire to make on the bill, and I shall make them later.

Mr. CUMMINS. I repeat what I said in the beginning when the bill was reached on the calendar, and which I stated on a former day when this bill was reached upon the calendar, that I thought it deserved full consideration at the hands of the Senate, but such consideration could not be given to it within a half hour or an hour. My only purpose is to get a consideration for the bill at this session and in time so that the other House may consider it before the 4th of March.

Mr. WALSH of Montana. If the Senator from Iowa will permit an interruption, I desire to say that I feel a very keen interest in this measure, and I very much regret that I never had any opportunity to join in any consideration of it by the Committee on the Judiciary. I had no kind of idea that the bill was going to be reported to this body. I am not at all unsympathetic with the measure; I think it an extremely wise thing to have something in the nature of a codification, as I understand this bill to provide, of the statutes affecting the jurisdiction of the Supreme Court of the United States and the method of reaching that court.

I am also in entire harmony with the view expressed by the chairman of the committee, that in those cases in which the jurisdiction of the Federal courts is appealed to upon the ground of the existence of a Federal question, the right of appeal should end with the circuit court of appeals, except in so far as the Federal question is concerned. I think after a man has had a trial of a case on the merits of it in a district court, in an equity case, for instance, and then a trial on the merits of the case in the circuit court of appeals, a trial on the merits of the case in the Supreme Court of the United States is quite unjustifiable. I say so, Mr. President, because since I have been in the Senate I have traveled that course.

I was defeated in the district court, I was defeated in the circuit court of appeals. I went to the Supreme Court of the United States and tried the case there all over again and prevailed, but although I prevailed I recognize that that is intolerable.

However, in cases in which the jurisdiction is appealed to on the ground of diversity of citizenship, the right of appeal ends with the circuit court of appeals, except as the Supreme Court of the United States may issue a writ of certiorari. I think that it should also end in the cases where the jurisdiction is invoked upon the ground of the presence of a Federal question, except in so far as that Federal question is concerned.

Under a writ of error from a State court to the Supreme Court of the United States a review is not had upon the entire merits of the whole case, but there is a review simply of the Federal question involved, and ordinarily that is relatively direct and simple. I believe that the same rule ought to prevail in respect to the cases that go to the circuit court of appeals, and, in my judgment, it would relieve the Supreme Court to a very large extent, and really not be to the disadvantage of justice at all; but, Mr. President, I find it difficult to yield to the idea that the Supreme Court of the United States ought to have the right in every case to say whether their jurisdiction shall be appealed to or not.

Mr. CUMMINS. That is, the Senator means, in a case coming from the circuit court of appeals.

Mr. WALSH of Montana. In a case coming from the circuit court of appeals, where a Federal question is presented for review, or coming from a State court where a Federal question is presented for review, I do not believe that the Supreme Court of the United States ought to have the right to say whether they will or will not review it. I believe that jurisdiction ought to be made imperative.

Mr. CUMMINS. The obligatory jurisdiction in cases that come from the courts of last resort is still retained substantially as it is in the present statute.

Mr. WALSH of Montana. That is a matter about which I desired to speak and upon which I should like to have a rather full and fair discussion. I understand that one of the prime purposes of this bill is to take away the obligatory jurisdiction of the Supreme Court of the United States in cases brought by writ of error from the State courts, and to repose in the Supreme Court the right to pass in advance upon the question; but I observe that the bill does not express that idea. I find the bill as it reads quite beyond my understanding in that respect. The first paragraph of section 237 would seem to make the jurisdiction of the Supreme Court obligatory; but the second paragraph would seem to make it entirely permissive or discretionary on the part of the Supreme Court.

Mr. CUMMINS. The second paragraph of that section is a substantial reproduction of existing law.

Mr. WALSH of Montana. Exactly.

The PRESIDING OFFICER. Will the Senators suspend until the Chair puts the request of the Senator from Kansas that the bill be laid aside? Is there objection to that?

Mr. WALSH of Montana. Mr. President, I hope that will be deferred for a few moments.

The PRESIDING OFFICER. Objection is made.

Mr. WALSH of Montana. I shall be glad to yield to the suggestion after a few moments.

Mr. CURTIS. I thank the Senator.

Mr. CUMMINS. I desire to say in reference to the suggestion of the Senator from Kansas that I am entirely willing to lay this bill aside, but I should like to have an understanding in respect to the time at which we may take it up and dispose of it. I am just as anxious to hear the argument that may be made in behalf of any amendment as is the Senator who may offer the amendment.

Mr. WALSH of Montana. I was going to suggest to the Senator that, in my judgment, we would make very much better progress if this bill went back to the committee. I feel certain that the bill can be so framed there and such explanation may be made of its purport and its tenor as that probably there will be no objection from the members of the committee, or, at least, the objections will be confined to some specific matter. But I wish to call the attention of the Senate before I close to paragraph (a) and paragraph (b) of section 237. Paragraph (a) seems to be the old statute in relation to writs of error to the Supreme Court of the United States. It provides:

SEC. 237. (a) A final judgment or decree in any suit in the highest court of a State in which a decision in the suit could be had, where is drawn in question the validity of a treaty or statute of the United States, and the decision is against its validity; or where is drawn in question the validity of a statute of any State, on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, and the decision is in favor of its validity, may be reviewed by the Supreme Court upon a writ of error. The writ shall have the same effect as if the judgment or decree had been rendered or passed in a court of the United States. The Supreme Court may reverse, modify, or affirm the judgment or decree of such State court, and may, in its discretion, award execution or remand the cause to the court from which it was removed by the writ.

That seems to be the old statute, the provision of the judiciary act of 1789.

Mr. CUMMINS. No; the latter part of the provision the Senator read is not in the judiciary act of 1789.

Mr. WALSH of Montana. That the Supreme Court may reverse, modify, and so forth?

Mr. CUMMINS. Paragraph (b) was passed five or six years ago in connection with other matters relating to the jurisdiction of the Supreme Court. That is my understanding.

Mr. WALSH of Montana. I think the Senator must refer to subdivision (b). That would seem to make the jurisdiction obligatory, that a man had a perfect right to go from the supreme court of the State to the Supreme Court of the United States without asking leave of anybody; but when you take subdivision (b) in connection with it, it puts quite a different aspect upon it, because that reads:

It shall be competent for the Supreme Court, by certiorari, to require that there be certified to it for review and determination, with the same power and authority and with like effect as if brought up by writ of error, any cause wherein a final judgment or decree has been rendered or passed by the highest court of a State in which a decision could be had where is drawn in question the validity of a treaty or statute of the United States; or where is drawn in question the validity of a statute of any State on the ground of its being repugnant to the Constitution, treaties, or laws of the United States; or where any title, right, privilege, or immunity is specially set up or claimed by either party under the Constitution, or any treaty or statute of, or commission held or authority exercised under, the United States; and the power to review under this paragraph may be exercised as well where the Federal claim is sustained as where it is denied.

I remember when we passed that statute; but it seems to me that subdivision (b) certainly overlaps subdivision (a).

Mr. CUMMINS. If there is a conflict it is in the law now.

Mr. WALSH of Montana. But when we revise the law and codify it we ought to simplify it and not leave a conflict.

Mr. CUMMINS. This bill provides, as already read by the Senator from Montana, in paragraph (b) of that section, which is an amendment, of course, to section 237 of the Judicial Code:

It shall be competent for the Supreme Court, by certiorari, to require that there be certified to it for review and determination, with the same power and authority—

And so forth. Then follows the substance of the existing law. I do not understand that there is any material difference between this bill and the present law so far as the review of the decision of the State courts of last resort is concerned. I confess my inability clearly to understand the law that was passed four or five years ago in its application to the writ of error which is provided for in the early part of section 237.

Mr. WALSH of Montana. That is the point I am making. Here is a man who has a case in a State court. He makes the point that a certain statute violates the Constitution of the United States. The court decides against him and says it does not. Does he get into the Supreme Court by absolute writ of error, obligatory jurisdiction upon the part of the Supreme Court of the United States, under subdivision (a), or must he go to subdivision (b) and go to the Supreme Court for leave to come into the Supreme Court?

Mr. CUMMINS. I think he would exercise the writ of right, the writ of error, in such a case and reach the Supreme Court through its obligatory jurisdiction.

Mr. WALSH of Montana. I think it ought to be made clear what cases he may take there as of right and what cases he must go and ask permission to take there.

Mr. CUMMINS. I agree to the necessity of making it clear.

Mr. REED of Missouri. Mr. President, I think the language is so obscure that upon reading it now hastily I am sure I would not know which course to pursue.

Mr. CUMMINS. As Senators know, the effort has been to change the present law as little as possible, and I assume that that was the reason for retaining substantially the language of the law as it now is.

Mr. SWANSON. Mr. President, will the Senator yield to me?

Mr. CUMMINS. I yield.

Mr. SWANSON. I am satisfied that we possibly can get this bill through if we will definitely provide that where a State statute or constitution is declared null and void as contrary to a treaty or the Constitution of the United States, or where an act of Congress is declared null and void as repugnant to the Constitution of the United States, there shall be an appeal as of right to the Supreme Court of the United States. It seems to me that if there is any class of cases in the world upon which a Supreme Court ought to exercise its judgment in uniformity, it is cases of that character.

Mr. CUMMINS. That jurisdiction is obligatory in the present bill.

Mr. SWANSON. In all cases?

Mr. CUMMINS. Certainly.

Mr. SWANSON. In all cases from the circuit court? Let me ask the Senator a specific question. As I understand, there have been two decisions in connection with the Volstead Act limiting the amount of whisky that a doctor may prescribe.

Mr. CUMMINS. I hope we will not get the Volstead Act into this law.

Mr. SWANSON. No; but let us take this case: One circuit court decides one way and another circuit court decides another way. If this bill passes, can that come as a matter of right imperatively to the Supreme Court for decision?

Mr. CUMMINS. In such a case as that the jurisdiction of the Supreme Court is discretionary under this bill.

Mr. SWANSON. What I want to do, first, is to make it imperative as a matter of right that the Supreme Court shall pass upon acts of Congress, as to whether they shall be declared constitutional or unconstitutional, and the next thing is not to have a State constitution or law nullified except by the Supreme Court. Instead of passing on the amount of money involved in cases, I believe that the best work the Supreme Court can do is in connection with far-reaching questions like that which go to the very structure of our Government and ought to be passed on by the Supreme Court. I have an idea that if we will amend this bill so as to provide for a writ of error in all cases where those issues are involved there will be very little difficulty in passing this bill.

Mr. CUMMINS. Mr. President, may I read the first paragraph of section 237 as proposed in this bill?

Mr. SWANSON. Before that is done let me ask the Senator whether this bill can be amended so as to accomplish that without impairing its usefulness as to giving the court relief from overwork?

Mr. CUMMINS. Of course it impairs its usefulness just to that extent—that is, its usefulness as viewed from the standpoint of the prompt decision of the various cases that are brought to the Supreme Court.

Mr. SWANSON. Does the Senator think that an act of Congress or the constitution of a State ought to be declared

unconstitutional, without having an opportunity to have uniform decisions in the various courts?

Mr. CUMMINS. When it comes to the comparative value of deciding cases promptly and the value of having the opinion of the Supreme Court in such cases as are suggested by the Senator from Virginia, that is a matter that may very well be carefully considered.

Mr. SWANSON. I was going to suggest to the Senator who has urged these objections to the bill as not giving the right of appeal in these cases and to the Senator who has charge of this bill that if an agreement were reached by which the court could have jurisdiction without question in cases of that character I have an idea that the bill would pass very promptly; but I doubt if it could pass at this session without the right of appeal in cases like that being fixed.

Mr. CUMMINS. I understand.

Mr. President, I am inclined to ask unanimous consent that at the close of the routine morning business on Monday this bill may be taken up.

Mr. CURTIS. I understand there is a special order for Monday. I have no objection to going on with this bill and having it disposed of, if possible.

Mr. BRUCE. Mr. President, is the Senator asking for unanimous consent?

Mr. CUMMINS. I am.

Mr. BRUCE. I am very sorry, but my interest in the calendar is such that I am unable to acquiesce. I object, Mr. President. Monday is the regular calendar day.

Mr. WALSH of Montana. Then I renew the suggestion made a while ago, that the chairman of the committee allow the bill to be recommitted, and let us take it up in the committee and see if we can not work it out in a satisfactory way.

Mr. SWANSON. I suggest that that be done, with the idea that it will be reported back within a week.

Mr. CUMMINS. No; I can not agree to that. Does the Senator from Maryland object to the request for unanimous consent?

The PRESIDING OFFICER. There was objection.

Mr. CUMMINS. Then we will go on until 2 o'clock. I yield the floor.

The PRESIDING OFFICER. The question is on the bill as amended.

Mr. BRUCE. Mr. President, would Tuesday suit the convenience of the Senator as well? I should not make any objection to that.

Mr. CUMMINS. I asked unanimous consent that at the conclusion of to-day's business the Senate adjourn, instead of taking a recess, and that at the close of the routine business on Monday morning this bill be taken up.

Mr. BRUCE. My suggestion was, would not Tuesday suit the Senator's convenience just as well? I should not object to that.

Mr. CUMMINS. Tuesday would suit me just as well. I have no objection to that.

Mr. SWANSON. Mr. President, I shall have to object to that if it interferes with the unfinished business. If the Senator will take it up after the routine morning business and continue its consideration until 2 o'clock, I have not objection.

Mr. CUMMINS. That was my request—to continue its consideration until it is displaced by the unfinished business.

Mr. SWANSON. At 2 o'clock.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that at the close of morning business on Monday—

SEVERAL SENATORS. No; on Tuesday.

The PRESIDING OFFICER. The Chair is trying to get out of a tangle in order to insure that when the Senate ends its session on Monday it will be by adjournment instead of recess, so that there will be morning business on Tuesday.

Mr. SMOOT. The latter part of the request should be changed, because the Senator requested that we adjourn to-day.

Mr. CUMMINS. That, of course, would be modified.

The PRESIDING OFFICER. That is the obstacle the Chair is trying to avoid.

Mr. BRUCE. Mr. President, so far as I am concerned, the situation is just this: I am deeply interested in the next number on the calendar.

Mr. CUMMINS. I ask unanimous consent that at the close of routine morning business on Tuesday this bill be taken up.

The PRESIDING OFFICER. The Senator from Iowa makes the request that at the conclusion of the routine morning business on Tuesday this bill be taken up.

Mr. SWANSON. Until 2 o'clock.

The PRESIDING OFFICER. Until 2 o'clock. Is there objection?

Mr. SWANSON. I should like to supplement that with this: I suggest to the Senator that we adjourn on Monday, at the conclusion of the day's business, so that there will be routine morning business on Tuesday. If a recess were taken, we would not have it.

Mr. CURTIS. The Senator need not worry about that. I will see that the Senate adjourns.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa? The Chair hears none, and it is so ordered.

The Secretary will call the next bill on the calendar.

Mr. SMOOT. If we are to go on with the calendar now, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Dill	Kendrick	Shipstead
Bayard	Ferris	McKellar	Shortridge
Bingham	Fess	McKinley	Simmons
Brookhart	Fletcher	McNary	Smoot
Bruce	Frazier	Means	Stanfield
Butler	George	Metcalf	Sterling
Cameron	Hale	Moses	Swanson
Capper	Harris	Neely	Trammell
Caraway	Harrison	Norbeck	Wadsworth
Copeland	Heflin	Oddie	Walsh, Mont.
Couzens	Howell	Overman	Watson
Cummins	Johnson, Calif.	Pepper	Willis
Curtis	Johnson, Minn.	Phipps	
Dale	Jones, N. Mex.	Reed, Pa.	
Dial	Jones, Wash.	Sheppard	

The PRESIDING OFFICER. Fifty-seven Senators having answered to their names, a quorum is present. The Secretary will call the next bill on the calendar.

BILLS AND JOINT RESOLUTIONS PASSED OVER

The bill (S. 56) for the allowance of certain claims for indemnity for spoliation by the French prior to July 31, 1801, as reported by the Court of Claims, was announced as next in order.

Mr. HOWELL. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 246) for the relief of Margaret I. Varnum, was announced as next in order.

Mr. DIAL. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3091) declaring an emergency in respect of certain agricultural commodities, to promote equality between agricultural commodities and other commodities, and for other purposes, was announced as next in order.

Mr. JONES of Washington. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 7111) to promote American agriculture by making more extensively available and by expanding the service now rendered by the Department of Agriculture in gathering and disseminating information regarding agricultural production, competition, and demand in foreign countries in promoting the sale of farm products abroad, and in other ways, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1638) authorizing the Court of Claims to adjudicate the claim of Capt. David McD. Shearer for compensation for the adoption and use and acquisition by the United States Government of his patented inventions, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3011) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 626) to prevent the sale of cotton and grain in future markets, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1230) to amend section 11 of the act entitled "An act for the retirement of public-school teachers in the District of Columbia," approved January 15, 1920, was announced as next in order.

Mr. SMOOT. There will be an amendment offered to this bill, and the Senator having it in charge not being here, I ask that it go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1642) to provide for the purchase and sale of farm products was announced as next in order.

Mr. CURTIS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2570) to provide for the establishment, operation, and maintenance of foreign trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes, was announced as next in order.

Mr. JONES of Washington. I will ask that that bill may go over. We could not dispose of it now.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 47) establishing a congressional committee to consider ways and means through legislation to lighten the responsibilities of the President was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. That joint resolution will be passed over.

The bill (S. 2155) to amend and modify the war risk insurance act was announced as next in order.

Mr. REED of Pennsylvania. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 87) authorizing the erection of a flagstaff at Fort Sumter, and for other purposes, was announced as next in order.

Mr. PEPPER. On account of the absence from the Chamber of the senior Senator from South Carolina [Mr. SMITH], I will ask that the joint resolution may go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

CONSTRUCTION OF PUBLIC BUILDINGS

The bill (S. 2284) to provide for the construction of certain public buildings in the District of Columbia was announced as next in order.

Mr. SMOOT. Let that go over.

Mr. FLETCHER. I would like to have a vote on the amendment which I have proposed.

Mr. SMOOT. I do not want to have a vote on it now. We have not very many Senators here, and I will ask that the bill go over.

Mr. FLETCHER. I will ask for a yea and nay vote on it, and that will bring Senators in.

Mr. SMOOT. A great many of them are not in the city this afternoon.

Mr. FLETCHER. I move that the bill be taken up.

Mr. SMOOT. That can not be done under the unanimous-consent agreement.

Mr. FLETCHER. We have not reached the hour of 2 o'clock yet.

Mr. SMOOT. Its consideration would take the time between now and 2 o'clock, anyway.

Mr. FLETCHER. I move that we take the bill up.

The PRESIDING OFFICER. The Senator from Florida moves that the Senate proceed to the consideration of Senate bill 2284, to provide for the construction of certain public buildings in the District of Columbia.

Mr. SMOOT. That motion is debatable, and it will take the time between now and 2 o'clock to debate it.

Mr. FLETCHER. The motion is not debatable before 2 o'clock.

Mr. SMOOT. Oh, yes, it is.

Mr. FLETCHER. It is not debatable, and I ask for a vote on my motion.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Fess	Kendrick	Sheppard
Bayard	Fletcher	McKellar	Shields
Bingham	Frazier	McKinley	Shipstead
Brookhart	George	McLean	Shortridge
Bruce	Glass	McNary	Simmons
Bursum	Gooding	Means	Smoot
Butler	Hale	Metcalf	Stanfield
Capper	Harrell	Moses	Sterling
Caraway	Harrison	Neely	Swanson
Copeland	Heflin	Norbeck	Trammell
Curtis	Howell	Oddie	Wadsworth
Dale	Johnson, Calif.	Overman	Warren
Dial	Johnson, Minn.	Pepper	Watson
Dill	Jones, N. Mex.	Phipps	Willis
Ferris	Jones, Wash.	Reed, Pa.	

The PRESIDING OFFICER. Fifty-nine Senators having answered to their names, a quorum is present. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. A bill (H. R. 4971) 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.

The PRESIDING OFFICER. By virtue of the previous order, the unfinished business is temporarily laid aside, and the Senate proceeds to the consideration of unobjected bills on the calendar. The Clerk will report the next bill on the calendar.

Mr. FLETCHER. I understand that the bill (S. 2284) to provide for the construction of certain public buildings in the District of Columbia has gone over on the objection of the Senator from Utah?

The PRESIDING OFFICER. It has.

ROBERT JUNE

The bill (S. 2586) for the relief of Robert June was announced as next in order.

Mr. SMOOT. Is there any member of the Committee on Claims present who can answer a question in relation to the bill? There seems to be none, and I shall ask that it go over, although I have no objection to paying the amount under the law to which the claimant is entitled.

The PRESIDING OFFICER. The bill will be passed over.

AMENDMENT OF TRADING WITH THE ENEMY ACT

The bill (S. 1548) to amend section 9 of an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved March 4, 1923, as amended, was considered as in Committee of the Whole.

The bill has been reported from the Committee on the Judiciary with an amendment, on page 1, line 5, to strike out "March 4, 1923," and insert in lieu thereof "October 6, 1917," so as to read:

Be it enacted, etc., That section 9 of an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, as amended, be, and hereby is, amended to read as follows:

Amend subdivision (a) of section 9 by adding thereto the following words:

"That as to any claim or claims filed with the Alien Property Custodian under the provisions of this act against any insurance partnership, association, or corporation for unpaid amounts for losses or damages caused directly or indirectly by the great San Francisco conflagration of April 18, 1906, the right to plead the statute of limitations as a defense is hereby suspended. Any number of claimants against any such insurance partnership, association, or corporation for unpaid amounts for losses or damages caused directly or indirectly by the great San Francisco conflagration of April, 1906, may join in the same action."

The amendment was agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend section 9 of an act entitled 'An act to define, regulate, and punish trading with the enemy, and for other purposes,' approved October 6, 1917, as amended."

BILL AND JOINT RESOLUTION PASSED OVER

The bill (S. 3010) to amend the classification act of 1923, approved March 4, 1923, was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDING OFFICER. The bill goes over.

The joint resolution (S. J. Res. 121) to create a body corporate by the name of the Alien Property Trade Investment Corporation was announced as next in order.

Mr. McKELLAR. At the request of another Senator, I ask that the joint resolution may go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

STEPHEN A. WINCHELL

The bill (S. 1232) for the relief of Stephen A. Winchell was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of the pension laws Stephen A. Winchell, late of Company K, Sixth Regiment Maine Volunteer Infantry, and of Second Company, Second Battalion Veteran Reserve Corps, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of Second Company, Second Battalion Veteran Reserve Corps, on the 5th day of September, 1865: *Provided*, That no pay, pension, bounty, or other emolument shall accrue prior to the passage of this act.

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

AMENDMENT OF CLASSIFICATION ACT OF 1923

The bill (H. R. 6806) to amend an act entitled "The classification act of 1923," approved March 4, 1923, was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

PALESTINE TROUP

The bill (S. 3090) for the relief of Palestine Troup was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with amendments, on page 1, line 8, after the word "been," to strike out "honorably discharged from," and to insert in lieu thereof "mustered into," and in line 10, after the word "organization," to insert "on the 12th day of April, 1864, and to have been honorably discharged," so as to read:

Be it enacted, etc., That in the administration of the pension laws and the laws conferring rights and privileges upon honorably discharged soldiers, their widows and dependent relatives, Palestine Troup, formerly a private of Company E, Fortieth Regiment Indiana Volunteer Infantry, shall be held and considered to have been mustered into the military service of the United States as a member of said organization on the 12th day of April, 1864, and to have been honorably discharged on the 20th day of July, 1864: *Provided*, That no pay, bounty, or other emolument shall accrue prior to the passage of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HARRIMAN GEOGRAPHIC CODE SYSTEM

The joint resolution (S. J. Res. 41) authorizing a joint committee of both Houses to investigate the Harriman geographic code system, now in use by the War Department, with a view to ascertaining the adaptability and application of said system in the several executive departments and administrative branches of the Government and to rendering a just compensation to the owner thereof was announced as next in order.

Mr. SMOOT. Let the joint resolution go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

ARBITRATION OF DISPUTES

The bill (S. 1005) to make valid and enforceable written provisions or agreements for arbitration of disputes arising out of contracts, maritime transactions, or commerce among the States or Territories or with foreign nations, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with amendments, on page 1, line 6, after the word "foreign" to strike out "or interstate"; on page 2, line 11, after the word "or" to insert "a contract evidencing a"; on page 2, line 13, after the word "arising" to strike out "between the parties"; on page 3, line 22, after the word "agreement" to insert "*Provided*, That the hearing and proceedings under such agreement shall be within the district in which the petition for an order directing such arbitration is filed"; on page 6, after line 10, to strike out:

Sec. 8. That if the basis of jurisdiction be diversity of citizenship between citizens of several States or one of the parties be a foreign State, citizen, or subject the district court or courts which would have jurisdiction if the matter in controversy exceeded, exclusive of interests and costs, the sum or value of \$3,000, shall have jurisdiction to proceed hereunder, notwithstanding the amount in controversy is unascertained, or is to be determined by arbitration.

On page 6, line 19, strike out the numeral "9" and insert the numeral "8"; on page 7, line 3, after the word "Sec." to strike out the numeral "10" and insert the numeral "9," and to strike out "That the award in any case must be in writing and acknowledged or proved in like manner as a deed for the conveyance of real estate in the State or district where the award is made and delivered to the parties or their attorneys"; on page 8, line 4, to strike out the numeral "11" and insert the numeral "10"; on page 9, line 1, strike out the numeral "12" and insert the numeral "11"; on page 9, line 18, strike out the numeral "13" and insert the numeral "12"; page 10, strike out:

Sec. 14. That upon the granting of an order confirming, modifying, or correcting an award judgment may be entered in conformity therewith, no exception shall be taken, but an appeal may be taken from such order or judgment as hereinafter set forth.

On page 10, line 14, strike out the numeral "15" and insert "13"; on page 11, line 8, strike out:

SEC. 16. That an appeal may be taken from an order vacating an award or from a judgment entered upon an award, as from an order or judgment in an action.

On page 11, line 11, strike out the numeral "17" and insert "14"; page 11, line 13, strike out the numeral "18" and insert "15," so as to make the bill read:

Be it enacted, etc., That "maritime transactions," as herein defined, means charter parties, bills of lading of water carriers, agreements relating to wharfage, supplies furnished vessels or repairs to vessels, collisions, or any other matters in foreign commerce which, if the subject of controversy, would be embraced within admiralty jurisdiction; "commerce," as herein defined, means commerce among the several States or with foreign nations, or in any Territory of the United States or in the District of Columbia, or between any such Territory and another, or between any such Territory and any State or foreign nation, or between the District of Columbia and any State or Territory or foreign nation, but nothing herein contained shall apply to contracts of employment of seamen, railroad employees, or any other class of workers engaged in foreign or interstate commerce.

SEC. 2. That a written provision in any maritime transaction or a contract evidencing a transaction involving commerce to settle by arbitration a controversy thereafter arising out of such contract or transaction, or the refusal to perform the whole or any part thereof, or an agreement in writing to submit to arbitration an existing controversy arising out of such a contract, transaction, or refusal, shall be valid, irrevocable, and enforceable, save upon such grounds as exist at law or in equity for the revocation of any contract.

SEC. 3. That if any suit or proceeding be brought in any of the courts of the United States upon any issue referable to arbitration under an agreement in writing for such arbitration, the court in which such suit is pending, upon being satisfied that the issue involved in such suit or proceeding is referable to arbitration under such an agreement, shall on application of one of the parties stay the trial of the action until such arbitration has been had in accordance with the terms of the agreement, providing the applicant for the stay is not in default in proceeding with such arbitration.

SEC. 4. That a party aggrieved by the alleged failure, neglect, or refusal of another to arbitrate under a written agreement for arbitration may petition any court of the United States which, save for such agreement, would have jurisdiction under the judicial code at law, in equity, or in admiralty of the subject matter of a suit arising out of the controversy between the parties, for an order directing that such arbitration proceed in the manner provided for in such agreement. Five days' notice in writing of such application shall be served upon the party in default. Service thereof shall be made in the manner provided by law for the service of summons in the jurisdiction in which the proceeding is brought. The court shall hear the parties, and upon being satisfied that the making of the agreement for arbitration or the failure to comply therewith is not in issue, the court shall make an order directing the parties to proceed to arbitration in accordance with the terms of the agreement: *Provided*, That the hearing and proceedings under such agreement shall be within the district in which the petition for an order directing such arbitration is filed. If the making of the arbitration agreement or the failure, neglect, or refusal to perform the same be in issue, the court shall proceed summarily to the trial thereof. If no jury trial be demanded by the party alleged to be in default, or if the matter in dispute is within admiralty jurisdiction, the court shall hear and determine such issue. Where such an issue is raised, the party alleged to be in default may, except in cases of admiralty, on or before the return day of the notice of application, demand a jury trial of such issue, and upon such demand the court shall make an order referring the issue or issues to a jury in the manner provided by law for referring to a jury issues in an equity action, or may specially call a jury for that purpose. If the jury find that no agreement in writing for arbitration was made or that there is no default in proceeding thereunder, the proceeding shall be dismissed. If the jury find that an agreement for arbitration was made in writing and that there is a default in proceeding thereunder, the court shall make an order summarily directing the parties to proceed with the arbitration in accordance with the terms thereof.

SEC. 5. That if in the agreement provision be made for a method of naming or appointing an arbitrator or arbitrators or an umpire, such method shall be followed; but if no method be provided therein, or if a method be provided and any party thereto shall fail to avail himself of such method, or if for any other reason there shall be a lapse in the naming of an arbitrator or arbitrators or umpire, or in filling a vacancy, then upon the application of either party to the controversy the court shall designate and appoint an arbitrator or arbitrators or umpire, as the case may require, who shall act under the said agreement with the same force and effect as if he or they had been specifically named therein; and unless otherwise provided in the agreement the arbitration shall be by a single arbitrator.

SEC. 6. That any application to the court hereunder shall be made and heard in the manner provided by law for the making and hearing of motions, except as otherwise herein expressly provided.

SEC. 7. That the arbitrators selected either as prescribed in this act or otherwise, or a majority of them, may summon in writing any person to attend before them or any of them as a witness and in a proper case to bring with him or them any book, record, document, or paper which may be deemed material as evidence in the case. The fees for such attendance shall be the same as the fees of witnesses before masters of the United States courts. Said summons shall issue in the name of the arbitrator or arbitrators, or a majority of them, and shall be signed by the arbitrators, or a majority of them, and shall be directed to the said person and shall be served in the same manner as subpoenas to appear and testify before the court; if any person or persons so summoned to testify shall refuse or neglect to obey said summons, upon petition the United States court in and for the district in which such arbitrators, or a majority of them, are sitting may compel the attendance of such person or persons before said arbitrator or arbitrators, or punish said person or persons for contempt in the same manner now provided for securing the attendance of witnesses or their punishment for neglect or refusal to attend in the courts of the United States.

SEC. 8. That if the basis of jurisdiction be a cause of action otherwise justiciable in admiralty, then, notwithstanding anything herein to the contrary, the party claiming to be aggrieved may begin his proceeding hereunder by libel and seizure of the vessel or other property of the other party according to the usual course of admiralty proceedings, and the court shall then have jurisdiction to direct the parties to proceed with the arbitration and shall retain jurisdiction to enter its decree upon the award.

SEC. 9. If the parties in their agreement have agreed that a judgment of the court shall be entered upon the award made pursuant to the arbitration, and shall specify the court, then at any time within one year after the award is made any party to the arbitration may apply to the court so specified for an order confirming the award, and thereupon the court must grant such an order unless the award is vacated, modified, or corrected as prescribed in the next two sections. If no court is specified in the agreement of the parties, then such application may be made to the United States court in and for the district within which such award was made. Notice of the application shall be served upon the adverse party, and thereupon the court shall have jurisdiction of such party as though he had appeared generally in the proceeding. If the adverse party is a resident of the district within which the award was made, such service shall be made upon the adverse party or his attorney as prescribed by law for service of notice of motion in an action in the same court. If the adverse party shall be a nonresident, then the notice of the application shall be served by the marshal of any district within which the adverse party may be found in like manner as other process of the court.

SEC. 10. That in either of the following cases the United States court in and for the district wherein the award was made may make an order vacating the award upon the application of any party to the arbitration—

(a) Where the award was procured by corruption, fraud, or undue means.

(b) Where there was evident partiality or corruption in the arbitrators, or either of them.

(c) Where the arbitrators were guilty of misconduct in refusing to postpone the hearing, upon sufficient cause shown, or in refusing to hear evidence pertinent and material to the controversy; or of any other misbehavior by which the rights of any party have been prejudiced.

(d) Where the arbitrators exceeded their powers, or so imperfectly executed them that a mutual, final, and definite award upon the subject matter submitted was not made.

(e) Where an award is vacated and the time within which the agreement required the award to be made has not expired the court may, in its discretion, direct a rehearing by the arbitrators.

SEC. 11. That in either of the following cases the United States court in and for the district wherein the award was made may make an order modifying or correcting the award upon the application of any party to the arbitration—

(a) Where there was an evident material miscalculation of figures or an evident material mistake in the description of any person, thing, or property referred to in the award.

(b) Where the arbitrators have awarded upon a matter not submitted to them, unless it is a matter not affecting the merits of the decision upon the matters submitted.

(c) Where the award is imperfect in matter of form not affecting the merits of the controversy.

The order may modify and correct the award so as to effect the intent thereof and promote justice between the parties.

SEC. 12. That notice of a motion to vacate, modify, or correct an award must be served upon the adverse party or his attorney within

three months after the award is filed or delivered. If the adverse party is a resident of the district within which the award was made, such service shall be made upon the adverse party or his attorney as prescribed by law for service of notice of motion in an action in the same court. If the adverse party shall be a nonresident, then the notice of the application shall be served by the marshal of any district within which the adverse party may be found in like manner as other process of the court. For the purposes of the motion any judge who might make an order to stay the proceedings in an action brought in the same court may make an order, to be served with the notice of motion, staying the proceedings of the adverse party to enforce the award.

SEC. 13. That the party moving for an order confirming, modifying, or correcting an award shall, at the time such order is filed with the clerk for the entry of judgment thereon, also file the following papers with the clerk:

(a) The agreement; the selection or appointment, if any, of an additional arbitrator or umpire; and each written extension of the time, if any, within which to make the award.

(b) The award.

(c) Each notice, affidavit, or other paper used upon an application to confirm, modify, or correct the award, and a copy of each order of the court upon such an application.

The judgment shall be docketed as if it was rendered in an action.

The judgment so entered shall have the same force and effect, in all respects, as, and be subject to all the provisions of law relating to, a judgment in an action; and it may be enforced as if it had been rendered in an action in the court in which it is entered.

SEC. 14. That this act may be referred to as "the United States arbitration act."

SEC. 15. That all acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect on and after the 1st day of January next after its enactment, but shall not apply to contracts made prior to the taking effect of this act.

The amendments were agreed to.

Mr. STERLING. Mr. President, an order was made a while ago by the Presiding Officer relative to House bill 646, which is identical with Senate bill 1005 now under consideration. On my own suggestion the Committee on Commerce, to which House bill 646 had been inadvertently referred, was discharged from the further consideration of the bill, and the bill was referred to the Committee on the Judiciary. I now ask unanimous consent that that part of the order referring the bill to the Committee on the Judiciary be rescinded and that the bill lie on the table.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Dakota?

Mr. JONES of Washington. As I understand it, the House bill is just the same as the Senate bill as now amended?

Mr. STERLING. It is.

The PRESIDING OFFICER. The Chair hears no objection, and it is so ordered. The Chair now lays before the Senate House bill 646.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 646) to make valid and enforceable written provisions or agreements for arbitration of disputes arising out of contracts, maritime transactions, or commerce among the States or Territories, or with foreign nations."

Mr. STERLING. I ask that the amendments just adopted to Senate bill 1005 be inserted in the House bill now before the Senate.

Mr. SMOOT. I understood the Senator to state that the House bill is exactly the same as the Senate bill as amended.

Mr. STERLING. Oh, no.

Mr. SMOOT. Then the Senator can not make a motion in that form.

The PRESIDING OFFICER. The Senator from South Dakota should move to strike out all after the enacting clause in House bill 646 and insert the text of Senate bill 1005.

Mr. STERLING. Very well; that is my motion.

Mr. CARAWAY. Reserving the right to object, the Senator from North Carolina [Mr. OVERMAN] was opposed to the measure. Such an amendment was suggested in the committee.

Mr. STERLING. That amendment is in the bill. They were all included in the bill.

Mr. CARAWAY. The one touching the question as to where the arbitration shall take place?

Mr. STERLING. Yes.

Mr. CARAWAY. So it is not possible to drag a man across the country to arbitrate?

Mr. STERLING. That amendment is still in the bill.

Mr. CARAWAY. And no other amendments were agreed to except those that went into the bill in the Judiciary Committee?

Mr. STERLING. No other amendment than those that went into the bill in the committee. The committee amendments alone were agreed to, and it involves the last amendment suggested by the Senator from Arkansas.

Mr. CARAWAY. The Senator will recall that there was considerable discussion about the language with respect to section 2 of the bill. I was going to suggest to the Senator that the language, "a written provision in any maritime transaction or a contract evidencing a transaction," would seem to be rather remarkable. I wonder if the Senator, for the sake of saying what we mean, would not be willing to strike out "maritime transaction," and after the word "evidencing," in line 11, page 2, insert "a contract evidencing a maritime transaction." I take it that a transaction is something we do and I do not see how there could be such a thing as "a written provision in an act" that we do. A contract discloses what the transaction is or is to be. Therefore, "a written provision in a contract evidencing a maritime transaction," it strikes me, is hardly a proper term. It seems to me it would not be well to say "a written provision in a maritime transaction." I am curious to know just what the language means as now in the section.

Mr. STERLING. I will say to the Senator from Arkansas that that particular language was the subject of some discussion in the subcommittee, as the Senator will recall.

Mr. CARAWAY. Yes; I recall it.

Mr. STERLING. This phraseology is really phraseology suggested by the Senator from Montana [Mr. WALSH]. I do not think there is any ambiguity about the language "that a written provision in any maritime transaction or a contract evidencing a transaction involving commerce," and so forth. I do not believe the language will be misunderstood. It is a little different phraseology, but the purport is just the same as the language in the original bill.

The PRESIDING OFFICER. The time of the Senator from South Dakota has expired.

Mr. CARAWAY. I have been opposed to the provisions of the bill. I have decided that I shall not press my opposition to the extent of objecting to its consideration, but I do believe we ought to have a little pride of expression in the use of language that would be passable and that we should say the thing we intend to say. I do not consider that anybody could seriously contend that the expression "a written provision in any maritime transaction" is clear. A transaction is an act. It is not a written contract evidencing that act at all. It is the act itself. If the Senator would see fit to consent—I will not press it to the point of offering it as an amendment—to let it read "that a provision in any written contract evidencing a maritime transaction involving commerce," and so forth, I would be glad to have him do so.

Mr. STERLING. I fear that would limit the provisions of the bill very much. That would be the effect of the amendment. The Senator suggests the words "a written provision in any contract evidencing a maritime transaction involving commerce." Then it would be confined to maritime transactions, and the purpose of the bill is that it shall not only extend to maritime transactions but also to transactions involving interstate commerce as well.

Mr. CARAWAY. I seem wholly unable to make myself clear. The thing I am trying to say is that a transaction is an act, it is something people do, and it is not a written contract. The contract may evidence what the transaction has been or what it is to be. That is what we say we have agreed to do, but now to say that a written provision in a transaction would be such a novel thing that I can not agree to it.

Mr. STERLING. Mr. President, let me ask the Senator from Arkansas a question.

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from South Dakota?

Mr. CARAWAY. Yes.

Mr. STERLING. I will ask the Senator will he consent to restore the original act?

Mr. CARAWAY. I want to say to the Senator, inasmuch as I am not very much in favor of the measure, I am not trying to change it; I am merely trying to appeal to the Senator. I think if the Senator would consider the question for a minute or so he could so transpose those expressions that the bill would say what he intends to say. However, if the Senator desires to go ahead and say that a transaction is not a transaction, but is merely an evidence of what the transaction was, I am not going very seriously to contend with him.

Mr. STERLING. Mr. President, I think I am quite content to leave the language stand as it is in the amendment.

Mr. CARAWAY. Should that be done, it would certainly be a monument to the Senator. I am perfectly willing for him to erect it.

The PRESIDING OFFICER. The question is on the amendment to strike out all after the enacting clause of the House bill and to insert in lieu thereof the Senate bill as amended.

The amendment was agreed to.

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

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

The bill was read the third time and passed.

The PRESIDENT pro tempore. Without objection Senate bill 1005 will be indefinitely postponed. The Chair hears none.

RETIREMENT FOR ARMY AND NAVY NURSE CORPS

The bill (S. 3285) to provide retirement for the Nurse Corps of the Army and Navy, was announced as next in order and was read, as follows:

Be it enacted, etc., That when a member of the Army Nurse Corps or the Navy Nurse Corps shall have served 30 years, or shall have reached the age of 50 years, having served 20 years, she may, in the discretion of the Secretary of War or the Secretary of the Navy, respectively, be retired from active service and placed on a list, hereby created in each of the aforementioned services and designated the "Nurse Corps Retired List," in the grade to which she belonged at the time of her retirement.

SEC. 2. That the annual pay of a retired member of the Army Nurse Corps or the Navy Nurse Corps shall be 3 per cent of the annual active base pay which she is receiving at the time of retirement multiplied by the number of complete years of service rendered prior to retirement, but not exceeding 75 per cent of such annual active base pay; and, in addition, supplemental annual retired pay for each complete year of active service rendered prior to retirement in each of the grades hereafter named, as follows: Chief nurse, \$18; assistant superintendent, \$45; director, \$45; assistant director, \$45; superintendent, \$75: *Provided*, That in computing the period of service in any grade for such supplemental retired pay any period less than a year served in any higher grade may be included.

SEC. 3. That for the purpose of computing eligibility for retirement and retired pay, there shall be credited active service in the Army Nurse Corps and in the Navy Nurse Corps active service as contract nurse prior to February 2, 1901, and service as a reserve nurse on active duty since February 2, 1901.

SEC. 4. That retired nurses shall be authorized to bear the title and may, under such regulations as may be prescribed by the Secretary of War or the Secretary of the Navy, wear the uniform of the grade held at the time of retirement, and, in time of war or national emergency, may be employed on active duty, in the discretion of the Secretary of War or the Secretary of the Navy, and when so employed shall receive the full active pay and allowances of their respective grades.

Mr. SMOOT. Let that bill go over, Mr. President.

Mr. WADSWORTH. Mr. President, will the Senator withhold his objection, in order to give me an opportunity to make a very brief statement in connection with that bill?

Mr. SMOOT. Yes.

Mr. WADSWORTH. Mr. President, this bill was reported from the Committee on Military Affairs on May 16, 1924. It has been continuously on the calendar since that date. Its purpose is to extend to the Army and Navy nurses the retirement privilege. The entire personnel of the Army and of the Navy enjoys the privilege of retirement, either after incurring disability in the line of service or upon reaching a certain age limit. All the civil employees of the United States Government, or nearly all of them, by statute enacted by Congress enjoy the retirement privilege. The only important group of which I know which does not enjoy any retirement privilege whatsoever is that embracing the Army and Navy nurses. In the judgment of the Military Affairs Committee it is a matter of simple justice to a group of women who serve their country in the military service in time of peace and in time of war, very often under most trying and bitter conditions. This bill provides that when an Army nurse or a Navy nurse shall have completed 30 years' service she may be retired, just as an enlisted man in the regular service in either the Army or the Navy may be retired, or upon reaching the age of 50 years and having served 20 years that she may be retired.

An objection has been raised against this bill every time it has been reached upon the calendar, and I should like to know the basis of the objection.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. SMOOT. I desire to ask the Senator from New York if the Army and Navy nurses do not receive compensation that is equal to that received by any nurses in the United States?

Mr. WADSWORTH. No. The pay of the Army and Navy nurses is about 20 per cent less than is the pay of trained nurses working in outside hospitals.

Mr. SMOOT. To just what hospitals does the Senator have reference? There may be a particular hospital as to which that is true.

Mr. WADSWORTH. I refer to municipal hospitals and to private and public hospitals.

Mr. SMOOT. I think the Senator is wrong as to that.

Mr. WADSWORTH. The recollection of the Senator from New York is fairly distinct about the matter, because he happened to be chairman of the joint committee of Congress which was charged with the revision of the pay schedules of the Army and Navy and Marine Corps and other related services. The question of the pay of nurses was examined into very carefully at that time. They were then given increase in pay, but the increase did not bring their pay up to the point of that which is enjoyed by nurses working here in Washington outside of the Army or the Navy.

Mr. SMOOT. Mr. President, I had a list of the salaries which were paid nurses in all parts of the United States.

Mr. WADSWORTH. So did we.

Mr. SMOOT. I wish to say that there are only a few hospitals, according to the report to which I refer, if it is correct, which pay their nurses higher salaries than those which are paid to nurses in the Army and Navy, and in those cases the compensation is only slightly higher, but the report shows as to the majority of hospitals in the United States that the salary of nurses is no higher than that which is paid to nurses of the Army and the Navy.

Mr. WADSWORTH. That is exactly and absolutely contrary to the finding of the joint pay committee. A nurse here in Washington in private practice is paid on the average \$35 a week.

Mr. COPELAND. They are paid more than that.

Mr. WADSWORTH. That is the minimum sum, but frequently it reaches \$40 and sometimes \$50 a week. The Army nurses at Walter Reed Hospital get about \$25 a week, and they are the only people in the military service of the United States who do not enjoy the retirement privilege. They give their lives and their health to the service, just as does a soldier, and they are entitled to the retirement privilege.

Mr. SMOOT. Mr. President, they are entitled to it if they are not receiving the same compensation which is paid for the same work outside in private life, but merely because of the fact that they are nurses in the Army and Navy, if they are receiving the same salary as those who are paid outside are receiving, does not entitle them to longevity pay and quarters and the retirement privilege and everything else.

Mr. WADSWORTH. They already get commutation of quarters.

Mr. SMOOT. Then they are getting more than nurses outside get.

Mr. WADSWORTH. No; they are not at all. I do not mean to be abrupt with the Senator, but I desire to state that the committee has studied this question, and the Senator is wrong.

The PRESIDING OFFICER. The Chair understands the objection is urged, and the bill will be passed over.

Mr. COPELAND. Mr. President, I hope the objection will not be pressed.

The PRESIDING OFFICER. Objection has already been made.

Mr. WADSWORTH. I move that the bill be taken up.

Mr. SWANSON. I should like to make a statement to the Senator from Utah.

The PRESIDING OFFICER. The motion of the Senator from New York [Mr. Wadsworth] is not in order.

Mr. WADSWORTH. Am I to understand that I can not make the motion under the unanimous-consent agreement which has been entered into?

The PRESIDING OFFICER. That is correct.

Mr. COPELAND. I hope the objection will not be persisted in. Anybody who knows the situation as to the nurses knows that nurses in private practice get not only from \$35 to \$50 a week but they also get commutation of quarters, and they get their board at the same time. Is there any doubt about that?

Mr. SMOOT. No; they do not.

The PRESIDING OFFICER. Does the Senator from Utah withdraw his objection to the consideration of the bill?

Mr. SMOOT. Well, Mr. President—

Mr. SWANSON. I should like to say that, so far as the Navy nurses are concerned, and others in the service of the Navy, they work for less pay than is received by others engaged in similar employment on the outside.

Mr. SMOOT. Who is it that is working for less?

Mr. SWANSON. I have known naval officers to resign from the Navy because they could get three times as much on the outside.

Mr. SMOOT. Perhaps they might get four times as much.

Mr. SWANSON. It is the fact that they are insured for life, because of the retirement privilege, which enables them to continue in the service, notwithstanding they have flattering offers on the outside. Take the nurses, for instance. I know what they do, and I know they do not receive the average pay.

Mr. SMOOT. I likewise know what they do. I know that the Senator from Virginia, of course, would give everybody in the Navy the retirement privilege or anything else they might ask; I have not any doubt about that; but I wish to be perfectly fair in this matter. If the service nurses are not receiving as much as are nurses outside, I would not object to the passage of this bill; but I say that the information which I have is that they are receiving more than a majority of nurses in the United States are receiving; and if that is the case there is no justification for the passage of the bill.

Mr. COPELAND. Mr. President, I am sure the Senator wants to be just about this matter, but he is mistaken.

Mr. SMOOT. How does the Senator know that I am mistaken? Has the Senator made any investigation of this question?

Mr. COPELAND. If my colleague the senior Senator from New York [Mr. WADSWORTH] is right in saying that the Army and Navy nurses receive \$25 a month—

Mr. SMOOT. He said \$25 a week.

Mr. COPELAND. Very well; \$25 a week—

Mr. SMOOT. But they receive more than that, I will say to the Senator.

Mr. COPELAND. What more than that do they receive?

Mr. WADSWORTH. I can not think what more they receive.

Mr. SMOOT. They receive commutation of quarters; they receive longevity pay; they receive every advantage to-day, outside of the retirement privilege, that anyone else connected with the Army or Navy receives.

Mr. WADSWORTH. Mr. President, will the Senator yield?

Mr. SMOOT. Yes.

Mr. WADSWORTH. The Senator from Utah certainly knows that a nurse in private practice gets her board and lodging, which is the equivalent of commutation of quarters, heat, light, and subsistence.

Mr. SMOOT. When she is engaged she does perhaps receive subsistence to the extent of two meals a day; I have no doubt of that.

Mr. WADSWORTH. Yes; and the Army nurses provide their own uniforms.

Mr. SMOOT. So do the nurses in private practice supply their own uniforms.

Mr. COPELAND. Mr. President, I know the Senator wants to be fair; but there is another point to be taken into consideration. The nurse in private practice—and I do not want to disparage her work, because she is a very important member of society—can choose the case that she is to take; while the nurses in the Army or Navy, when they are brought into a case of smallpox or diphtheria or measles or some other ailment, have no choice whatever.

Mr. SMOOT. I do not think there is any nurse in private practice who, when asked by a physician with whom she is closely connected, has ever refused to take a case.

The PRESIDING OFFICER. The time of the Senator from Utah has expired.

Mr. SMOOT. I understand my time has expired.

Mr. COPELAND obtained the floor.

Mr. WADSWORTH. Mr. President, will my colleague yield to me?

Mr. COPELAND. I yield.

Mr. WADSWORTH. Speaking of the matter of pay, in the committee report the Senator can see the schedules of pay for the Army and Navy nurses.

Mr. SMOOT. I have that before me, and have read it.

Mr. WADSWORTH. And the Senator will notice that a nurse who has had less than three years' service gets \$840 a year. Now, I ask the Senator to think over the matter.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. SMOOT. Well, Mr. President, I shall not object any further to the bill, but I think it is unjust.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

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

NORWEGIAN STEAMSHIP "HASSEL"

The bill (S. 2718) to authorize the payment of an indemnity to the Government of Norway on account of losses sustained by the owners of the Norwegian steamship *Hassel* as the result of a collision between that steamship and the American steamship *Ausable*, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Foreign Relations with an amendment, on page 1, line 8, after the name "*Hassel*," to insert "or any other parties peculiarly interested," so as to make the bill read:

Be it enacted, etc., That there is hereby authorized to be paid to the Government of Norway, out of any money in the Treasury not otherwise appropriated, as a matter of grace and without reference to the question of liability therefor, as full indemnity for the losses sustained by the owners of the Norwegian steamship *Hassel*, or any other parties peculiarly interested, as the result of a collision on August 24, 1918, between that steamship and the American steamship *Ausable*, operated by the War Department, the sum of \$164,169.23, as recommended by the President in his message to Congress of February 25, 1924, printed as Senate Document No. 52, Sixty-eighth Congress, first session.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DEPUTY RECORDER OF DEEDS, DISTRICT OF COLUMBIA

The bill (S. 1934) to amend, revise, and reenact section 549 of subchapter 4 of the Code of the District of Columbia, relating to the appointment of deputy recorder of deeds, and fixing compensation therefor, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with amendments, on page 1, line 4, after the word "all," to strike out "act necessary in the administration of his office, and the certification of the records of said office," and insert "acts"; in line 6, after the word "which," to strike out "he himself," and insert "the recorder"; in line 7, after the word "all," to strike out "written instruments required to be filed as recorded and all copies of instruments of record and certificates authorized by law filed, recorded, made, and certified," and insert "such acts," so as to make the bill read:

Be it enacted, etc., That the recorder of deeds is authorized to appoint a second deputy recorder, who may do and perform any and all acts which the recorder is authorized to do, and all such acts by the said second deputy recorder shall have the same legality, force, and effect as if performed by the recorder; the compensation of said second deputy recorder to be at the rate of \$2,000 per annum, to be paid out of the fees and emoluments of the office of the recorder of deeds. And with the approval of the Attorney General of the United States, the recorder of deeds may from time to time fix the number and compensation of all other employees of his office: *Provided*, That any expenditure incurred by him in so doing shall not be a charge upon the Public Treasury, but shall be paid out of the fees and emoluments of said office: *And provided further*, That the employees of said office shall not be in excess of the number actually necessary for the proper conduct of said office of the recorder of deeds: *Provided, however*, That the compensation of the first deputy recorder of deeds and that of the second deputy recorder of deeds shall not be changed except by act of Congress.

The amendments were agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DEEDS OF CHATTELS IN THE DISTRICT OF COLUMBIA

The bill (S. 1935) to amend, revise, and reenact subchapter 3, sections 546 and 547, of the Code of Law of the District of Columbia, relating to the recording of deeds and chattels, was considered as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, etc.—

SEC. 546. That no bill of sale, mortgage, or deed of trust to secure a debt of any personal chattels whereof the vendor, mortgagor, or donor shall remain in possession, shall be valid or effectual to pass the title therein, except as between the parties to such instruments and as to other persons having actual notice of it, unless the same be executed, acknowledged, and within 10 days from the date of such acknowledgment filed in the office of the Recorder of Deeds and the said filing of such instrument therein as aforesaid as to third persons not having notice of it as aforesaid shall be operative only from the time within the said 10 days when it is delivered to said recorder.

And it shall not be necessary for the Recorder of Deeds to spread such instruments upon the records of his office, but the same shall be indexed in the manner as deeds to real estate are indexed, and said instruments shall be kept on file and shall be open to inspection by the public, and shall have the same force and legal effect as if they were actually recorded in the books of said office. For filing and indexing such aforesaid instruments the Recorder of Deeds shall collect \$1 each.

Sec. 547. Conditional sales: No conditional sale of chattels in virtue of which the property is delivered to the purchaser, but by the terms of which the title is not to pass until the price of said chattels is fully paid, where the purchase price exceeds \$100, shall be valid as against third persons acquiring title to said property from said purchaser without notice of the terms of said sale, unless the terms of said sale are reduced to writing and signed by the parties thereto and acknowledged by the purchaser and filed in the office of the Recorder of Deeds of the District of Columbia, and said writing shall be indexed as if the purchaser were a mortgagor and the seller a mortgagee of such chattels, and shall be operative as to third persons without actual notice of it from the time of being filed. And for filing and indexing such an instrument, the Recorder of Deeds shall collect \$1. These acts shall take effect 30 days after approval.

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

BILLS PASSED OVER

The bill (S. 3280) to regulate in the District of Columbia the traffic in, sale, and use of milk bottles, cans, crates, and other containers of milk and cream, to prevent fraud and deception, and for other purposes, was announced as next in order.

Mr. DIAL. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1535) granting relief to persons who served in the Military Telegraph Corps of the Army during the Civil War was announced as next in order.

Mr. DIAL. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

ESTATE OF BENJAMIN BRAZNELL

The bill (S. 1202) for the relief of the estate of Benjamin Braznell, was considered as in Committee of the Whole. It directs the Commissioner of Internal Revenue to reopen and allow the claim of the Braddock Trust Co., executor of the estate of Benjamin Braznell, late of Pittsburgh, Pa., and refund \$2,323.47, being the balance of taxes illegally collected under existing laws and decisions.

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

GREENPORT BASIN & CONSTRUCTION CO.

The bill (H. R. 3348) authorizing the Secretary of the Treasury to pay a certain claim as the result of damage sustained to the marine railway of the Greenport Basin & Construction Co., was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay \$559.98 to the Greenport Basin & Construction Co., of Greenport, N. Y., as compensation for damage to their marine railway caused by the United States Coast Guard cutter *Pequot*.

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

FANNIE M. HIGGINS

The bill (H. R. 1860) for the relief of Fannie M. Higgins, was considered as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Fannie M. Higgins the sum of \$3,000 for all damages suffered by reason of her husband, John H. Higgins, being struck and fatally injured by a Government automobile which was driven by a regularly enlisted soldier of the United States Army: *Provided*, That no part of the amount of any item appropriated in this bill in excess of 5 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered or advances made in connection with said claim: *Provided further*, That it shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum which in the aggregate exceeds 5 per cent of the amount of any item appropriated in this bill on account of services rendered or advances made in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than \$300 nor more than \$2,000.

Mr. SMOOT. Mr. President, I do not think the Congress ought to provide for the payment of attorneys' fees in cases of

this kind. This is the first bill which I have noticed allowing the payment of attorneys' fees.

Mr. SWANSON. I think it is merely a limitation.

Mr. SMOOT. I quote from the bill:

Provided, That no part of the amount of any item appropriated in this bill in excess of 5 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered or advances made in connection with said claim.

That is a new thing in legislation of this character.

Mr. CARAWAY. Mr. President, will the Senator pardon me for just a moment?

Mr. SMOOT. I yield.

Mr. CARAWAY. I am sure the Senator is just in error, because frequently Congress has undertaken to limit the amount that may be paid to attorneys. Because it has been discovered that attorneys have contracted with those who seek to have their claims paid for a very much larger percentage, the Congress has tried to provide that they shall receive only a certain percentage. It is really for the benefit of the claimant and not for the attorney, because possibly the attorney has a contract with the claimant calling for 40 per cent or 50 per cent of the amount that the Government shall pay; and Congress, in order to keep them from getting such exorbitant fees, proposes to provide that no more than 5 per cent shall be paid. In some cases the limit has been as high as 20 per cent.

Mr. SMOOT. I should like to have the people having claims against the United States understand that they can bring them here without any attorneys.

Mr. CARAWAY. Without doubt that ought to be true; but sometimes a person has a claim and puts it in the hands of an attorney and agrees that he will pay a certain part of the amount recovered, and the attorney gathers the evidence and presents the claim. Then Congress, in order to keep the attorney from getting what would be thought, possibly, an unconscionable amount, has undertaken to limit the amount that the attorney might receive by putting in a proviso of this kind. It is really in the interest of the person whose claim is going through.

Mr. SMOOT. This is the first item of the kind I have ever seen.

Mr. SWANSON. Mr. President, when we paid \$25,000,000 to the Republic of Colombia there was a report around here that certain counsel was to get a vast sum of money, and we limited it.

Mr. SMOOT. That was a different thing entirely.

Mr. CARAWAY. If the Senator will pardon me, since I have been upon the Claims Committee I know that that is not an unusual thing. It has simply escaped the Senator's attention.

Mr. SMOOT. I have never noticed it before, and I have watched these things pretty closely.

Mr. CARAWAY. I know that is true, but they have gone through; and it is in the interest of the claimant, and not in the interest of the attorney, that that sort of provision is put on.

Mr. SWANSON. They can not get in excess of 5 per cent. It is very frequently done.

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

NAVY DEPARTMENT APPROPRIATIONS—CONFERENCE REPORT

Mr. HALE. Mr. President, I ask unanimous consent for permission to present a conference report and to move for its immediate consideration.

Mr. SMOOT. The Senator can not do that under the unanimous-consent agreement.

Mr. HALE. I do not think there is any opposition to the report. I think it will go through immediately if I can get unanimous consent, and I ask unanimous consent.

The PRESIDING OFFICER. The Chair will notify the Senator that we are operating under one unanimous-consent agreement, which continues the consideration of the calendar. If there is no objection—

Mr. HALE. If there is no objection I should like to go ahead with this conference report.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maine? The Chair hears none. The Secretary will read the conference report.

The reading clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10724) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1926, and for other purposes, having met, after full and free conference

have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 6, and 18.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 7, 10, 13, 16, 19, 20, 21, 22, and 24, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "towns of St. Thomas, Christiansted, and Fredericksted, \$125,000; in all, \$395,150"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$96,000"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$105,000"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$64,000"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$10,375,250"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Submarine base, Key West, Fla.: Toward completion of piers, \$100,000"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 8, 15, 23, and 25.

FREDERICK HALE,
LAWRENCE C. PHIPPS,
CLAUDE A. SWANSON,

Managers on the part of the Senate.

BURTON L. FRENCH,
GUY U. HARDY,
JOHN TABER,
JAMES F. BYRNES,
W. B. OLIVER,

Managers on the part of the House.

Mr. HALE. I move the adoption of the conference report. The motion was agreed to.

MINERAL LANDS IN INDIAN RESERVATIONS

Mr. HARRELD. Mr. President, I ask unanimous consent, out of order, to move to concur in the amendments made by the House to Senate bill 876, with amendments.

The PRESIDING OFFICER. Is there objection to the request?

Mr. McKELLAR. Let it be read, or let a statement be made about it.

Mr. CURTIS. Mr. President, I am not going to object to this one, but I do hope we will carry out the unanimous-consent agreement and go on with the calendar. As I say, I will not object to this one.

Mr. McKELLAR. I simply want an explanation of the matter.

Mr. HARRELD. I think the amendments that have been made had better be read.

The PRESIDING OFFICER. Is there objection? If not, the Secretary will state the amendments.

Mr. McKELLAR. Let them be read, so that we can see whether we desire to object or not. I do not know whether to object or not until I hear the amendments. I imagine that they are all right, but I want to hear what they are.

The READING CLERK. The Senator from Oklahoma moves that the Senate concur in the amendments of the House to Senate bill 876, with the following amendments:

Amend the bill, in line 3, page 2, after the words "shall be," by inserting the words "disposed of as follows, 37½ per cent shall be paid by the Secretary of the Treasury after the expiration of each fiscal year to the State within the boundaries of which the leased lands or deposits are or were located, said

moneys to be used by such State, or subdivisions thereof, for the construction and maintenance of public roads or for the support of public schools or other public educational institutions, as the legislature of the State may direct and 62½ per cent shall be."

Amend the first paragraph of the amendment of the House by inserting the words "Executive order" after the word "within," and by striking out the words "except that such lands may only be leased and patents shall be issued for the same."

Strike out all of the second paragraph of the amendment of the House.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Utah to the motion he entered to reconsider.

Mr. SMOOT. And to have the bill brought before the Senate. The House has messaged the bill over here now, and the Senator asked that it be laid before the Senate. When laid before the Senate, the Senator, as I understood him, moved to concur in the amendments of the House, with amendments. The House made amendments to the Senate bill.

Mr. McKELLAR. Before I agree to it I want to know what it is about. If the Senator from Utah or the Senator from Oklahoma will tell us what the bill is about, we may agree to it in a moment.

Mr. HARRELD. This is what it is about: It affects only Executive-order Indian lands on which recently oil has been discovered, and they are collecting royalties. The question is, How shall these royalties be disposed of? This bill provides how they shall be disposed of. That is all there is to it; but, as a matter of parliamentary procedure, the motion of the Senator from Utah will have to be voted on first—the motion to reconsider.

Mr. SMOOT. Yes; I understood that that would be done.

Mr. HARRELD. This bill just disposes of the money that accumulates on these royalty interests.

Mr. CURTIS. Mr. President, I ask that the matter go over until Monday.

Mr. HARRELD. Mr. President, just a minute. We are almost through with it.

The PRESIDING OFFICER. The Chair will state that there is a parliamentary tangle here. The motion to reconsider would have to be acted on first.

Mr. HARRELD. Yes; that is true.

Mr. CURTIS. I ask that the matter go over until Monday.

The PRESIDING OFFICER. Objection is made, and the matter will go over. The Secretary will state the next bill on the calendar.

SALE AND USE OF MILK BOTTLES AND CONTAINERS IN THE DISTRICT OF COLUMBIA

Mr. COPELAND. Mr. President, I was out of the Chamber a moment ago when Senate bill 3280, Order of Business 632, was passed over on the objection of the Senator from South Carolina [Mr. DIAL]. He understands about it now, and withdraws his objection.

Mr. DIAL. I withdraw the objection.

Mr. COPELAND. I ask unanimous consent to return to that bill.

The PRESIDING OFFICER. Is there objection to returning to Senate bill 3280? The Chair hears none, and the Secretary will read the bill.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3280) to regulate in the District of Columbia the traffic in, sale, and use of milk bottles, cans, crates, and other containers of milk and cream, to prevent fraud and deception, and for other purposes, which had been reported from the Committee on the District of Columbia, with amendments.

The amendments were, on page 3, line 2, after the words "traffic in," to strike out "or transport out of the District of Columbia"; in line 5, after the word "buy," to insert "or"; in the same line, after the words "traffic in," to strike out "or transport out of the District of Columbia"; in line 8, after the word "person," to insert "or who shall transport any such registered milk bottle or bottles, can or cans, crate or crates, or other containers out of the District of Columbia, with intent to deprive the registrant of such bottle or bottles, can or cans, crate or crates, or containers," so as to make the bill read:

Be it enacted, etc., That 30 days from and after the passage of this act all bottles, cans, crates, or other containers in which milk or cream is sold or offered for sale within the District of Columbia shall have plainly and legibly branded, blown, cut, carved, embossed, or impressed thereon the name of the distributor of said milk or cream.

SEC. 2. All persons, firms, partnerships, or corporations engaged in the bottling, selling, or distributing of milk or cream in bottles, cans, crates, or other containers within the District of Columbia, on which the name, trade-mark, or other device designating the owner is branded, blown, cut, carved, embossed, or impressed, shall file with the clerk of the Supreme Court of the District of Columbia a description of the name or names, marks, or devices so used by them, the said description to be a statement under oath by the owner of said name, mark, or device. The said owner of said name, mark, or device shall, after filing the description as above required, cause the same to be published at least once a week for two consecutive weeks in a newspaper of general circulation in the District of Columbia. The said owner of said name, mark, or device shall thereafter file with the clerk of the Supreme Court of the District of Columbia an affidavit made by himself or any other competent person stating that said description has been published as herein provided.

The registration of any such name, mark, or device shall be complete upon the filing of said affidavit of publication and thereafter the name, mark, or device shall be considered as registered in accordance with this act, and any bottle, can, crate, or other container on which said name, mark, or device shall be or shall be placed shall be considered as registered in accordance with this act.

SEC. 3. Whoever shall by himself or his agent fill, use, sell, offer for sale, give, offer to give, buy, traffic in, or shall have in his possession with intent to fill, use, sell, offer for sale, give, offer to give, buy, or traffic in any registered milk bottle or bottles, can or cans, crate or crates, or other containers on which appears the name, mark, or device registered by another person, or who shall transport any such registered milk bottle or bottles, can or cans, crate or crates, or other containers out of the District of Columbia, with intent to deprive the registrant of such bottle or bottles, can or cans, crate or crates, or containers shall be guilty of a misdemeanor and upon conviction shall be subject to the penalties prescribed in this act: *Provided*, That the provisions of this section shall not apply to any person having the written consent of the person whose registered name, mark, or device shall have been in or upon said bottles, cans, crates, or other containers.

SEC. 4. Whoever shall by himself or his agent willfully deface, erase, alter, obliterate, cover up, or otherwise remove or conceal any registered name, mark, or device registered by another and being on any milk bottle, can, crate, or other container, or shall willfully break, destroy, or otherwise injure any registered milk bottle, can, crate, or other container which has been registered by another shall be guilty of a misdemeanor and upon conviction shall be subject to the penalties prescribed in this act: *Provided*, That the provisions of this section shall not apply to any person having the written consent of the person whose registered name, mark, or device shall have been in or upon said bottles, cans, crates, or other containers.

SEC. 5. In any prosecution under this act, the possession of any registered milk bottle, can, crate, or other container by any person other than the person whose registered name, mark, or device shall be or shall have been upon the same shall be prima facie evidence of the unlawful use or traffic in the same, contrary to the provisions of this act: *Provided*, That the provisions of this section shall not apply to any person having the written consent of the person by whom said bottles, cans, crates, or other containers were registered.

SEC. 6. Whenever any person who has registered milk bottles, cans, crates, or other containers in accordance with the provisions of this act shall by himself or his agent make oath before the clerk of the police court of the District of Columbia that he has reason to believe, and does believe, that any of his registered milk bottles, cans, crates, or other containers are being filled, used, bought, trafficked in, held, sold, offered for sale, broken, injured, or destroyed within the District of Columbia contrary to the provisions of this act by any person without the written consent of the owner, the judge of the police court to whom said complaint under oath is made may forthwith issue a search warrant directed to any police officer or other proper officer to search the premises whereon or wherein said registered milk bottles, cans, crates, or other containers are held and may issue a warrant for the arrest of the person complained against; and if any one or more of such registered milk bottles, cans, crates, or other containers, or any parts of the same, shall be found upon the premises by the officer executing the said search warrant he shall seize and take possession of all such registered milk bottles, cans, crates, or other containers, or parts thereof, and shall cause the same to be brought before the judge of the police court, who shall award the said registered milk bottles, cans, crates, and other containers to the person entitled to the same.

SEC. 7. The requiring, taking, or accepting of any sum of money for security for the safe-keeping and the return of any registered milk bottles, cans, crates, or other containers shall not constitute a sale of such property either conditional, optional, or otherwise in any proceeding under this act. No title may be acquired to any mark, name, or device, or any milk bottle, can, crate, or other container registered in accordance with this act except by the consent in writing of the person who registered the same.

SEC. 8. All persons who have heretofore registered any milk bottles, cans, crates, or other containers in accordance with the laws existing at the time of said registration shall be exempted from filing a new description in accordance with the terms of this act and shall be entitled to the rights and benefits accruing under this act in the same manner as if said registration was made after the passage of and in accordance with this act.

SEC. 9. Whenever the word "person" is used herein it shall apply equally as well to one or more persons, copartnerships, and corporations.

SEC. 10. The provisions of this act shall apply to all bottles, cans, crates, and other containers in which milk or cream of any grade, quality, or character is sold or offered for sale, and shall include bottles, cans, crates, and other containers in which skimmed milk, buttermilk, double cream, and sour milk are sold.

SEC. 11. The violation of any of the provisions of this act shall be a misdemeanor, and prosecutions for violations of this act shall be in the police court of the District of Columbia. Upon conviction of a violation of the provisions of this act the penalty shall be a fine of not more than \$50 for the first offense and a fine of not more than \$100 for the second and each subsequent offense.

SEC. 12. Whenever any person who has registered milk bottles, cans, crates, or other containers as herein provided shall have, upon complaint under oath, prosecuted any other person for violation of the provisions of this act in the use, handling, holding, filling, selling, offering for sale, buying, trafficking in, breaking, destroying, or transporting out of the District of Columbia of such registered milk bottles, cans, crates, or other containers, and said other person shall have been convicted on three occasions at least for the said unlawful use, handling, holding, filling, selling, offering for sale, buying, trafficking in, breaking, destroying, or transporting out of the District of Columbia of said registered milk bottles, cans, crates, or other containers, then the said registrant of said milk bottles, cans, crates, or other containers shall be entitled, upon making complaint to a justice of the Supreme Court of the District of Columbia, holding an equity court, to have issued an injunction directed to said violator enjoining him from further illegal use, handling, holding, filling, selling, offering for sale, buying, trafficking in, breaking, destroying, or transporting out of the District of Columbia of said registered milk bottles, cans, crates, or other containers.

The amendments were agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GRACE BUXTON

The bill (H. R. 5967) for the relief of Grace Buxton was considered as in Committee of the Whole.

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

BILL AND RESOLUTION PASSED OVER

The resolution (S. Res. 234) advising the adherence of the United States to the existing Permanent Court of International Justice, with certain amendments, was announced as next in order.

SEVERAL SENATORS. Let that go over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 2913) for the establishment of migratory-bird refuges to furnish in perpetuity homes for migratory birds, the establishment of public shooting grounds to preserve the American system of free shooting, the provision of funds for establishing such areas, and the furnishing of adequate protection for migratory birds, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over.

Mr. NORBECK. Mr. President, I hope we can have that bill considered at this time. I hope the Senator from Utah will withdraw his objection.

Mr. SMOOT. No, Mr. President, I have a proposition from an organization in New York suggesting a certain amendment to this bill. I have submitted that amendment to a number of the organizations in the West interested in this measure to see if they were willing to accept it and allow the bill to pass. I have not yet received an answer, however. I have hardly had time to receive an answer. If that amendment is agreed to, I have no objection to the passage of the bill.

The PRESIDING OFFICER. Objection being made, the bill will be passed over.

R. E. SWARTZ, W. J. COLLIER, AND OTHERS

The bill (S. 2778) for the relief of R. E. Swartz, W. J. Collier, and others was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treas-

ury to pay, out of any moneys in the Treasury not otherwise appropriated, certain sums to certain parties named for remaining compensation due them for losses sustained during the year 1918 by reason of being prevented from planting cotton in the so-called noncotton zones Nos. 2 and 3 in Texas, said zones having been established to combat the menace to the entire cotton section of the United States of the pink boll-worm which had entered the United States from Mexico.

The bill had been reported from the Committee on Claims, with amendments, on page 1, line 12, after the word "Mexico," to insert: "Provided, however, That no claimant shall be paid an amount in excess of one-half the amount paid on his claim by the State of Texas"; and on page 41, line 22, after "\$150," to insert "Total amount appropriated by this act, \$235,025."

Mr. SHEPPARD. Mr. President, it will not be necessary to read the list of the payees in the bill. There is quite a number of them. The average is about \$143 for each one. I ask that the reading may be dispensed with.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas? The Chair hears none.

The amendments were agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM J. OLIVER MANUFACTURING CO. ET AL.

The bill (S. 443) for the relief of the William J. Oliver Manufacturing Co. and William J. Oliver, of Knoxville, Tenn., was announced as next in order.

Mr. McKELLAR. Mr. President, the House has passed an exactly similar bill, and I move that House bill 3132 be substituted for the Senate bill.

Mr. SMOOT. What is the calendar number of the House bill?

Mr. McKELLAR. The House bill has not been acted on by the Senate committee. The House recently passed it, and the bill is on the Vice President's desk. It is exactly the same bill.

The PRESIDING OFFICER. Is there objection to substituting the House bill for the Senate bill?

Mr. SMOOT. What is the amount carried in the House bill?

Mr. McKELLAR. It is \$170,757.86.

The PRESIDING OFFICER. Is there objection to substituting the House bill for the Senate bill? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3132) for the relief of the William J. Oliver Manufacturing Co. and William J. Oliver, of Knoxville, Tenn.

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

The PRESIDING OFFICER. Without objection, Senate bill 443 will be indefinitely postponed.

BILL PASSED OVER

The bill (S. 3050) for the relief of the Turner Construction Co., of New York City, was announced as next in order.

Mr. DIAL. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

CHAMBER OF COMMERCE OF NORTHAMPTON, MASS.

The bill (S. 2731) for the relief of the Chamber of Commerce of the city of Northampton, Mass., was announced as next in order.

Mr. BUTLER. Mr. President, this bill, appearing under Order No. 660, is identically like the bill appearing under Order No. 802, House bill 4280. I ask that the House bill be substituted for the Senate bill.

The PRESIDING OFFICER. Is there objection to the request that the House bill be substituted for the Senate bill? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4280) for the relief of the Chamber of Commerce of the city of Northampton, Mass.

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

The PRESIDING OFFICER. Without objection, Senate bill 2731 will be indefinitely postponed.

JULIUS JONAS

The bill (H. R. 5762) for the relief of Julius Jonas was considered as in Committee of the Whole.

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

JOSÉ LOUZAU

The bill (S. 1648) for the relief of José Louzau was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to José Louzau the sum of \$5,000 for personal injuries caused by being struck by a United States Army truck in San Juan, P. R., August 27, 1920.

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

EMIL L. FLATEN

The bill (H. R. 2806) for the relief of Emil L. Flaten, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the account of Emil L. Flaten, postmaster at Moorhead, Minn., in the sum of \$16,391.99, due to the United States on account of postage stamps, key-deposit funds, war-savings and thrift-stamp funds, and war-tax revenue stamp funds which were lost as the result of burglary on October 27, 1920.

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

BILLS PASSED OVER

The bill (S. 2935) for the publication of official papers of the Territories of the United States now in the national archives was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 300) to provide for election contests in the Senate of the United States was announced as next in order.

Mr. JONES of Washington. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3300) to fix the salaries of officers and employees of the Court of Appeals of the District of Columbia, the Supreme Court of the District of Columbia, the United States Court of Claims, and the United States Court of Customs Appeals was announced as next in order.

Mr. JONES of Washington. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

NATIONAL SOCIETY, SONS OF THE AMERICAN REVOLUTION

The bill (H. R. 7399) to amend section 4 of the act entitled "An act to incorporate the National Society of the Sons of the American Revolution," approved June 9, 1906, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That section 4 of the act entitled "An act to incorporate the National Society of the Sons of the American Revolution," approved June 9, 1906, is amended to read as follows:

"SEC. 4. That the property and affairs of said corporation shall be managed by not less than 40 trustees, who shall be elected annually at such time as shall be fixed by the by-laws, and at least one trustee shall be elected annually from a list of nominees to be made by each of the State societies and submitted in this society at least 30 days before the annual meeting, in accordance with the general provisions regulating such nominations as may be adopted by this society."

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

TRAFFIC IN CLINICAL THERMOMETERS

The bill (S. 1671) to provide for regulating traffic in certain clinical thermometers, and for other purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That for the purposes of this act a clinical thermometer shall be understood and construed to mean a maximum self-registering thermometer intended, designed, or suitable for use in determining the temperature of the body of man or other animal.

SEC. 2. That for the purposes of this act a clinical thermometer which is defined as correct shall be understood and construed to mean one which conforms to the standard within the tolerance established in accordance with the provisions of this act, and which in addition complies with the specifications similarly established.

SEC. 3. That the Bureau of Standards of the Department of Commerce shall inspect and test all clinical thermometers submitted for this purpose and all clinical thermometers which are being imported or offered for importation into the United States, to determine whether such clinical thermometers are correct, and shall mark or otherwise certify, or mark and certify, all those which are found to be correct. For all such inspections, tests, or certifications, except those performed for the Government of the United States, or State governments within the United States, a reasonable fee designed to make the work self-sustaining shall be charged according to a schedule promulgated by the Secretary of Commerce.

SEC. 4. That the Secretary of Commerce shall make and promulgate rules and regulations not inconsistent with this act for carry-

ing out the provisions of this act, and these rules and regulations shall include specifications, reasonable tolerances, or permissible variations which may be allowed, and also requirements for such designating marks to be placed upon thermometers as may be deemed necessary.

SEC. 5. That the introduction into any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or from any foreign country, except in accordance with the provisions of section 6 of this act, or shipment to any foreign country of any clinical thermometer which has not been marked or certified, or marked and certified in accordance with the provisions of section 3 of this act, is hereby prohibited; and any person who shall ship or deliver for shipment from any State or Territory or the District of Columbia, or to a foreign country, or who shall receive in any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or foreign country, and having so received, shall deliver, in original unbroken packages, for pay or otherwise, or offer to deliver to any other person, any clinical thermometer which has not been marked or certified or marked and certified in accordance with the provisions of section 3 of this act, or any person who shall sell or offer for sale in the District of Columbia or in any Territory or in any place under the jurisdiction of the United States any such unmarked or uncertified clinical thermometer, or export or offer to export the same to any foreign country, shall be guilty of a misdemeanor, and for such offense be fined not exceeding \$200 for the first offense, and upon conviction for each subsequent offense not exceeding \$500: *Provided, however,* That any bona fide shipment of a clinical thermometer which has not been marked or certified or marked and certified in accordance with the provisions of section 3 of this act, when made to any laboratory of the Bureau of Standards of the Department of Commerce established or maintained for the purpose of inspection and testing clinical thermometers, in accordance with the provisions of section 3 of this act, for such inspection and test, or the return shipment of any such thermometer to the person so submitting it, shall not be deemed to be a violation of the provisions of this act, and any person so shipping or reshipping a clinical thermometer shall not be deemed to be guilty of violating the provisions of this act.

SEC. 6. That the importation into the United States, without a permit from the Secretary of Commerce, of any clinical thermometer, and the importation of any clinical thermometer which is not correct, are hereby prohibited, if any such clinical thermometer is found incorrect, the same shall be denied entry or returned at the expense of the owner or importer. The Secretary of Commerce is hereby authorized to issue permits for the importation into the United States of clinical thermometers which are found to be correct and to suspend or revoke any such permit when he is satisfied that such permit is being used to effect the importation into the United States of any clinical thermometers which are not correct.

SEC. 7. That it shall be unlawful for any person to counterfeit, duplicate, or copy or to make any false, fraudulent, or unauthorized use of any mark or certificate placed upon or issued in connection with any thermometer in accordance with the provisions of section 3 of this act, or to use or have in his possession any stamp, plate, templet, or other means specifically adapted or designed for producing any such mark or certificate required in accordance with the provisions of section 3 of this act, or to counterfeit, duplicate, or copy or to make any false, fraudulent, or unauthorized use of any designating mark required under the provisions of section 4 of this act; and any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor and for each offense shall, upon conviction thereof, be fined not to exceed \$500 or shall be sentenced to one year's imprisonment or both such fine and imprisonment, in the discretion of the court, and for each subsequent offense and conviction thereof shall be fined not to exceed \$1,000 or sentenced to one year's imprisonment, or both such fine and imprisonment, in the discretion of the court.

SEC. 8. That it shall be the duty of each district attorney to whom the Secretary of Commerce shall report any violation of this act, or to whom any weights or measure officer or agent of any State, Territory, or the District of Columbia shall present satisfactory evidence of any such violation, to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States, without delay, for the enforcement of the penalties as in such case herein provided.

SEC. 9. That the term "Territory" as used in this act shall include the insular possessions of the United States. The word "person" as used in this act shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies, and associations. When construing and enforcing the provisions of this act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, company, society, or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association as well as that of the person.

SEC. 10. That for the purpose of carrying out the provisions of this act there is hereby appropriated the sum of \$200,000 from any money in the Treasury not otherwise appropriated, to become available immediately upon the approval of this act.

SEC. 11. That this act shall go into force and effect from and after a date six months after the date of approval of the act.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 3316) to amend an act entitled "An act to provide for the consolidation of national banking associations," approved Nov. 7, 1918; to amend section 5136 as amended, section 5137, section 5138 as amended, section 5142, section 5150, section 5155, section 5190, section 5200 as amended, section 5202 as amended, section 5208 as amended, section 5211 as amended, of the Revised Statutes of the United States; and to amend section 9, section 13, section 22, and section 24 of the Federal reserve act, and for other purposes was announced as next in order.

Mr. CURTIS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

A. V. YEARSLEY

The bill (S. 1056) for the relief of A. V. Yearsley, was considered as in the Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay A. V. Yearsley, of Port Penn, Del., out of any money in the Treasury not otherwise appropriated, the sum of \$87.22, said sum being due A. V. Yearsley for merchandise furnished to the Reedy Island naval station mess during the year 1919.

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

JOINT RESOLUTION PASSED OVER

The joint resolution (S. J. Res. 109) proposing an amendment to the Constitution of the United States relative to the adoption of amendments thereto was announced as next in order.

Mr. JONES of Washington. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

IDA SMITH

The bill (S. 3034) for the relief of Ida Smith was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on line 5, to strike out "\$20,000" and to insert in lieu thereof "\$2,500," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to Ida Smith, the widow of Harris Smith, the sum of \$2,500, out of any money in the Treasury not otherwise appropriated. Said Harris Smith was struck and killed August 1, 1921, by a United States mail truck.

The amendment was agreed to.

Mr. DIAL. Mr. President, I would like to ask the committee whether or not the deceased left minor children. In other words, if we pass this kind of a bill some other heirs may come in and ask for a further amount in order to reimburse them.

Mr. COPELAND. If the Senator will withhold his objection and let the bill pass I will ascertain the facts, and if the Government is not properly safeguarded I will promise to have the bill reconsidered.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DAM ACROSS THE MISSOURI RIVER, MONT.

The bill (S. 2085) to authorize the Broadwater Irrigation District, a Montana organization, to construct a dam across the Missouri River was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 2, to add a new section to be known as section 2, and on page 3, a new section to be known as section 3, so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the Broadwater Irrigation District, a Montana organization, its successors or assigns, to construct, maintain, and operate a dam across the Missouri River at a point suitable to the interests of navigation in section 6, township 4 north, range 3 east, Montana meridian, or in section 1, township 4 north, range 2 east, Montana meridian: *Provided,* That the work shall not be commenced until the plans therefor have

been submitted to and approved by the Chief of Engineers, United States Army, and by the Secretary of War: *Provided further*, That this act shall not be construed to authorize the use of such dam to develop water power or generate hydroelectric energy.

Sec. 2. That the authority granted by this act shall cease and be null and void unless the actual construction of the dam hereby authorized is commenced within one year and completed within three years from the date of approval of this act: *Provided*, That from and after 30 days' notice from the Federal Power Commission or other authorized agency of the United States to said district or its successors that desirable water-power development will be interfered with by the existence of said dam, the authority hereby granted to construct, maintain, and operate said dam shall terminate and be at an end; and any grantee or licensee of the United States proposing to develop a power project at or near said dam shall have authority to remove, submerge, or utilize said dam under such conditions as said commission or other agency may determine, but such conditions shall not include compensation for the removal, submergence, or utilization of said dam.

Sec. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 1187) to commission Capt. William Rees Rush as a rear admiral on the retired list of the Navy was announced as next in order.

Mr. DIAL. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

LANDS IN WALAPAI INDIAN RESERVATION, ARIZ.

The bill (S. 877) to provide for exchanges of Government and privately owned lands in the Walapai Indian Reservation, Ariz., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized, in his discretion, under rules and regulations to be prescribed by him, to accept reconveyances to the Government of privately owned and State school lands and relinquishments of any valid filings, under the homestead laws, or of other valid claims within the Walapai Indian Reservation in Mohave and Coconino Counties, Ariz., and to permit lieu selections within the boundaries of the said reservation by those surrendering their rights, so that the lands retained for Indian purposes may be consolidated and held in a solid area so far as may be possible: *Provided*, That the title or claim of any person or company who refuses to reconvey to the Government shall not be hereby affected.

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

INDEMNITY FOR DAMAGES CAUSED BY THE A. E. F.

The bill (S. 3408) to amend an act entitled "An act to give indemnity for damages caused by American forces abroad," approved April 18, 1918, and for other purposes, was announced as next in order.

Mr. WILLIS. I do not desire to object to the consideration of the bill, but it seems to me from the reading of it that it is a measure of a good deal of importance. I think we ought to have some explanation of it from some member of the Committee on Military Affairs. Let it go over temporarily without prejudice.

The PRESIDING OFFICER. The bill will be passed over.

TRANSFER OF CERTAIN MATERIALS TO THE DEPARTMENT OF AGRICULTURE

The bill (H. R. 7269) to authorize and direct the Secretary of War to transfer certain materials, machinery, and equipment to the Department of Agriculture was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with amendments.

The first amendment was, on page 2, line 2, to strike out the words "thousand five."

The amendment was agreed to.

The next amendment of the committee was, on line 3, page 2, to strike out the word "four" and insert in lieu thereof the word "one."

The amendment was agreed to.

Mr. NORBECK. I suggest that we pass the bill over without prejudice, and I will ask that it be called up later in the day.

The PRESIDING OFFICER. The bill will be passed over.

SALE OF LANDS AT CORDOVA BAY, ALASKA

The bill (H. R. 2811) to amend section 7 of the act of February 6, 1909, entitled "An act authorizing the sale of lands at the head of Cordova Bay, in the Territory of Alaska, and for other purposes," was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That section 7 of the act of February 6, 1909, entitled "An act authorizing the sale of lands at the head of Cordova Bay, in the Territory of Alaska, and for other purposes," be amended to read as follows:

"Sec. 7. That the corporation named in section 1 of this act, or its assigns, shall, within six months from the approval of the plan mentioned in the preceding section, pay to the proper receiver the full purchase price of the lands applied for; and within five years after the issuance of patent said corporation shall do all things necessary to render 320 acres of the land purchased suitable and available for wharfage and town-site purposes in accordance with the plan thereof submitted as required in section 6 of this act, and shall within one year from the receipt of written notice from the Secretary of the Interior construct within said wharfage and dock area a public dock, wharf, or pier, with suitable approaches on the land side and with not less than 34 feet of water at mean low tide leading to and surrounding the same, so as to enable ocean steamers to approach, dock, discharge, and take on cargoes thereat; that patent for said lands shall recite that they are issued under the provisions of this act and are subject to cancellation and the land therein granted to forfeiture as herein provided; and if said corporation or its assigns shall fail to comply with any of the terms and conditions of this act, either before or after the issuance of patent, all interests, rights, or title which may have accrued or vested under this act shall be forfeited to the United States, and the application under which they accrued, or the patent under which they vested, shall be canceled: *Provided*, That the Secretary of the Interior may, on satisfactory showing, reasonably extend the time within which any of the acts enumerated in this act may be performed."

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

H. E. KUCA AND V. J. KOUPAL

The bill (H. R. 2977) for the relief of H. E. Kuca and V. J. Koupal was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay out of any moneys in the Treasury, not otherwise appropriated, the sum of \$2,960 to H. E. Kuca and V. J. Koupal, in settlement of their claim against the Government for land on the Yankton Indian Reservation, S. Dak., purchased by them through the Secretary of the Interior, title to which land now being declared by judicial decree to be in a previous purchaser: *Provided*, That the Secretary of the Interior shall reimburse the Government, in whole or in part, out of any Indian trust property now or hereafter owned by Amos Henry and Mary Sky Necklace, the grantors, or either of them, the amount appropriated by this act, being the sum received by the said Amos Henry and Mary Sky Necklace, paid by said H. E. Kuca and V. J. Koupal as consideration for the land.

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

CLAIMS AGAINST CHIPPEWA INDIANS OF MINNESOTA

The bill (H. R. 4461) to provide for the payment of certain claims against the Chippewa Indians of Minnesota was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized to pay out of any money in the Treasury of the United States to the credit of the Chippewa Indians of the State of Minnesota, proceeds of the final judgment obtained in the court of claims against the United States in case No. 30447 entitled "The Mille Lac Band of Chippewa Indians in the State of Minnesota against the United States," the following sums: To Wab-we-yea-cumig and Ain-dus-a-geshig, Mille Lac chiefs, \$5,000 each; to Me-ge-zee, a Mille Lac chief, \$500; to the heirs of Go-gee, a Mille Lac chief, \$500; to the heirs of Nay-gwa-nay-be-ke-wain-zee, a Mille Lac chief, \$500; upon the execution by each, or their legal representative, of a receipt in full for all claims and demands against the Chippewa Indians of Minnesota, or any band thereof, for services rendered and money expended in connection with the preparation or prosecution of the said case.

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

FORREST J. KRAMER

The bill (H. R. 7249) for the relief of Forrest J. Kramer, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay to Forrest J. Kramer, out of any money in the Treasury not otherwise appropriated, the sum of \$104.90, being the amount due him on account of the cancellation of sale to him of land allotted to Mary Marshall, Creek Indian, roll No. 3774.

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

WISCONSIN-POTTAWATOMI INDIANS

The bill (H. R. 7239) authorizing the Secretary of the Interior to pay certain funds to various Wisconsin-Pottawatomie Indians, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the unexpended balance of approximately \$2,978.05 of the appropriation in the act of March 2, 1917 (39th Stat. L. p. 991), for the support and civilization of the Wisconsin Band of Pottawatomie Indians residing in the States of Wisconsin and Michigan, as reappropriated by the act of February 14, 1920 (41st Stat. L. p. 432), may, in the discretion of the Secretary of the Interior, be paid proportionately to such of said Indians as have not received their full shares of the benefits of the appropriation.

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

DANIEL F. HEALY

The bill (H. R. 3595) for the relief of Daniel F. Healy was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any funds in the Treasury not otherwise appropriated, the sum of \$344.60, in full settlement against the Government to Daniel F. Healy for injuries sustained as a result of being struck by a Government-owned truck in Manchester, N. H., on May 4, 1922.

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

AMERICAN SURETY CO. OF NEW YORK

The bill (H. R. 4374) for the relief of the American Surety Co. of New York was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the American Surety Co. of New York the sum of \$2,000, the principal amount of two certificates of indebtedness of the United States of America, Nos. 15346 and 15347, issued in bearer form in the denominations of \$1,000 each, dated July 15, 1919, and matured March 15, 1920, designated series T-8, without interest, such payment to be made without presentation of the certificates, which have been lost: *Provided*, That the said American Surety Co. of New York, N. Y., shall first file in the Treasury Department of the United States a bond in the penal sum of double the amount of the principal of said certificates of indebtedness of the United States of America in such form and with such sureties as may be acceptable to the Secretary of the Treasury to indemnify and save harmless the United States from any loss on account of the lost certificates of indebtedness hereinbefore described.

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

BILL PASSED OVER

The bill (S. 3372) to provide safeguards for future Federal irrigation development and an equitable adjustment of existing accounts on Federal irrigation projects, and for other purposes, was announced as next in order.

Mr. DIAL. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

LONGEVITY PAY TO OFFICERS OF ARMY

The bill (S. 4) to confer jurisdiction on the Court of Claims to certify certain findings of fact, and for other purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Court of Claims shall certify to the proper accounting officers of the United States the findings of fact heretofore made for claimants in claims of officers of the United States Army for longevity pay under the decisions of the Supreme Court of the United States in *United States v. Morton* (vol. 112, U. S. Repts., p. 1) and *United States v. Watson* (vol. 130, U. S. Repts., p. 80), and of the Court of Claims in *Stewart v. United States* (vol. 34, C. Cl. Repts., p. 553).

And that the proper accounting officers of the United States shall proceed to settle the claims so certified and all other claims for longevity pay and allowances on account of services of officers in the Regular Army arising under section 15 of an act approved July 5, 1838, entitled "An act to increase the present Military Establishment of the United States, and for other purposes," and subsequent acts affecting longevity pay and allowances, in accordance with the decisions of the courts of the United States in all cases in which heretofore, namely, between 1890 and 1908, such claims were disallowed by any accounting officer of the Treasury, and no decision of a comptroller heretofore made against a claimant under said section 15 shall prevent a settlement under the terms of this act of any such disallowed claim. Every such claim be payable to the claimant or to his widow or to his legal representative: *Provided*, That no claim hereunder shall be allowed if made by any person who is an assignee of such claim nor to a legal representative without proof of the existence of blood relations to whom the fund would be distributed: *Provided further*, That it shall be unlawful for any agent or attorney, firm of attorneys, or any person engaged heretofore or hereafter in preparing, presenting, or prosecuting any claim under this act to charge or receive more than 20 per cent of any amount appropriated in satisfaction of the claim.

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

ADDITIONAL CIRCUIT JUDGES, EIGHTH CIRCUIT

The bill (S. 99) authorizing the President to appoint two additional circuit judges for the eighth circuit was announced as next in order.

Mr. DIAL. I would like to have the Senator explain the necessity of having two judges in one circuit at one time.

Mr. HARRELD. I hope the Senator will withhold his objection.

Mr. DIAL. I have not objected, but I would like to have the bill explained.

Mr. HARRELD. This is a bill to provide for two additional circuit judges in the eighth circuit. This was recommended by the council of judges of the circuit courts of appeals and the Supreme Court for two years. It was recommended in their meeting in December, 1923, and again recommended in their meeting in 1924. It has the approval of the Department of Justice, it has the approval of the Chief Justice of the United States, and there is a crying need for more judges in that district. Recently one of the judges died, and there was no provision for appointing a successor. The condition is deplorable in the eighth circuit, and there is need for another judge. The junior Senator from Missouri [Mr. SPENCER], who lives in that district, had intended to be here and assist me in pushing this measure, because he recognizes the need.

Mr. DIAL. I understand the bill is not to create new positions, but to fill one position now vacant.

Mr. HARRELD. This applies to the circuit judgeship.

Mr. HEFLIN. Does the Senator mean to say that a circuit judge died and that the President could not fill his place by appointing another?

Mr. HARRELD. For some reason, there was no provision for the appointment of a successor.

Mr. CARAWAY. In the eighth circuit, which is the largest circuit in the United States, the judges have been behind in their dockets. One of the judges died, and there was no provision for the appointment of a successor. I happen to know that the courts are behind in their dockets in the eighth circuit, the hardest worked circuit in the United States. It is almost as large as any other three circuits.

Mr. HEFLIN. That explanation is satisfactory to me. I know that as a rule, of course, the President can appoint circuit judges anywhere a vacancy occurs, but if this is due to a special statute which provided that this judge should not be succeeded, that he was to serve for a certain length of time, until the work was finished, and then that the judgeship was to die out, I can understand why the President has not made an appointment.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. SHIELDS. Mr. President, about two years ago we created 24 new judgeships, and this matter was very exhaustively investigated at that time. If my recollection is correct, the Senator from Arkansas is wrong about the extent of the circuit. My recollection is that the ninth is the largest circuit. As far as the work is concerned, at the time of our investigation the three judges in the eighth circuit were doing about five times as much as the three judges in the first circuit. They had several hundred cases to try, and were trying them every year, and traveled over an immense territory, over

four States, I believe. In the first circuit the three judges were trying only 54 cases a year. Each of the judges in the eighth circuit tried about twice as many cases as were tried by all the judges in the first circuit. The ninth and eighth circuits were really the only two overworked circuits of the nine. I do not know what the condition is now.

Mr. HARRELD. It is worse now.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint two additional circuit judges for the eighth circuit, who shall receive the same salary as other circuit judges now receive, and shall reside within the said eighth circuit.

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

BILLS OF INTERPLEADER BY INSURANCE ORGANIZATIONS

The bill (S. 2835) to amend an act entitled "An act authorizing insurance companies or associations and fraternal beneficiary societies to file bills of interpleader," approved February 22, 1917, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with amendments, on page 2, line 9, to strike out the words "or may claim"; in line 10, to strike out the word "tenders" and insert in lieu thereof the words "has paid"; in line 11, after the word "thereof," to strike out "and will pay the amount so tendered, on order," and insert in lieu thereof the words "into the registry"; in line 12, after the word "court," to strike out "to the clerk of said court"; on page 2, line 15, to strike out the words "any of such claimants," and insert in lieu thereof "the beneficiary or his administrator, or, in the case of an assignment, the assignee"; and on page 3, line 6, after the word "liability," strike out "upon the payment, as directed by the court, of said insurance, indemnity, or benefits as tendered, less complainant's court costs," so as to make the bill read:

Be it enacted, etc., That an act approved February 22, 1917, authorizing insurance companies and fraternal societies to file bills of interpleader be amended to read as follows:

"SECTION 1. That the district courts of the United States shall have original jurisdiction to entertain and determine suits in equity begun by bills of interpleader, duly verified, filed by any insurance company or association or fraternal or beneficial society, and averring that one or more persons who are bona fide claimants against such company, association, or society resides or reside within the territorial jurisdiction of said court; that such company, association, or society has issued a policy of insurance or certificate of membership providing for the payment of \$500 or more as insurance, indemnity, or benefits to a beneficiary, beneficiaries, or the heirs, next of kin, legal representatives, or assignee of the person insured or member; that two or more adverse claimants, citizens of different States, are claiming to be entitled to such insurance, indemnity, or benefits; that such company, association, or society has paid the amount thereof into the registry of the court, there to abide the judgment of the court.

"SEC. 2. In all such cases the district court of the district in which the beneficiary or his administrator, or, in case of an assignment, the assignee resides shall have jurisdiction of such suit, and notwithstanding any provision of the judicial code to the contrary shall have power to issue its process for all such claimants and to issue an order of injunction against each of them enjoining them from instituting or prosecuting any suit or proceeding in any State court or in any other Federal court on such policy or certificate of membership until the further order of the court, which process and order of injunction shall be returnable at such time as the said court or a judge thereof shall determine, and shall be addressed to the United States marshals for the respective districts wherein said claimants reside or may be found.

"SEC. 3. Said court shall hear and determine the cause and shall discharge the complainant from further liability, and shall make the injunction permanent and enter all such other orders and decrees as may be suitable and proper, and issue all such customary writs as may be necessary or convenient to carry out and enforce the same."

The amendments were agreed to.

Mr. PEPPER. Mr. President, I desire to propose an amendment to the bill. The amendment I think goes far to remove objections that anyone may have to the measure, and while the amendment has not been formally before the Committee on the Judiciary I think I may say in the presence of the chairman of the committee that the amendment is acceptable to those members of the committee who have dealt with the bill.

The PRESIDING OFFICER. The amendment proposed by the Senator from Pennsylvania will be stated.

The READING CLERK. Strike out, on page 2, lines 14 to 25, inclusive, and on page 3, lines 1 to 3, inclusive, being all of section 2, and insert in lieu thereof the following:

SEC. 2. In all such cases if the policy or certificate is drawn payable to the estate of the insured, and has not been assigned in accordance with the terms of the policy or certificate, the district court of the district of the residence of the personal representative of the insured shall have jurisdiction of such suit. In case the policy or certificate has been assigned during the life of the insured in accordance with the terms of the policy or certificate, the district court of the district of the residence of the assignee or of his personal representative shall have jurisdiction. In case the policy or certificate is drawn payable to a beneficiary or beneficiaries and there has been no such assignment as aforesaid, the jurisdiction shall be in the district court of the district in which the beneficiary or beneficiaries or their personal representatives reside. In case there are beneficiaries resident in more districts than one, then jurisdiction shall be in the district court in any district in which a beneficiary or the personal representative of a deceased beneficiary resides.

The amendment was agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INVESTIGATION OF FEDERAL FARM LOAN SYSTEM AND BOARD

The resolution (S. Res. 223) authorizing the appointment of a special committee to investigate the Federal farm loan system and the Federal Farm Loan Board was announced as next in order.

Mr. DIAL. Let the resolution go over.

The PRESIDING OFFICER. The resolution will be passed over.

ELLA H. SMITH

The bill (S. 1885) for the relief of Ella H. Smith was announced as next in order, and the Senate, as in Committee of the Whole, resumed its consideration, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ella H. Smith, postmistress at Wynne, Ark., an office of the second class, the sum of \$3,700, which amount was lost by burglary without fault of hers, and which she repaid to the Government.

The PRESIDING OFFICER. The amendment in line 4, inserting the words "out of any money in the Treasury not otherwise appropriated," has been previously agreed to. If there be no further amendment, the bill will be reported to the Senate.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LESLIE WARNICK BRENNAN

The bill (S. 2552) for the relief of Leslie Warnick Brennan was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Leslie Warnick Brennan the sum of \$16,419.97, being the amount expended by him in taking and distributing motion pictures used by the War Department in instruction during the World War.

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

MRS. JOHN P. HOPKINS

The bill (H. R. 3411) for the relief of Mrs. John P. Hopkins was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. John P. Hopkins the sum of \$5,000 for damages suffered by the death of her husband, John P. Hopkins, who was struck and fatally injured by a beef bone negligently thrown from the kitchen of a troop train by a United States soldier, who was then and there in the service of the United States and who was then and there regularly enlisted as a soldier of the United States Army and officially performing duty on such train.

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

W. F. PAYNE

The bill (H. R. 4290) for the relief of W. F. Payne was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to W. F. Payne, a citizen of El Paso, Tex., the sum of \$250 for damages to an automobile belonging to said W. F. Payne, which was damaged by a collision with a truck belonging to the United States Government.

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

JUANA F. GAMBOA

The bill (H. R. 8893) for the relief of Juana F. Gamboa was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Juana F. Gamboa, of El Paso, Tex., mother and sole surviving parent of Francisco Gamboa, deceased, the sum of \$1,593 for the death, hospital, and funeral expenses of the said Francisco Gamboa, who was killed by being struck by a Government truck driven by a soldier of the United States Army.

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

AMENDMENT OF COTTON FUTURES ACT

The bill (S. 386) to amend section 5 of the United States cotton futures act, approved August 11, 1916, as amended, was announced as next in order.

Mr. DIAL. I ask that the bill may go over. I hope early next week to bring up this bill and the next bill on the calendar, and to bring them to a vote.

The PRESIDING OFFICER. The bill will be passed over.

Mr. DIAL. I make the same request with reference to Senate bill 3197, Order of Business 772.

The PRESIDING OFFICER. That bill will also be passed over.

BILLS PASSED OVER

The bill (H. R. 2745) for the relief of J. M. Farrell was announced as next in order.

Mr. JONES of Washington. Mr. President, on the last call of the calendar this bill was passed over at the request of the senior Senator from Arkansas [Mr. ROBINSON]. He is not here to-day and I will have to ask that it may go over until he returns.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 141) providing for the appointment of a commission to consolidate, codify, and revise and reenact the general and permanent laws of the United States in force December 2, 1923, was announced as next in order.

Mr. SHORTRIDGE and Mr. ERNST. Let it go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (S. 3445) to provide for the reorganization and more effective coordination of the executive branch of the Government, to create the department of education and relief, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

CHARLES F. PEIRCE AND OTHERS

The bill (H. R. 6328) for the relief of Charles F. Peirce, Frank T. Mann, and Mollie V. Gaither was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow credit in the accounts for the quarter ending March 31, 1920, of Charles F. Peirce, as superintendent and special disbursing agent of the Flandreau Indian School at Flandreau, S. Dak., for payment of \$1,110; Frank T. Mann, as superintendent and special disbursing agent of the Pipestone Indian School at Pipestone, Minn., for payment of \$674.50; and Mollie V. Gaither, as superintendent and special disbursing agent of the Hope Indian School at Springfield, S. Dak., for payment of \$266.40; all for payment to Frank L. Van Tassel, of Yankton, S. Dak.; said sum being the difference in each instance between the original contract price of flour purchased from said Frank L. Van Tassel and the price specified in a modified contract approved by the Secretary of the Interior.

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

CLIFFORD W. SEIBEL AND FRANK A. VESTAL

The bill (H. R. 5448) for the relief of Clifford W. Seibel and Frank A. Vestal was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized to credit the accounts of Clifford W. Seibel, chemist and special disbursing agent for the Bureau of Mines, in the sum of \$1,418.89, and Frank A. Vestal, special disbursing agent for the Bureau of Mines, in the sum of \$546.42, with payments made by them for the maintenance, repair, and operation of certain motor-propelled, passenger-carrying vehicles.

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

BEATRICE J. KETTLEWELL

The bill (H. R. 5774) for the relief of Beatrice J. Kettlewell was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000 to Beatrice J. Kettlewell in compensation for injuries sustained on June 29, 1922, as the result of an accident in the Stanislaus National Forest.

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

YVONNE THERRIEN

The bill (S. 54) for the relief of Yvonne Therrien was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, in line 6, to strike out "\$2,500" and insert in lieu thereof "\$300," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Yvonne Therrien, of Lynn, Mass., out of any money in the Treasury not otherwise appropriated, the sum of \$300 in full settlement for injuries received by being struck by a United States mail truck in the city of Boston, April 29, 1921.

The amendment was agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 594) for the relief of Wynona A. Dixon was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 4280) for the relief of the Chamber of Commerce of the City of Northampton, Mass., was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2033) for the relief of Philip T. Post was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 2656) to permit the correction of the general account of Robert G. Hilton, former Assistant Treasurer of the United States, was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 1539) for the relief of Caleb Aber was announced as next in order.

Mr. DIAL. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 21) to amend the patent and trade-mark laws, and for other purposes, was announced as next in order.

Mr. ERNST. I ask that the bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

J. W. NEIL

The bill (S. 1221) for the relief of J. W. Neil was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 6, to strike out "\$8,537.48" and insert in lieu thereof "\$7,947.53," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to J. W. Neil, of Ogden, Utah, the sum of \$7,947.53 as compensation for and in full satisfaction of any claim

such J. W. Nell may have for losses suffered by reason of the libel of a carload of sugar belonging to him on May 21, 1920, by a United States marshal under color of the act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917, as amended.

The amendment was agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLARA T. BLACK

The bill (H. R. 1326) for the relief of Clara T. Black was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the account of Clara T. Black, formerly acting postmaster at Taylorsville, Ky., in the sum of \$10,578.28, due the United States on account of postal stamps, war-saving certificate stamps, United States Government thrift stamps, and war-tax revenue stamps which were lost as the result of bank burglary on January 13, 1920.

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

NAVAL RESERVE AND MARINE CORPS RESERVE

The bill (S. 1807) to provide for the creation, organization, and administration and maintenance of a naval reserve and a Marine Corps reserve was announced as next in order.

Mr. JONES of Washington. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

ESTATE OF CAPT. D. H. TRIBOU

The bill (H. R. 5819) for the relief of the estate of the late Capt. D. H. Tribou, chaplain, United States Navy, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to the estate of the late Capt. D. H. Tribou, chaplain, United States Navy, out of any funds in the Treasury not otherwise appropriated, the sum of \$2,667, said sum being the amount of restitution made by the said chaplain out of his private funds on account of Victory loan notes and other funds stolen from the safe in the said chaplain's quarters at the naval home, Philadelphia, Pa., without collusion on the part of said chaplain, which notes and other funds had been deposited in said safe by beneficiaries of said home and others for safe-keeping.

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

CAPT. FRANK GEERE

The bill (H. R. 8258) for the relief of Capt. Frank Geere was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to allow and credit in the accounts of Capt. Frank Geere, Quartermaster Corps (now major, Coast Artillery Corps), the sum of \$127.86 now standing as a disallowance in his accounts on the books of the General Accounting Office.

Sec. 2. That the Comptroller General of the United States is hereby authorized and directed to allow and credit in the accounts of Capt. Frank Geere, Quartermaster Corps (now major, Coast Artillery Corps), the sum of \$29, being the amount found by him to be deficient in a shipment of \$116,000 received on or about August 26, 1916, from the subtreasury at New Orleans, La., for which the said Captain Geere was accountable, and which amount of \$29 he has refunded to the United States to make good the shortage in these public funds.

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

LIEUT. RICHARD EVELYN BYRD, JR.

The bill (S. 3433) for the relief of Lieut. Richard Evelyn Byrd, jr., United States Navy, was considered as in Committee of the Whole.

Mr. SWANSON. Mr. President, the House has passed a bill exactly similar to this in every respect, the bill H. R. 9461, and I ask to have the House bill substituted for the Senate bill.

Mr. REED of Pennsylvania. I call the Senator's attention to the fact that the bill authorizes the Secretary of the Navy to appoint a naval officer. I do not think under the Constitution he has any power to do that. It is the first time I ever saw a bill worded in that way.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Virginia to substitute the House

bill? The Chair hears none, and the House bill is before the Senate for consideration.

Mr. SWANSON. I move to amend the House bill by striking out "Secretary of the Navy" and inserting in lieu thereof "President."

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 1, line 3, in the House bill strike out "Secretary of the Navy" and insert "President," so as to read:

Be it enacted, etc., That the President is hereby authorized to appoint, by and with the advice and consent of the Senate, Lieut. Richard Evelyn Byrd, jr., United States Navy, a lieutenant commander on the retired list of the Navy: *Provided,* That nothing contained herein shall entitle Lieut. Richard Evelyn Byrd, jr., to any back pay or allowances.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

The PRESIDING OFFICER. Senate bill 3433 will be indefinitely postponed.

BILLS PASSED OVER

The bill (S. 708) for the relief of various owners of vessels and cargoes damaged by the U. S. S. *Lamberton* was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 615) for the relief of Grover Ashley was announced as next in order.

Mr. DIAL. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1469) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States, approved July 1, 1898," and acts amendatory thereof, and supplementary thereto was announced as next in order.

Mr. REED of Pennsylvania. I ask that the bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3327) to provide for the cooperative marketing of agricultural commodities was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2646) to provide for the expeditious and prompt settlement, mediation, and conciliation, and arbitration of disputes between carriers and their employees and subordinate officials, and for other purposes was announced as next in order.

Mr. DIAL. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 7588) to authorize the payment of an indemnity to the Government of Norway on account of losses sustained by the owners of the Norwegian Steamship *Hassel* as the result of a collision between that steamship and the American steamship *Ausable* was announced as next in order.

Mr. MOSES. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

GRAZING FEES ON NATIONAL FORESTS

The bill (S. 2424) to reduce the fees for grazing livestock on national forests was considered as in Committee of the Whole.

The bill had been reported from the Committee on Agriculture and Forestry with an amendment.

Mr. McNARY. Mr. President, to this bill I desire to propose two amendments which I send to the desk.

The PRESIDING OFFICER. The first amendment proposed by the Senator from Oregon will be stated.

The READING CLERK. In the committee amendment, on page 3, line 9, after the word "public," insert "and such appointment shall be subject to the approval of the Secretary of Agriculture."

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The next amendment of the Senator from Oregon will be stated.

The READING CLERK. On page 5, line 7, strike out the words "decisions of the board on any such appeal shall be final," and insert the following—

Mr. SMOOT. Upon reading the bill a little more carefully I would like to ask the Senator from Oregon if he does not think the amendment just agreed to is unwise?

Mr. McNARY. I certainly would not be here proposing it if I thought it were unwise.

Mr. SMOOT. It seems to me if we are going to allow the Secretary of Agriculture to approve of the appointment we might as well allow these men to be appointed direct from the public. He will have the say-so. He will control the whole thing. Why not let him make the appointment of all five men?

Mr. McNARY. It is thought that it would not be wise entirely to remove from the jurisdiction of the Secretary of Agriculture whatever he might want in the way of personnel on the appeal board. He does not want a board that can take entirely out of his jurisdiction a matter which now resides exclusively in his department. This is thought to cover situations to which he objected. The Secretary of Agriculture and the Secretary of the Interior have reached a common agreement on these bills, both relative to the grazing in national forests and on the public domain.

Mr. SMOOT. Under the bill the Secretary of Agriculture has the selection of two men now. If he has the selection of a third man, he might just as well control the board, and might just as well have the whole matter in his hands.

Mr. McNARY. He has now, of course.

The Secretary of Agriculture, Mr. Gore, the Secretary of the Interior, the Senator from Colorado [Mr. PHIPPS] and myself have discussed this matter, together with the livestock associations, and all have agreed that this amendment would take away the objections which have heretofore been interposed by the secretaries regarding the pasturing of the national forests and the public domain, and the Senator from Utah is the first one who has raised an objection.

Mr. SMOOT. I wish the Senator to understand that so far as the legislation is concerned I am heartily in favor of it, but I thought if we were going to have a board to pass upon this matter that the Department of Agriculture should not have the appointment of three out of the five members, or else it should have the appointment of all. I am perfectly willing to leave the appointment of all of the members of the board to the Secretary of Agriculture, because the practical result would be exactly the same as if he were permitted to appoint three.

Mr. PHIPPS. Mr. President, if I may make a suggestion, I will say that the intent is to allow the Secretary of Agriculture to pass upon the capabilities and qualifications of the fifth man who may be suggested to him as a member of the board by the other four members who have already been appointed. Otherwise those four men may select some one who is not competent to pass upon these questions of jurisdiction which may arise in the national forests.

Mr. SMOOT. Under the bill as it is now framed the Secretary of Agriculture has the appointment of four members. That being so, why not give him the appointment of all of them, as this practically proposes to do? I do not think there is anything in the whole proposition but the Secretary of Agriculture.

Mr. PHIPPS. The two members of the board whom he appoints of his own motion, of course, are members of his department. The other two are suggested to him for nomination by the livestock associations or by the men who are using the forests for grazing purposes. He is given a veto power in that respect, and it is suggested that he should have the same power with reference to the fifth member. We believe the matter could be worked out properly in practice.

Mr. SMOOT. To accomplish the intent of the legislation, it seems to me the only thing to do would be to provide that the Secretary may appoint all five members.

Mr. JONES of Washington. Mr. President, we have about 20,000,000 acres of forest reserves in my State, and I think I shall object to the consideration of the bill at the present time with this amendment in it.

The PRESIDING OFFICER. There being objection, the bill goes over.

Mr. PHIPPS. Mr. President, if the Senator from Washington will permit me one minute, while he may be fully justified in entering the objection to the consideration of the bill at the present time, I want to take this occasion to say that this is a bill that is being urged by the people who are vitally interested in grazing on the national forest reserves. It has had the support of all of the livestock associations that have held meetings in the last year or so. It has also been recommended by the conference on agriculture which was appointed by the President.

Mr. JONES of Washington. Mr. President, I appreciate what the Senator from Colorado has stated, but I desire to ask,

Have these people to whom he has referred approved this amendment? I take it the amendment has not been presented to them for consideration.

Mr. McNARY. Mr. President, I think I might well advise the Senator from Washington that the western grazers have usually approved of the measure, but I think it is unimportant. I only offered it at the suggestion of the Secretary of Agriculture. I do not think it is very important.

Mr. JONES of Washington. If the Senator does not think it very important, let the Senator withdraw it.

Mr. McNARY. I hope the Senator from Washington will not anticipate me. I will reach that point in my own way. In view of the expression of antagonism by the distinguished Senator from Washington and the very great indifference of the Senator from Oregon, and in order that it may not impede the passage of this great measure, I withdraw the amendment.

Mr. JONES of Washington. Very good.

The PRESIDENT pro tempore. The amendment is withdrawn. The question is on agreeing to the committee amendment.

The amendment was agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 2844) to place the agricultural industry on a sound commercial basis, to encourage agricultural cooperative associations, and for other purposes, was announced as next in order.

Mr. CURTIS. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3278) to establish a council on universities and colleges in the District of Columbia, and for other purposes, was announced as next in order.

Mr. CARAWAY. Let that bill go over.

Mr. COPELAND. I hope the Senator from Arkansas will permit this bill to be considered and passed. The Committee on Education held long hearings on it. The object of the enactment of the bill is to wipe out the scandal of the diploma mills from which we have had to suffer.

Mr. CARAWAY. If the Senator will yield to me, I desire to say that the bill goes very much further than that. I have just sent for a copy of the bill and looked at it, and I should not like for the bill to be considered in the brief time we now have, because it is very sweeping.

Mr. COPELAND. It relates only to the District of Columbia.

Mr. CARAWAY. No; it goes very much beyond the District of Columbia. I hope the Senator from New York will not press the bill now.

Mr. COPELAND. Of course I shall not press the measure; but I repeat that it relates only to the District of Columbia.

Mr. CARAWAY. But it undertakes to exert pressure all over the whole United States.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3459) to encourage and promote the sale and export of agricultural products grown within the United States was announced as next in order.

Mr. BURSUM. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

INVESTIGATION OF VETERANS' BUREAU

The resolution (S. Res. 253) to continue the Select Committee on the Veterans' Bureau was announced as next in order.

Mr. WALSH of Massachusetts. Mr. President, I suppose that resolution is of but little value now, since we are approaching the end of the Sixty-eighth Congress. I suggest that it be passed over.

The PRESIDENT pro tempore. The resolution will be passed over.

Mr. REED of Pennsylvania subsequently said: Mr. President, I was called from the Chamber just as Calendar No. 859, being Senate Resolution 253, to continue the Select Committee on the Veterans' Bureau, was reached, and was unable to make a motion that I meant to make. I ask unanimous consent now to be allowed to move that the resolution go to the calendar under Rule IX and to appear on the calendar under that heading.

Mr. WALSH of Massachusetts. That disposition is agreeable to me.

The PRESIDENT pro tempore. Without objection, the resolution will be placed on the calendar under Rule IX.

FEES OF DISTRICT COURT CLERKS

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5420) to provide fees to be charged by clerks of the district courts of the United States, which was read as follows:

Be it enacted, etc., That the fees hereinafter provided for, and no other, shall be charged and collected by clerks of the district courts of the United States for services performed by them or their assistants: *Provided*, That all laws or parts of laws inconsistent or repugnant to the provisions of this act are hereby repealed; but nothing in this act shall repeal or in any way enlarge or modify the provisions of the act of July 20, 1892 (27 U. S. Stat. L. p. 252), as amended by the act of June 25, 1910 (36 U. S. Stat. L. p. 866), and the act of June 27, 1922 (42 U. S. Stat. L. p. 666): *Provided further*, That the United States shall not be required to pay any sum or fee herein provided for.

SEC. 2. Upon the institution of any suit or proceeding, whether by original process, removal, indictment, information, or otherwise, there shall be paid by the party or parties so instituting such suit or proceeding, as fees of the clerk for all services to be performed by him in such case or proceeding, except as hereinafter provided, the sum of \$5.

SEC. 3. Upon the filing of any answer or paper joining issue, or the entering of an order for trial, there shall be charged and collected by the clerk, from the party or parties filing any such answer or paper, for services performed and to be performed by said clerk in said case or proceeding, the further sum of \$5: *Provided*, That after one fee, as hereinbefore provided in this section, has been paid by any defendant, cross-petitioner, intervenor, or party, other defendants, cross-petitioners, intervenors, or parties, separately appearing or filing any answer or paper in said suit or proceeding, shall pay a further fee of \$2, for each answer or paper so filed: *And provided further*, That in any criminal case, upon the entering of a plea of not guilty by any defendant, there shall be charged and taxed in the costs of said case, a fee of \$5 for each defendant entering such plea, but the clerk shall not be required to account for any such fee not collected by him.

SEC. 4. Upon the entry of any judgment, decree, or final order of the court in any suit or proceeding there shall be charged and collected by the clerk, from the prevailing party or parties, as an additional fee for services performed and to be performed in said suit or proceeding, the further sum of \$5: *Provided, however*, That in any criminal case the clerk shall not be required to account for any such fee not collected by him.

SEC. 5. Upon the filing of any petition for appeal or writ of error to any Circuit Court of Appeals or the Supreme Court of the United States there shall be charged and collected by the clerk, from the party or parties prosecuting such appeal or writ of error, an additional fee in said suit or proceeding of \$5.

SEC. 6. Upon the filing of any petition or application for a writ of habeas corpus, or appeal from a deportation order of a United States commissioner, there shall be charged and collected by the clerk, from the petitioner or applicant, as full payment for all services performed or to be performed by him in said proceeding, the sum of \$5: *Provided*, That if an appeal is prosecuted from the order of the district court in said proceeding, then and in that event the additional sum of \$5, as provided in section 4 of this act, shall be charged and collected by the clerk.

SEC. 7. For each additional trial or final hearing, upon a reversal by a Circuit Court of Appeals or the Supreme Court of the United States, or following a disagreement by a jury or the granting of a new trial or rehearing by the court, there shall be charged and collected by the clerk, from the party or parties securing such reversal, new trial, or rehearing, or from the plaintiff or plaintiffs in the event of a disagreement, the further sum of \$5: *Provided, however*, That the clerk shall not be required to account for any such fee not collected by him in any criminal case: *Provided further*, That nothing herein contained shall prohibit the court from directing by rule or standing order, the collection at the time the services are rendered of the fees herein enumerated, from either party, but all such fees shall be taxed as costs in the respective cases.

SEC. 8. That in addition to the fees for services rendered in cases, hereinbefore enumerated, the clerk shall charge and collect, for miscellaneous services performed by him, and his assistants, except when on behalf of the United States, the following fees:

1. For issuing any writ or a subpoena for a witness, not in a case instituted or pending in the court from which it is issued, and filing and entering the return of the marshal thereon, 50 cents.

2. For filing and indexing any paper, not in a case or proceeding, 25 cents.

3. For administering an oath or affirmation, not in a case or proceeding pending in the court where the oath is administered, 10 cents.

4. For an acknowledgement, certificate, affidavit, or countersignature, with seal, 50 cents.

5. For taking and certifying depositions to file, 20 cents for each folio of 100 words, and if taken stenographically, 15 cents per folio additional, for the stenographer.

6. For a copy of any record, entry, or other paper, and the comparison thereof, 15 cents for each folio of 100 words.

7. For filing praecipe or requisition and searching the records of the court for judgments, decrees, or other instruments or suits pending, or bankruptcy proceedings, including the certifying of the results of such search, 60 cents for the first name and 25 cents for each additional name embraced in the certificate.

8. For receiving, keeping, and paying out money in pursuance of any statute or order of court, including cash bail or bonds or securities authorized by law to be deposited in lieu of other security, 1 per cent of the amount so received, kept and paid out, or of the face value of such bonds or securities.

9. For keeping a record of surety companies and bonds thereof, 15 cents for each folio of 100 words.

10. For preparation and mailing notices in bankruptcy, 10 cents each for the first 20 notices and 5 cents for each additional notice: *Provided*, That this fee shall cover and include all services and expenses in connection therewith: *And provided further*, That such fee shall not be deemed to be included in any other fee for services in bankruptcy proceedings.

11. For making and comparing a transcript of record on appeal or writ of error when required or requested, 15 cents for each folio of 100 words.

12. For comparing any transcript copy of record, or other paper not made by the clerk with the original thereof, 5 cents for each folio of 100 words.

13. For making a final record in any case at the request of either party or upon order of court in a particular case, 15 cents for each folio of 100 words: *Provided, however*, That when any such final record is made upon order of court the fees therefor shall be taxed in the costs of the case.

14. For admission of attorneys to practice, \$1 each; for certificate of admission to be furnished upon request, \$2 additional.

15. For making any record not in a case and not provided for in this act, 15 cents for each folio of 100 words.

SEC. 9. That this act shall become and be in force and effect on and after July 1, 1924.

Mr. PEPPER. Mr. President, I move an amendment to the measure by substituting the date "1925" for "1924" on line 5, page 7. The bill is identical with the bill previously passed by the Senate, but in both the Senate bill and the House bill the effective date by mistake was made 1924 instead of 1925. The amendment which I propose is merely to correct the effective date of the bill.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Pennsylvania will be stated.

The READING CLERK. In section 9, page 7, line 5, after the words "July 1," it is proposed to strike out the figures "1924" and to insert "1925," so as to make the section read:

SEC. 9. That this act shall become and be in force and effect on and after July 1, 1925.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

INDICES OF JUDGMENT DEBTORS

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5423) to amend section 2 of the act of August 1, 1888 (25 Stat. L. p. 357). It proposes to amend section 2 of the act of August 1, 1888 (25 Stat. L. p. 357), so as to read as follows:

The clerks of the several courts of the United States shall prepare and keep in their respective offices complete and convenient indices of all judgment debtors under decrees, judgments, or orders of said courts, and such indices and judgments shall at all times be open to the inspection and examination of the public.

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

CLAIM OF NEW YORK CITY AGAINST THE GOVERNMENT

The resolution (S. Res. 227) to authorize an adjustment of the claim of the city of New York for expenses incurred on behalf of the United States during the Civil War was announced as next in order.

Mr. DIAL. Let the resolution go over.

The PRESIDENT pro tempore. The resolution will go over.

INSTRUCTION OF CHIPPEWA INDIAN CHILDREN, MINNESOTA

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8086) to amend the act entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915," approved August 1, 1914, which was read as follows:

Be it enacted, etc., That section 8 of the act of August 1, 1914 (38 Stat. L. 582, 590), be, and the same is hereby, amended by adding after the word "reimbursable" occurring in the thirteenth line of said section 8 the words "from tribal funds of the Chippewa Indians," so that said act shall read in part: "For the payment of high-school teachers at the White Earth Indian School, Minnesota, for instruction of children of the Chippewa Indians in the State of Minnesota, \$4,000, or so much thereof as may be necessary, said sum to be reimbursable from tribal funds of the Chippewa Indians, to be used under rules prescribed by the Secretary of the Interior."

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

BILLS PASSED OVER

The bill (S. 3394) to amend section 26 of the interstate commerce act, as amended, was announced as next in order.

Mr. BRUCE. I ask that that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3035) to provide for the appointment of a commissioner of reclamation, and for other purposes, was announced as next in order.

Mr. JONES of Washington. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

RETIREMENT IN LIGHTHOUSE SERVICE

The bill (S. 3613) to provide for retirement for disability in the Lighthouse Service was announced as next in order.

Mr. DIAL. I ask that the bill go over.

Mr. JONES of Washington. I hope the Senator will not object to that bill. It went over on a previous occasion at the suggestion of the Senator from Utah. He has looked into it since and I think is entirely satisfied with the bill. I will read a few lines from the report, which will explain the situation:

The employees of the field service of the Lighthouse Service now may be retired for age under the lighthouse retirement act of June 20, 1918, but these provisions should be extended to cover cases of disability before the retirement age is reached. The general civil service retirement act of May 22, 1920, contains such a provision, as do the laws applying to the Coast Guard, the Coast and Geodetic Survey, and the Army and Navy—

I especially call the Senator's attention to this sentence—

and the result is that the field employees of the Lighthouse Service are now the only persons in the Government service who can not be retired for disability.

All that this bill does is to retire those persons when they become disabled. They have hazardous duties to perform, as the Senator knows, and I hope he will withdraw his objection.

Mr. DIAL. Mr. President, I do not favor retiring anybody except for disability. I am not in favor of retiring employees for age.

Mr. JONES of Washington. This bill merely provides for their retirement on account of disability.

Mr. DIAL. Only in case of disability?

Mr. JONES of Washington. Yes.

Mr. DIAL. I withdraw my objection.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That hereafter any officer or employee to whom section 6 of the act entitled "An act to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes," approved June 20, 1918, as amended, applies, who has been in the active service of the Government 15 years or more and who is found, after examination by a medical officer of the United States, to be disabled for useful and efficient service by reason of disease or injury not due to vicious habits, intemperance, or willful misconduct on his part, shall be retired under rules to be prescribed by the Secretary of Commerce on an annuity computed in the manner provided in such act.

Sec. 2. Any such officer or employee may, upon recovery, be restored to active duty, and shall from time to time, before reaching

the age at which he may be retired under such act, be reexamined by a medical officer of the United States upon the request of the Secretary of Commerce.

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

RESOLUTIONS PASSED OVER

The joint resolution (S. J. Res. 118) to authorize the United States Shipping Board to adjust the claim of the Near East Relief was announced as next in order.

Mr. JONES of Washington. That joint resolution may go over, Mr. President.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The resolution (S. Res. 271) authorizing preparation of compilation of Indian laws and treaties was announced as next in order.

Mr. SMOOT. I ask that the resolution go over.

Mr. HARRELD. Will the Senator withhold his objection for a moment?

Mr. SMOOT. I understand thoroughly what the resolution provides; I am entirely familiar with it.

Mr. HARRELD. The Senator understands, then, that there are already three volumes of this compilation, and the resolution proposes to provide for the fourth volume, bringing it down to date?

Mr. SMOOT. Yes; I understand; but I object to the consideration of the resolution.

The PRESIDENT pro tempore. The resolution will be passed over.

COMPENSATION TO CHIPPEWA INDIANS OF MINNESOTA

The bill (H. R. 26) to compensate the Chippewa Indians of Minnesota for lands disposed of under the provisions of the free homestead act was announced as next in order, and the bill was read, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any funds in the Treasury of the United States not otherwise appropriated, the sum of \$1,787,751.36, with interest thereon at the rate of 5 per cent per annum from December 31, 1922, to the date of settlement, said total amount to be credited to the general fund of the Chippewa Indians of Minnesota arising under the provisions of section 7 of the act of January 14, 1889.

Mr. CURTIS. I should like to ask the Senator from Oklahoma, the chairman of the Committee on Indian Affairs, a question. I understood the free homestead act only applied to lands that had been already acquired and paid for by the Government. How does it happen that this bill provides for the payment for lands taken under the homestead act?

Mr. HARRELD. There were certain lands that were set apart for homestead on condition that the Indians would be paid \$1.25 an acre for them, and the money proposed to be paid under this bill is that which the Government owes to the Chippewa Indians at the rate of \$1.25 an acre for lands that were homesteaded by the whites who paid the \$1.25.

Mr. CURTIS. Then it does not come under the free homestead act, as indicated?

Mr. HARRELD. Not at all. These lands on the Chippewa Indian Reservation were opened to settlement by the whites upon terms and conditions that the Indians would be paid \$1.25 an acre. The whites paid the \$1.25 an acre for the land, and this bill is intended to provide that that money shall be placed to the credit of the Chippewa Tribe, with interest from the date the Government received the money up to the present time.

Mr. CURTIS. I have no objection to the bill.

The PRESIDENT pro tempore. Is there objection?

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

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

RESOLUTION PASSED OVER

The resolution (S. Res. 283) favoring the allotment of sufficient funds to the Interstate Commerce Commission to enable it to carry on the work of valuation of common carriers was announced as next in order.

The PRESIDENT pro tempore. Let that go over.

SUSQUEHANNA RIVER BRIDGE

The bill (S. 3639) granting the consent of Congress to the Harrisburg Bridge Co. and its successors to reconstruct its bridge across the Susquehanna River at a point opposite Market Street, Harrisburg, Pa., was announced as next in order.

Mr. SHEPPARD. Mr. President, a similar bill has passed the House. It will save time if, in lieu of the Senate bill, the Senate Committee on Commerce be permitted to report this bill.

I ask unanimous consent to report back favorably without amendment, from the Committee on Commerce, House bill 10030, granting the consent of Congress to the Harrisburg Bridge Co. and its successors to reconstruct its bridge across the Susquehanna River at a point opposite Market Street, Harrisburg, Pa., and I submit a report (No. 957) thereon.

The PRESIDENT pro tempore. Without objection, the report will be received.

Mr. SHEPPARD. I ask unanimous consent for the present consideration of that bill and that it be substituted for the Senate bill.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

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

The PRESIDENT pro tempore. Without objection, Senate bill 3639 will be indefinitely postponed.

MISSISSIPPI RIVER BRIDGE

The bill (S. 3649) to extend the time of the Chicago, Milwaukee & St. Paul Railroad for completion of bridge across the Mississippi River was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 1, line 3, after the words "That the," to strike out "time" and insert "times"; in the same line, after the word "for," to insert "commencing and"; in line 7, after "1924," to strike out "is" and insert "are"; in the same line, after the word "extended," to strike out "for two years from" and insert "one year and three years, respectively, from"; and in line 8, after the word "February," to strike out "18" and insert "16," so as to make the bill read:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Mississippi River between the city of St. Paul and the city of Minneapolis, authorized by section 1 of the act of Congress approved February 16, 1924, are hereby extended one year and three years, respectively, from February 16, 1925.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to extend the time of the Chicago, Milwaukee & St. Paul Railroad for construction of bridge across the Mississippi River."

JUNEAU, ALASKA, BOND ISSUE

The bill (H. R. 5558) to authorize the incorporated town of Juneau, Alaska, to issue bonds in any sum not exceeding \$200,000 for the purpose of improving the street and sewerage system of the town was considered as in Committee of the Whole.

The bill had been reported from the Committee on Territories and Insular Possessions, with amendments, on page 1, line 5, after the word "exceeding," to strike out "\$200,000" and insert "\$60,000"; and in line 7, before the word "sewerage," to strike out "street and," so as to make the bill read:

Be it enacted, etc., That the incorporated town of Juneau, Alaska, is hereby authorized and empowered to issue bonds in any sum not exceeding \$60,000 for the purpose of improving the sewerage system of the town.

SEC. 2. That before said bonds shall be issued a special election shall be ordered by the common council of the town of Juneau, at which election the question of whether such bonds shall be issued shall be submitted to the qualified electors of said town of Juneau whose names appear on the last assessment roll of said town for municipal taxation. Thirty days' notice of such election shall be given by publication thereof in a newspaper printed and published and of general circulation in said town before the day fixed for such election.

SEC. 3. That the registration for such election, the manner of conducting the same, and the canvass of the returns of said election shall be, as near as practicable, in accordance with the requirements of law in general or special elections in said municipality, and said bonds shall be issued only upon condition that 60 per cent of the votes cast at such election in said town shall be in favor of issuing said bonds.

SEC. 4. That the bonds above specified, when authorized to be issued as hereinbefore provided, shall bear interest at a rate to be fixed by the common council of Juneau, not to exceed 6 per cent per annum, payable semiannually, and shall not be sold for less than their par value, with accrued interest, and shall be in denominations not exceeding \$1,000 each, the principal to be due in 20 years from date thereof: *Provided, however,* That the common council of the said town of Juneau may reserve the right to pay off such bonds in their numerical order at the rate of \$10,000 thereof per annum from and after the expiration of four years from their date. Principal and interest shall be payable in lawful money of the United States of America at the office of the town treasurer or at such bank in the city of New York, in the State of New York, or such place as may be designated by the common council of the town of Juneau, the place of payment to be mentioned in the bonds: *And provided further,* That each and every bond shall have the written signature of the mayor and clerk of the said town of Juneau and also bear the seal of said town.

SEC. 5. That no part of the funds arising from the sale of said bonds shall be used for any purpose other than specified in this act. Said bonds shall be sold only in such amounts as the common council shall direct, and the proceeds thereof shall be disbursed for the purposes hereinbefore mentioned and under the order and direction of said common council from time to time as the same may be required for said purpose.

The amendments were agreed to.

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

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to authorize the incorporated town of Juneau, Alaska, to issue bonds in any sum not exceeding \$60,000 for the purpose of improving the sewerage system of the town."

COOPERATIVE AGREEMENTS BETWEEN HEADS OF EXECUTIVE DEPARTMENTS AND GOVERNOR OF ALASKA

The bill (S. 3714) to authorize cooperative agreements between the heads of the executive departments and the Governor of the Territory of Alaska was considered as in Committee of the Whole.

The bill had been reported from the Committee on Territories and Insular Possessions, with amendments.

The amendments were, on page 1, line 3, after the words "That the," to strike out "head of any executive department" and insert "Secretary of the Interior"; on page 2, line 2, after the word "Territory," to strike out "or his services shall have been dispensed with"; in line 3, after the words "employee of," to insert "the Department of the Interior of"; and in line 6, after the words "sanction of the," to strike out "head of his department or independent establishment" and insert "Secretary of the Interior," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior of the United States may, at his discretion, enter into agreements with the Governor of the Territory of Alaska under which any officer or employee in his department shall perform any or all of the duties of any office created by the laws of said Territory at any time when there shall be a vacancy in such office, or when the person holding the same is incapacitated or absent from the Territory.

SEC. 2. Any officer or employee of the Department of the Interior of the United States may, upon the written request of the Governor of the Territory of Alaska and with the sanction of the Secretary of the Interior, assist or cooperate with any officer of said Territory in the performance and discharge of any of the duties of such Territorial officer: *Provided,* That no officer or other employee of the United States shall receive any compensation from the Territory of Alaska for any services performed by him under this act, except such as may be reasonably necessary to reimburse his actual expenditures for necessary clerical and other assistance, and for travel and subsistence while in the performance of such service.

The amendments were agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize cooperative agreements between the Secretary of the Department of the Interior of the United States and the Governor of the Territory of Alaska."

SITKA, ALASKA, BOND ISSUE

The bill (H. R. 5096) to authorize the incorporated town of Sitka, Alaska, to issue bonds in any sum not exceeding \$25,000

for the purpose of constructing a public-school building in the town of Sitka, Alaska, was considered as in Committee of the Whole.

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

INDIAN TRIBES RESIDING IN THE STATE OF WASHINGTON

The bill (H. R. 2694) authorizing the Indian tribes and individual Indians, or any of them, residing in the State of Washington and west of the summit of the Cascade Mountains to submit to the Court of Claims certain claims growing out of treaties and otherwise was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with amendments, on page 2, line 7, after the words "determination and," to strike out "jurisdiction" and insert "adjudication"; and on page 3, line 1, after the word "contract," to insert "or contracts," so as to make the bill read:

Be it enacted, etc., That all claims, of whatsoever nature, both legal and equitable, of the tribes and bands of Indians, or any of them, except the S'Klallams, commonly known as the Clallams, with whom were made any of the treaties of Medicine Creek, dated December 26, 1854; Point Elliott, dated January 22, 1855; Point-no-Point, dated January 26, 1855; the Quin-al-elts, dated May 8, 1859, growing out of said treaties, or any of them, and that all claims, of whatever nature, both legal and equitable, which the Muckleshoot, San Juan Islands Indians, Nook-Sack, Suattle, Chinook, Upper Chehalis, Lower Chehalis, and Humpulip Tribes or Bands of Indians, or any of them (with whom no treaty has been made), may have against the United States shall be submitted to the Court of Claims, with right of appeal by either party to the Supreme Court of the United States for determination and adjudication, both legal and equitable, and jurisdiction is hereby conferred upon the Court of Claims to hear and determine any and all suits brought hereunder and to render final judgment therein: *Provided,* That the court shall also consider and determine any legal or equitable defenses, set-offs, or counterclaims, including gratuities, which the United States may have against any of said tribes or bands.

SEC. 2. That the Court of Claims shall advance the cause or causes upon its docket for hearing, and shall have authority to determine and adjudge all rights and claims, both legal and equitable, of said tribes or bands of Indians, or any of them, and of the United States in the premises, notwithstanding lapse of time or statutes of limitation.

SEC. 3. That suit or suits instituted hereunder shall be begun within five years from the date of the passage of this act by such tribes or bands of Indians, as parties plaintiff, and the United States as the party defendant. The petition or petitions may be verified by attorney or attorneys employed by such tribes of Indians under contract or contracts approved in accordance with existing law upon information and belief as to the facts therein alleged, and no other verification shall be necessary. Upon final determination of such suit or suits the Court of Claims shall have jurisdiction to fix and determine a reasonable fee, not to exceed 10 per cent of the recovery, and in no event shall such fee amount in the aggregate under one attorneyship for each tribe to more than \$25,000, together with all necessary and proper expenses incurred in preparation and prosecution of the suit, to be paid to the attorneys employed by the said tribes or bands of Indians, or any of them, and the same shall be included in the decree and shall be paid out of any sum or sums found to be due said tribes.

The amendments were agreed to.

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

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

AMENDMENT OF NATIONAL DEFENSE ACT

The bill (S. 2532) to amend in certain particulars the national defense act of June 3, 1916, as amended, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 1, line 7, after the word "every," to strike out "eight" and insert "twelve," so as to make the bill read:

Be it enacted, etc., That said national defense act, as amended, be, and the same is hereby, further amended by striking out section 15 of said act and inserting the following in lieu thereof:

"SEC. 15. Chaplains: There shall be one chaplain for every 1,200 officers and enlisted men of the Regular Army, exclusive of the Philippine Scouts and the unassigned recruits, authorized from time to time in accordance with law and within the peace strength permitted by this act. Chaplains shall hereafter have rank, pay, and allowances according to length of active commissioned service in the Army, or, since April 6, 1917, in the National Guard while in active service under a call by the President, as follows: Less than 3 years, first lieutenant; 3 to 12 years, captain; 12 to 20 years, major; 20 to 26

years, lieutenant colonel; over 26 years, colonel. One chaplain, of rank not below that of major, may be appointed by the President, by and with the advice and consent of the Senate, to be chief of chaplains. He shall serve as such for 4 years, and shall have the rank, pay, and allowances of brigadier general while so serving. His duties shall include investigation into the qualifications of candidates for appointment as chaplain, and general coordination and supervision of the work of chaplains. Of the vacancies existing on July 1, 1920, such number as the President may direct shall be filled by appointment on that date of persons under the age of 58 years, other than chaplains of the Regular Army who served as chaplains in the Army at some time between April 6, 1917, and the date of the passage of this act. Such appointments may be made in grades above the lowest under the same restrictions as to age and rank as are hereinafter prescribed for original appointments in other branches of the service, and in accordance with the recommendation of the board of officers provided for in section 24. For purposes of future promotion, persons so appointed shall be considered as having had, on the date of appointment, sufficient prior service to bring them to their respective grades under the rules of promotion established in this section."

The amendment was agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 3631) for the relief of Augustus Sipple, was announced as next in order.

Mr. DIAL. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

CONSTANCIO MIERA AND OTHERS

The bill (S. 3830) to authorize and direct the Secretary of the Interior to issue patents upon the small holding claims of Constancio Miera, Juan N. Baca, and Filomeno N. Miera, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to issue patents for the following small holding claims, to wit: No. 4245, embracing the southeast quarter northwest quarter, northeast quarter southwest quarter, north half southeast quarter, section 7, township 4 south, range 4 east, New Mexico principal meridian, containing 160 acres, to Constancio Miera, his heirs and assigns; No. 5411, embracing the southeast quarter southeast quarter, section 31, township 3 south, range 4 east, and lot 1, section 6, township 4 south, range 4 east, New Mexico principal meridian, containing 81.98 acres, to Juan N. Baca, his heirs and assigns; and No. 5159, embracing the south half southeast quarter, section 7, and east half northeast quarter, section 18, township 4 south, range 4 east, New Mexico principal meridian, containing 160 acres, to Filomeno N. Miera, his heirs and assigns.

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

LANDS IN PLUMAS NATIONAL FOREST, CALIF.

The bill (H. R. 103) for the inclusion of certain lands in the Plumas National Forest, Calif., and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with an amendment, to strike out all after the enacting clause and to insert:

That within the following-described areas any lands not in Government ownership which are found by the Secretary of Agriculture to be chiefly valuable for national forest purposes may be offered in exchange under the provisions of the act of March 20, 1922 (Public, 173, 42 U. S. Stat. L. p. 465), upon notice as therein provided and upon acceptance of title shall become parts of the Plumas National Forest, the Eldorado National Forest, the Stanislaus National Forest, the Shasta National Forest, and the Tahoe National Forest, respectively, and any of such described areas in Government ownership, chiefly valuable for national forest purposes and not now parts of any national forest may be added to said national forests, as herein provided by proclamation of the President, subject to all valid claims and provisions of existing withdrawals: (1) To the Plumas National Forest, Calif.: Township 22 north, range 4 east, sections 1, 12, and 13; township 23 north, range 4 east; township 20 north, range 6 east, east half of township; township 26 north, range 6 east; township 27 north, range 6 east; township 20 north, range 7 east; township 21 north, range 7 east; township 26 north, range 7 east; township 27 north, range 7 east; township 21 north, range 8 east, sections 4, 5, 6, 7, 8, 9, and 18; township 27 north, range 8 east; township 24 north, range 9 east, sections 10, 11, 16, 22, 23, and 24; township 27 north, range 9 east, sections 34, 35, and 36; township 23 north, range 10 east, north half of section 1; township 24

north, range 10 east, sections 19, 28, 29, and 36; township 26 north, range 10 east, sections 31, 32, and 33; township 22 north, range 11 east, sections 1 and 2; township 23 north, range 11 east; township 24 north, range 11 east, sections 31, 32, and 33; township 29 north, range 11 east, sections 25 to 36; township 22 north, range 12 east; township 28 north, range 12 east, sections 1, 2, 3, and 12; township 29 north, range 12 east, sections 26 to 35, inclusive; township 21 north, range 13 east, north half of township; township 22 north, range 13 east; township 23 north, range 13 east; township 21 north, range 14 east, sections 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, 31, and 32; township 22 north, range 14 east, sections 29, 30, 31, and 32; township 23 north, range 14 east, sections 7, 16, 17, 18, 19, 20, 21, 28, 29, 30, and 33; township 25 north, range 16 east, sections 15 and 16; all Mount Diablo base and meridian, California.

(2) To the Eldorado National Forest, Calif.: Township 11 north, range 12 east, sections 25 to 29, inclusive, and 32 to 36, inclusive; township 10 north, range 12 east, sections 1 to 3, inclusive, 10 to 15, inclusive, 22 to 29, inclusive, 32 to 36, inclusive; township 11 north, range 13 east, sections 31 to 33, inclusive; township 10 north, range 13 east; township 9 north, range 13 east; township 8 north, range 13 east, sections 1 to 3, inclusive, 10 to 15, inclusive, 23 to 27, inclusive, 34 to 36, inclusive; township 8 north, range 14 east; township 7 north, range 14 east, sections 1 to 13, inclusive, 16 to 20, inclusive; township 13 north, range 18 east, sections 31 and 32; township 12 north, range 18 east, sections 3 to 11, inclusive, 14 to 23, inclusive, 26 to 34, inclusive; all in Mount Diablo base and meridian.

(3) To the Stanislaus National Forest, Calif.: Township 1 south, range 16 east, sections 1 to 5, inclusive, 8 to 15, inclusive, 22 to 27, inclusive, and 34 to 36, inclusive; township 2 north, range 15 east, sections 1 to 12, inclusive; township 2 north, range 16 east, sections 2 to 10, inclusive, 15, 16, and 21; township 4 north, range 14 east, sections 1, 2, 11 to 14, inclusive, and 23 to 26, inclusive; township 5 north, range 14 east, sections 1, 2, 11 to 14, inclusive, 23 to 26, inclusive, 35 and 36; township 6 north, range 14 east, sections 1 to 4, inclusive, 9 to 16, inclusive, 21 to 28, inclusive, 33 to 36, inclusive; township 7 north, range 14 east, sections 9 to 17, inclusive, and 19 to 36, inclusive; all in Mount Diablo base and meridian.

(4) To the Shasta National Forest, Calif.: Township 36 north, range 5 west, sections 1 to 11, inclusive, and 15 to 17, inclusive; township 37 north, range 1 east, section 1; township 37 north, range 2 east, sections 9 to 16, inclusive; township 37 north, range 3 east, north quarter section 1, sections 3 to 6, inclusive, sections 9 and 10, 15 and 16; township 37 north, range 4 east, north half section 6; township 37 north, range 4 west, sections 4 to 9, inclusive, and 16 to 21, inclusive; township 37 north, range 5 west, sections 1, 11 to 14, inclusive, 23 to 26, inclusive, and 31 to 36, inclusive; township 38 north, range 1 east, sections 11, 12, 13, 14, 23, 24, 25, 26, and 36; township 38 north, range 2 east, sections 1, 2, 3, 5, 7 to 17, inclusive, 19 to 36, inclusive; township 38 north, range 3 east, all; township 38 north, range 4 east, sections 6, 7, 8; township 38 north, range 4 west, sections 1, 2, 3, 10 to 17, inclusive, 20, 21, 22, 27, 28, 29, 31, 32, 33; township 38 north, range 5 west, section 36; township 39 north, range 1 east; township 39 north, range 2 east; township 39 north, range 3 east; township 39 north, range 4 east, sections 30, 31; township 39 north, range 1 west; township 39 north, range 2 west; township 39 north, range 3 west; township 39 north, range 4 west; township 39 north, range 5 west, sections 1 to 12; township 40 north, range 1 east; township 40 north, range 2 east; township 40 north, range 3 east; township 40 north, range 4 east; township 40 north, range 1 west; township 40 north, range 2 west; township 40 north, range 3 west; township 40 north, range 4 west, sections 2 to 6, inclusive, 10 to 15, inclusive, 19, 22 to 36, inclusive; township 40 north, range 5 west; township 40 north, range 9 west, sections 4 and 5; township 41 north, range 1 east; township 41 north, range 2 east; township 41 north, range 4 east, sections 34, 35, 36; township 41 north, range 1 west; township 41 north, range 2 west; township 41 north, range 4 west; township 41 north, range 5 west, sections 1, 9 to 16, inclusive, and 21 to 28, inclusive, 33 to 36, inclusive; township 41 north, range 7 west, sections 28 and 29; township 42 north, range 1 east; township 42 north, range 2 east, sections 19 to 30, and 31; township 42 north, range 1 west; township 42 north, range 4 west, sections 19 to 30, and 31; township 42 north, range 5 west, section 36; township 43 north, range 1 east; township 43 north, range 1 west; township 43 north, range 2 west; township 43 north, range 3 west, sections 1 and 2, 13 to 16, inclusive, 20 to 24, inclusive; township 44 north, range 1 east; township 44 north, range 1 west; township 44 north, range 2 west; township 45 north, range 1 east, sections 19, 20, 29, 30; township 45 north, range 1 west, sections 19 to 36, inclusive. All Mount Diablo base and meridian, California.

(5) To the Tahoe National Forest, Calif. and Nev.: Township 18 north, range 9 east, sections 28 and 29; township 18 north, range 10 east, sections 28, 29, 30, 31, and 32; township 17 north, range 9 east, sections 13, 24, 25, and 36; township 17 north, range 10 east; township 17 north, range 11 east; township 16 north, range 10 east, sections 1, 2, 11, 13, 23 to 27, inclusive, and 29; township 16 north, range 11 east; township 15 north, range 10 east, sections 13, 24, 25, and 36; township 14 north, range 10 east, sections 1, 12, 13,

24, and 25; township 14 north, range 11 east; township 21 north, range 14 east, sections 17, 18, 19, 20, and 29 to 32, inclusive; township 20 north, range 14 east, sections 9, 16, 21 to 24, inclusive; township 20 north, range 15 east; township 20 north, range 16 east; township 20 north, range 17 east; township 19 north, range 15 east; township 19 north, range 16 east; township 19 north, range 17 east; township 18 north, range 15 east; township 18 north, range 16 east; township 18 north, range 17 east; township 18 north, range 18 east; township 17 north, range 18 east; township 15 north, range 18 east; township 15 north, range 19 east, sections 4 to 9, inclusive, 16 to 21, inclusive, 28 to 33, inclusive; township 14 north, range 18 east; township 14 north, range 19 east, sections 4, 5, 6, 7, 8, 9, 16 to 21, inclusive, 28 to 33, inclusive; township 13 north, range 18 east, sections 1, 2, 3, 9 to 16, inclusive, 21 to 28, inclusive, 33 to 36, inclusive; township 13 north, range 19 east, sections 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, 31, and 32; all in Mount Diablo base and meridian.

The amendment was agreed to.

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

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

The bill was read the third time and passed.

WILLIAM BROWN

The bill (H. R. 2313) authorizing the issuance of a patent to William Brown was considered as in Committee of the Whole.

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

ISLANDS IN KALAMAZOO RIVER, MICH.

The bill (H. R. 7144) to relinquish to the city of Battle Creek, Mich., all right, title, and interest of the United States in two unsurveyed islands in the Kalamazoo River, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with amendments, on page 1, line 3, after the word "That," to insert "upon payment of \$1.25 per acre"; in line 8, after the word "township," to strike out "be, and the same is hereby," and insert "shall be"; and on page 2, line 2, after the word "act," to insert "Provided, however, In case said islands are not used or held by said city for public purposes, title to the same shall revert to the United States upon a finding and declaration by the Secretary of the Interior, that they are not used or held," so as to make the bill read:

Be it enacted, etc., That upon the payment of \$1.25 per acre whatever right, title, or interest the United States may have in or to the two unsurveyed islands shown upon the official plat of the survey of township 2 south, range 8 west, Michigan, approved July 14, 1826, as being in the Kalamazoo River in section 2 of said township, shall be relinquished unto the city of Battle Creek, in the said State of Michigan, for public purposes, and the Secretary of the Interior is hereby authorized and directed by appropriate conveyance to carry out the purposes of this act: *Provided, however,* In case said islands are not used or held by said city for public purposes, title to the same shall revert to the United States upon a finding and declaration by the Secretary of the Interior, that they are not used or held.

The amendments were agreed to.

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

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

MINING POTASH ON PUBLIC DOMAIN

The bill (S. 3005) to promote the mining of potash on the public domain was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed, under such rules and regulations as he may prescribe, to grant to any qualified applicant a prospecting permit which shall give the exclusive right to prospect for chlorides, sulphates, carbonates, borates, silicates, or nitrates of potassium, in lands belonging to the United States for a period of not exceeding two years: *Provided,* That the area to be included in such a permit shall not exceed 2,560 acres of land in reasonably compact form: *Provided further,* That the provisions of this act shall not apply to lands or deposits in or adjacent to Searles Lake, Calif., which lands and deposits may be operated by the United States or may be leased by the Secretary of the Interior under the terms and provisions of this act.

SEC. 2. That upon showing to the satisfaction of the Secretary of the Interior that valuable deposits of one of the substances enumerated in this act have been discovered by the permittee within the area covered by his permit, and that such land is chiefly valuable therefor,

the permittee shall be entitled to a lease for any or all of the land embraced in the prospecting permit, at a royalty of not less than 2 per cent of the quantity or gross value of the output of potassium compounds and other related products, except sodium, at the point of shipment to market, such lease to be taken in compact form by legal subdivisions of the public land surveys, or if the land be not surveyed, by survey executed at the cost of the permittee in accordance with regulations prescribed by the Secretary of the Interior.

Sec. 3. That lands known to contain valuable deposits enumerated in this act and not covered by permits or leases shall be held subject to lease by the Secretary of the Interior through advertisement, competitive bidding, or such other methods as he may by general regulations adopt, and in such areas as he shall fix, not exceeding 2,560 acres; all leases to be conditioned upon the payment by the lessee of such royalty as may be fixed in the lease, not less than 2 per cent of the quantity or gross value of the output of potassium compounds and other related products, except sodium, at the point of shipment to market, and the payment in advance of a rental of 25 cents per acre for the first calendar year or fraction thereof; 50 cents per acre for the second, third, fourth, and fifth years, respectively; and \$1 per acre per annum thereafter during the continuance of the lease. In the discretion of the Secretary of the Interior the area involved in any lease resulting from a prospecting permit may be exempt from any rental in excess of 25 cents per acre for 20 years succeeding its issue, and the production of potassium compounds under such a lease may be exempt from any royalty in excess of the minimum prescribed in this act for the same period.

Sec. 4. That prospecting permits or leases may be issued under the provisions of this act for deposits of potassium in public lands, also containing deposits of coal or other minerals, on condition that such other deposits be reserved to the United States for disposal under appropriate laws: *Provided*, That if the interests of the Government and of the lessee will be subserved thereby, potassium leases may include covenants providing for the development by the lessee of chlorides, sulphates, carbonates, borates, silicates, or nitrates of sodium, magnesium, or calcium, associated with the potassium deposits leased, on terms and conditions not inconsistent with the sodium provisions of the act of February 25, 1920 (41 Stat. p. 437).

Sec. 5. That the general provisions of sections 1 and 26 to 38, inclusive, of the act of February 25, 1920, entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," are made applicable to permits and leases under this act, the first and thirty-seventh sections thereof being amended to include deposits of potassium, and section 27 being amended so as to prohibit any person, association, or corporation from taking or holding more than one potassium permit or lease in any one State during the life of such permit or lease.

Sec. 6. That the act of October 2, 1917 (40 Stat. p. 297), entitled "An act to authorize exploration for and disposition of potassium," is hereby repealed, but this repeal shall not affect valid claims initiated under the provisions of said act of October 2, 1917, so long as the permittee or lessee complies with the law under which his claim was initiated.

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

CHANGE OF ENTRY

The bill (S. 3839) to repeal the act approved January 27, 1922, providing for change of entry, and for other purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the act of Congress approved January 27, 1922, entitled "An act to amend section 2372 of the Revised Statutes," be, and the same is hereby, repealed: *Provided*, That any applications heretofore filed under the provisions of said act may be perfected and patents issue therefor the same as though this act had not been passed.

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

RESTORATION OF NATIONAL MONUMENTS TO PUBLIC DOMAIN

The bill (S. 3840) authorizing the President of the United States to restore to the public domain lands reserved by public proclamation as national monuments, and validating any such restorations heretofore so made by Executive order, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That whenever, in the opinion of the President of the United States, any lands heretofore or hereafter reserved as national monuments by public proclamation as provided by the act of June 8, 1906 (34 Stat. L. p. 225), are not needed for such purpose, he is authorized to restore same to the public domain by Executive order: *Provided*, That any such restorations heretofore so made are hereby validated and confirmed.

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

UTAH NATIONAL PARK

The bill (S. 3494) to amend an act entitled "An act to establish the Utah National Park in the State of Utah" was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the second paragraph of the first section of the act entitled "An act to establish the Utah National Park in the State of Utah," approved June 7, 1924, is amended by striking out the word "southwest" where it appears the second time in the paragraph and inserting in lieu thereof the word "southeast," so as to read:

"Unsurveyed sections 31 and 32, township 36 south, range 3 west; surveyed section 36, township 36 south, range 4 west; north half, southwest quarter and west half of the southeast quarter of partially surveyed section 5; unsurveyed sections 6 and 7, west half, west half of the northeast quarter, and west half of the southeast quarter of partially surveyed section 8, partially surveyed section 17 and unsurveyed section 18, township 37 south, range 3 west; and unsurveyed sections 1, 12, and 13, township 37 south, range 4, all west of the Salt Lake meridian, in the State of Utah: *Provided*, That all the land within the exterior boundaries of the aforesaid tract shall first become the property of the United States."

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

LANDS IN WASHINGTON

The bill (S. 3648) granting to the county authorities of San Juan County, State of Washington, certain described tracts of land on the abandoned military reservations on Lopez and Shaw Islands as a right of way for county roads, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with amendments on page 1, line 2, after the enacting clause, to strike out: "That the following described tracts of land on the abandoned military reservations on Lopez and Shaw Islands be, and the same are hereby, granted to the county authorities of San Juan County, State of Washington, as a right of way for county roads," and insert: "That a right of way for the construction of highways over the following-described tracts of land on the abandoned military reservations on Lopez and Shaw Islands, county of San Juan, State of Washington, is hereby granted"; and on page 3, line 15, after the words "section 34," to insert "township 36 north of range 2 west, Willamette meridian," so as to make the bill read:

Be it enacted, etc., That a right of way for the construction of highways over the following-described tracts of land on the abandoned military reservations on Lopez and Shaw Islands, county of San Juan, State of Washington, is hereby granted:

Beginning at a point on the military reservation on north end of Lopez Island 566.52 feet north of corner to sections 1, 2, 11, and 12, township 35 north of range 2, west Willamette meridian, being the south boundary of reserve; thence north 3,355.85 feet; thence north 28° 25' east 346.3 feet; thence north 39° 51' east 499.3 feet; thence north 20° 5' west 434 feet; thence north 0° 19' east 244.4 feet; thence north 26° 41' east 862 feet; thence north 29° 15' east 213.5 feet; thence north 14° 23' east 241 feet; thence north 29° 34' east 466.5 feet; thence north 13° 49' east 133.9 feet; thence north 6° 55' east 116.7 feet; thence north 24° 20' west 59 feet; thence north 5° 12' west 187 feet; thence north 53° 30' east 23.5 feet; thence south 63° 59' east 65 feet to the approach to ferry landing.

Also beginning at a point 1,045.09 feet north of south boundary of reserve on section line between sections 1 and 2; thence north 57° 21' west 806.4 feet; thence north 4° 30' east 265.5 feet to a point on the shore of Mails Bay.

Also beginning at a point on the west one-sixteenth line of section 34, township 36 north of range 2 west, Willamette meridian, 970 feet south of west one-sixteenth corner at intersection of the north boundary of the military reservation on Shaw Island; thence south 2,615 feet; thence south 30° 50' west 436.77 feet; thence west on the south one-sixteenth line 1,550 feet to the west boundary of the military reservation.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CUSTER NATIONAL FOREST, MONT.

The bill (S. 3666) for the exchange of lands in the Custer National Forest, Mont., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That lands of the United States within the Custer National Forest, Mont., which have been withdrawn or classified as coal lands or are valuable for coal, may be exchanged under the provisions of the act of March 20, 1922 (42 Stat. L. p. 465), with a reservation to the United States of the coal in such lands and of the right to prospect for, mine, and remove the same.

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

EMPLOYEES OF BETHLEHEM STEEL CO.

The bill (H. R. 5481) to provide for the carrying out of the award of the National War Labor Board of July 31, 1918, in favor of certain employees of the Bethlehem Steel Co., Bethlehem, Pa., was announced as next in order.

Mr. DIAL. Let that go over.

Mr. PEPPER. Mr. President, will the Senator withhold his objection to permit me to make a statement on that case?

Mr. DIAL. Very well.

Mr. PEPPER. Mr. President, that is a bill unanimously reported by the Committee on Claims of the House, favorably acted on in the House, and reported out here by our Committee on Claims by unanimous vote. It is a bill to carry out, in favor of employees of the Bethlehem Steel Co. in Pennsylvania, an award of the War Labor Board made in 1918 under the following circumstances:

It appeared at that time that the wages that were being paid to the electrical workers, the machinists, and some miscellaneous employees in the Bethlehem Steel Works doing work for the Government under war contracts were lower in scale than the wages for similar work paid at Hog Island and in other adjacent places under Government operation and contract. The employees asked for an increase which would put them upon a level with other Government workers who were working overtime on war contracts. The War Labor Board took up the matter and by unanimous award increased the wages of the men so that they would reach the Government standard—no higher than the Government standard, but up to the Government standard.

The award was made upon the supposition that the contract for work with the Bethlehem Steel Co. was a cost-plus contract, and therefore that the increase of wages would be chargeable against the Government; and petitions were filed under the Dent Act in order that, that procedure having been followed to the end, the additional pay could be awarded.

It was then discovered by the War Department, after they had drawn the checks for the payment of these increases, that the contracts with the Bethlehem Steel Co. were contracts for fixed sums, and therefore that the case was one not for an award under the Dent Act but for a claim against the Government to carry out the provisions of the Labor Board's award.

This bill is the outcome of years of effort to get before Congress for favorable consideration the rights of these men in whose favor the award was made by the Government board. In most of the cases the checks were drawn when the opinion came down from the adviser of the War Department that the case was one for congressional legislation and not for payment under the Dent Act. The case was so clear that both committees in both Houses of Congress have yielded to its equity, and the House has passed the bill, I understand, without dissent.

I should not have made so long a statement if it had not seemed to me to be one of those cases which, if fully understood by Senators, would receive their approval. I very much hope the Senator will withdraw his objection.

Mr. DIAL. I shall have to insist on the objection.

Mr. CARAWAY. Mr. President, I happen to have been present in the committee when this matter was considered. It involves a great number of men who relied upon a promise of compensation and worked. It does not call for a very large sum to any one of the men, but there are a large number of them, and it is an attempt by Congress, after thoroughly going over the facts, to pay those parties, so that they will know that the Government kept faith with them. I think it would be unfortunate not to take this action, and I hope the Senator from South Carolina, if he has no particular objection, will not insist on his objection.

Mr. DIAL. Other Senators are interested in this matter, and they asked me to object and have it go over; but we can take it up again on Monday.

Mr. CARAWAY. I hope the Senator will not object to it on Monday.

The PRESIDENT pro tempore. The bill will be passed over.

NEW JERSEY SHIPBUILDING & DREDGING CO.

The bill (S. 3684) for the relief of the New Jersey Shipbuilding & Dredging Co. was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments, on page 1, line 5, to strike out "\$114,917.25" and to insert in lieu thereof "\$41,320.25"; and in line 9, after the word "City," to insert a comma and the words "said sum to be in full and final settlement of the claim," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$41,320.25 to reimburse the New Jersey Shipbuilding & Dredging Co. for extraordinary work required by the War Department in connection with deepening the channel in East River, New York City, said sum to be in full and final settlement of the claim.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REFUND OF TAXES TO THE CITY OF PHILADELPHIA

The bill (S. 2171) for the relief of the city of Philadelphia was announced as next in order.

Mr. DIAL. Let that go over.

Mr. PEPPER. May I ask the Senator to permit me to make a statement, briefly, upon the measure?

Mr. DIAL. I shall be glad to hear the Senator's explanation of the bill.

Mr. PEPPER. This is a case in which taxes were assessed by the Federal Government against the city of Philadelphia in respect of the income received by the city from the operation of gas works. It has been ascertained by a finding of the Court of Claims that the gas works were municipally owned and that, though organized in corporate form, the stock ownership was in the city, and that therefore, instead of being the case of an assessment of taxes against a private corporation, it was the case of an assessment of taxes against the municipality carrying on its gas operation through corporate organization.

Those portions of the tax which were assessed against municipal operations for the benefit of consumers have been treated by the committee as outside the scope of the duty of the Government to make refund, but in the case of the gas furnished by the municipality to its own municipal departments, and for the purpose of the discharge of its municipal duties in lighting the streets and thoroughfares of the city, it was decided that those taxes were not properly assessable against the municipality, and it is for a refund of those only that the committee has made its favorable report.

Mr. SMOOT. Perhaps the Senator will remember that when the last revenue bill was up for consideration in the Senate there was an amendment made to the bill to take care of this company in Philadelphia as to the taxes which might be imposed hereafter, and gains made by the company that went directly to the State of Pennsylvania, as they were the owners of a great deal of the stock, were hereafter not to be assessable. This grows out of the same question, and it will not happen again, under the existing revenue law.

Mr. BRUCE. Mr. President, I want to say a word seconding what the Senator from Pennsylvania has said.

The report in this case was prepared by the Senator from Missouri [Mr. SPENCER] and myself, and I think I can truly say that we gave to its preparation the closest and most exhaustive attention. We read every legal decision bearing on the question, and in every respect I think we discharged our duty as fully as we could possibly be expected to discharge it. The whole matter was discussed at length before the full committee, and the result was entire unanimity on the part of the members of the committee respecting the merits of the claim.

It amounted to some \$2,000,000, but we thought that the Government was not responsible for certain of its elements, for the reasons which have been given by the Senator from Pennsylvania, so far as the gas furnished to private consumers was concerned, but a part of the tax that was collected by the Government, the Senator from Pennsylvania will recollect, was income on securities held by the city of Philadelphia. Of course, the exemption of the income from those securities from taxation is too clear to be argued. The Federal Government has no power to tax securities held by a city.

Mr. DIAL. Why did they wait this long? Why was not this adjusted long ago?

Mr. BRUCE. I have been a member of the Committee on Claims for some time, and some claims have come up for consideration of much longer standing than this, and have received the approval of the Congress. Take, for instance, the French spoliation claims, involving some three or four million dollars. Many of those claims have been paid after the lapse of all the time that has passed since the beginning of the last century.

Mr. PEPPER. Mr. President, will the Senator yield a moment?

Mr. BRUCE. Certainly.

Mr. PEPPER. May I suggest, in answer to the question just asked by the Senator from South Carolina, that the delay has not been due to any lack of diligence on the part of the claimant, but owing to the fact that there was, first, litigation to determine whether or not these gas works were municipally owned within the meaning of the law; in the second place, there was a reference of the matter to the Court of Claims, which took a long time in the ordinary course of its procedure to handle the case and to make the award.

Subsequent to the making of the award by the Court of Claims the case came to Congress in the usual way, and the matter has been pending in the two Houses of Congress, without lack of diligence upon the part of the claimants, but only because after the most careful consideration we, time after time, reached the kind of situation we are in to-day, where, after the thing has been considered by all those whose duty it is to consider it, we reach the point where we are up against an objection, made in entire good faith but, I can not help feeling, proceeding from a lack of familiarity with the claim which is before the Senate.

We feel so strongly that this is a meritorious claim that we venture to ask the Senator not to press his objection.

Mr. BRUCE. I call the attention of the Senator from South Carolina to the fact that nobody has objected to this claim. If any Member of the Senate to whose knowledge the circumstances surrounding it has been brought has objected to it, I have not heard of it.

Mr. DIAL. I confess I am not very familiar with it, but I also confess I do not feel kindly to a claim 60 years old. There ought to be a day in court, and the statute of limitations ought to run against it. Has the Court of Claims passed upon this claim?

Mr. BRUCE. The case was referred to the Court of Claims for findings of fact.

Mr. DIAL. They found the facts?

Mr. BRUCE. They did.

Mr. DIAL. They did not adjust the amount?

Mr. BRUCE. As I told the Senator, the amount fixed by this bill was some \$2,000,000, and we cut it down to some \$535,000, because we thought that some of the elements that entered into the claim were not entitled to recognition.

Mr. DIAL. I see they claim two million and something.

Mr. BRUCE. We cut it down to about \$535,000 for the reasons that I have given. The claim was partly for the refund of taxes that had been levied on incomes derived by the city of Philadelphia from securities held by that city. To any lawyer, of course, it is hardly necessary to say that the Government had no constitutional power whatever to levy a tax on securities held by the city of Philadelphia. When we came to the question of a tax levied on income from the sale of gas we drew a distinction between gas that the city had supplied to consumers in its ordinary proprietary character and gas which it had supplied to its own municipal departments. In other words, we allowed the claim so far as it related to gas supplied by the city to its own municipal departments and disallowed it so far as it applied to gas which had been furnished to ordinary consumers.

All I have to say to the Senator, in conclusion, is that if he proposes to give this matter adequate consideration he will have to give it about two full weeks' consideration. That is about the length of time that the Senator from Missouri and I gave to it when we were considering it in all its aspects. The final result was, as I have said, that after the closest consideration the committee with entire unanimity approved this bill with the reduction. Therefore I do hope that the Senator will withdraw his objection.

Mr. DIAL. I have the highest regard in the world for the committee and for the subcommittee and for the proponent of this bill, but I must say that there should be a time when we should stop going back to these claims. There should be some date when such claims would be barred, so that the Government would know what taxes to levy on the people for current expenses. I will withdraw my objection, but I do not favor this kind of legislation.

The PRESIDENT pro tempore. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, on line 5, to strike out "\$2,019,472.87" and to insert in lieu thereof "\$535,716.22," so as to make the bill read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the city of Philadelphia, Pa., the sum of \$535,716.22, out of any moneys in the Treasury not otherwise appropriated, in settlement in full of the claims of the said city against the United States for internal revenue taxes collected under the act of June 30, 1864, and other acts, on dividends upon railroad stocks and interest upon railroad bonds owned by said city, and for other internal revenue taxes wrongfully collected from the said city.

The amendment was agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGES, NORTH DAKOTA

The bill (S. 3890) granting the consent of Congress to the State of North Dakota to construct a bridge across the Missouri River between Williams County and McKenzie County, N. Dak., was announced as next in order.

Mr. SHEPPARD. Mr. President, from the Committee on Commerce I report favorably House bill 10688, granting the consent of Congress to the State of North Dakota to construct a bridge across the Missouri River between Williams County and McKenzie County, N. Dak., and I submit a report (No. 958) thereon. I ask for the immediate consideration of this House bill, in lieu of Senate bill 3890.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider House bill 10688, which was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of North Dakota to construct, maintain, and operate a bridge and approaches thereto across the Missouri River at a point suitable to the interests of navigation, at or near Williston, in the county of Williams, in the State of North Dakota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

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

The PRESIDENT pro tempore. The Senate bill 3890 will be indefinitely postponed.

MISSOURI RIVER BRIDGE, NORTH DAKOTA

The bill (S. 3891) granting the consent of Congress to the State of North Dakota to construct a bridge across the Missouri River between Mountrail County and McKenzie County, N. Dak., was announced as next in order.

Mr. SHEPPARD. I report favorably from the Committee on Commerce House bill 10689, granting the consent of Congress to the State of North Dakota to construct a bridge across the Missouri River between Mountrail County and McKenzie County, N. Dak., and I submit a report (No. 959) thereon. I ask for the immediate consideration of this bill, in lieu of Senate bill 3891.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider House bill 10689, which was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of North Dakota to construct, maintain, and operate a bridge and approaches thereto across the Missouri River at a point suitable to the interests of navigation at or near Sanish, in the county of Mountrail, in the State of North Dakota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

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

The PRESIDENT pro tempore. Senate bill 3891 will be indefinitely postponed.

AMENDMENT OF FEDERAL FARM LOAN ACT

The bill (S. 3632) to amend the Federal farm loan act and the agricultural credits act of 1923 was considered as in Committee of the Whole.

Mr. FLETCHER. I desire to submit an amendment to the bill, which is an important bill, submitted by the Farm Loan Board.

The PRESIDENT pro tempore. The Secretary will read the amendment.

The READING CLERK. On page 3, in line 4, after the word "Board," the Senator from Florida proposes to strike out the words "and appropriated as a special fund and made available for expenditure under the appropriation entitled 'Salaries and expenses, Federal Farm Loan Board, special fund,'" and to insert in lieu thereof the words "to be disbursed in payment of such salaries and expenses on appropriations duly made by Congress."

Mr. WATSON. Will the Senator tell us something about the bill, and then about the amendment, briefly?

Mr. FLETCHER. The bill is intended to carry out the purpose of Congress in apportioning the expenditures of this system. The Senator will recall that under this system there are Federal land banks, joint-stock land banks, and intermediate-credit banks. The board is authorized to apportion expenses in connection with these three bodies.

Under the laws as they have been passed, those organizations being taxed together as they have been, there is difficulty in carrying out those laws without these amendments, so as to apportion the expenses properly. For instance, the expense in connection with the Federal land banks would come under the Federal land bank act, and the expenses of the intermediate-credit banks under the intermediate credit act, and so on.

Mr. WATSON. I have no objection to the bill.

Mr. FLETCHER. It is favored by the board. This amendment does away with any special fund, and brings the whole appropriation under the Budget Director, and is proposed by the Budget Director. I have offered it in that connection.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Florida.

The amendment was agreed to.

The PRESIDENT pro tempore. The Secretary will state the amendment proposed by the Committee on Banking and Currency.

The READING CLERK. On page 2, line 7, after the word "Board," the committee proposes to insert the words "officers and employees," so as to make the bill read:

Be it enacted, etc., That paragraph "a" of section 206 of the agricultural credits act of 1923, as amended, be amended to read as follows:

"SEC. 206. (a) That the Federal Farm Loan Board shall equitably apportion the joint expenses incurred in behalf of the Federal land banks, joint-stock land banks, and Federal intermediate credit banks, and shall assess against each Federal intermediate credit bank its proportionate share of the expenses of the Federal Farm Loan Bureau made necessary in connection with the operation of this provision."

SEC. 2. The eighth paragraph of section 3 of the Federal farm loan act, as amended, be further amended to read as follows:

"The salaries and expenses of the Federal Farm Loan Board, its officers and employees, farm-loan registrars, deputy registrars, examiners, and reviewing appraisers authorized under this act, or any subsequent amendments thereof, shall be paid by the Federal land banks, joint-stock land banks, and the Federal intermediate credit banks, as follows:

"The Federal Farm Loan Board shall, prior to the 1st days of January and July of each year, estimate the expenses and salaries of the Federal Farm Loan Board, its officers and employees, farm-loan registrars and deputy registrars, examiners, and reviewing appraisers, and apportion the same among the Federal land banks, joint-stock land banks, and the Federal intermediate credit banks on such equitable basis as the Farm Loan Board shall determine, giving due consideration to time and expense necessarily incident to the supervision of the operation of each type of bank, and make an assessment upon each of such banks pursuant to such apportionment, payable on the 1st days of January and July next ensuing. The funds collected pursuant to such assessments shall be deposited with the Treasurer of the United States under the miscellaneous receipts title 'Assessments on Federal and joint-stock land banks and Federal intermediate credit banks, salaries and expenses Federal Farm Loan Board,' to be disbursed in payment of such salaries and expenses on appropriations duly made by Congress.

"If any deficiency shall occur in such fund during the half-year period for which it was estimated, the Federal Farm Loan Board shall have authority to make immediate assessment covering such deficiency against the Federal land banks, joint-stock land banks, and Federal intermediate credit banks upon the same basis as the original assessment. If at the end of the six months' period there shall remain a surplus in such fund, it shall be deducted from the estimated expenses of the next six months' period when assessment is made for such period.

"Land bank appraisers and appraisers or inspectors of Federal intermediate credit banks shall receive such compensation as the Federal Farm Loan Board shall fix and shall be paid by the Federal land banks, joint-stock land banks, and the Federal intermediate credit banks they serve, in such proportion and in such manner as the Federal Farm Loan Board shall order."

SEC. 3. The last two paragraphs of section 16 of the farm loan act as amended be stricken out and the following inserted in lieu thereof:

"For the purpose of assisting in any such liquidation authorized as in the preceding paragraph, provided any Federal land bank or joint-stock land bank may, with the approval of the Federal Farm Loan Board, acquire the assets and assume the liabilities of any joint-stock land bank, and in such transaction any Federal land bank may waive the provisions of this act requiring such bank to acquire its loans only through national farm loan associations or agents, and those relating to status of borrower, purposes of loan, and also the limitation as to the amount of individual loans. No Federal land bank shall assume the obligations of any joint-stock land bank in such manner as to make its outstanding obligations more than 20 times its capital stock except by creation of a special reserve equal to one-twentieth of the amount of such additional obligations assumed. No joint-stock land bank shall assume the obligations of any other joint-stock land bank in such manner as to make its outstanding obligations more than 15 times the amount of its capital and surplus, except by creation of a special reserve equal to one-fifteenth of the amount of such additional obligations assumed."

SEC. 4. Paragraph 9 of section 21 of the farm loan act as amended be further amended to read as follows:

"Each Federal land bank on whose behalf consolidated bonds shall be issued under this provision shall in all respects be bound by the act of the farm loan commissioner and the secretary of the farm loan board."

SEC. 5. All acts, or parts of acts, inconsistent with this act are hereby repealed.

The amendment was agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TOWN SITE OF SANISH, N. DAK.

The bill (H. R. 3387) authorizing repayment of excess amounts paid by purchasers of certain lots in the town site of Sanish, formerly Fort Berthold Indian Reservation, N. Dak., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to certify to the Secretary of the Treasury the difference between the amounts paid by purchasers of the lots in the town site of Sanish, within the former Fort Berthold Indian Reservation, N. Dak., and the price fixed as result of reappraisal by the Secretary of the Interior of August 11, 1922, in all cases whether patents had or had not issued at the time of the reappraisal of the lots: *Provided,* That the purchasers or their legal representatives apply for repayment of such amounts within two years from the passage of this act.

SEC. 2. Upon receipt of the certificate from the Secretary of the Interior, the Secretary of the Treasury is hereby authorized and directed to make payment to such purchasers out of the funds held in trust for the Fort Berthold Indians under the act of Congress approved June 1, 1910, and issue his warrant in settlement thereof.

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

GEORGE A. BERRY

The bill (H. R. 7167) for the relief of George A. Berry was announced as next in order.

Mr. SHORTRIDGE. Mr. President, that bill has been disposed of. A similar bill was passed.

Mr. SMOOT. The bill ought to have been indefinitely postponed.

Mr. SHORTRIDGE. An identical bill to this was passed by the House and the Senate.

The PRESIDENT pro tempore. The bill on the calendar is a House bill.

Mr. SHORTRIDGE. The House bill was substituted for the Senate bill and was identical with the Senate bill. The House bill was passed, so the bill now on the Senate Calendar should be indefinitely postponed.

The PRESIDENT pro tempore. The bill will be indefinitely postponed.

NAVAL RESERVE AND MARINE CORPS RESERVE

The bill (H. R. 9634) to provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve was announced as next in order.

Mr. SMOOT. Let the bill go over.

Mr. ODDIE. Mr. President, may I ask the Senator what his objections are to the bill?

Mr. SMOOT. It can not be passed within the limited time at our disposal this afternoon. The bill may be all right, but I desire to make a little further investigation. I have written a letter to ask a certain question and as soon as I get a reply to that letter I will let the Senator know.

Mr. ODDIE. Has the Senator written to the Navy Department?

Mr. SMOOT. I have written to a party in the Navy Department.

Mr. ODDIE. The bill has been considered very carefully by the committee.

Mr. SMOOT. I know that, but a bill of such importance can not be passed at this time.

Mr. ODDIE. The bill was up at the last session, but owing to the congestion of business it was impossible to get it passed. Members of the Naval Reserve all over the country have been particularly anxious to get the bill through and I am sure it is in good shape to be passed. The committee have gone over it very carefully and I would appreciate it if the Senator would withdraw his objection.

The PRESIDENT pro tempore. Is the objection withdrawn?

Mr. SMOOT. No.

The PRESIDENT pro tempore. The bill will be passed over.

NONMAILABILITY OF FIREARMS

The bill (H. R. 9093) declaring pistols, revolvers, and other firearms capable of being concealed on the person nonmailable and providing penalty was announced as next in order.

Mr. STERLING. Let the bill go over.

Mr. WALSH of Massachusetts. I request that the bill may go over.

The PRESIDENT pro tempore. The bill will be passed over.

QUARTERLY MONEY-ORDER ACCOUNTS

The bill (H. R. 4441) to provide for quarterly money-order accounts to be rendered by district postmasters at third and fourth class post offices was considered as in Committee of the Whole.

The bill had been reported from the Committee on Post Offices and Post Roads with amendments, to strike out on page 1, lines 3, 4, 5, and 6 in the following words:

That the act entitled "An act to improve the methods of accounting in the Post Office Department, and for other purposes, approved January 27, 1894, be, and the same is hereby, amended to read as follows:—

And to insert in lieu thereof—

That section 4044 of the Revised Statutes, as amended, is amended to read as follows:

And on page 1, line 10, after the word "render," to insert the words "to the comptroller, Bureau of Accounts, Post Office Department," so as to make the bill read:

Be it enacted, etc., That section 4044 of the Revised Statutes, as amended, is amended to read as follows:

"It shall be the duty of postmasters at post offices authorized to issue money orders to render to the comptroller, Bureau of Accounts, Post Office Department, quarterly, monthly, semimonthly, weekly, semi-weekly, or daily accounts of all money orders issued and paid, of all fees received for issuing them, of all transfers and payments made from money-order funds, and of all money received to be used for the payment of money orders or on account of money-order business."

The amendments were agreed to.

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

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read "A bill to amend section 4044 of the Revised Statutes, as amended."

TRANSFER OF CERTAIN MATERIALS TO AGRICULTURAL DEPARTMENT

Mr. NORBECK. Mr. President, sometime ago I asked that we pass over Calendar No. 733, House bill 7269, without prejudice. I would like to ask now that the bill be taken up.

The PRESIDENT pro tempore. The Senator from South Dakota asks that the Senate return to Calendar No. 733. Is there objection? The Chair hears none.

The bill (H. R. 7269) to authorize and direct the Secretary of War to transfer certain materials, machinery, and equipment to the Department of Agriculture was considered as in Committee of the Whole.

Mr. NORBECK. Mr. President, I desire to offer an amendment to the bill. On page 2, line 2, I move to strike out

"\$1,500," and insert in lieu thereof "\$750." That relates to tractors as surplus material to be distributed from the War Department. On page 2, line 3, I move to strike out "\$4,000," and insert "\$2,000." That relates to trucks to be distributed.

The PRESIDENT pro tempore. Is there objection to the reconsideration of the votes by which certain amendments to the bill were agreed to?

Mr. BRUCE. The bill received the consideration of the Committee on Military Affairs, and it seems to me, in view of the absence of the chairman of that committee, that it ought not to be amended without some notice to him.

Mr. CURTIS. Mr. President, I suggest that the amendments be considered as pending, and that the bill go over until the chairman of the Committee on Military Affairs is here.

The PRESIDENT pro tempore. The bill will go over as suggested.

LAND IN SAN JUAN, P. R.

The bill (S. 3630) authorizing the Secretary of War to convey to the Federal Land Bank of Baltimore certain land in the city of San Juan, P. R., was considered as in Committee of the Whole. The bill had been reported from the Committee on Military Affairs with amendments.

Mr. REED of Pennsylvania. Before the committee amendments are considered, I desire to offer the amendment which I send to the desk, to correct a printer's error in the description of the land to be conveyed.

The PRESIDENT pro tempore. The Senator from Pennsylvania offers an amendment to the committee amendment, which will be stated.

The READING CLERK. In the committee amendment, on page 3, line 19, after the word "degrees," insert "11 minutes west, a distance of," so as to read "thence along the south line of Tetuan Street south 77 degrees 11 minutes west, a distance of 28.10 meters to the point of beginning."

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question is now on the committee amendment, which will be stated.

The READING CLERK. On page 1, line 5, after the word "Maryland," strike out "upon such terms as he may consider advisable" and insert in lieu thereof "for the sum of \$6,000, which is hereby made available for the construction of a double set of noncommissioned officers' quarters on the main reservation of San Juan, P. R., which will replace the double set of noncommissioned officers' quarters on the land to be conveyed," so as to read:

That the Secretary of War be, and he is hereby, authorized to convey by appropriate quitclaim deed to the Federal Land Bank of Baltimore, Md., for the sum of \$6,000, which is hereby made available for the construction of a double set of noncommissioned officers' quarters on the main reservation of San Juan, P. R., which will replace the double set of noncommissioned officers' quarters on the land to be conveyed, the tract of land situated in the city of San Juan, in the island of Porto Rico, and described as follows:

The amendment was agreed to.

The next amendment was, on page 2, after line 3, to strike out: "Beginning at the southwest intersection of Tetuan Street and an unnamed street in said city of San Juan, which said unnamed street has a general bearing to the south and southeast from said point of intersection with said Tetuan Street and is located between Cruz and San José Streets in said city, and running from said point of beginning in an easterly direction along the south side of said Tetuan Street a distance of 100 feet, thence south a distance of 70 feet, more or less, to the sea wall, thence east along said sea wall 108 feet, more or less, to the west line of said unnamed street, thence along the west line of said unnamed street 90 feet, more or less, to the place of beginning. Said above-described tract includes the lot on which is situated a small brick-and-mortar one-story building known as Army building No. 108," and insert:

Being the easterly part of La Palma Bastion Military Reservation, San Juan, Porto Rico, located and described as follows: Beginning at the northwesterly corner of this parcel located at the southerly side of Tetuan Street, in line with the north wall of a masonry building on this parcel at distance five and sixty-one one-hundredths meters from the northwest corner of same building; thence bounding with La Palma Bastion bearing south 12 degrees 49 minutes east, a distance of twenty and seventy-four one-hundredths meters to the city wall; thence along the inside of this wall north 83 degrees 38 minutes east, a distance of twenty-four and four one-hundredths meters; thence north 5 degrees 26 minutes west, a distance of ninety-four one-hundredths meters; thence north 83 degrees 38 minutes east, a distance of five and ninety-one one-hundredths meters; thence north 12 degrees 24 minutes east, a distance of ten and six one-hundredths meters to the Recinto Sur Street; thence along the westerly side of the Recinto Sur

Street north 25 degrees one one-hundredth minute west, a distance of eleven and eighty one-hundredths meters; thence along a curve radius about 10 feet to its intersection with Tetuan Street, bounding with a small parcel conveyed to the people of Porto Rico; thence along the south line of Tetuan Street south 77 degrees 11 minutes west, a distance of twenty-eight and ten one-hundredths meters to the point of beginning. The above-described parcel contains an area of seven hundred and nineteen and sixty-eight one-hundredths square meters.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM W. DANENHOWER

The bill (S. 1193) to carry into effect the findings of the Court of Claims in the case of William W. Danenhower was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 6, to strike out "\$42,260" and insert "\$34,260," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William W. Danenhower, out of any money in the Treasury not otherwise appropriated, the sum of \$34,260 for damages caused by the depreciation in value of his property situate in square 737 of the city of Washington, D. C., which said damages were caused by the elimination of the grade crossings of railroads in pursuance to the act of Congress approved February 12, 1901 (31 Stat. L. p. 774), and acts supplemental thereto, as found by the Court of Claims and reported in Senate Document No. 2, Sixty-seventh Congress, first session.

The amendment was agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF OF CERTAIN NEWSPAPERS

The bill (S. 3896) for the relief of certain newspapers for advertising services rendered the Public Health Service of the Treasury Department was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized, notwithstanding the provisions of section 3828 of the Revised Statutes of the United States, to settle, adjust, and certify the following claims for advertising services rendered the Public Health Service, Treasury Department, namely, the claims of certain Chicago newspapers for advertising services rendered October 3, 1918, amounting in all to \$2,894, under the appropriation "Suppressing Spanish influenza and other communicable diseases, 1919:" the claim of a Houston, Tex., newspaper, \$65.17; and the claim of a New York newspaper, \$30, for advertising services rendered between June and October, 1920, under the appropriations "Pay of personnel and maintenance of hospitals, Public Health Service, 1920," and "Maintenance, marine hospitals, 1921."

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

LAND PATENTS IN WAIKAE, HAWAII

The bill (H. R. 6303) to authorize the Governor and Commissioner of Public Lands of the Territory of Hawaii to issue patents to certain persons who purchased government lots in the district of Waikae, island of Hawaii, in accordance with act 33, session laws of 1915, Legislature of Hawaii, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the governor and commissioner of public lands of the Territory of Hawaii are hereby authorized to issue patents to the following-named persons, their successors or permitted assigns, occupiers of lots in the Waikae house lot tract, district of Waikae, island of Hawaii, which lots were sold by the Territorial government in accordance with act 33, session laws of 1915, Legislature of Hawaii: *Provided, however,* That no patents be issued until all conditions imposed by the Territorial government at the time of sale have been complied with.

Name	No.	Area
IN BLOCK 12		
Chuchi Kimura	1	Sq. ft. 20,000
Kanekichi Yanagihara	2	20,000
Isojiro Kitagawa	3	20,000
Komatsu Sakamoto	4	20,000
Hideichi Nishimura	5	20,000

Name	No.	Area
IN BLOCK 12—continued		
Suketaro Maruo	6	20,000
Heitaro Egawa	7	20,000
Kenichi Tanaka	8	20,000
Usaburo Segawa	9	20,000
Mary Keawepala	10	20,000
Sabjiro Abe	11	20,000
Wm. Edmonds	12	20,000
Jukichi Okino	13	20,000
Jas. S. Kekela	14	20,000
Shimada Kitagawa	15	20,000
Masaichi Nakamura	16	20,000
IN BLOCK 13		
Rev. Koo Ishikawa	1	22,500
Esther Kekoa	2	22,500
Mary J. Kekela	3	22,500
Pihana Kalawe	4	22,500
Wm. Kuikunipua	5	22,500
Mrs. Hatsujo Thompson	6	22,500
Mary Lau On	7	22,500
Thomas Pedro, Jr.	8	22,500
Mrs. Isuneyo Tanaka	9	22,500
Katsuchi Hashimoto	10	22,500
Shozo Murakami	11	22,500
K. Wakimoto	12	22,500
Junnosuke Ishizu	13	22,500
Hirokichi Nishimura	14	22,500
Taichiro Seto	16	22,500
IN BLOCK 19		
Nobujiro Yoshino	1	20,000
Mrs. Annie K. Low	2	20,000
Glemon Sakamoto	3	20,000
Yoshio Koshimoto	4	20,000
Kinichiro Kobayashi	5	20,000
Nobuchi Nakao	6	20,000
Kinzo Izumi	7	20,000
Hatsue Yamamoto	8	20,000
Tsunekichi Kanae	9	20,000
Umekichi Kanae	10	20,000
Manuel de Coito	11	20,000
Shizuma Honda Ota	12	20,000
Kalamau Kaanaana	13	20,000
Louisa K. Ape	14	20,000
Mary Kaunonana	15	20,000
Mary Ann Akana	16	20,000
IN BLOCK 20		
Joaquin Lopes	1	22,500
Kakutaro Maesaka	2	22,500
Chun C. Tong	3	22,500
Nobuichi Kimata	4	22,500
Otto K. Reinhardt	5	22,500
Uyeno Yoshimatsu	6	22,500
Emma Reinhardt	7	22,500
Nikiehi Yanagihara	8	22,500
John A. Lee	9	22,500
Mrs. Hana Watanabe	10	22,500
Daniel Namahoe	11	22,500
K. Ikeda	12	22,500
Maria de Gloria Martin	13	22,500
Keoahu Kellini	14	22,500
Joseph de Costa	15	22,500
En Kong Wung	16	22,500
IN BLOCK 25		
T. Hirokane	13	27,116
Masajiro Yamamoto	14	27,116
Hector Plymmer Morton	15	27,116
Jessie Cecilia Swanton	16	27,116
IN BLOCK 28		
Stella Kaiminaasao	1	20,000
Hattie Kalani	2	20,000
Albert Correia	3	20,000
Florence M. Like	4	20,000
Alfred Tavarez	5	20,000
Mary K. Peterson	6	20,000
Mary G. Pereira	7	20,000
Emma Smith	8	20,000
Izume Kamechi	9	20,000
Mrs. Isabella Martin	10	20,000
Itaro Nakao	11	20,000
Herman N. Kamai	12	20,000
Sanuske Onishi	13	20,000
Jose P. Amaral	14	20,000
Takiehi Homma	15	20,000
Esther Kahawai	16	20,000
Futoshi Arakawa	1	22,500
Kenjiro Kodama	2	22,500
Kitaro Takahashi	3	22,500
Kametaro Fujimoto	4	22,500
Elkichi Nakamoto	5	22,500
Sentaro Kojima	6	22,500
Sidney Masao Hamada	7	22,500
Ichitaro Hora	8	22,500
Edith Carol Arioli	9	22,500
Carrie Sharratt	10	22,500
Hall Kuamoo	11	22,500
Annabelle Ruddle	12	22,500
Heulu Namahoe	13	22,500
Sarah H. Cahill	14	22,500
Lui Kwan	15	22,500
Waahia Kalilikane	16	22,500

Name	No.	Area
IN BLOCK 33		
Mrs. Nisu Akiyama	1	20,000
Gabriel Manning	2	20,000
Ting Sam Ching	3	20,000
Fung Lau	5	20,000
Young Lau	7	20,000
Chock Fung	8	20,000
Kamesuke Higa	9	20,000
Elizabeth W. Macomber	10	20,000
Kim Lung Sup	11	20,000
Joe Freitas Braz	12	20,000
John Puha Hale	13	20,000
Louise I. Wright	14	20,000
John K. Akau	15	20,000
Mrs. Kaniho Wond	16	20,000
IN BLOCK 34		
Katsuyo Degawa	1	20,000
Herbert Lai Hip	2	20,000
Richard L. Kekoa	3	20,000
Alexander K. Nawahi	4	20,000
Robert J. McKeague	6	20,000
Fred Olepan Benjamin	7	20,000
Mrs. Lillian Yataro James	8	20,000
Mmanuel Cabral	9	20,000
Lizzie K. Watson	10	20,000
Marie Martins	11	20,000
Annie K. Heen	12	20,000
Anna K. Victor	13	20,000
Stephen L. Desha, Jr.	14	20,000
Anthony Markiewitch	15	20,000
Duke Gomes Jardine	16	20,000
IN BLOCK 35		
Elizabeth K. Victor	1	22,500
George T. Muraoka	2	22,500
John K. Kimi	3	22,500
Antone Kimi	5	22,500
Mary Duarte	6	22,500
Joseph C. Botelho	7	22,500
Mrs. Antonia Jesus Andrade	8	22,500
Sidney Smith	9	22,500
Maria J. Rufino	10	22,500
Emmaline K. Lyman	11	22,500
Mrs. Marie Cootie	12	22,500
Helen K. Kaina	13	22,500
Mary Ann H. Holl	14	22,500
John C. Botelho	15	22,500
Alice Pia Manuel	16	22,500
IN BLOCK 42		
William J. Bell	1	20,000
John Raposa	2	20,000
Sarah Hapai	3	20,000
Harry S. Hapai	4	20,000
IN BLOCK 43		
Mary Kahana	1	20,000
Mary da Silva Medeiros	2	20,000
Conceiso Alona	3	20,000
Elizabeth Desha Brown	4	20,000
IN BLOCK 44		
Amos & Sarah da Costa	1	22,500
W. H. Barringer	2	22,500
Manuel L. Andrade, Jr.	3	22,500
Sonny S. White	4	22,500

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

ELECTRIC SERVICE IN DISTRICT OF HAMAKUA, HAWAII

The bill (H. R. 6070) to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within the district of Hamakua, on the island and county of Hawaii, Territory of Hawaii, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Territories and Insular Possessions with amendments.

The first amendment was, on page 5, line 10, after the word "property," to strike out "not to exceed 60 per cent of the actual value thereof," and in line 18, page 5, after the word "security," to insert "And provided further, That no mortgage or deed of trust shall be made by such association for an amount exceeding 60 per cent of the actual value of the physical property of such association as determined by appraisal of the Public Utilities Commission of Hawaii."

The amendment was agreed to.

The next amendment was, on page 7, after line 4, to strike out section 12, in the following words:

SEC. 12. All property of every kind and nature forming or used as a part of such electric system, including this franchise, shall be exempt from any and all taxes under the Territory of Hawaii until the expiration of five years from and after the commencement of the construction or buildings or other works for manufacturing and supplying electricity.

The amendment was agreed to.

The next amendment was, on page 8, line 15, after the word "act," to strike out the words "by the Congress of the United States."

The amendment was agreed to.

The next amendment was, on page 9, line 10, after the word "exceed," to strike out the words "The actual cost or the" and insert the word "the," and in line 11, after the word "property," to strike out "or the actual cost of reproducing or replacing, less depreciation and less the charges thereon," and insert "at the time of the taking."

The amendment was agreed to.

The next amendment was, on page 10, line 4, after the word "party," to insert "and the said court shall have power to confirm, decree, or increase the said award," and in line 6, after the word "the," to insert the word "final."

The amendment was agreed to.

The next amendment was, on page 10, line 15, after the words "States," to strike out the words "or the Legislature of the Territory of Hawaii."

The amendment was agreed to.

The next amendment was, on page 10, after line 17, to strike out section 18, in the following words:

SEC. 18. This act shall take effect and be law from and after the date of its approval by the Governor of the Territory of Hawaii, subject, however, to the approval of the Congress of the United States, such approval of Congress to be secured within two years from the date of such approval by the Governor.

The amendment was agreed to.

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

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

RELIEF OF OWNERS OF STEAMSHIP "ALMIRANTE"

The bill (S. 2126) for the relief of all owners of cargo aboard the American steamship *Almirante* at the time of her collision with the U. S. S. *Hisko* was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the claims of all owners of certain shipments of merchandise which were laden on board of the American steamship *Almirante*, at the time hereinafter mentioned, against the United States of America for damages alleged to have been caused by collision between the U. S. S. *Hisko* and said American steamship *Almirante* on the 6th day of September, 1918, off the coast of the State of New Jersey, may be sued for by the said owners of cargo, in the District Court of the United States for the Southern District of New York sitting as a court of admiralty and acting under the rules governing such court; and said court shall have jurisdiction to hear and determine such suits and to enter judgments or decrees for the amounts of such damages, including interest and costs, if any, as shall be found to be due against the United States in favor of the owners of said cargo or against the owners of said cargo in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal: *Provided*, That such notices of the suits shall be given to the Attorney General of the United States as may be provided by orders of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suits shall be brought and commenced within four months of the date of the passage of this act.

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

ESTABLISHMENT OF RURAL ROUTES

The bill (H. R. 4448) authorizing the establishment of rural routes of from 36 to 75 miles in length was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 8, to strike out "\$2,160" and insert "\$2,610."

Mr. STERLING. I will ask that the bill go over on account of the amendments proposed to be made to it.

The PRESIDENT pro tempore. The bill will be passed over.

ADALINE WHITE

The bill (H. R. 1671) for the relief of Adaline White was announced as next in order.

Mr. REED of Pennsylvania. I ask that the bill may go over.

The PRESIDENT pro tempore. The bill will be passed over.

HEIRS OF CASIMIRA MENDOZA

The bill (H. R. 4294) for the relief of Casimira Mendoza was considered as in Committee of the Whole.

Mr. SHEPPARD. I move that the bill be amended by inserting, in line 5, after the word "to" the words "the heirs of."

The PRESIDENT pro tempore. The amendment will be stated.

The READING CLERK. On page 1, line 5, after the word "to" insert the words "the heirs of," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the heirs of Casimira Mendoza, of Shafter, Presidio County, Tex., the sum of \$1,500, as compensation for the death of her son, Jesus Menodza, which resulted when an Army Motor Transport truck struck the wagon in which said son was riding.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of the heirs of Casimira Mendoza."

JOHN A. BINGHAM

The bill (H. R. 5803) for the relief of John A. Bingham was announced as next in order.

Mr. SMOOT. I would like to ask that this bill be passed over. There is no report accompanying it. How did the robbery happen? Was the man knocked down and was the money taken away from him on the street or how did it happen? No one knows. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

COAST TRANSIT DIVISION BARGE "NO. 4"

The bill (S. 2042) for the relief of the owner of the coast transit division barge No. 4, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the claim of The Barrett Co., owner of the coast transit division barge No. 4, against the United States of America, for damages and loss alleged to have been caused by collision between said barge and the United States steamship *Bali*, on the 17th day of April, 1920, near Pennsylvania Railroad Pier F, Jersey City, N. J., may be sued for by The Barrett Co. in the District Court of the United States for the District of New Jersey, sitting as a court of admiralty, and acting under the rules governing such court; and the said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages, and costs, if any, as shall be found to be due against the United States in favor of the owner of the said coast transit division barge No. 4, or against the owner of the said coast transit barge No. 4, in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

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

STEAMSHIP "TRINIDADIAN"

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2077) for the relief of the owner of the steamship *Trinidadian*, which had been reported from the Committee on Claims with an amendment on page 2, line 3, after the word "damages," to strike out the words "including interest," so as to make the bill read:

Be it enacted, etc., That the claim of the Gulf Refining Co., owner of the steamship *Trinidadian*, against the United States of America for damages alleged to have been caused by collision between said vessel and the United States Coast Guard cutter *Vaughan* on the 15th day of May, 1920, near B cut, in Tampa Bay, Fla., may be sued for by said Gulf Refining Co. in the District Court of the United States for the Eastern District of New York, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages, and costs, if any, as shall be found to be due against the United States in favor of the owner of

said steamship *Trinidadian*, or against the owner of said steamship *Trinidadian* in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The amendment was agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BARGE "NO. 62"

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2080) for the relief of the owner of the barge No. 62, which had been reported from the Committee on Claims with an amendment on page 2, line 2, after the word "damages," to strike out the words "including interest," so as to make the bill read:

Be it enacted, etc., That the claim of The Texas Co., owner of the barge No. 62, against the United States of America for damages alleged to have been caused by collision between said vessel and the United States Coast Guard cutter *Acushnet* on or about the 16th day of July, 1920, off Stapleton, Staten Island, N. Y., may be sued for by the said The Texas Co. in the District Court of the United States for the Southern District of New York, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the owner of said barge No. 62, or against the owner of said barge No. 62 in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The amendment was agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STEAMSHIP "BRITISH ISLES"

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2128) for the relief of the owner of the steamship *British Isles*, which had been reported from the Committee on Claims, with an amendment on page 2, line 3, after the word "damages," to strike out the words "including interest," so as to make the bill read:

Be it enacted, etc., That the claim of the British Petroleum Co. (Ltd.), owner of the steamship *British Isles*, against the United States of America, for damages and loss alleged to have been caused by collision between said vessel and the United States steamship *Western Maid* on the 10th day of January, 1919, upon the anchorage ground off Stapleton, Staten Island, in the harbor of New York, may be sued for by said British Petroleum Co. (Ltd.) in the District Court of the United States for the Southern District of New York, sitting as a court of admiralty, and acting under the rules governing such court; and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the owner of the said steamship *British Isles* or against the owner of said steamship in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The amendment was agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HAROLD LUND

The bill (S. 2467) for the relief of Harold Lund was announced as next in order.

Mr. REED of Pennsylvania. I ask that that bill may be recommitted to the Committee on Claims.

The PRESIDENT pro tempore. Without objection the bill is recommitted to the Committee on Claims.

ARTHUR E. COLGATE

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1615) for the relief of Arthur E. Colgate, administrator of Clinton G. Colgate, deceased. It proposes to pay to Arthur E. Colgate, administrator of Clinton G. Colgate, deceased, \$50,000, the amount due him as shown by findings of the Court of Claims in the case of Arthur E. Colgate, administrator of Clinton G. Colgate, deceased, v. The United States, Congressional No. 6063, Senate Document No. 703, Sixty-fourth Congress, second session.

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

REIMBURSEMENT OF FIRE INSURANCE COMPANIES

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3673) to reimburse certain fire insurance companies the amounts paid by them for property destroyed by fire in suppressing bubonic plague in the Territory of Hawaii in the years 1899 and 1900. It proposes to appropriate \$85,975 to pay to the Royal Insurance Co., \$25,100; the Trans-Atlantic Fire Insurance Co., \$9,500; Prussian National Fire Insurance Co., \$2,850; North German Fire Insurance Co., \$8,000; Hamburg-Bremen Fire Insurance Co., \$10,450; Liverpool and London and Globe Insurance Co., \$6,900; New Zealand Insurance Co., \$6,025; Fireman's Fund Insurance Co., \$9,250; National Fire Insurance Co. of Hartford, Conn., \$4,150; Caledonian Insurance Co., of Edinburgh, Scotland, \$750; North British Mercantile Insurance Co., \$3,000, the aforesaid sums being the amounts paid by each of the said companies on account of insurance against fire on property in the Territory of Hawaii, which property was destroyed by the Government in the suppression of the bubonic plague in said Territory in the years 1899 and 1900.

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

ESTATE OF HALLER NUTT, DECEASED

The bill (S. 2603) for the relief of the legal representatives of the estate of Haller Nutt, deceased, was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

CHARLES S. COOK

The bill (S. 2720) for the relief of Charles S. Cook was announced as next in order.

The PRESIDENT pro tempore. Being adversely reported, the bill will be indefinitely postponed.

BARKENTINE "MONTEREY"

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3310) for the relief of the owners of the barkentine *Monterey*, which was read, as follows:

Be it enacted, etc., That the claim of the Charles Nelson Co., a corporation, owner of the barkentine *Monterey*, arising out of a collision between said barkentine and the United States steamship *Henderson* in the Straits of Juan de Fuca on or about July 28, 1923, for and on account of the losses alleged to have been suffered in said collision by the owners of said barkentine by reason of damages to said barkentine, may be submitted to the United States District Court for the Northern District of California under and in compliance with the rules of said court sitting as a court of admiralty; and that the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the legal damages sustained by reason of said collision, if any shall be found to be due, either for or against the United States of America, upon the same principle and measure of liability with interest and costs as in like cases in admiralty between private parties, with the same right of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

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

LIGHTER "EASTMAN NO. 14"

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 79) for the relief of the owner of the lighter *Eastman No. 14*, which has been reported from the Committee on Claims with an amendment, on page 2, line 4, after the word "damages," to strike out the words "including interest," so as to make the bill read:

Be it enacted, etc., That the claim of Franklin P. Eastman, owner of the lighter *Eastman No. 14*, against the United States of America for damages alleged to have been caused by a collision on November 26, 1918, between the said lighter *Eastman No. 14* and the United States steamship *Wakulla*, at the Thirty-first Street Pier, Brooklyn, N. Y., while the said steamship *Wakulla* was owned by the United States of America and was being operated in its naval transport service, may be sued for by the said Franklin P. Eastman in the District Court of the United States for the Eastern District of New York, sitting as a court of admiralty and acting under the rules governing such court; and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages, and costs, if any, as shall be found to be due against the United States in favor of Franklin P. Eastman, or against Franklin P. Eastman in favor of the United States upon the same principles and measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court; and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months from the date of the passage of this act.

The amendment was agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FURNITURE AND FURNISHINGS FOR THE WHITE HOUSE

The joint resolution (S. J. Res. 163) to accept donations of historical furniture and furnishings of the correct period for use in the White House was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on the Library with amendments. The first amendment was, in section 1, page 1, line 9, before the word "furniture," to strike out the word "historical"; and in the same line, after the word "furnishings," to strike out the words "of the correct period," so as to make the section read:

That with a view to conserving in the White House the best specimens of the early American furniture and furnishings, and for the purpose of maintaining the interior of the White House in keeping with its original design the officer in charge of public buildings and grounds is hereby authorized and directed, with the approval of the President, to accept donations of furniture and furnishings for use in the White House. All such articles thus donated to become the property of the United States and to be accounted for as such.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 7, after the words "National Academy of Design," to strike out "and two members representing the public at large, the said committee to have full power to collect and pass on the articles in question and to recommend the same for acceptance"; and to insert "one member of the American Institute of Architects and five members representing the public at large, the said committee to have full power to select and pass on the articles in question and to recommend the same for acceptance," so as to make the section read:

Sec. 2. The said officer in charge of public buildings and grounds is further authorized and directed, with the approval of the President, to appoint a temporary committee composed of one representative of the American Federation of Arts, one representative of the National Commission of Fine Arts, one representative of the National Academy of Design, one member of the American Institute of Architects, and five members representing the public at large; the said committee to have full power to select and pass on the articles in question and to recommend the same for acceptance.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. PEPPER the title was amended so as to read: "Joint resolution to accept donations of furniture and furnishings for use in the White House."

MEMORIAL TO DEAD OF AVIATION SERVICE

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 167) authorizing the erection on public grounds in the city of Washington, D. C., of a memorial to those who died in the Aviation Service of the Army, Navy, and Marine Corps in the World War, which had been reported from the Committee on the Library with an amendment, on page 2, line 1, before the name "Bennett," to strike out the initial "M," so as to make the joint resolution read:

Resolved, etc., That the Chief of Engineers, United States Army, after procuring the advice of the Commission of Fine Arts, be, and he is hereby, authorized and directed to approve a design of a memorial, to select a suitable site therefor on public grounds of the United States in the city of Washington, D. C., other than the Capitol, the Library of Congress, Potomac Park, the White House, and the grounds south of the White House, and to grant permission for its erection, when in his opinion sufficient funds are in hand for the purpose, to Mrs. Louis Bennett, the said memorial to be a gift to the people of the United States in memory of her son, Lieut. Louis Bennett, who was shot down in action on August 24, 1918, after destroying two German balloons: *Provided*, That the site chosen and the design of the memorial shall be approved by the Joint Committee on the Library, and that the said memorial shall be erected under the supervision of the Chief of Engineers, United States Army, without expense to the United States in or by reason of the erection of the said memorial.

Sec. 2. The authority granted by this act shall cease and terminate if the erection of the said memorial shall not have been commenced at the termination of three years after the date of the approval of this act.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A joint resolution authorizing the erection on public grounds in the city of Washington, D. C., of a memorial to those who gave their lives to their country in the Aviation Service of the Army, Navy, and Marine Corps in the World War."

AMERICAN BAR ASSOCIATION

The bill (S. 292) to incorporate the American Bar Association was announced as next in order.

Mr. WALSH of Montana. Mr. President, I did not know that that bill had been reported from the committee. I understood that it had been recommitted to the Committee on the Judiciary.

The PRESIDENT pro tempore. The Chair is able to state that, while the bill was recommitted to the Judiciary Committee, it has again been reported.

Mr. WALSH of Montana. Will the Chair advise us when the bill was rereported?

The PRESIDENT pro tempore. The bill was again reported on January 17, by the junior Senator from Missouri [Mr. SPENCER].

Mr. WALSH of Montana. I am sure that must have been an error. I ask that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

FRANK H. WALKER AND FRANK E. SMITH

The bill (S. 3109) for the relief of Frank H. Walker and Frank E. Smith, was announced as next in order.

Mr. SMOOT. I ask that that bill be recommitted to the Committee on Claims.

The PRESIDENT pro tempore. Without objection, the bill will be recommitted to the Committee on Claims.

LANDS AND FUNDS OF THE OSAJE INDIANS IN OKLAHOMA

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5726) to amend the act of Congress of March 3, 1921, entitled "An act to amend section 3 of the act of Congress of June 28, 1906, entitled 'An act of Congress for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes,'" which had been reported from the Committee on Indian Affairs with amendments.

The first amendment was, page 1, in section 1, line 7, after the word "heir," to insert the words "or devisee"; on page 2, line 16, after the word "age," to insert the words "and above 18 years of age"; in line 17, after the word "minors," to insert "and out of the income of minors under 18 years of age, \$500 quarterly"; on page 3, line 3, after the word "investments," to strike out "not exceeding \$500 a quarter"; in line 9, after the word "shall," to insert "in case the Com-

missioner of Indian Affairs finds that such adults are wasting or squandering said income"; in line 13, after the word "Agency," to insert, "Provided, That if an adult member, not having a certificate of competency so desires, his entire income accumulating in the future from the sources herein specified shall be paid to him without supervision, unless the Commissioner of Indian Affairs shall find, after notice and hearing, that such member is wasting or squandering his income, in which event the Secretary of the Interior shall pay to such member only the amounts hereinbefore specified to be paid to adult members not having certificates of competency"; in line 22, after the word "invest," to strike out "or deposit the remainder, after paying all of the taxes of those members whose funds are subject to his supervision, as provided by existing law: *Provided*, That any part of such remainder, including minor's funds, not to exceed \$10,000, may be expended for the benefit of such member of the tribe for the specific purpose of purchasing or improving a home, and any additional amount may be expended in the prevention of or cure of any member or minor afflicted with tuberculosis or by any lingering or dangerous disease, when authorized by the Commissioner of Indian Affairs and expended under his direction and supervision"; and to insert "the remainder, after paying the taxes of such members, in United States bonds, Oklahoma State bonds, real estate, first mortgage real estate loans not to exceed 50 per cent of the appraised value of such real estate, and where the member is a resident of Oklahoma such investment shall be in loans on Oklahoma real estate, stock in Oklahoma building and loan associations, livestock, or deposit the same in banks in Oklahoma, or expend the same for the benefit of such member, such expenditures, investments, and deposits to be made under such restrictions, rules, and regulations as he may prescribe: *Provided*, That the Secretary of the Interior shall not make any investment for an adult member without first securing the approval of such member of such investment"; and on page 5, line 1, after the word "application," to insert "or approval," so as to read:

Be it enacted, etc., That the Secretary of the Interior shall cause to be paid at the end of each fiscal quarter to each adult member of the Osage Tribe of Indians in Oklahoma having a certificate of competency, his or her pro rata share, either as a member of the tribe or heir or devisee of a deceased member, of the interest on trust funds, the bonus received from the sale of oil or gas leases, the royalties therefrom, and any other moneys due such Indian received during each fiscal quarter, including all moneys received prior to the passage of this act and remaining unpaid; and so long as the accumulated income is sufficient the Secretary of the Interior shall cause to be paid to the adult members of said tribe not having a certificate of competency \$1,000 quarterly, except where such adult members have legal guardians, in which case the amounts provided for herein may be paid to the legal guardian or direct to such Indian in the discretion of the Secretary of the Interior, the total amounts of such payments, however, shall not exceed \$1,000 quarterly except as hereinafter provided; and shall cause to be paid for the maintenance and education, to either one of the parents or legal guardians actually having personally in charge, enrolled or unenrolled, minor member under 21 years of age and above 18 years of age, \$1,000 quarterly out of the income of each of said minors, and out of the income of minors under 18 years of age, \$500 quarterly, and so long as the accumulated income of the parent or parents of a minor who has no income or whose income is less than \$500 per quarter is sufficient, shall cause to be paid to either of said parents having the care and custody of such minor \$500 quarterly, or such proportion thereof as the income of such minor may be less than \$500, in addition to the allowances above provided for such parents. Rentals due such adult members from their lands and their minor children's lands and all income from such adults' investments shall be paid to them in addition to the allowance above provided. All payments to legal guardians of Osage Indians shall be expended subject to the joint approval in writing of the court and the superintendent of the Osage Agency. All payments to adults not having certificates of competency, including amounts paid for each minor, shall, in case the Commissioner of Indian Affairs finds that such adults are wasting or squandering said income, be subject to the supervision of the superintendent of the Osage Agency: *Provided*, That if an adult member, not having a certificate of competency so desires, his entire income accumulating in the future from the sources herein specified shall be paid to him without supervision, unless the Commissioner of Indian Affairs shall find, after notice and hearing, that such member is wasting or squandering his income, in which event the Secretary of the Interior shall pay to such member only the amounts hereinbefore specified to be paid to adult members not having certificates of competency. The Secretary of the Interior shall invest the remainder, after paying the taxes of such members, in United States bonds, Oklahoma State bonds, real

estate, first mortgage real estate loans not to exceed 50 per cent of the appraised value of such real estate, and where the member is a resident of Oklahoma such investment shall be in loans on Oklahoma real estate, stock in Oklahoma building and loan associations, livestock, or deposit the same in banks in Oklahoma, or expend the same for the benefit of such member, such expenditures, investments, and deposits to be made under such restrictions, rules, and regulations as he may prescribe: *Provided*, That the Secretary of the Interior shall not make any investment for an adult member without first securing the approval of such member of such investment: *Provided further*, That at the beginning of each fiscal year there shall first be reserved and set aside, out of Osage tribal funds available for that purpose, a sufficient amount of money for the expenditures authorized by Congress out of Osage funds for that fiscal year. No guardian shall be appointed except on the written application or approval of the Secretary of the Interior for the estate of a member of the Osage Tribe of Indians who does not have a certificate of competency or who is of one-half or more Indian blood.

The amendment was agreed to.

The next amendment was, on page 5, after line 4, to insert:

All moneys now in the possession or control of legal guardians heretofore paid to them through mistake of law and which should have been reserved by the Secretary of the Interior under the act of Congress of March 3, 1921, relating to the Osage Tribe of Indians shall be returned by such guardians to the Secretary of the Interior, and all property, bonds, securities, and stock purchased, or investments made by such guardians out of said moneys paid them shall be delivered to the Secretary of the Interior by them, to be held by him or disposed of by him as he shall deem to be for the best interest of the members to whom the same belongs. Such purchases and investments made by legal guardians are hereby declared to be legal when approved by the Secretary of the Interior. The expenditure of any part of such funds so paid which have been made by such guardians in accordance with the laws of Oklahoma are hereby declared to be legal when approved by the Secretary of the Interior. Moneys used in investments and expenditures by legal guardians which are not approved by the Secretary of the Interior shall be accounted for by such legal guardians to him under such rules and regulations as he may prescribe. All bonds, securities, stocks, and property purchased and other investments made by legal guardians shall not be subject to alienation, sale, disposal, or assignment without the approval of the Secretary of the Interior. Any indebtedness lawfully incurred by guardians may be paid out of the funds of the members for whom such indebtedness was incurred by the Secretary of the Interior when approved by him.

Mr. OWEN. On page 5, line 16, after the word "legal," I move to amend the committee amendment by striking out the words "when approved by the Secretary of the Interior," and in lieu thereof to insert "in accordance with the laws of the State of Oklahoma."

The PRESIDENT pro tempore. The amendment proposed by the Senator from Oklahoma to the amendment of the committee will be stated.

The READING CLERK. On page 5, line 16, after the word "legal," it is proposed to strike out the words "when approved by the Secretary of the Interior" and in lieu thereof to insert the words "in accordance with the laws of Oklahoma."

Mr. HARRELD. Mr. President, will the Senator explain his amendment. It is not a committee amendment, and I want to know what it is.

Mr. OWEN. The suggestion which I have made by the amendment relates to the purchases and investments made by legal guardians which were made in accordance with the laws of the State of Oklahoma. The words "in accordance with the laws of the State of Oklahoma" are inserted instead of the words "when approved by the Secretary of the Interior." As the bill reads it would require the previous acts of such guardians to be subject to the approval of the Secretary of the Interior, when in point of fact it is only proper that they should have been in accordance with the laws of the State of Oklahoma.

Mr. HARRELD. I am not in a position to accept amendments of that kind, because I can only uphold the amendments which have been reported by the committee.

Mr. MOSES. Let the bill go over.

Mr. CURTIS. Mr. President, let the bill go over if there is going to be any debate on it. We desire to finish the calendar if we can this evening and I think the bill should go over if there is going to be a debate on it.

Mr. OWEN. It is necessary that it go over then, for I can not consent that the guardians who have made their purchases and investments in accordance with the laws of Oklahoma shall then be required to come to the Interior Department after years have elapsed to have their acts approved by some of the clerks of that department. If they have made their disburse-

ments and made their purchases under the laws of the State of Oklahoma their actions ought not to be declared illegal by the Congress, and I can not consent to that being done.

Mr. HARRELD. Mr. President, I will say—

The PRESIDENT pro tempore. The bill will be passed over.

Mr. HARRELD. Mr. President, if I may be permitted to make a brief statement, I will say that personally I have no objection to what the Senator suggests, but, as chairman of the committee, I am not in a position to agree to the amendment.

Mr. OWEN. The matter could be, of course, adjusted in conference afterwards, but I do not want it to go into conference in such form as to commit the Senate against the proposal which I am making.

The PRESIDENT pro tempore. The bill will be passed over.

AMENDMENT OF JUDICIAL CODE

The bill (S. 3913) to extend for an additional period of three years the effective period of the act entitled "An act to amend section 51 of chapter 4 of the Judicial Code," approved September 19, 1922, was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with an amendment at the top of page 2, to insert the following new section:

SEC. 2. That the last paragraph of the act entitled "An act to amend section 876 of the Revised Statutes," approved September 19, 1922, is amended to read as follows:

"This amendment shall be effective for a period of six years after September 19, 1922, after which section 876 as it exists in the present law shall be and remain in full force and effect."

The amendment was agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. SHORTRIDGE, the title was amended so as to read: "A bill to extend for an additional period of three years the effective period of the act entitled 'An act to amend section 51 of chapter 4 of the Judicial Code,' approved September 19, 1922; and an act entitled 'An act to amend section 876 of the Revised Statutes,' approved September 19, 1922."

JUDGES OF DISTRICT COURT OF HAWAII

The bill (H. R. 6860) to authorize each of the judges of the United States District Court for the District of Hawaii to hold sessions of said court separately at the same time, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That subdivision (a) of section 86 of the Hawaiian organic act, as amended, is amended to read as follows:

"SEC. 86. (a) That there shall be established in the said Territory a district court, to consist of two judges, who shall reside therein and be called district judges, and who shall each receive an annual salary of \$7,500. The two judges shall from time to time, either by order or rules of the court, prescribe at what times and in what classes of cases each of them shall preside.

"The two judges may each hold separately and at the same time a session of the court (whether at the same or different terms of court, regular or special) and may preside alone over such session. The said two judges shall have the same powers in all matters coming before the court; and in case two sessions of the court are held at the same time, the judgments, orders, verdicts, and all proceedings of a session of the court, held by either of the judges, shall be as effective as if one session only were being held at a time."

The amendment was agreed to.

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

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

The bill was read the third time and passed.

ACCOUNTS OF DISBURSING OFFICERS

The bill (H. R. 8369) to extend the period in which relief may be granted accountable officers of the War and Navy Departments, and for other purposes, was announced as next in order.

Mr. JONES of Washington. I ask that the bill go over.

Mr. SHORTRIDGE. I ask the Senator to withdraw the objection. The bill was very carefully considered by the committee.

Mr. JONES of Washington. May I ask the Senator if he thinks that "four years from the passage of this act" are necessary? The House made it "four years from the passage of the act of April 21, 1922," which would make the period run

up to 1926. It would seem as if that would afford sufficient time. If later that should be found not to be the case we could extend the period.

Mr. SHORTRIDGE. It was thought that extending the time would do no harm and might protect the rights of the Government and of its citizens.

Mr. JONES of Washington. This bill is for the adjustment of claims between April 6, 1917, and November 18, 1921. It would seem that extending the time up to 1926 would afford ample opportunity to adjust those matters. I suggest to the Senator that he let the bill go through without that amendment and let it become a law in that way.

Mr. SHORTRIDGE. I can not consent to that. The amendment has been reported by the committee in the form suggested.

Mr. JONES of Washington. Was the committee unanimous?

Mr. SHORTRIDGE. I think so.

Mr. JONES of Washington. Very well, I will withdraw the objection.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment on page 1, at the beginning of line 9, to strike out "the act of April 21, 1922," and insert "this act," so as to make the bill read:

Be it enacted, etc., That the act approved April 21, 1922 (42 Stat. L., p. 497, ch. 136), be, and is hereby, amended to read as follows:

"That the Comptroller General of the United States be, and hereby is, authorized, through such officers as he may designate, and within four years from the passage of this act: (a) to relieve disbursing officers or special disbursing agents of the War and Navy Departments from accountability or responsibility for losses occurring between April 6, 1917, and November 18, 1921, of funds, or of accounts, papers, records, vouchers, or data pertaining to said funds, for which said officers or agents were accountable or responsible; and (b) to allow credits, in the settlement of accounts of said officers or agents, for payments made in good faith on public account during said period, notwithstanding failure to comply with requirements of existing law or regulations pursuant thereto: *Provided*, That in cases of losses or payments involving more than \$1,000, the Comptroller General shall exercise the authority herein only upon the written recommendation of the Secretary of War or the Secretary of the Navy, which recommendation shall also set forth the facts relative to such loss or payment: *Provided further*, That the Comptroller General in all cases shall certify that the transactions, expenditures, losses, or payments appear to be free from fraud or collusion.

The amendment was agreed to.

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

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

The bill was read the third time and passed.

HUNTER-BROWN CO.

The bill (S. 1829) for the relief of the Hunter-Brown Co. was considered as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Hunter-Brown Co., Chattanooga, Tenn., the sum of \$1,198.08 as settlement in full for loss incurred through failure of the War Department to receive 192 cords of wood delivered by the Hunter-Brown Co. at Camp Forest, Ga., under the terms of a contract with the War Department entitled "Quartermaster Corps Contract," which represents the sum of the amount agreed to be paid for the wood so delivered and expenses incurred by the Hunter-Brown Co. by reason of delayed delivery occasioned by the refusal of the agents of the War Department to receive the shipments of wood and in prosecuting its claim for the payment of the contract price, the War Department having since refused to approve or settle such claim.

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

JAMES J. McALLISTER

The bill (H. R. 2258) for the relief of James J. McAllister was considered as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$1,000 to compensate James J. McAllister, a Bannock

Indian, residing near Boise, Idaho, for water rights lost by him incident to the acquiring by the War Department of a water supply for Fort Boise Barracks, Idaho: *Provided*, That this sum shall not be paid to the said James J. McAllister until he shall have executed a release in full satisfaction of all claims against the Government for or by reason of the loss of said water rights.

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

FILER M'CLOUD

The bill (H. R. 4610) for the relief of the estate of Filer McCloud was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 5, after the word "McCloud," to insert "out of any money in the Treasury not otherwise appropriated," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the administrator of the estate of Filer McCloud, out of any money in the Treasury not otherwise appropriated, the sum of \$2,000 in full compensation for property on Parris Island, S. C., belonging to such estate, which was destroyed by the United States Marine Corps for military reasons.

The amendment was agreed to.

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

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

The bill was read the third time and passed.

PICTON STEAMSHIP CO. (LTD.)

The bill (H. R. 6660) for the relief of Picton Steamship Co. (Ltd.), owner of the British steamship *Picton*, was considered as in Committee of the Whole.

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

COLUMBUS HOSPITAL, GREAT FALLS, MONT.

The bill (S. 332) authorizing the Secretary of the Treasury to pay the Columbus Hospital, Great Falls, Mont., for the treatment of disabled Government employees was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 5, after the words "sum of," to strike out "\$608.44" and insert "\$397.44," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay out of any money in the Treasury not otherwise appropriated, the sum of \$397.44 to the superintendent of the Columbus Hospital, Great Falls, Mont., for services rendered and medical attendance from March 13 to June 1, 1919, in the cases of Arthur A. Higgins, William A. Niles, and Floyd Kerr, employees of the War Department, at the nitro general ordnance bureau, Nitro, W. Va., said amount being due the hospital for the care and treatment of the said employees.

The amendment was agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF PENAL CODE

The bill (S. 3180) to amend section 194 of the Penal Code of the United States was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That section 194 of the penal laws of the United States be amended so that it shall read as follows:

"Sec. 194. Whoever shall steal, take, or abstract, or by fraud or deception obtain, from or out of any mail, post office, or station thereof, or other authorized depository for mail matter, or from a letter or mail carrier, any letter, postal card, package, bag, or mail, or shall abstract or remove from any such letter, package, bag, or mail, any article or thing contained therein, or shall secrete, embezzle, or destroy any such letter, postal card, package, bag, or mail, or any article or thing contained therein; or whoever shall steal, take, or abstract, or by fraud or deception obtain any letter, postal card, package, bag, or mail, which has been left for collection upon or adjacent to a collection box or other authorized depository of mail matter; or whoever shall buy, receive, or conceal, or aid in buying, receiving, or concealing, or shall unlawfully have in his possession, any letter, postal card, package, bag, or mail, or any article or thing contained therein, which has been so stolen, taken, embezzled, or abstracted, as herein described, knowing the same to have been so stolen, taken, embezzled, or abstracted; or whoever shall take any letter, postal card, or package out of any post office or station thereof, or out of any authorized depository for mail matter, or from any letter or mail carrier, or which has been in any

post office or station thereof, or other authorized depository, or in the custody of any letter or mail carrier, before it has been delivered to the person to whom it was directed, with a design to obstruct the correspondence, or to pry into the business or secrets of another, or shall open, secrete, embezzle, or destroy the same, shall be fined not more than \$2,000 or imprisoned not more than five years, or both."

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

AMENDMENT OF JUDICIAL CODE

The bill (H. R. 9162) to amend section 128 of the Judicial Code, relating to appeals in admiralty cases, was considered as in Committee of the Whole.

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

PER CAPITA COST OF INDIAN SCHOOLS

The bill (S. 4014) to amend the act of June 30, 1919, relative to per capita cost of Indian schools, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the second paragraph of the act of June 30, 1919, page 6 (41 Stat. L. p. 6), entitled "Per capita cost," be, and the same is hereby, amended by inserting in the third line thereof the amount "\$270" in lieu of "\$225" and in the eighth line thereof the amount "\$300" in lieu of "\$250," so that the same shall read:

"That hereafter, except for pay of superintendents and for transportation of goods and supplies and transportation of pupils, not more than \$270 shall be expended from appropriations made in this act, or any other act, for the annual support and education of any one pupil in any Indian school, unless the attendance in any school shall be less than 200 pupils, in which case the Secretary of the Interior may authorize a per capita expenditure of not to exceed \$300."

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

LANDS IN CALIFORNIA

The bill (S. 4015) to authorize the Secretary of the Interior to sell to the city of Los Angeles certain lands in California heretofore purchased by the Government for the relief of homeless Indians was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized in his discretion to sell and to convey title on behalf of the United States of America, to the city of Los Angeles, certain lands in California heretofore purchased by the Government for the relief of homeless Indians, namely: Lot 55 of the Owens Valley Improvement Co.'s subdivision No. 1, as shown on a map filed in book No. 1, page 41, of the map records of Inyo County, containing approximately 16.61 acres; and the northerly 425 feet of lot 141 of the Owens Valley Improvement Co.'s subdivision No. 2, as shown on a map filed in book No. 1, page 42, of the map records of Inyo County, containing approximately 13 acres: *Provided*, That the consideration to be received for the lands shall be determined by the Secretary of the Interior and the amount for which the entire area may be sold shall not be less than the total cost of the lands and of the improvements to the Government: *Provided further*, That the sum of \$1,060.75 shall be segregated from the proceeds of this sale and deposited in the Treasury to the credit of the reimbursable appropriation by the act of May 24, 1922 (42 Stat. L. p. 560), for irrigation work on miscellaneous projects in district No. 4: *Provided further*, That the Secretary of the Interior be, and he is hereby, authorized to use the remainder of the proceeds, exclusive of the sum of \$1,060.75 expended for irrigation improvements, in purchasing other land in California, with such improvements as may be appurtenant thereto, for the relief of homeless Indians of that State, and the money when deposited in the Treasury shall be set apart and reserved for that purpose.

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

CLAIMS OF DELAWARE INDIANS

The bill (H. R. 3913) to refer the claims of the Delaware Indians to the Court of Claims, with the right of appeal to the Supreme Court of the United States, was considered as in Committee of the Whole.

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

OMAHA INDIANS OF NEBRASKA

The bill (H. R. 8965) for the relief of the Omaha Indians of Nebraska was considered as in Committee of the Whole.

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

AMENDMENT OF ARMY APPROPRIATION ACT OF JULY 9, 1918

The bill (S. 1931) amending the Army appropriation act approved July 9, 1918, providing for appointment and retirement of officers of the Medical Reserve Corps, or contract surgeons, was announced as next in order.

Mr. SMOOT. Let that go over.

Mr. SHORTRIDGE. Mr. President, this bill I introduced at the request of those familiar with the subject matter. It was referred to the Committee on Military Affairs and, I happen to know, was very carefully considered by the Senator from Indiana [Mr. RALSTON], who reports it favorably from the committee. The printed report accompanying the bill as amended contains a letter from the Secretary of War, addressed to the Senator from New York, which explains the measure. In a word, those entirely familiar with the subject matter of the bill agree; and I quite earnestly ask that the matter may be disposed of to-day.

Mr. SMOOT. I ask that it go over for the day.

Mr. SHORTRIDGE. Does the Senator wish any information in regard to it, or does he simply object?

Mr. SMOOT. I object, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over.

WARRANT OFFICERS OF ARMY MINE PLANTER SERVICE

The bill (S. 3977) to authorize the Secretary of War to reappoint and immediately discharge or retire certain warrant officers of the Army Mine Planter Service was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to reappoint and immediately discharge or retire, as hereinafter directed, all warrant officers, Army Mine Planter Service, discharged from such service pursuant to the act entitled "An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes," approved June 30, 1922: *Provided*, That warrant officers of the Army Mine Planter Service of less than 10 years' service be discharged with payment of one year's pay or those of more than 10 years' and less than 20 years' service be placed on the unlimited retired list with pay at the rate of 2½ per cent of their active pay, multiplied by the number of complete years of such service or those of more than 20 years' service be placed on the unlimited retired list with pay at the rate of 3 per cent of their active pay, multiplied by the number of complete years of such service, not exceeding 75 per cent of their active pay: *Provided further*, That in computing length of service for retirement and in computing longevity pay under the provision of this act service on boats in the service of the Quartermaster Department as well as service in the Regular Army shall be counted: *And provided further*, That this act shall not apply to any discharged warrant officer, Army Mine Planter Service, who has been reappointed a warrant officer, Army Mine Planter Service.

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

REDUCTION OF RATE OF INTEREST ON NOTES ISSUED UNDER THE TRANSPORTATION ACT, 1920

The bill (S. 3772) to authorize the reduction of and to fix the rate of interest to be paid by carriers upon notes or other evidences of indebtedness heretofore issued under the provisions of section 207 of the transportation act, 1920, or section 210 of said act, as amended by an act approved June 5, 1920, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Interstate Commerce with an amendment to strike out all after the enacting clause and to insert:

Be it enacted, etc., That if the Interstate Commerce Commission, upon application of any carrier indebted to the United States after hearing and investigation upon public notice, actual or constructive, as it may direct, finds that it is necessary that the rate of interest payable upon notes or other evidences of indebtedness heretofore issued by a carrier under the provisions of section 207 of the transportation act, 1920, or section 210 of said act as amended by an act approved June 5, 1920, held by the United States (whether such notes or other evidences of indebtedness are payable to the United States, to the Director General of Railroads, or to the Secretary of the Treasury), should be reduced in order to enable any such carrier to carry out any refunding or other financial operation to prevent the impairment of such service that would be caused by the appointment of a receiver to take possession of and manage its property, thereupon the said commission shall certify to the Secretary of the Treasury its finding of such necessity. Upon the receipt of any such certificate the Secretary of the Treasury shall ascertain the average price paid for money by the United States during the last preceding year, and thereafter the rate of interest to be

paid by any such carrier in whose behalf such certificate has been so filed with the Secretary shall be one-fourth of 1 per cent above the average price so ascertained: *Provided, however,* That in no event shall the rate of interest be less than 4½ per cent per annum, and the payment of the interest at the time stated in such notes or other evidences of indebtedness at the rate so established shall be in full payment and discharge of the interest stated in such notes or other evidences of indebtedness accruing after such certificate is filed with the Secretary of the Treasury.

The amendment was agreed to.

Mr. SHIPSTEAD. Mr. President, it seems to me that bill should go over.

The PRESIDING OFFICER (Mr. McNARY in the chair). Does the Senator ask that the bill be passed over?

Mr. SHIPSTEAD. I do.

Mr. WATSON. Mr. President, may I ask the Senator, on account of the very great importance of the bill, to permit it to be considered if it does not lead to long debate? It is unanimously reported from the Committee on Interstate Commerce after very earnest and very careful consideration and after the appearance before the committee of the presidents of the railroads involved, and also the Secretary of the Treasury. It involves no loss of revenue whatever to the Government. It simply provides that the money that is now owing by the railroads to the Government shall be provided by the Government at what it costs the Government to get the money, plus a small increment.

Mr. SHIPSTEAD. Mr. President, it strikes me that this bill involves a change of the policy of the Government and ought to be discussed briefly.

The PRESIDING OFFICER. Does the Senator object to the immediate consideration of the bill?

Mr. SHIPSTEAD. I do.

The PRESIDING OFFICER. The bill will be passed over.

BILL PASSED OVER

The bill (S. 3682) for the relief of M. Barde & Sons (Inc.), Portland, Oreg., was announced as next in order.

Mr. JONES of Washington. I am very sorry, but I shall have to ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

PURCHASE OF UNAPPROPRIATED PUBLIC LANDS

The bill (H. R. 8522) granting to certain claimants the preference right to purchase unappropriated public lands was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with amendments, on page 1, line 10, after the word "That," to insert "any owner in good faith of land shown by the official public land surveys to be bounded in whole or in part by such erroneously meandered area and who acquired title to such land prior to this enactment"; on page 2, line 17, after the word "claimant," to insert "under the public land laws"; on the same page, after line 18, to insert:

SEC. 3. In event such erroneously meandered land is bounded by two or more tracts of land held in private ownership with apparent riparian rights indicated by the official township plat of survey at date of disposal of title by the United States, the Commissioner of the General Land Office shall have discretionary power to cause such meandered area, when surveyed, to be divided into such tracts or lots as will permit a fair division of such meandered area among the owners of such surrounding or adjacent tracts under the provisions of this act. In administering the provisions of this act, where there shall exist a conflict of claims falling within its operation, if any claimant shall have placed valuable improvements upon the land involved, or shall have reduced the same to cultivation, then to the extent of such improvements or cultivation such claimant shall be given preference in adjustment of such conflict: *Provided,* That no preference right of entry under this act shall be recognized for a greater area than 160 acres, in one body, to any one applicant, whether an individual, an association, or a corporation.

On page 3, line 14, to change the number of the section from "3" to "4"; on page 4, line 1, to change the number of the section from "4" to "5"; and on page 4, line 14, to change the number of the section from "5" to "6."

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior, in his judgment and discretion, is hereby authorized to sell, in the manner herein-after provided, any of those lands situated in the State of Wisconsin which were originally erroneously meandered and shown upon the official plats as water-covered areas, and which are not lawfully appropriated by a qualified settler or entryman claiming under the public land laws.

SEC. 2. That any owner in good faith of land shown by the official public land surveys to be bounded in whole or in part by such erroneously meandered area, and who acquired title to such land prior to this enactment, or any citizen of the United States who in good faith under color of title or claiming as a riparian owner has, prior to this act, placed valuable improvements upon or reduced to cultivation any of the lands subject to the operation of this act, shall have a preferred right to file in the office of the register and receiver of the United States land office of the district in which the lands are situated an application to purchase the lands thus improved by them at any time within 90 days from the date of the passage of this act if the lands have been surveyed and plats filed in the United States land office; otherwise within 90 days from the filing of such plats. Every such application must be accompanied with satisfactory proof that the applicant is entitled to such preference right and that the lands which he applies to purchase are not in the legal possession of an adverse claimant under the public land laws.

SEC. 3. In event such erroneously meandered land is bounded by two or more tracts of land held in private ownership with apparent riparian rights indicated by the official township plat of survey at date of disposal of title by the United States, the Commissioner of the General Land Office shall have discretionary power to cause such meandered area, when surveyed, to be divided into such tracts or lots as will permit a fair division of such meandered area among the owners of such surrounding or adjacent tracts under the provisions of this act. In administering the provisions of this act, where there shall exist a conflict of claims falling within its operation, if any claimant shall have placed valuable improvements upon the land involved, or shall have reduced the same to cultivation, then to the extent of such improvements or cultivation such claimant shall be given preference in adjustment of such conflict: *Provided,* That no preference right of entry under this act shall be recognized for a greater area than 160 acres, in one body, to any one applicant, whether an individual, an association, or a corporation.

SEC. 4. That upon the filing of an application to purchase any lands subject to the operation of this act, together with the required proof, the Secretary of the Interior shall cause the lands described in said application to be appraised, said appraisal to be on the basis of the value of such lands at the date of appraisal, exclusive of any increased value resulting from the development or improvement thereof for agricultural purposes by the applicant or his predecessor in interest, but inclusive of the stumpage value of any timber cut or removed by the applicant or his predecessor in interest.

SEC. 5. That an applicant who applies to purchase lands under the provisions of this act, in order to be entitled to receive a patent, must within 30 days from receipt of notice of appraisal by the Secretary of the Interior pay to the receiver of the United States land office of the district in which the lands are situated the appraisal price of the lands, and thereupon a patent shall issue to said applicant for such lands as the Secretary of the Interior shall determine that such applicant is entitled to purchase under this act. The proceeds derived by the Government from the sale of lands hereunder shall be covered into the United States Treasury and applied as provided by law for the disposal of the proceeds from the sale of public lands.

SEC. 6. That the Secretary of the Interior is hereby authorized to prescribe all necessary rules and regulations for administering the provisions of this act and determining conflicting claims arising hereunder.

The amendments were agreed to.

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

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

WALTER REED GENERAL HOSPITAL, DISTRICT OF COLUMBIA

The bill (S. 3818) authorizing the construction of additional facilities at Walter Reed General Hospital, in the District of Columbia, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in order to continue the construction of additional facilities at Walter Reed General Hospital, in the District of Columbia, there is hereby authorized to be appropriated a sum of not exceeding \$2,000,000, to be expended by the Secretary of War, for the construction of the following improvements and buildings, including roads leading thereto, necessary furniture, equipment, and accessories: (a) Completing two wings to the main hospital building, containing wards; (b) a rear addition to the main hospital building, containing dining rooms, kitchens, wards, and a library; (c) a laboratory and morgue building, and tuberculosis, observation, infectious disease, and semi-isolation wards.

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

BILL PASSED OVER

The bill (S. 3400) for the purchase of the tract of land adjoining the militia target range at Auburn, Me., was announced as next in order.

Mr. MOSES. Mr. President, may I ask if there is any member of the Military Affairs Committee present? Is not this the bill the provisions of which were carried in an amendment to the War Department appropriation bill, which was passed the other day?

Mr. CURTIS. Let it go over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over, under objection.

BATTLE FIELDS OF THE SIEGE OF PETERSBURG, VA.

The bill (H. R. 3669) to provide for the inspection of the battle fields of the siege of Petersburg, Va., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 2, line 12, after the words "December 1," to strike out "1924" and insert "1925," so as to make the bill read:

Be it enacted, etc., That a commission is hereby created, to be composed of the following members, who shall be appointed by the Secretary of War:

(1) A commissioned officer of the Corps of Engineers, United States Army;

(2) A veteran of the Civil War, who served honorably in the military forces of the United States; and

(3) A veteran of the Civil War, who served honorably in the military forces of the Confederate States of America.

SEC. 2. In appointing the members of the commission created by section 1 of this act the Secretary of War shall, as far as practicable, select persons familiar with the terrain of the battle fields of the siege of Petersburg, Va., and the historical events associated therewith.

SEC. 3. It shall be the duty of the commission, acting under the direction of the Secretary of War, to inspect the battle fields of the siege of Petersburg, Va., in order to ascertain the feasibility of preserving and marking for historical and professional military study such fields. The commission shall submit a report of its findings to the Secretary of War not later than December 1, 1925.

SEC. 4. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$3,000 in order to carry out the provisions of this act.

The amendment was agreed to.

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

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

The bill was read the third time and passed.

REGAUGE OF DISTILLED SPIRITS IN BONDED WAREHOUSES

The bill (H. R. 9138) to authorize the discontinuance of the seven-year regauge of distilled spirits in bonded warehouses, and for other purposes, was considered as in Committee of the Whole.

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

ISAAC J. REESE

The bill (H. R. 2958) for the relief of Isaac J. Reese was considered as in Committee of the Whole.

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

MAJ. HARRY WALTER STEPHENSON, UNITED STATES ARMY (RETIRED)

The bill (S. 1534) authorizing the President to reappoint Maj. Harry Walter Stephenson, United States Army (retired), to the position and rank of major, Coast Artillery Corps, in the United States Army was announced as next in order.

The PRESIDING OFFICER. This bill is reported adversely.

Mr. OVERMAN. I move that it be indefinitely postponed.

The PRESIDING OFFICER. Without objection, the bill will be indefinitely postponed.

COMMISSIONERS OF COURT OF CLAIMS

The bill (S. 3793) to authorize the appointment of commissioners by the Court of Claims and to prescribe their powers and compensation was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with amendments.

The first amendment was, in section 1, page 1, line 5, after the word "appoint," to strike out "ten" and insert "seven," so as to make the section read:

Be it enacted, etc., That to afford the Court of Claims needed facilities for the disposition of suits brought therein said court is hereby authorized and empowered to appoint seven competent persons, to be known as commissioners, who shall attend the taking of or take evidence in cases that may be assigned to them severally by the court and make report of the facts in the case to the court. Any commissioner shall proceed under such rules and regulations as may be promulgated by the court and such orders as the court may make in the particular case, and may have and perform the general duties that pertain to special masters in suits in equity. He may fix the times for hearings, administer oaths, examine witnesses, and receive evidence. Parties to the suit may appear before the commissioner in person or by attorney, produce evidence, and examine witnesses. Subpoenas for witnesses or for the production of testimony before the commissioner may issue out of the court by the clerk thereof and shall be served by a United States marshal in any judicial district to whom they are directed. The rules of the court shall provide for a finding and report of facts by a commissioner, to be filed in court with the testimony upon which the same is based, and for exceptions thereto, in whole or in part, by the parties to the suit, and a hearing thereon within such reasonable time as the court's rules or order may prescribe. Nothing in this section shall be so construed as to prevent the court from passing upon all questions and findings without regard to whether exceptions were or were not taken at the hearings before the commissioner. Any person appointed as commissioner may be removed at the pleasure of the court.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 22, after the word "shall," to insert "devote all of his time to the duties of his office, and," so as to read:

SEC. 2. Each of said commissioners shall devote all of his time to the duties of his office, and receive a salary of \$5,000 per annum, payable monthly out of the Treasury.

The amendment was agreed to.

The next amendment was, in section 2, page 3, line 5, after the words "commissioners and," to strike out "\$4" and insert "\$5," so as to make the remainder of section 2 read:

The commissioners and stenographers authorized by the court shall also receive their necessary traveling expenses and their actual expenses incurred for subsistence while traveling on duty and away from Washington in an amount not to exceed \$7 per day in the case of commissioners and \$5 per day in the case of stenographers. The expenses of travel and subsistence herein authorized shall be paid upon the order of the court.

Mr. SMOOT. Mr. President, I want to appeal to the Senator from Iowa to let that stand at \$4. In all of the other departments it is \$4, and if we undertake to make that change in this particular item it will be unfair to all of the other departments. I will say to the Senator that \$4 has been the rule heretofore, and that is the rate that was in the bill as it was introduced.

Mr. CUMMINS. Mr. President, I know that what the Senator from Utah says is true; but the cost of living has increased very greatly since most of these statutes were passed.

Mr. SMOOT. It used to be \$3, and then we increased it to \$4.

Mr. CUMMINS. However, I am willing that the amendment shall be rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

The next amendment was, on page 3, after line 7, to insert a new section, as follows:

SEC. 3. This act and all appointments made thereunder shall cease and determine three years after the date of its approval by the President.

The amendment was agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHIPPEWA INDIANS OF MINNESOTA

The bill (H. R. 9343) authorizing the adjudication of claims of the Chippewa Indians of Minnesota was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment, to strike out all after the enacting clause and to insert:

That all claims of whatsoever nature which the Chippewa Indians of Minnesota may have against the United States, which have not heretofore been determined by a court of competent jurisdiction, may be submitted to the Court of Claims for determination of the amount, if any,

due or claimed to be due said Indians from the United States under any treaty or agreement or law of Congress, or for the misappropriation of any of the property or funds of said Indians, or for the failure of the United States to administer the same in conformity with any treaty or agreement with the said Indians: *Provided*, That if in any claim submitted hereunder a treaty or an agreement with the Indians be involved, and it be shown that the same has been amended or superseded by an act or acts of Congress, the court shall have authority to determine whether such act or acts have violated any property rights of the claimants; and if so, to render judgment for the damages resulting therefrom; and jurisdiction is hereby conferred upon said Court of Claims, with the right of appeal to the Supreme Court of the United States by either party, to hear and determine all legal and equitable claims of whatsoever nature which said Indians may have against the United States; it being the intent of this act to allow the said Court of Claims full and complete authority to adjust and determine all claims submitted hereunder so that the rights, legal and equitable, both of the United States and of said Indians may be fully considered and determined, and to render judgment thereon accordingly.

SEC. 2. That if any claim or claims be submitted to said court it shall determine the rights of the parties thereto, notwithstanding lapse of time or statutes of limitation, and any payment which may have been lawfully made by the United States upon any claim so submitted shall not be pleaded as an estoppel, but may be pleaded as a set-off in any suit; and the United States shall be allowed credit subsequent to the date of any law, treaty, or agreement under which the claim arises for any sum or sums heretofore paid or expended for the benefit of said Indians, if legally chargeable against that claim. The claim or claims of the Chippewa Indians of Minnesota shall be presented by petition, subject, however, to amendment at any time, suit or suits to be filed within three years after the approval of this act; and such suit shall make the Chippewa Indians of Minnesota party plaintiff and the United States party defendant. Such petition shall set forth the facts on which the claims for recovery are based and shall be verified by the attorney or attorneys employed as herein authorized, and no other verification shall be necessary. Letters, papers, documents, and public records, or certified copies thereof, bearing upon the claims presented may be used in evidence, and the departments of the Government shall give the attorney or attorneys of said Indians access to any such letters, papers, documents, or public records and shall furnish certified copies of any such letters, papers, documents, or public records as may be deemed material.

SEC. 3. That if it be determined by the court that the United States, in violation of the terms and provisions of any law, treaty, or agreement, has unlawfully appropriated or disposed of any money or other property belonging to the Indians, damages therefor shall be confined to the value of the money or other property at the time of such appropriation or disposal, together with interest thereon at 5 per cent per annum from the date thereof; and with reference to all claims which may be the subject matter of the suits herein authorized, the decree of the court shall be in full settlement of all damages, if any, committed by the Government of the United States and shall annul and cancel all claim, right, and title of the said Chippewa Indians in and to such money or other property.

SEC. 4. That if in any suit by all the Chippewas of Minnesota against the United States it appears to the court that any bands or parts of bands of said Indians are, or claim to be, the exclusive legal or equitable owners, or are entitled to, or claim, a legal or equitable interest greater than an equal distributive share with all the Chippewa Indians of Minnesota, in the proceeds of any judgment or decree that may be entered or passed in settlement of any claims submitted hereunder, the court may permit, or of its own motion compel said bands or parts of bands to be made parties to any such suit, so that their rights may be fully and finally determined: *Provided, however*, That nothing herein contained shall be construed as conferring jurisdiction on the court to entertain and hear complaints or claims of a purely individual nature. In the event that any bands or parts of bands of said Indians are made parties to any suit herein authorized, the Secretary of the Interior shall ascertain, in such manner as he may deem best, the attorney desired by a majority of said Indians and shall permit the employment of an attorney under contract to represent them as provided by existing law, the compensation to be paid said attorney to be fixed by the Secretary of the Interior, and paid out of any money that may be adjudged or decreed to be due said bands or parts of bands of said Indians.

SEC. 5. Authority is hereby given for the employment of not to exceed two attorneys or firms of attorneys to represent the Chippewa Indians of Minnesota in the prosecution of any such suit. Under the direction of the Secretary of the Interior the Indians belonging on the White Earth Reservation are authorized to select a committee consisting of five of their members, and all the other Chippewa Indians in Minnesota are authorized to select a like committee from their members. Each committee, so selected, is authorized to designate an attorney or firm of attorneys and to execute a tribal contract with such attorney or firm of attorneys in accordance with existing law.

SEC. 6. That the two attorneys or firms of attorneys authorized to be employed under section 5 shall each receive during their employment compensation at the rate of \$6,000 per annum, payable in monthly installments as the same become due, and the Secretary of the Treasury is hereby authorized and directed to pay said amounts or installments out of the trust funds standing to the credit of said Indians in the Treasury of the United States, and upon the final determination of said suit the Court of Claims may separately allow said attorneys, or firms of attorneys, such additional compensation as it may deem just and proper considering the nature, extent, character, and value of all services rendered, but in no event shall said additional allowance for the two attorneys or firms of attorneys, including the salaries paid said attorneys or firms of attorneys, be in excess of 5 per cent of the total amount recovered: *Provided*, That any additional compensation allowed by said court shall be paid by the Secretary of the Treasury as herein authorized from the trust funds of said Indians standing to their credit in the Treasury of the United States.

SEC. 7. All actual and necessary expenses incurred in the prosecution of said suit by the attorney or attorneys so employed to represent the Chippewa Indians of Minnesota shall be paid by the Secretary of the Treasury as herein authorized as they arise out of the funds standing to the credit of said Indians in the Treasury of the United States upon first being allowed by said court and certified to the Secretary of the Interior.

SEC. 8. Should either of the Indian committees referred to in section 5 hereof be unable or unwilling within six months from the approval of this act to designate an attorney or firm of attorneys, the Commissioner of Indian Affairs and the Secretary of the Interior, on behalf of the Indians, are hereby authorized and directed to execute a contract with such attorney or firm of attorneys under such terms and conditions as they may deem advisable.

SEC. 9. The proceeds of all amounts, if any, recovered for said Indians shall be deposited in the Treasury of the United States to the credit of the Indians decreed by said court to be entitled thereto, and shall draw interest at the rate of 5 per cent per annum from the date of the judgment or decree. The costs incurred in any suit hereunder shall be taxed against the losing party; if against the United States such costs shall be included in the amount of the judgment or decree, and if against said Indians shall be paid by the Secretary of the Treasury out of the funds standing to their credit in the Treasury of the United States.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

The title was amended so as to read: "An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims."

BILLS PASSED OVER

The bill (S. 3314) granting pensions and increase of pensions to certain soldiers and sailors of the Civil and Mexican Wars and to certain widows, former widows, minor children, and helpless children of said soldiers and sailors, and to widows of the War of 1812, and to certain Indian war veterans and widows, and to certain Spanish war soldiers and widows, and certain maimed soldiers, and for other purposes, was announced as next in order.

Mr. DIAL. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 11354) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was announced as next in order.

Mr. DIAL. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3017) to establish a board of public welfare in and for the District of Columbia, to determine its functions, and for other purposes, was announced as next in order.

Mr. HEFLIN. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 3933) for the purchase of the Cape Cod Canal, and for other purposes, was announced as next in order.

Mr. JONES of Washington and Mr. JONES of New Mexico. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

COMMITTEE ON INAUGURAL CEREMONIES

The joint resolution (S. J. Res. 174) authorizing the granting of permits to the Committee on Inaugural Ceremonies on the occasion of the inauguration of the President-elect in March,

1925, etc., was considered as in Committee of the Whole and was read, as follows:

Resolved, etc., That the Secretary of War is hereby authorized to grant permits, under such restrictions as he may deem necessary, to the Committee on Inaugural Ceremonies for the use of any reservations or other public spaces in the city of Washington under his control on the occasion of the inauguration of the President elect in March, 1925: *Provided*, That in his opinion no serious or permanent injuries will be thereby inflicted upon such reservations or public spaces or statuary thereon; and the Commissioners of the District of Columbia may designate for such and other purposes on the occasion aforesaid such streets, avenues, and sidewalks in said city of Washington under their control as they may deem proper and necessary: *Provided however*, That all stands or platforms that may be erected on the public spaces aforesaid, including such as may be erected in connection with the display of fireworks, shall be under the supervision of the said inaugural committee and in accordance with the plans and designs to be approved by the Engineer Commissioner of the District of Columbia, the officer in charge of public buildings and grounds, and the Architect of the United States Capitol: *And provided further*, That the reservations or public spaces occupied by the stands or other structures shall after the inauguration be promptly restored to their condition before such occupation, and that the inaugural committee shall indemnify the War Department for any damage of any kind whatsoever upon such reservations or spaces by reason of such use.

SEC. 2. The Commissioners of the District of Columbia are hereby authorized to permit the committee on illumination of the inaugural committee for said inaugural ceremonies to stretch suitable overhead conductors, with sufficient supports wherever necessary, for the purpose of connecting with the present supply of light for the purpose of effecting the said illumination: *Provided*, That if it shall be necessary to erect wires for illuminating or other purposes over any park or reservation in the District of Columbia the work of erection and removal of said wires shall be under the supervision of the official in charge of said park or reservation: *Provided further*, That the said conductors shall not be used for conveying electrical current after March 8, 1925, and shall, with their supports, be fully and entirely removed from the streets and avenues of the said city of Washington on or before March 15, 1925: *And provided further*, That the stretching and removing of the said wires shall be under the supervision of the Commissioners of the District of Columbia, who shall see that the provisions of this resolution are enforced, that all needful precautions are taken for the protection of the public, and that the pavement of any street, avenue, or alley disturbed is replaced in as good condition as before entering upon the work herein authorized: *And provided further*, That no expense or damage on account of or due to the stretching, operation, or removal of the said temporary overhead conductors shall be incurred by the United States or the District of Columbia.

SEC. 3. The Secretary of War and the Secretary of the Navy be, and they are hereby, authorized to loan to the Committee on Inaugural Ceremonies such ensigns, flags, and signal numbers, and so forth, belonging to the Government of the United States (except battle flags) that are not now in use and may be suitable and proper for decoration, and which may, in their judgment, be spared without detriment to the public service, such flags to be used in connection with said ceremonies by said committee under such regulations and restrictions as may be prescribed by the said Secretaries, or either of them, in decorating the fronts of public buildings and other places on the line of march between the Capitol and the Executive Mansion and the interior of the reception hall: *Provided*, That the loan of the said ensigns, flags, signal numbers, and so forth, to said committee shall not take place prior to the 24th day of February, and they shall be returned by the 10th day of March, 1925: *Provided further*, That the said committee shall indemnify the said departments, or either of them, for any loss or damage to such flags not necessarily incident to such use. That the Secretary of War is hereby authorized to loan to the inaugural committee for the purpose of caring for the sick, injured, and infirm on the occasion of said inauguration, such hospital tents and camp appliances, and other necessities, hospital furniture and utensils of all descriptions, ambulances, horses, drivers, stretchers, and Red Cross flags and poles belonging to the Government of the United States as in his judgment may be spared and are not in use by the Government at the time of the inauguration: *And provided further*, That the inaugural committee shall indemnify the War Department for any loss or damage to such hospital tents and appliances, as aforesaid, not necessarily incident to such use.

SEC. 4. The Commissioners of the District of Columbia be, and they are hereby, authorized to permit the Western Union Telegraph Co. and the Postal Telegraph Co. to extend overhead wires to such points along the line of parade as shall be deemed by the chief marshal convenient for use in connection with the parade and other inaugural purposes, the said wires to be taken down within 10 days after the conclusion of the ceremonies.

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

AMENDMENT OF THE JUDICIAL CODE

The bill (H. R. 64) to amend section 101 of the Judicial Code as amended, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and to insert:

That section 101 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and it hereby is, amended to read as follows:

"SEC. 101. The State of Oklahoma is divided into three judicial districts, to be known as the northern, the eastern, and the western districts of Oklahoma. The territory embraced on January 1, 1925, in the counties of Craig, Creek, Delaware, Hughes, Mayes, Nowata, Okfuskee, Okmulgee, Osage, Ottawa, Pawnee, Rogers, Seminole, Tulsa, and Washington, as they existed on said date, shall constitute the northern district of Oklahoma. Terms of the United States District Court for the northern district of Oklahoma shall be held at Tulsa on the first Monday in January, at Vinita on the first Monday in March, at Okmulgee on the first Monday in April, at Pawhuska on the first Monday in May, and at Bartlesville on the first Monday in June in each year: *Provided*, That suitable rooms and accommodations for holding court at Okmulgee, Pawhuska, and Bartlesville are furnished free of expense to the United States. The eastern district of Oklahoma shall include the territory embraced on the 1st day of January, 1925, in the counties of Adair, Atoka, Bryan, Cherokee, Choctaw, Coal, Carter, Garvin, Grady, Haskell, Johnston, Jefferson, Latimer, Le Flore, Love, McClain, Muskogee, McIntosh, McCurtain, Murray, Marshall, Pittsburg, Pushmataha, Pontotoc, Stephens, Sequoyah, and Wagoner. Terms of the district court for the eastern district shall be held at Muskogee on the first Monday in January, at Hugo on the second Monday in May, at South McAlester on the first Monday in June, at Ardmore on the first Monday in October, at Chickasha on the first Monday in November, at Poteau on the first Monday in December in each year, and annually at Pauls Valley at such times as may be fixed by the judge of the eastern district: *Provided*, That suitable rooms and accommodations for holding said court at Hugo, Poteau, and Pauls Valley are furnished free of expense to the United States. The western district of Oklahoma shall include the territory embraced on the 1st day of January, 1925, on the counties of Alfalfa, Beaver, Beckham, Blaine, Caddo, Canadian, Cimarron, Cleveland, Comanche, Cotton, Custer, Dewey, Ellis, Garfield, Grant, Greer, Harmon, Harper, Jackson, Kay, Kingfisher, Kiowa, Lincoln, Logan, Major, Noble, Oklahoma, Payne, Pottawatomie, Roger Mills, Texas, Tillman, Washita, Woods, and Woodward. The terms of the district court for the western district shall be held at Guthrie on the first Monday in January, at Oklahoma City on the first Monday in March, at Enid on the first Monday in June, at Lawton, on the first Monday in September, and at Woodward on the first Monday in November in each year: *Provided*, That suitable rooms and accommodations for holding court at Woodward are furnished free of expense to the United States. The clerk of the district court for the northern district shall keep his office at Tulsa, the clerk of the district court for the eastern district shall keep his office at Muskogee and shall maintain an office in charge of a deputy at Ardmore, the clerk for the western district shall keep his office at Guthrie and shall maintain an office in charge of himself or his deputy at Oklahoma City."

SEC. 2. The present senior judge of the eastern district of Oklahoma be, and he is hereby, assigned to hold said court in the said eastern district, and shall exercise the same jurisdiction and perform the same duties within the said district as he exercised and performed within his district prior to the passage of this act. That the present judge of the western district of Oklahoma be, and he is hereby, assigned to hold said court in the western district of Oklahoma, and shall exercise the same jurisdiction and perform the same duties as he exercised and performed within his district prior to the passage of this act. That the present junior judge of the eastern district of Oklahoma be, and he is hereby, assigned to hold said court in the said northern district, and shall exercise the same jurisdiction and perform the same duties within the said district as he exercised and performed within his district prior to the passage of this act. Each of said judges and courts shall in other respects have all the power and authority, civil, criminal, equitable, or otherwise, which is conferred by law generally upon the district courts of the United States and the judges thereof.

SEC. 3. The President, by and with the advice and consent of the Senate, shall appoint for said northern district of Oklahoma a district judge upon the death, disability, or retirement of the district judge who is hereby assigned to said northern district.

SEC. 4. The President, by and with the advice and consent of the Senate, shall appoint for said northern district of Oklahoma a marshal and a district attorney. A clerk and deputy clerks shall be appointed and may be removed in the manner provided by law.

SEC. 5. The jurisdiction and authority of the courts and officers of the western district of Oklahoma, and of the courts and officers of the eastern district of Oklahoma as heretofore divided between them by the order of the senior judge of the Circuit Court of Appeals for the Eighth Circuit of the United States over the territory embraced within said northern district of Oklahoma, shall continue as heretofore until the organization of the district court of said northern district, and thereupon shall cease and determine, save and except in so far as the authority of the junior judge of said eastern district is continued in him as judge of said northern district, and save and except as to the authority expressly conferred by law on said courts, judges or officers, or any of them, to commence and proceed with the prosecution of crimes and offenses committed therein prior to the establishment of the said northern district, and save and except as to any other authority expressly reserved to them or any of them under any law applicable in the case of the creation or change of the divisions or districts of district courts of the United States.

SEC. 6. Any party to any civil action, suit, or proceeding, including proceedings in bankruptcy, which is pending in the said eastern or western district and the prescribed venue of which would have been in said northern district had such district been constituted at the time such action, suit, or proceeding was instituted, may, by filing notice of such desire in the office of the clerk of such eastern or western district as the case may be, cause such action, suit, or proceeding to be transferred to said northern district, and upon the filing of such notice the cause shall proceed in the said northern district as though originally brought therein. The clerk in whose office such notice may be filed shall forthwith transmit all the papers and documents in his court pertaining to such cause to the clerk of said northern district and he shall also, with all reasonable dispatch, prepare and transmit to such last-named clerk a certified transcript of the record of all orders, interlocutory decrees, or other entries in such cause, with his certificate under the seal of the court that the papers sent are all that were on file in said court belonging to the cause. For the performance of his duties under this section the clerk so transmitting and certifying such papers and records shall receive the same fees as are now allowed by law for similar services, to be taxed in the bill of costs and regularly collected with the other costs in the cause; and such transcript, when so certified and received, shall henceforth constitute a part of the record in the cause in the court to which the transfer shall be made. With such transcript shall be remitted all deposits in the hands of the clerk to the credit or account of such cause. The clerk receiving such transcript and original papers shall file the same. In case the permissible prescribed venue of any such action, suit, or proceeding would, at the option of the plaintiff, have been in either the said eastern district or in the said western district, though said northern district had then been constituted, then such suit, action, or proceeding shall not be removed to said northern district except upon consent of all of the parties thereto which consent shall be filed with the clerk in lieu of the notice of transfer above specified and shall have the same effect.

Mr. CARAWAY. Mr. President, I offer an amendment to the committee amendment, which I send to the desk and ask to have stated.

The PRESIDENT pro tempore. The Secretary will state the amendment offered by the Senator from Arkansas to the amendment of the committee.

The READING CLERK. The Senator from Arkansas offers the following amendment:

Page 3, line 24, strike out the word "Hughes" and the comma.

Page 3, line 25, strike out the word "Okmulgee" and the comma, and the word "Seminole" and the comma.

Page 4, lines 5 and 6, strike out the words "at Okmulgee on the first Monday in April" and the comma.

Page 4, line 9, strike out the word "Okmulgee" and the comma.

Amend by inserting on page 4, line 14, after the word "Haskell," the word "Hughes" and a comma.

Page 4, line 16, after the word "Marshall," insert the word "Okmulgee" and a comma.

Page 4, line 16, after the word "Pontotoc," insert the word "Seminole" and a comma.

Page 4, line 19, after the word "January," insert the words "at Okmulgee on the first Monday in April" and a comma.

Page 5, line 1, after the word "Hugo," insert the word "Okmulgee" and a comma.

Line 12, page 5, after the word "March" add "at Mangum on the first Monday in April."

The PRESIDENT pro tempore. Without objection, the amendment to the amendment will be agreed to.

Mr. HARRELD. Mr. President, I am not in position to agree to that amendment if it embraces four counties. I should be perfectly willing to let it go as to two of those counties.

Mr. CARAWAY. The amendment embraces only three counties.

Mr. HARRELD. It embraces Okmulgee County, and I am not in a position to agree to that. I am willing for it to go to a vote, however.

Mr. SMOOT. Let it go over.

Mr. CURTIS. Mr. President, if there is going to be any trouble over it or time taken, I ask that it go over.

Mr. HARRELD. There is simply one dispute, and that is as to Okmulgee County. I should like to see the matter go to a vote, if possible.

The PRESIDENT pro tempore. The bill will be passed over.

MAUDE MORROW FECHTELER

The bill (H. R. 6755) granting six months' pay to Maude Morrow Fechteler was considered as in Committee of the Whole.

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

SUPPLY OFFICERS OF REGULAR NAVY AND NAVAL RESERVE FORCE

The bill (H. R. 8263) to authorize the accounting officers of the Treasury to pay to certain supply officers of the regular Navy and Naval Reserve Force the pay and allowances of their ranks for services performed prior to the approval of their bonds was considered as in Committee of the Whole.

The bill had been reported from the Committee on Naval Affairs with an amendment, on page 1, line 3, after the word "That," to strike out "accounting officers of the Treasury are" and insert "General Accounting Office is," so as to make the bill read:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to pay to all supply officers, or former supply officers, of the regular Navy or United States Naval Reserve Force the pay and allowances of their respective ranks for active duty performed by such officers during the period from April 6, 1917, to March 3, 1921, inclusive, prior to the approval of their bonds by the Secretary of the Navy.

The amendment was agreed to.

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

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

The bill was read the third time and passed.

The title was amended so as to read: "An act to authorize the General Accounting Office to pay to certain supply officers of the regular Navy and Naval Reserve Force the pay and allowances of their ranks for services performed prior to the approval of their bonds."

JOINT RESOLUTION AND BILL PASSED OVER

The joint resolution (S. J. Res. 125) granting permission to Fred F. Rogers, commander, United States Navy, to accept certain decorations bestowed upon him by the Venezuelan Government, was announced as next in order.

Mr. MOSES. Let that go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The bill (H. R. 5061) for the relief of Russell Wilmer Johnson was announced as next in order.

Mr. DIAL. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

LIEUT. THOMAS J. RYAN

The bill (S. 3202) for the relief of Lieut. (Junior Grade) Thomas J. Ryan, United States Navy, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Naval Affairs with amendments, on page 1, to strike out lines 3 and 4, to and including the words "pay to," and to insert the words "That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$1,221.65, to reimburse"; and in line 8, to strike out the words "the sum of \$1,372.80 as reimbursement," so as to make the bill read:

That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$1,221.65, to reimburse Lieut. (Junior Grade) Thomas J. Ryan, United States Navy, for the loss of uniforms, equipment, clothing, and personal effects of himself, as a result of the earthquake and fire disaster in Japan on September 1, 1923.

The amendments were agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES D. BAYLIS

The bill (S. 122) for the relief of Charles D. Baylis, first Lieutenant, United States Marine Corps, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Naval Affairs with amendments, on page 1, line 4, to strike out "to be paid to" and to insert "the sum of \$1,732.14 to reimburse," and, in line 7, to strike out "\$2,569.14, to compensate him," so as to make the bill read:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$1,732.14, to reimburse Charles D. Baylis, first Lieutenant, United States Marine Corps, for loss and damage of household goods, clothing, and other personal effects while the same were being transported on the United States naval tug *Genesee* from Olongapo to Cavite, P. I., during the summer of 1922.

The amendments were agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY F. MULLOY

The bill (H. R. 9308) to authorize the appointment of Machinist Henry F. Mulloy, United States Navy, as an ensign in the Regular Navy, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

EXCHANGE OF LAND IN EL DORADO, ARK.

The bill (H. R. 11501) for the exchange of land in El Dorado, Ark., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and empowered to convey by the usual quitclaim deed to the city of El Dorado, Ark., for street purposes and for no other purpose, all the right, title, and interest of the United States of America in and to a strip of land off the easterly side of the Federal building site in said city, 30 feet in width: *Provided,* That the city of El Dorado, Ark., shall vacate and convey to the United States of America in lieu thereof a strip of land 30 feet in width along the entire 140-foot frontage of the westerly side of said Federal building site: *Provided further,* That the city of El Dorado, Ark., shall not have the right to sell or convey the land herein authorized to be granted, or any part thereof, or to devote the same to any other purpose than as hereinbefore described, and in the event that the said land shall not be used for street purposes it shall revert to the United States of America.

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

HARRY NEWTON

The bill (S. 3676) for the relief of Harry Newton, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to accept for enlistment in the Navy, without regard to physical or other qualifications, Harry Newton, formerly chief machinist's mate, United States Navy, in the rating held by him when last discharged therefrom, and to transfer him immediately to the Fleet Naval Reserve in that rating and with all the benefits and emoluments thereof which he would have been entitled to receive had he been transferred thereto under the provisions of the act of July 1, 1922 (vol. 42, Stat. L. p. 786), immediately after the passage of said act.

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

INQUIRY CONCERNING REMAINING BILLS ON THE CALENDAR

Mr. DIAL. Mr. President, following Order of Business 1006 on the calendar, which has just been passed, I do not see any reports in connection with the bills on the calendar.

Mr. CARAWAY. I hope the Senator will not raise an objection on that ground. There are two or three more bills on the calendar, and I do not know whether the reports in regard thereto have been printed. They were recently reported. I hope the Senator will not object.

Mr. DIAL. The calendar may be proceeded with, as far as I am concerned, and we will see what the bills are.

JOSEPH J. MARTIN

The bill (H. R. 1717) authorizing the payment of an amount equal to six months' pay to Joseph J. Martin was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Paymaster General of the Navy shall cause to be paid to Joseph J. Martin, father of the late George Russell Martin, gunnery sergeant, United States Marine Corps, an amount equal to six months' pay at the rate received by Martin at the date of his death.

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

ALBERT S. MATLOCK

The bill (H. R. 8329) for the relief of Albert S. Matlock was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the account of Albert S. Matlock, formerly acting postmaster at Van Buren, Ark., in the sum of \$18,906.91, due to the United States on account of postal funds (including war savings certificates for which the postmaster had given interim receipts), postage stamps, money-order funds, war savings and thrift stamps, and war tax revenue funds which were lost as the result of burglary on February 13, 1919, and the sum of \$18,906.91 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the payment of said claim.

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

BILL PASSED OVER

The bill (H. R. 9535) authorizing suits against the United States in admiralty for damage caused by and salvage services rendered to public vessels belonging to the United States, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

GEORGE A. PETRIE

The bill (H. R. 5752) for the relief of George A. Petrie was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to George A. Petrie, of Alexandria, La., the sum of \$53.30 out of any money in the Treasury not otherwise appropriated. Such sum is the value of the services rendered by the said George A. Petrie while acting as United States commissioner for the western judicial district of Louisiana from February 18, 1923, to June 30, 1923.

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

ROGER SHERMAN HOAR

The bill (H. R. 8727) for the relief of Roger Sherman Hoar was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Roger Sherman Hoar, 715 Hawthorne Avenue, South Milwaukee, of the county of Milwaukee and the State of Wisconsin, the sum of \$150.93 in full compensation for moneys actually expended by him under the direction of his commanding officer during the late World War for the protection of the Government in the matter of patent serial No. 298605.

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

BILLS PASSED OVER

The bill (H. R. 8741) for the relief of Flora M. Herrick was announced as next in order.

Mr. CURTIS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 7911) to authorize the Secretary of the Treasury to sell the appraisers' stores property in Providence, R. I., was announced as next in order.

Mr. CURTIS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 7821) to convey to the city of Astoria, Oreg., a certain strip of land in said city was announced as next in order.

Mr. CURTIS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 6436) for the relief of Isidor Steger was announced as next in order.

Mr. REED of Pennsylvania. Let that go over.
The PRESIDENT pro tempore. The bill will be passed over. This completes the Calendar of General Orders.

INVESTIGATION AS TO PRICE OF WHEAT

Mr. NORBECK. I ask unanimous consent that an extension of time to March 1 be given to the Committee on Agriculture and Forestry to report on Senate Resolution 249.

The PRESIDENT pro tempore. The Senator from South Dakota asks that the time for report upon Senate Resolution 249 be extended to March 1.

Mr. SWANSON. What is that resolution?

Mr. NORBECK. It is a resolution providing for an investigation as to the price of wheat.

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

MINERAL LANDS IN INDIAN RESERVATIONS

Mr. HARRELD. Mr. President, I desire to make a motion for a reconsideration of a vote taken in the Senate to-day in connection with Senate bill 876.

Mr. SHORTRIDGE. To what does the bill relate?

Mr. HARRELD. It affects the oil royalties accruing on Executive order Indian lands. I desire to move that the Senate concur in the amendments of the House, with an amendment which I shall offer.

Mr. SMOOT. I want to say to the Senate that a few days ago this bill passed the Senate and went to the House, and in the meantime the Commissioner on Indian Affairs called me on the telephone and asked me to have an order entered for the return of the bill to the Senate, as there were certain amendments he desired to have made to the bill. That order was entered, and the bill has been returned to the Senate from the House. The motion now is that we reconsider the vote by which the House amendments were concurred in, so that the Senator from Oklahoma can offer an amendment to a House amendment.

Mr. JONES of New Mexico. The parliamentary situation, as I understand it, is that the House passed the bill with amendments. The bill then came to the Senate, and the Senate concurred in the amendments, and after concurring in the amendments, the Senate ordered the bill returned to it. Now, the proper procedure is for the Senator from Oklahoma to move that we concur in the House amendments, with an amendment which he desires to offer.

Mr. HARRELD. That is the motion I have made.

The PRESIDENT pro tempore. Without objection the vote concurring in the House amendments will be reconsidered. The Senator from Oklahoma moves that the Senate concur in the House amendments, with an amendment which the Secretary will report.

The READING CLERK. The Senator from Oklahoma offers the following amendment: Amend the bill, in line 3, page 2, after the words "shall be," by inserting the words "disposed of as follows, 37½ per cent shall be paid by the Secretary of the Treasury after the expiration of each fiscal year to the State within the boundaries of which the leased lands or deposits are or were located, said moneys to be used by such State, or subdivisions thereof, for the construction and maintenance of public roads or for the support of public schools or other public educational institutions, as the legislature of the State may direct, and 62½ per cent shall be."

Amend the first paragraph of the amendment of the House by inserting the words "Executive order" after the word "within," and by striking out the words "except that such lands may only be leased and patents shall be issued for the same."

Strike out all of the second paragraph of the amendment of the House.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Oklahoma to the amendments of the House.

The amendment to the amendments was agreed to.

The PRESIDENT pro tempore. The question is upon concurring in the House amendments as amended.

The amendments as amended were concurred in.

EXECUTIVE SESSION

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

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock p. m.) the Senate adjourned until Monday, February 2, 1925, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 31, 1925

PROMOTIONS IN THE COAST AND GEODETIC SURVEY

For appointment as aid, with relative rank of ensign in the Navy, by promotion from junior engineer

Riley Jacob Sipe, of Ohio, vice Isador Rittenburg, promoted.

By promotion from deck officer

Allen Ames Parker, of Massachusetts, vice H. A. Karo, promoted.

Samuel Barker Grenell, of New York, vice J. C. Sammons, promoted.

Philip Randall Hathorne, of Maine, vice G. L. Anderson, promoted.

John Mahlon Neal, of Indiana, vice J. H. Service, promoted.

UNITED STATES DISTRICT JUDGE

Benson W. Hough, of Ohio, to be United States district judge, southern district of Ohio, vice John E. Sater, resigned.

UNITED STATES ATTORNEY

Emory R. Buckner, of New York, to be United States attorney, southern district of New York, vice William Hayward, resigned, effective March 1, 1925.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

ORDNANCE DEPARTMENT

Capt. Thomas William Conrad, Coast Artillery Corps (detached in Ordnance Department), with rank from July 1, 1920.

FIELD ARTILLERY

Second Lieut. Everett Clement Meriwether, Infantry, with rank from June 12, 1923.

Second Lieut. Emory Clayton Cushing, Air Service, with rank from July 3, 1923.

COAST ARTILLERY CORPS

Maj. George Frederick Humbert, Finance Department, with rank from July 1, 1920.

PROMOTION IN THE REGULAR ARMY

Chaplain Frank Burton Bonner to be chaplain with the rank of captain from January 25, 1925.

POSTMASTERS

CALIFORNIA

Irma J. Gallmann to be postmaster at Pinedale, Calif., in place of I. J. Gallmann. Office became third class January 1, 1925.

Pliny M. Arnold to be postmaster at Carlsbad, Calif., in place of P. M. Arnold. Office became third class January 1, 1925.

GEORGIA

William M. Hollis to be postmaster at Reynolds, Ga., in place of J. G. Hicks. Incumbent's commission expired June 4, 1924.

Glossie A. Dunford to be postmaster at Helena, Ga., in place of J. W. English, removed.

L. Bertie Rushing to be postmaster at Glennville, Ga., in place of A. C. Aldridge. Incumbent's commission expired February 4, 1924.

Fannie L. Mills to be postmaster at Folkston, Ga., in place of T. W. Vickery, resigned.

Mattie M. Lewis to be postmaster at Fayetteville, Ga., in place of S. B. Lewis. Incumbent's commission expired August 7, 1921.

IDAHO

Eudora D. Blood to be postmaster at Dover, Idaho, in place of E. D. Blood. Office became third class January 1, 1925.

ILLINOIS

Frank Z. Carstens to be postmaster at Woodriver, Ill., in place of F. Z. Carstens. Incumbent's commission expired May 28, 1924.

John L. Lewandowski to be postmaster at Calumet City, Ill., in place of J. L. Lewandowski. Office became third class July 1, 1924.

IOWA

Guy C. Wilhelm to be postmaster at Modale, Iowa, in place of C. A. Riggs, resigned.

KANSAS

Ella E. Moreland to be postmaster at Overland Park, Kans., in place of E. E. Moreland. Office became third class January 1, 1925.

James Rae to be postmaster at Franklin, Kans., in place of James Rae. Office became third class October 1, 1924.

LOUISIANA

Nellie M. Landrum to be postmaster at Woodsworth, La., in place of N. M. Landrum. Office became third class January 1, 1925.

MISSOURI

William L. Jenkins to be postmaster at North Kansas City, Mo., in place of J. O. Frazier. Incumbent's commission expired June 5, 1924.

NEBRASKA

Helen L. Churda to be postmaster at Weston, Nebr., in place of H. L. Churda. Office became third class January 1, 1925.

NEW JERSEY

Joseph Kish to be postmaster at Nixon, N. J., in place of Joseph Kish. Office became third class October 1, 1924.

Charles Carter to be postmaster at Mount Ephraim, N. J., in place of Charles Carter. Office became third class October 1, 1924.

OREGON

Mildred M. Pitcher to be postmaster at Valsetz, Oreg., in place of G. B. Lappe, resigned.

Andrew L. Clark to be postmaster at Rainier, Oreg., in place of L. F. Clark, resigned.

PENNSYLVANIA

Kathryn McCann to be postmaster at Crabtree, Pa., in place of Kathryn McCann. Office became third class January 1, 1925.

RHODE ISLAND

Albert J. Rene to be postmaster at Arctic, R. I., in place of J. E. Noel, resigned.

TENNESSEE

Minna M. Carson to be postmaster at Old Hickory, Tenn., in place of V. H. Williams. Incumbent's commission expired January 23, 1924.

TEXAS

Charles E. Belvin to be postmaster at Zephyr, Tex., in place of C. E. Belvin. Office became third class January 1, 1925.

John A. Noland to be postmaster at Crawford, Tex., in place of J. A. Noland. Incumbent's commission expired December 20, 1920.

VIRGINIA

William P. Gilbert to be postmaster at Cleveland, Va., in place of W. E. Fraley, resigned.

Ella P. White to be postmaster at Austinvilla, Va., in place of E. P. White. Office became third class January 1, 1925.

WEST VIRGINIA

Lutie Vicars to be postmaster at Fort Gay, W. Va., in place of Oscar Sipple, resigned.

Leonard S. Echols to be postmaster at Charleston, W. Va., in place of J. A. deGruyter. Incumbent's commission expired February 11, 1924.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 31, 1925

PROMOTIONS IN THE ARMY

Robert Henry Allen to be Chief of Infantry with rank of major general.

Amos Alfred Fries to be Chief of Chemical Warfare Service with rank of brigadier general.

John Thomas Axton to be Chief of Chaplains with rank of colonel.

Gen. William Josiah Snow to be Chief of Field Artillery with rank of major general.

Alfred William Bjornstad to be brigadier general, Infantry.

Henry Dozier Russell to be brigadier general, Officers' Reserve Corps.

Ernest Eugene Hodgson to be second lieutenant, Veterinary Corps.

Alfred Marston Shearer to be captain (detailed in Signal Corps).

John Lawrence Bond to be colonel, Infantry.

Edward Raymond Stone to be colonel, Infantry.

William Francis Morrison to be lieutenant colonel, Field Artillery.

Victor Sidney Foster to be lieutenant colonel, Cavalry.

Michael Frank Davis to be major, Air Service.

John Fuller Davis to be major, Cavalry.

Christopher William Ford to be captain, Air Service.

James Eugene Smith to be captain, Quartermaster Corps.

Biglow Beaver Barbee to be captain, Finance Department.

Frank Joseph Vida to be first lieutenant, Infantry.

Harold Patrick Henry to be first lieutenant, Infantry.
Harry Woldren French to be first lieutenant, Infantry.
Dwight Joseph Canfield to be first lieutenant, Air Service.

POSTMASTERS

MICHIGAN

Harvey W. Raymond, Baraga.
William J. Newton, Marysville.

MINNESOTA

Joseph F. John, Browerville.
Ora M. Goodfellow, Kenyon.
Albert Groenke, New Germany.

NORTH CAROLINA

James P. Turnley, Cameron.
James V. Benfield, Valdese.

OHIO

Earl F. Liebttag, East Canton.

SOUTH CAROLINA

Angus L. Campbell, Patrick.

WITHDRAWAL

Executive nomination withdrawn from the Senate January 31, 1925

J. Sam Weddington to be postmaster at Fort Gay, in the State of West Virginia.

HOUSE OF REPRESENTATIVES

SATURDAY, January 31, 1925

The House met at 11 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

With gentle compulsion, O Lord, lure us to acknowledge Thee to be our Heavenly Father. Make it easy for us to be upright, true, and faithful and difficult to do wrong. We bless Thee that Thy goodness is round about us like the morning light. Spare us from the weakness of impatience and hasty deliberations, and in all legislation may our labors be worthy of our country and the place of responsibility to which we have been called. Teach us that strength is never so helpful as when it stoops to the weak; that purity is never so divine as when it stretches a hand to succor the impure; and that we are never so useful and acceptable to Thee as when we obey the precepts of the Man of Galilee and have the spirit that led Him to become a ransom for the world. Amen.

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

THE LATE REPRESENTATIVE WILLIAM S. GREENE

Mr. LEACH. Mr. Speaker, to-morrow exercises are to be held in memory of the late Hon. SYDNEY E. MUDD and the late Hon. EDWARD O. LITTLE. I rise to announce at this time that there will be no exercises in memory of my predecessor, Hon. WILLIAM S. GREENE, of Massachusetts, his family having requested that no such exercises be held.

CALL OF THE HOUSE

Mr. BANKHEAD. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Alabama makes the point of order that there is no quorum present. Evidently there is not.

Mr. LONGWORTH. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 43]

Abernethy	Browne, N. J.	Cooper, Ohio	Dickstein
Allen	Brumm	Corning	Dominick
Allgood	Buckley	Croll	Doughton
Almon	Bulwinkle	Crosser	Drane
Anthony	Burdick	Crowther	Drewry
Ayres	Butler	Cullen	Eagan
Bacharach	Cable	Cummings	Edmonds
Barkley	Carew	Curry	Evans, Iowa
Bell	Celler	Dallinger	Fairchild
Black, N. Y.	Clancy	Davey	Favrot
Bland	Clark, Fla.	Davis, Minn.	Fish
Boylan	Clarke, N. Y.	Deal	Fitzgerald
Brand, Ohio	Collier	Dempsey	Foster
Briggs	Connery	Dickinson, Mo.	Freeman
Britten	Connolly, Pa.	Dickinson, Iowa	Frothingham