plans complete together with use proposed for moneys to be raised by the sale of the commemorative coins; to the Committee on Coinage, Weights, and Measures.

By Mr. MEAD: Resolution (H. Res. 453) directing the Committee on Interstate and Foreign Commerce of the House of Representatives to investigate the activities of the United States Railroad Labor Board, and for other purposes; to the Committee on Rules.

By the SPEAKER (by request): Memorial of the Legislature of the State of South Dakota, petitioning the President and Congress relative to future wars; to the Committee on Military Affairs.

By Mr. CHRISTOPHERSON: Memorial of the Legislature of the State of South Dakota favoring legislation that will prevent water being removed from the Great Lakes by the Chicago Sanitary District; to the Committee on Rivers and Harbors.

Also, memorial of the Legislature of the State of South Dakota, favoring the enactment into law of the universal draft bill; to the Committee on Military Affairs.

Also, memorial of the Legislature of the State of South Dakota, requesting Congress to enact adequate truth-in-fabric legislation; to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIAMSON: Memorial of the Legislature of the State of South Dakota, favoring correction of the abuse by the Sanitary District of Chicago in the use of water from the Great Lakes; to the Committee on Rivers and Harbors.

Also, memorial of the Legislature of the State of South Dakota, urging the early enactment into law of the universal draft bill; to the Committee on Military Affairs.

Also, memorial of the Legislature of the State of South Dakota, favoring truth-in-fabric legislation; to the Committee on Interstate and Foreign Commerce.

By Mr. LEAVITT: Memorial of the Legislature of the State of Montana, petitioning Congress to amend the interstate commerce act so as to protect shippers and livestock in their contracts with carriers; to the Committee on Interstate and Foreign Commerce.

By Mr. DAVIS of Minnesota: Memorial of the Legislature of the State of Minnesota, urging Congress to create an additional Federal district judgeship, and providing for filling the vacancy thereon caused by the death of Federal Judge John F. McGee; to the Committee on the Judiciary.

By Mr. KVALE: Memorial of the Legislature of the State of Minnesota, stressing the urgent need of an additional district judgeship in that State, and urging that the Congress of the United States provide immediately by legislation for filling the vacancy caused in said judgeship by the death of the late Federal Judge John F. McGee in the public and private interest; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. HERSEY: A bill (H. R. 12393) granting an increase of pension to Matilda R. Snow; to the Committee on Invalid Pensions.

By Mr. JACOBSTEIN: A bill (H. R. 12394) granting an increase of pension to Caroline Boerodaile; to the Committee on Pensions.

Also, a bill (H. R. 12395) granting an increase of pension to Hannah Dyslin; to the Committee on Pensions.

Also, a bill (H. R. 12396) granting an increase of pension to Josephine C. Jones; to the Committee on Pensions.

Also, a bill (H. R. 12397) granting an increase of pension to Mary Neff; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 12398) granting an increase of pension to Mary E. Harl; to the Committee on Invalid Pensions.

By Mr. KINCHELOE: A bill (H. R. 12399) granting a pension to Jane Calahan; to the Committee on Invalid Pensions.

By Mr. MOREHEAD: A bill (H. R. 12400) granting an increase of pension to Louis Wise; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 12401) granting an increase of pension to Eliza M. Young; to the Committee on Invalid Pensions.

By Mr. STRONG of Kansas: A bill (H. R. 12402) granting an increase of pension to Violet Purnell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12403) granting an increase of pension to Lucinda Young; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 12404) granting an increase of pension to Thomas Mahan; to the Committee on Pensions.

PETITIONS, ETC.

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

3877. By the SPEAKER (by request): Petition of E. H. Duffield, vice president Arizona Wool Growers' Association, asking for grazing fee relief; to the Committee on Agriculture.

3878. By Mr. BACHARACH: Petition of sundry citizens of Egg Harbor, favoring the passage of the Sterling-Reed bill; to the Committee on Education.

3879. By Mr. CLAGUE: Petition of sundry citizens of Avoca, Minn., not to concur in the passage of compulsory Sunday observance bill (S. 3218); to the Committee on the District of Columbia.

3880. By Mr. COOK: Petition of Harrie Plummer and 55 others of Van Buren Grant County, Ind., for passage of the Cramton bill; to the Committee on the Judiciary.

3881. By Mr. CRAMTON: Petition of Joy Morton, II, and other residents of St. Clair County, Mich., in support of the game refuge public shooting ground bill; to the Committee on Agriculture.

3882. By Mr. DAVIS of Minnesota: Petition of the South St. Paul Kiwanis Club and the South St. Paul Commercial Club, of South St. Paul, Minn., favoring the erection of a Federal building in that city; to the Committee on Public Buildings and Grounds.

3883. Also, petition of sundry residents of Fairbault and Rice County, Minn., opposing S. 3218; to the Committee on the District of Columbia.

3884. By Mr. MOORE of Indiana: Petition of many persons against S. 3218, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

3885. By Mr. NELSON of Maine: Petition of sundry citizens of Maine, opposing the enactment of S. 3218, or any similar legislation; to the Committee on the District of Columbia.

3886. By Mr. O'CONNELL of New York: Petition of the Maritime Association of the Port of New York, favoring the passage of S. 3927; to the Committee on Interstate and Foreign Commerce.

3887. By Mr. WYANT: Petition of the Pennsylvania State Grangers, approving the Dickinson bill (H. R. 12216); to the Committee on Agriculture.

3888. Also, petition of the secretary of agriculture of Pennsylvania, protesting against amendments to Capper-Volstead Cooperative Act and approval of Dickinson bill (H. R. 12216); to the Committee on Agriculture.

SENATE

TUESDAY, *February 24, 1925*

(Legislative day of Tuesday, February 17, 1925)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The PRESIDENT pro tempore. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the House had passed the bill (S. 4207) 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, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 12331) to amend an act entitled "An act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or his or her minor children in destitute or necessitous circumstances," approved March 23, 1906, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message further announced that the Speaker of the House had affixed his signature to the following enrolled bills, and they were thereupon signed by the President pro tempore:

H. R. 4202. An act to amend section 3186 of the Revised Statutes, as amended;

H. R. 5204. An act to authorize the Secretary of the Interior to adjust disputes or claims by settlers, entrymen, selectors, grantees, and patentees of the United States against the United States, and between each other, arising from incomplete or

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faulty surveys in township 28 south, ranges 26 and 27 east, Tallahassee meridian, Polk County, in the State of Florida, and for other purposes; and

H. R. 7190. An act to amend the China trade act, 1922.

PETITIONS AND MEMORIALS

The PRESIDENT pro tempore laid before the Senate the following memorial of the House of Representatives of the Legislative Assembly of the State of Montana, which was referred to the Committee on Interstate Commerce:

House memorial No. 3 (introduced by Burns) to Congress of the United States asking it to amend the interstate commerce act so as to protect shippers of livestock in their contracts with carriers

Whereas the interstate commerce act as amended has been construed by the United States Supreme Court to invalidate any contract entered into between a carrier and a shipper for the furnishing of cars to a shipper at a specified time;

Whereas the United States Supreme Court has construed such a contract to be a preference and to constitute a special advantage to a shipper and therefore invalid; and

Whereas shippers of livestock are now without any remedy for the violation of a carrier of such a contract: Therefore be it

Resolved by the House of Representatives of the Nineteenth Legislative Assembly of the State of Montana, That it is the sense of the house of representatives of this legislature that the Congress of the United States should remedy this situation by the enactment of proper legislation to remedy the same; be it further

Resolved, That a copy of this memorial be forwarded to the Senate and the House of Representatives of the United States and to each of the Senators and Representatives from Montana.

M. C. BRICKER,
Speaker of the House.

I hereby certify that the within memorial originated in the house.

H. J. FAUST, *Chief Clerk.*

This bill was received by the governor this 14th day of February, 1925.

J. E. ERICKSON, *Governor,*
By WILL AIKEN, *Private Secretary.*

Approved February 16, 1925.

J. E. ERICKSON, *Governor.*

The PRESIDENT pro tempore also laid before the Senate the following memorial of the House of Representatives of the Legislative Assembly of the State of Montana, which was referred to the Committee on Post Offices and Post Roads:

UNITED STATES OF AMERICA,
State of Montana, ss:

I, C. T. Stewart, secretary of state of the State of Montana, do hereby certify that the following is a true and correct copy of an act entitled: A memorial to the Senate of the United States urging the immediate enactment of pending legislation to provide adequate compensation for postal employees, enacted by the Nineteenth Session of the Legislative Assembly of the State of Montana, and approved by J. E. Erickson, governor of said State, on the 19th day of February, 1925.

In testimony whereof, I have hereunto set my hand and affixed the great seal of said State.

Done at the city of Helena, the capital of said State, this 20th day of February, A. D. 1925.

C. T. STEWART,
Secretary of State.
By CLIFFORD L. WALKER,
Deputy.

House memorial 4, introduced by Graybill, to the Senate of the United States urging the immediate enactment of pending legislation to provide adequate compensation for postal employees

To the honorable Senate of the Congress of the United States:

Your memorialists, the members of the House of Representatives of the Nineteenth Legislative Assembly of the State of Montana respectfully represent:

Whereas 300,000 employees of the Post Office Department of the National Government are now receiving rates of pay insufficient to provide for a proper standard of living, and below the average paid for work of a similar sort in other Government departments; and

Whereas nowhere in any similar branch of the public service or in similar private employment is a higher degree of intelligence required, nor is the responsibility as great, the work as important, and the labor as arduous as among the employees of the Postal Service; and

Whereas efficiency in the Postal Service can not be maintained without the constant addition of new and capable personnel; and

Whereas pay increases during the past 9 years have not kept pace with known increase in costs of living, and that good men are not now being attracted into the service at the starting wage of fourteen hundred ($1,400) dollars per year; and

Whereas employees of the Postal Service are handicapped in the matter of agitating for just increases because they are denied affiliation with powerful labor organizations, and are forbidden to strike to enforce their demands; and

Whereas House bill 11444 has just passed the House of Representatives of the Congress of the United States providing for increases in pay for postal employees that will in great measure remedy the injustice now being perpetrated upon these faithful servants of the Government and provide equitable compensation for their labors: Therefore be it

Resolved by the members of the House of Representatives of the Nineteenth Legislative Assembly of the State of Montana, That we do hereby memorialize the Senate of the United States to take steps at once to concur in House bill 11444 in order that the present session may see this matter fully accomplished and this great wrong righted; and be it further

Resolved, That a copy of this memorial be forwarded immediately by the secretary of state to the President of the United States, to the President of the Senate of the United States, and to our Senators and Representatives in Congress.

M. C. BRICKER,
Speaker of the House.

I hereby certify that the within memorial originated in the house.

H. J. FAUST, *Chief Clerk.*

This bill was received by the governor this 18th day of February, 1925.

J. E. ERICKSON, *Governor,*
By WILL AIKEN, *Private Secretary.*

Approved February 19, 1925.

J. E. ERICKSON, *Governor.*

The PRESIDENT pro tempore also laid before the Senate the following joint resolution of the Legislative Assembly of the State of Oregon, which was referred to the Committee on Agriculture and Forestry:

House joint memorial No. 5 to the Congress of the United States of America to enact legislation to promote equality for agriculture under the American protective system in the case of those crops of which a normal surplus above domestic requirements is produced

To the honorable Senate and House of Representatives of the United States of America:

Your memorialists, the members of the Thirty-third Legislative Assembly of the State of Oregon, the house and senate concurring, respectfully represent that—

Whereas the United States has established and maintains by law a system of protection which industry and labor make effective through their organization and through controlled production and supply; and

Whereas the entire land and agricultural policy of the United States has been aimed to secure maximum agricultural production, with a result that there is produced annually a normal surplus for export of fundamental crops; and it is physically impossible for agriculture to forecast or accurately control production, thus eliminating the surplus above domestic needs; and

Whereas the sale of such normal surplus in the world market establishes the domestic price at world levels, making inoperative tariff schedules intended to protect an American price for that portion of the crop consumed at home; and

Whereas the present improved price of some of the products of the farm is due to world shortages and does not permanently remove the disparity between the rewards of agriculture and of industry and labor under our protective system; and

Whereas it is vitally important to assure to agriculture, the basic American industry, a fair share of the national wealth by promoting parity for farming with industry and labor, and to prevent recurrence of the disastrous spread between farm and other prices that is fatal to general or permanent national prosperity: Therefore be it

Resolved by the House of Representatives of the State of Oregon, the Senate jointly concurring therein, That it urges the enactment by the Congress of the United States of legislation creating a farmers' export corporation to dispose of the normal surplus of basic farm commodities at the expense of all producers of such crop, in order that tariff schedules may be made effective in maintaining an American price for agriculture in our own domestic markets; be it further

Resolved, That a copy of this memorial be forwarded to the Senate and House of Representatives of the United States and to each of the Senators and Representatives from Oregon in Congress.

Adopted by the house February 5, 1925.

DENTON G. BURDICK,
Speaker of the House.

Adopted by the senate February 10, 1925.

GUS C. MOSER,
President of the Senate.

(Indorsed: House joint memorial No. 5. Introduced by L. L. Mann, A. R. Shumway, Walter W. Russell, M. Fitzmaurice, Charles A. Hunter, S. A. Miller, Claude Buchanan, H. C. Wheeler, C. A. Tom, Albert S. Roberts, Albert R. Hunter, and James H. Hazlett. W. F. Drager, chief clerk. Filed February 11, 1925, Sam A. Kozer, secretary of state.)

UNITED STATES OF AMERICA, STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, Sam A. Kozer, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of house joint memorial No. 5 with the original thereof adopted by the Senate and House of Representatives of the Thirty-third Legislative Assembly of the State of Oregon and filed in the office of the secretary of state of the State of Oregon February 11, 1925, and that the same is a full, true, and complete transcript therefrom and of the whole thereof, together with all indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capital at Salem, Oreg., this 14th day of February, A. D. 1925.

[SEAL.] SAM A. KOZER, *Secretary of State.*

The PRESIDENT pro tempore. The Chair also lays before the Senate a concurrent resolution adopted by the Legislature of the State of Montana urging the enactment of legislation for the appointment of an additional Federal judge for the district of Minnesota. Inasmuch as the Judiciary Committee has already acted upon the bill referred to, the concurrent resolution will lie on the table.

Mr. McNARY presented the following joint memorial of the Legislature of the State of Oregon, which was referred to the Committee on Agriculture and Forestry:

STATE OF OREGON,
DEPARTMENT OF STATE,
Salem, February 18, 1925.

To the honorable the PRESIDENT OF THE UNITED STATES SENATE,
Senate Chamber, Washington, D. C.

DEAR SIR: By direction of the Thirty-third Legislative Assembly of the State of Oregon, I have the honor to transmit herewith certified copy of senate joint resolution No. 9 filed in the office of the secretary of state of the State of Oregon, February 16, 1925.

Yours very truly,

SAM A. KOZER, *Secretary of State.*

Senate joint resolution 9

Whereas there has been proposed in Congress a bill known as the Colton bill (H. R. 6133, 68th Cong., 1st sess.), which provides that the Federal Government shall pay 100 per cent of the costs of building and developing certain primary interstate highways; and

Whereas the State of Oregon and the western part of the United States will profit greatly by the passage of such act: Therefore be it

Resolved by the Senate of the State of Oregon (the House of Representatives jointly concurring), That the Legislative Assembly of the State of Oregon hereby respectfully urges and petitions the Senators and Representatives of this State in Congress to use their best endeavors to secure the passage of the Colton bill; and be it further

Resolved, That the secretary of state of the State of Oregon be, and he is hereby, directed to transmit a copy of these resolutions to the Speaker of the House of Representatives, the President of the Senate of the United States, and the Members of the Senate and House of Representatives from the State of Oregon.

Adopted by the senate February 4, 1925.

GUS C. MOSER,
President of the Senate.

Concurred in by the house February 13, 1925.

DENTON G. BURDICK,
Speaker of the House.

[Indorsed: Senate joint resolution No. 9. Introduced by Senator Hall; Jno. P. Hunt, chief clerk. Filed: February 16, 1925; Sam A. Kozer, secretary of state.]

UNITED STATES OF AMERICA, STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, Sam A. Kozer, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify:

That I have carefully compared the annexed copy of senate joint resolution No. 9 with the original thereof adopted by the Senate and House of Representatives of the Thirty-third Legislative Assembly of the State of Oregon and filed in the office of the secretary of state of the State of Oregon February 16, 1925, and that the same is a full, true, and complete transcript therefrom and of the whole thereof, together with all indorsements thereon.

In testimony whereof, I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 18th day of February, A. D. 1925.

[SEAL.] SAM A. KOZER,
Secretary of State.

Mr. FESS presented a resolution of the Cleveland (Ohio) Chamber of Commerce opposing the adoption of the so-called Pepper resolution (S. Res. 234) and favoring the passing of the so-called Swanson resolution (S. Res. 220) relative to the adherence of the United States to the Permanent Court of International Justice, etc., which was referred to the Committee on Foreign Relations.

Mr. WILLIS presented a memorial of sundry citizens of Columbus, Ohio, remonstrating against the passage of the so-called compulsory Sunday observance bill for the District, which was referred to the Committee on the District of Columbia.

Mr. BINGHAM presented a memorial of the Ladies' Auxiliary of the Ancient Order of Hibernians, Division No. 48, of Hartford, Conn., remonstrating against the passage of the so-called Sterling-Reed bill, establishing a department of education, which was referred to the Committee on Education and Labor.

He also presented petitions of the Mount Carmel Book Club, of Hamden, and of sundry citizens of Watertown, all in the State of Connecticut, praying for 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.

He also presented a petition of the Moodus Women's Christian Temperance Union, of Moodus, Conn., praying for the passage of the so-called Cramton bill, being House bill 6645, to amend the national prohibition act, to provide for a bureau of prohibition in the Treasury Department and to define its powers and duties, etc., which was referred to the Committee on the Judiciary.

He also presented a petition of the Natchaug Game Club, of Willimantic, Conn., praying for the passage of Senate bill 2913, the so-called game refuge public shooting ground bill, which was referred to the Committee on Agriculture and Forestry.

He also presented a letter in the nature of a petition from Charles L. Burdette, Auxiliary No. 4, United Spanish War Veterans, of Hartford, Conn., praying for the passage of Senate bill 3314, granting increased pensions to veterans of the Civil, Mexican, Indian, and Spanish Wars and their widows, and certain maimed soldiers, etc., which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES

Mr. JONES of New Mexico, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 4340) confirming in States and Territories title to lands granted by the United States in the aid of common or public schools, reported it without amendment.

Mr. LADD, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 9027) authorizing the Secretary of the Interior to sell and patent to William G. Johnson certain lands in Louisiana, reported it without amendment and submitted a report (No. 1213) thereon.

Mr. SMOOT. From the Committee on Finance I report back with amendments Senate Resolution 333, to extend the authority of the select committee of the Senate appointed under Senate Resolutions 168 and 211 of the Sixty-eighth Congress, and I move that it be referred immediately to the Committee to Audit and Control the Contingent Expenses of the Senate.

The motion was agreed to.

Mr. SPENCER, from the Committee on Claims, to which was referred the bill (S. 4337) for the relief of James T. Conner, reported it without amendment and submitted a report (No. 1214) thereon.

Mr. MAYFIELD, from the Committee on Claims, to which was referred the bill (S. 4353) for the relief of Edith W. Peacock and the Peacock Military College (Inc.), reported it with an amendment and submitted a report (No. 1215) thereon.

Mr. COPELAND, from the Committee on Naval Affairs, to which was referred the bill (H. R. 9846) for the relief of Francis Kelly, reported it with an amendment and submitted a report (No. 1216) thereon.

Mr. WILLIS, from the Committee on Territories and Insular Possessions, to which was referred the bill (H. R. 11410) to extend the time for the exchange of Government lands for privately owned lands in the Territory of Hawaii, reported it without amendment and submitted a report (No. 1217) thereon.

Mr. BORAH, from the Committee on the Judiciary, to which was referred the bill (S. 916) to amend the trading with the enemy act, reported it without amendment and submitted a report (No. 1218) thereon.

Mr. CAMERON, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 11644) granting certain public lands to the city of Phoenix, Ariz., for municipal park and other purposes, reported it without amendment and submitted a report (No. 1219) thereon.

Mr. BUTLER (for Mr. PEPPER), from the Committee on the Library, to which was referred the joint resolution (H. J. Res. 318) establishing a commission for the participation of the United States in the observance of the one hundred and fiftieth anniversary of the Battle of Bunker Hill, authorizing an appropriation to be utilized in connection with such observance, and for other purposes, reported it without amendment.

ENROLLED BILLS PRESENTED

Mr. WATSON, from the Committee on Enrolled Bills, reported that on February 23, 1925, that committee presented to the President of the United States the following enrolled bills:

S. 2803. An act to regulate within the District of Columbia the sale of milk, cream, and ice cream, and for other purposes; and

S. 3173. An act to provide for the construction of a memorial bridge across the Potomac River from a point near the Lincoln Memorial in the city of Washington to an appropriate point in the State of Virginia, and for other purposes.

BILLS INTRODUCED

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

By Mr. SHIPSTEAD:

A bill (S. 4379) to provide for executing the convention regulating the level of the Lake of the Woods; to the Committee on Military Affairs.

By Mr. CARAWAY:

A bill (S. 4380) granting a pension to Louisa Bell; to the Committee on Pensions.

By Mr. SPENCER (for Mr. McKINLEY):

A bill (S. 4381) granting the consent of Congress to the city of Rockford, Ill., to construct, maintain, and operate a bridge and approaches thereto across the Rock River; to the Committee on Commerce.

By Mr. JOHNSON of California:

A bill (S. 4382) to supplement the naturalization laws; to the Committee on Immigration.

COMMISSION OF GOLD AND SILVER INQUIRY

Mr. ODDIE entered a motion to discharge the Committee to Audit and Control the Contingent Expenses of the Senate from the further consideration of the resolution (S. Res. 323) continuing the Senate Commission of Gold and Silver Inquiry.

CHANGE OF REFERENCE

Mr. McNARY. Mr. President, a day or two ago I introduced the bill (S. 4349) to authorize an appropriation to provide additional hospital and out-patient dispensary facilities for persons entitled to hospitalization under the World War Veterans' act, 1924, and asked that it be referred to the Committee on Appropriations. Upon further reflection I think the reference was incorrect. I therefore move that the Committee on Appropriations be discharged from the further consideration of the bill and that the bill be referred to the Committee on Public Buildings and Grounds.

The PRESIDENT pro tempore. If there be no objection, the Committee on Appropriations will be discharged from the further consideration of the bill and it will be referred to the Committee on Public Buildings and Grounds. It is so ordered.

HOUSE BILL REFERRED

The bill (H. R. 12331) to amend an act entitled "An act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or his or her minor children in destitute or necessitous circumstances," approved March 23, 1906, was read twice by its title and referred to the Committee on the District of Columbia.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL

Mr. REED of Pennsylvania submitted an amendment intended to be proposed by him to House bill 12392, the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 2, after line 20, insert the following:

"For payment of medical expenses of James F. Sellers, an employee of the Senate, incurred by reason of injuries received while in the discharge of his duties, $827."

Mr. BURSUM submitted an amendment intended to be proposed by him to House bill 12392, the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

At the proper place in the bill insert the following:

"To pay Alexander K. Meek for extra and expert services rendered to the Committee on Pensions during the second session of the Sixty-eighth Congress as an assistant clerk to said committee, by detail from the Bureau of Pensions, $1,200."

Mr. CAMERON submitted an amendment proposing to appropriate $200,000 out of the reclamation fund for the purpose of carrying into effect the provisions of the act entitled "An act to authorize the appropriation of certain amounts for the Yuma irrigation project, Arizona, and for other purposes," approved February 21, 1925, for operation and maintenance and completion of the irrigation system required to furnish water to all of the irrigable lands in part 1 of the Mesa division, otherwise known as the first Mesa unit of the Yuma auxiliary project, Arizona, etc., intended to be proposed by him to House bill 12392, the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. HARRIS submitted an amendment proposing to appropriate $18,000 for payment to the Silver Lake Park Co., of Atlanta, Ga., for damages to and loss of private property incident to the training, practice, operation, and maintenance of the Army, intended to be proposed by him to House bill 12392, the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. FLETCHER submitted an amendment proposing to appropriate $7,500 to pay for preparing a new edition of the Biographical Congressional Directory, in the discretion of the chairman or vice chairman of the Joint Committee on Printing, etc., intended to be proposed by him to House bill 12392, the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment intended to be proposed by him to House bill 12392, the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 58, after line 26, insert the following:

"That in carrying into effect the provisions of existing legislation authorizing the acquisition of land for sites or enlargements thereof, and the erection, enlargement, extension, and remodeling of public buildings in the several cities enumerated in Senate Document No. 28, Sixty-eighth Congress, first session, the Secretary of the Treasury is hereby authorized to disregard the limit of cost fixed by Congress for each project, and to enter into contracts for all or so many of the buildings heretofore authorized to be constructed, but not yet under contract, as may be possible within the total additional sum of $7,900,000.

"SEC. 2. That in the cities and towns enumerated in said document hereinbefore referred to, where sites only have been acquired or authorized to be acquired, the Secretary of the Treasury is hereby authorized to enter into contracts for the erection of a suitable building upon each such site, or upon so many of such sites as it may be possible to erect buildings upon within a total limit of cost for such buildings of not to exceed $18,400,000.

"SEC. 3. That in constructing the buildings embraced in the foregoing authorization the Secretary of the Treasury is authorized, in his discretion, to provide space in said buildings for other activities or branches of the public service not specifically enumerated in the act or acts authorizing the acquisition of sites or the construction of buildings, or both."

PROPOSED INVESTIGATION OF THE PUBLIC DOMAIN

Mr. JONES of New Mexico submitted the following concurrent resolution (S. Con. Res. 34), which was referred to the Committee on Public Lands and Surveys:

Resolved by the Senate (the House of Representatives concurring), That there is hereby established a joint congressional commission to be known as the "Joint commission for the investigation of the public domain," to be composed of three Senators appointed by the President of the Senate, and three Members elect of the House of Representatives for the Sixty-ninth Congress, to be appointed by the Speaker. The commission is authorized and directed to investigate all matters relating to the public domain and its administration, including grazing lands, forest reserves, and other reservations and lands withdrawn

from entry. The commission shall elect a chairman from among its members, and vacancies occurring in the membership of the commission shall be filled in the same manner as the original appointment.

For the purpose of this resolution the commission, or any subcommittee thereof, is authorized to hold hearings and to sit and act at such places and times, to employ such experts and clerical, stenographic, and other assistants, to cause such maps to be prepared, to require by subpœna or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony, and to make such expenditures as the commission deems advisable. The cost of stenographic service to report such hearings shall not be in excess of 25 cents per hundred words. It shall be the duty of any governmental establishment, upon request of the commission, to cooperate with and render assistance to the commission in carrying out the provisions of this resolution. The expenses of the commission shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives upon vouchers to be approved by the chairman of the commission. The commission shall make a final report to the Congress as to its findings and such other reports, together with recommendations for such legislation, as it deems necessary. The commission shall cease to exist upon the presentation of its final report, but not prior thereto.

PRESIDENTIAL APPROVALS

A message from the President of the United States by Mr. Latta, one of his secretaries, announced that on February 24, 1925, the President had approved and signed the following acts:

S. 2746. An act regulating the recovery of allotments and allowances heretofore paid to designated beneficiaries;

S. 3171. An act for the relief of sufferers from earthquake in Japan;

S. 3252. An act referring the claim of the State of Rhode Island for expenses during the war with Spain to the Court of Claims for adjudication;

S. 3793. An act to authorize the appointment of commissioners by the Court of Claims and to prescribe their powers and compensation; and

S. 3895. An act to authorize the coinage of silver 50-cent pieces in commemoration of the one hundred and fiftieth anniversary of the Battle of Bennington and the independence of Vermont, in commemoration of the seventy-fifth anniversary of the admission of California into the Union, and in commemoration of the one hundredth anniversary of the founding of Fort Vancouver, State of Washington.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on amendments of the Senate to the bill (H. R. 12033) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1926, and for other purposes; that the House had receded from its disagreement to the amendment of the Senate No. 21 to the said bill and concurred therein, and that the House insisted upon its disagreement to the amendments of the Senate Nos. 1, 28, and 46.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11753) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1926, and for other purposes; that the House had receded from its disagreement to the amendment of the Senate No. 1 to the said bill, and concurred therein; that the House had receded from its disagreement to the amendment of the Senate No. 24, and concurred therein with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 11706) to authorize the construction of a bridge across the Pend d'Oreille River, Bonner County, Idaho, at the Newport-Priest River Road crossing, Idaho.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to 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.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9634) to provide for the creation, organization, administration, and maintenance of a naval reserve and a Marine Corps reserve.

ENROLLED BILLS SIGNED

The message also announced that the Speaker of the House had affixed his signature to the following enrolled bills, and they were thereupon signed by the President pro tempore:

H. R. 491. An act for the prevention of venereal diseases in the District of Columbia, and for other purposes;

H. R. 5726. An act 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'";

H. R. 9343. An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims; and

H. R. 10533. An act granting the consent of Congress to the State of Washington to construct, maintain, and operate a bridge across the Columbia River.

AMENDMENT OF NATIONAL DEFENSE ACT

Mr. WADSWORTH. I ask that the message from the President on the table be laid before the Senate.

The PRESIDING OFFICER (Mr. FESS in the chair) laid before the Senate the following message from the President of the United States, which was read:

To the Senate:

In compliance with the resolution of the Senate of February 21, 1925, I return herewith the bill, S. 3760, an act to amend in certain particulars the national defense act of June 3, 1916, as amended, and for other purposes.

CALVIN COOLIDGE.

THE WHITE HOUSE, *February 24, 1925.*

Mr. WADSWORTH. This bill was recalled from the President by a concurrent resolution of the two Houses in order to correct an error in printing having to do with just one word. The right word is "commissioned." The word "commissioned" was printed inadvertently in the bill as it reached the President in the form of "commissioner." I offer a concurrent resolution and ask unanimous consent for its present consideration in order that this error, entirely in printing, may be corrected.

The resolution (S. Con. Res. 35) was read, considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the action of the Speaker of the House of Representatives and of the President pro tempore of the Senate in signing the enrolled bill (S. 3760) to amend in certain particulars the national defense act of June 3, 1916, as amended, and for other purposes, be rescinded, and that in the enrollment of said bill the Secretary of the Senate be, and he is hereby, authorized and directed to strike out, on page 5, line 4, the word "commissioner" and insert in lieu thereof the word "commissioned."

ISLE OF PINES TREATY

Mr. WILLIS. Mr. President, since it seems to be a matter of discussion, I ask unanimous consent to have printed in the RECORD at an appropriate place a brief editorial from the Cleveland Plain Dealer entitled "By logic, American." It relates to the Isle of Pines treaty.

The PRESIDING OFFICER (Mr. FESS in the chair). Without objection, the request will be granted.

The matter referred to is here printed, as follows:

[Editorial from Cleveland Plain Dealer, December 11, 1924]

BY LOGIC, AMERICAN

The administration submits to the United States Senate the 20-year-old treaty negotiated under President Roosevelt but never ratified, by the terms of which the Isle of Pines is surrendered to the Republic of Cuba. It revives a controversy continuing since the end of the Spanish war. There ought to be a better understanding of the issue on the part of the American people.

By the treaty of Paris, following her defeat in the war for Cuba, Spain gave the United States a kind of quitclaim deed to Cuba; and in addition ceded to the United States Porto Rico and "other islands" then under Spanish sovereignty in the West Indies. The Isle of Pines was not mentioned by name.

The whole issue, then, revolves about the question whether the Isle of Pines is properly to be considered a part of Cuba, quitclaimed to the United States and later turned over by us to the island republic, or is an "other" island within the meaning of the treaty of Paris.

It is a legal issue, rooting far back in the history of Cuba as a Spanish possession years before Uncle Sam ever thought of playing the Good Samaritan rôle. The ablest of American lawyers have differed on the question. Elihu Root and John Hay, both distinguished jurists and Secretaries of State, said the island was Cuba's by right; and the Federal Supreme Court, when it declared that the island was "foreign" territory so far as the tariff law was concerned, seemed to uphold that side of the dispute. President McKinley, on the other hand, under whose direction the peace treaty was negotiated, at least some members of the peace commission, and the late Senator Clapp of Minnesota, himself an able lawyer, argued that the clear intent of the Paris instrument was to give the Isle of Pines unreservedly to the United States.

When it came to the enactment of the so-called Platt amendment in 1901, authorizing the establishment of the Republic of Cuba, the Isle of Pines was specifically omitted from the constitutional boundaries of the Republic and its status left for "future adjustment by treaty." Senator Platt, author of the measure, declared in 1902 that in his opinion the island should belong to the United States, if not by virtue of the treaty of Paris then by purchase or otherwise.

So the legal controversy has raged for more than 20 years. There is no probability of an agreement. Meanwhile the fate of a valuable island is at stake, thousands of Americans owning property on the island see their rights jeopardized—and the Senate has a treaty to ratify or reject.

Whatever may be the strict-construction legal status of the Isle of Pines, it is clear that at the end of the war the United States Government accepted the opinion that it had been ceded to us. With Government sanction a widespread propaganda was carried on to persuade Americans to invest in land and to build homes on the island. As a result hundreds took the pioneering chance, and to-day feel themselves in the position of men and women deceived by their own Government into an adventure they would never have undertaken had they even suspected that the protection of the Stars and Stripes would be withdrawn and themselves in effect declared "foreigners."

Every consideration of progress and fairness argues for American retention of the Isle of Pines. This calls for rejection of the treaty. If Cuba's right to the island be conceded as a matter of law—we offer no opinion as to that—negotiations ought to be entered into without delay looking to complete American possession of the island on terms fair to both nations. Strategically as well as commercially it is important that we control this outpost off the mouth of the Panama Canal. The millions of dollars which Cuba owes the United States ought to facilitate such negotiations.

For more than 20 years this treaty of renunciation on America's part has awaited approval in the Senate. Justice calls for its rejection and for a new policy toward the Isle of Pines. The island should belong to the United States.

GAME REFUGE IN OZARK NATIONAL FOREST

Mr. CARAWAY. From the Committee on Agriculture and Forestry I report back favorably without amendment the bill (H. R. 12192) to authorize the creation of game refuges in the Ozark National Forest in the State of Arkansas, and I call my colleague's attention to the report.

Mr. ROBINSON. Mr. President, I ask unanimous consent for the present consideration of the bill. In explanation will say that it is a bill which passed the House of Representatives some time ago, authorizing the President to designate such national forest land within the Ozark National Forest in the State of Arkansas, as should, in his discretion, be set aside for the protection of game animals, birds, or fish. The act would not be necessary were it not for the fact that certain of the lands within the Ozark National Forest belong to the public domain, and were not acquired under the Weeks Act, which gives the power to the President to establish such game preserves. The report is unanimous.

The PRESIDENT pro tempore. Is there objection to 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 President of the United States is hereby authorized to designate such national forest lands within the Ozark National Forest, within the State of Arkansas, as should, in his discretion, be set aside for the protection of game animals, birds, or fish; and whoever shall hunt, catch, trap, willfully disturb, or kill any kind of game animal, game or nongame bird, or fish, or take the eggs of any such bird on any lands so set aside, or in or on the waters thereof, except under such general rules and regulations as the Secretary of Agriculture may from time to time prescribe, shall be fined not more than $500 or imprisoned not more than six months, or both: *Provided*, That no lands within the present limits of the fourth congressional district shall be included in such designation.

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

Mr. ROBINSON. I ask that the report of the House Committee on Agriculture may be printed in the RECORD.

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

House Report No. 1438

Mr. HAUGEN, from the Committee on Agriculture, submitted the following report to accompany H. R. 12192:

The Committee on Agriculture, to whom was referred the bill (H. R. 12192) to authorize the creation of game refuges on the Ozark National Forest, in the State of Arkansas, having considered the same, report thereon with a recommendation that it do pass.

The Arkansas Legislature recently passed an act relinquishing to the Federal Government criminal jurisdiction over fish and game in the Ozark National Forest, which covers about 10 counties in the State.

The bill reported herewith in effect accepts that relinquishment and authorizes the President to designate certain places for game preserves and fish preserves in the Ozark National Forest.

The Ozark National Forest is made up partly of lands purchased under the Weeks Act and partly of lands derived from the public domain, chiefly of the latter.

If the Ozark National Forest was made up entirely of lands purchased under the Weeks law, it would not be necessary to give this authority, but much of the land in the Ozark National Forest is land derived from the public domain, and the act approved August 11, 1916, authorizing the setting aside of refuges, applies only to lands acquired under the Weeks Act and not to lands derived from the public domain; therefore this proposed legislation is necessary.

A letter from the Secretary of Agriculture approving the legislation is printed, as follows:

DEPARTMENT OF AGRICULTURE,
Washington, February 7, 1925.

Hon. GILBERT N. HAUGEN,
Chairman Committee on Agriculture,
House of Representatives.

DEAR MR. HAUGEN: I have received your letter of February 7, transmitting H. R. 12192, by Representative RAGON, of Arkansas, entitled "An act to authorize the creation of game refuges within the Ozark National Forest, in the State of Arkansas."

The effect of the passage of Representative RAGON's bill would be to permit the establishment by Executive order of some urgently needed game refuges under the direct control of the Federal Government within the Ozark National Forest, and is in direct accord with special legislation enacted by the General Assembly of the State of Arkansas, now in session at Little Rock, ceding jurisdiction over game, fish, and bird life on national forest lands.

Attention is invited to the fact that an act of Congress approved August 11, 1916, provides similar authorization, but with respect only to lands acquired under the Weeks law, March 1, 1911. The lands within the Ozark National Forest were derived mainly from the public domain, thus necessitating a special enactment to extend the authority to this national forest area.

I am convinced that the creation of such refuges would materially help the Department of Agriculture in bringing about adequate protection of all the resources within the national forest, and in addition effectively promote the replenishment of the seriously depleted game ranges and fishing streams of this region. This department strongly recommends the adoption of this proposed legislation.

Very sincerely yours,

HOWARD M. GORE, *Secretary.*

DECORATION AND DIPLOMA FOR JUDGE CLAYTON

Mr. UNDERWOOD. I report back favorably without amendment from the Committee on Foreign Relations the bill (S. 4032) authorizing the Department of State to deliver to the Hon. Henry D. Clayton, district judge of the United States for the middle and northern districts of Alabama, and permitting him to accept the decoration and diploma presented by the Government of France, and I submit a report (No. 1212) thereon.

I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. BORAH. Mr. President, I am not going to object to the consideration of the bill. We might as well dispose of it at one time as another. I only desire as a matter of record to state that I am opposed to the policy which is involved in this procedure and like procedures. I do not want to be placed in a position where I shall be considered by my silence to have given it my approval.

Mr. LENROOT. Mr. President, I am not going to object, but I would like to be heard for a moment upon the bill. I simply wish to say that I concur in the statement made by the Senator from Idaho. As I said, I am not going to object to the consideration of the bill, but I do think the Senate ought to know something about what the bill contains and the purpose of it, and have an opportunity to vote upon it.

Mr. UNDERWOOD. Mr. President, I did not intend to take the time of the Senate, but I will very gladly make a brief statement.

There are a number of bills that have passed the Senate authorizing officers of the United States Government, mostly military officers, but a number of civilians, to accept decorations from foreign governments. This decoration was conferred by the French Government on Judge Henry D. Clayton, whom many of the Members of the Senate know, as he at one time was chairman of the Judiciary Committee of the House and was the author of the antitrust law, the Clayton Act, bearing his name. His brother was the senior United States Army officer killed on the front line in France, Col. Bertram Clayton, a man of distinguished ability as a soldier, who served in both the Spanish war and the World War. That is partly the reason why the French Government conferred the decoration. Of course, the merits of the decoration is a matter between Judge Clayton and the French Government.

I can only say that a few days ago we passed a bill authorizing Surgeon General Cumming to accept a similar decoration, and as long as the Senate is doing it I do not see that there is any reason to draw the line. Therefore, I ask for a vote upon the bill unless someone wants to ask me a further question.

Mr. LENROOT. Mr. President, if this was similar to other bills which have been passed by the Senate I certainly would have no objection. I have a very high regard for Judge Clayton. I served with him in the House for many years. If this were a decoration that the French Government proposed to confer upon Judge Clayton for anything that Judge Clayton himself did, I would be the last to object to it; but the Senate ought to understand that this is a direct decoration proposed to be conferred upon Judge Clayton, not for any service that Judge Clayton rendered but because of the heroism of his brother. I do not believe that the Senate ought to create any such precedent.

Mr. UNDERWOOD. If the Senator will allow me, the Senate is creating no precedent. The Senate is conferring no degree. Repeatedly during the war the croix de guerre was conferred on the family of a deceased soldier, and it was sent to them. This is no precedent that the Senate is establishing. The only thing the Senate is doing is allowing an American citizen, who happens to be an officer of the United States Government, to accept a decoration which the French Government has decreed. It is the business of the French Government itself, not ours, to determine upon whom it shall confer these decorations. It is no affair of ours except that Judge Clayton, being an officer of the Government, can not accept the decoration without the consent of his country. That is the only question that is involved.

Mr. BORAH. My objection to the bill is a little broader than the one perhaps which I stated, or at least I did not state it fully. Judge Clayton is a member of the judiciary. He is a Federal judge. I can not conceive of any circumstances or conditions under which we should permit a Federal judge to receive a decoration of honor from a foreign government. The lackeyism of certain people in the United States toward foreign governments and the assiduity with which they pursue these fantastical honors have gone far enough already without now including the judiciary. There may be a limited field in which such things may be justified, at least debatable, but these supposed honors are becoming so common and so indiscriminate that it seems strange anyone would wish them.

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 Henry D. Clayton, United States district judge for the middle and northern districts of Alabama, be, and he is hereby, authorized to accept the decoration and diploma of Chevalier of the Legion of Honor tendered to him by the Government of the French Republic, and the Department of State is hereby authorized to deliver to him the said decoration and diploma.

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

The PRESIDENT pro tempore. The question is, Shall the bill pass?

Mr. UNDERWOOD. I ask for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. ERNST. I transfer my general pair with the senior Senator from Kentucky [Mr. STANLEY] to the senior Senator from Illinois [Mr. McCORMICK] and vote "nay."

Mr. MOSES (after having voted in the negative). I have a general pair with the junior Senator from Louisiana [Mr. BROUSSARD]. As that Senator is not in the Chamber, I am compelled to withdraw my vote.

Mr. GERRY. I desire to announce that the senior Senator from Kentucky [Mr. STANLEY] is detained from the Senate because of illness.

The result was announced—yeas 49, nays 27, as follows:

YEAS—49

Brookhart	Fletcher	McKinley	Simmons
Bursum	George	McLean	Smith
Cameron	Gerry	Mayfield	Stanfield
Capper	Glass	Means	Stephens
Caraway	Gooding	Neely	Sterling
Cummins	Hale	Oddie	Swanson
Curtis	Harreld	Overman	Trammell
Dale	Harris	Pepper	Underwood
Dial	Heflin	Phipps	Weller
Dill	Howell	Ralston	Willis
Edge	Kendrick	Reed, Mo.	
Fernald	Keyes	Robinson	
Ferris	McKellar	Sheppard	

NAYS—27

Ashurst	Copeland	Johnson, Calif.	Metcalf
Ball	Couzens	Johnson, Minn.	Reed, Pa.
Bayard	Edwards	Jones, Wash.	Smoot
Bingham	Ernst	King	Wadsworth
Borah	Fess	Ladd	Walsh, Mont.
Bruce	Frazier	Lenroot	Warren
Butler	Greene	McNary	

NOT VOTING—20

Broussard	McCormick	Pittman	Spencer
Elkins	Moses	Ransdell	Stanley
Harrison	Norbeck	Shields	Walsh, Mass.
Jones, N. Mex.	Norris	Shipstead	Watson
La Follette	Owen	Shortridge	Wheeler

So the bill was passed.

Mr. REED of Pennsylvania. Mr. President, I desire in two or three sentences to explain why I think the Senate makes a mistake in passing such special bills as the one on which a roll-call vote was just taken.

A year ago we passed an omnibus bill allowing the acceptance of all foreign decorations then being held in the State Department. That bill is being held up in the other House. I do not know why it does not pass; but it seems to me to be highly unfair to pick out particular recipients of foreign decorations and to pass special bills for them. I ask the Senate to be on its guard against that practice in the future.

ALLEGHENY RIVER BRIDGE, PENNSYLVANIA

The PRESIDENT pro tempore. House bill 8887 is before the Senate, and the Senator from Missouri [Mr. REED] is entitled to the floor.

Mr. REED of Pennsylvania. Mr. President, will the Senator from Missouri yield to me so that I may ask unanimous consent for the consideration of a bridge bill?

Mr. REED of Missouri. I yield to the Senator from Pennsylvania for that purpose.

Mr. REED of Pennsylvania. I ask unanimous consent for the present consideration of the bill (H. R. 11978) granting the consent of Congress to the commissioners of McKean County, Pa., to construct a bridge across the Allegheny River. The bill is in the usual form, the contract for its construction is ready to be let, it is an emergency case, and the bill will involve no debate.

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.

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

PROPOSED STATE TAX ON COTTONSEED PRODUCTS

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

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Alabama?

Mr. REED of Missouri. I do not wish to yield the floor, but I will yield to the Senator from Alabama if I shall not thereby be taken from the floor.

Mr. HEFLIN. I ask unanimous consent for the present consideration of the resolution which I submitted on yesterday. It involves a matter of very grave importance to all the cotton-growing States, and, I think, for the good of all the States the resolution ought to pass.

The PRESIDENT pro tempore. The Senator from Alabama asks unanimous consent for the present consideration

of Senate Resolution 344. Is there objection? The resolution was read at length on yesterday.

Mr. JONES of Washington. Let it be again read, Mr. President.

The PRESIDENT pro tempore. The Secretary will again read the resolution.

The reading clerk read the resolution (S. Res. 344) submitted yesterday by Mr. HEFLIN, as follows:

Whereas the Constitution vests in Congress the exclusive power to regulate commerce between the States; and

Whereas the free and untrammeled commerce between the several States is a cardinal principle of the Federal Constitution; and

Whereas the strict observance of these fundamental principles is necessary to the promotion and preservation of proper and cordial relationship between the various States; and

Whereas the Senate has reliable information to the effect that the legislatures of some of the States have measures now pending regarding interstate commerce that would do violence to the principles of the Constitution and set a precedent fraught with grave danger to the whole country: Therefore be it

Resolved, That it is the sense of the Senate that such legislation would be in contravention of the principles of the Federal Constitution.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. BORAH and Mr. CARAWAY addressed the Chair.

The PRESIDENT pro tempore. The Senator from Idaho.

Mr. BORAH. Mr. President, I think if the resolution is going to be considered it ought first to go to a committee, so that we may have a little time to examine it. We are asked to condemn proposed legislation by the respective States without knowing the terms or the details of such legislation. I do not think that we can act upon the resolution in fairness either to ourselves or to the States without further information. The State legislatures have their responsibilities; and, of course, if they enact legislation which is in contravention of the Constitution of the United States by reason of attempting to interfere with interstate commerce, there is a remedy for it, and such a remedy as is ordinarily pursued. But, at least, Mr. President, I should want to know before the resolution is acted upon, something more about the details of the proposed State legislation and whether or not it will really in fact contravene the Constitution of the United States.

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

Mr. HEFLIN. Mr. President, I should like to say to the Senator from Idaho that there is not a line in the resolution at which any State can take offense. The Senate is merely asked to go upon record as deploring any effort anywhere to undertake to regulate by the States commerce between the States.

The cottonseed-oil trust is making every effort possible to destroy the price of cottonseed products. It has broken the price by this movement to the extent of over a million dollars. Every one of the cotton-growing States is wiring to its Representatives in the House of Representatives and in the Senate requesting them to do something to stop this effort on the part of States to outlaw legitimate products of the Southern States. The cottonseed-oil interests do not want this resolution to pass. The people of the cotton-growing States buy from the people of the State of the Senator from Idaho their grain, their hay, their meat; the Southern States furnish the best market the people of many of the other States have in the United States. I merely want to sound a note of warning against legislation of this character at the very outset, and I regret to see the Senator from Idaho and one or two other Senators, even from the South, are opposing such action as the Senate is asked to take in this matter.

Mr. BORAH. Mr. President, I do not know that I am opposing the action which is sought to be taken, but I do feel some delicacy about voting upon a measure, the facts concerning which I do not know. I am not aware whether the threatened legislation is or is not contrary to the Constitution. I certainly would not wish to see a war of commerce between the States; I have no desire to encourage any such condition; but, on the other hand, I have no desire to condemn the initiative of State legislatures until I am informed as to whether or not they are really proposing to do this thing.

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

Mr. HEFLIN. Mr. President, the passage of this resolution, if the Senator from Arkansas will permit me, will protect the legislatures. When legislation of the character complained of is proposed in one State or several States, other States, seeing what has been done, commence to introduce like measures without knowing that they are unconstitutional. If the Senate shall go upon record, as my resolution proposes, it will be a protection to the members of State legislatures, for they could say to the people who would seek such legislation, "That would be unconstitutional; the Senate has passed a resolution to that effect."

Mr. CARAWAY. I wanted to ask the Senator from Idaho——

Mr. REED of Missouri. Mr. President, I am still trying to retain the floor. I yielded only for a moment. I am not protesting, of course, against any interruption the Senator from Arkansas may desire to make.

The PRESIDENT pro tempore. The Chair feels that at this stage of the proceedings he can not entertain debate upon the request for unanimous consent. The Chair understands the Senator from Idaho to object.

Mr. BORAH. Yes, Mr. President; I ask that the resolution may be referred to the Committee on the Judiciary.

The PRESIDENT pro tempore. Is there objection?

Mr. HEFLIN. Mr. President, if it shall be referred to the Committee on the Judiciary, I want to tell it "good-by."

Mr. BORAH. There are some "good-bys" which are wise.

Mr. HEFLIN. If the Senator from Idaho would suggest that the resolution be reported back immediately or at an early day for consideration, I should not seriously object.

The PRESIDENT pro tempore. The Chair asks whether there is objection to the reference of the resolution to the Committee on the Judiciary?

Mr. BORAH. Mr. President, I shall have to object to the consideration of the resolution, but I should like to have it referred to the committee. I am just as anxious as is the Senator to avoid any trade war, but there is a way to do it, it seems to me, with more intelligence and more information than we now have.

Mr. HEFLIN. Mr. President, there is not a line, I repeat, in the resolution that would give offense to a single State in the Union. The State of the Senator from Idaho is one of the States that is undertaking to pass legislation of this character. His colleague has already wired to the legislature and the governor of his State protesting against such legislation, and I think it would be the best step this Congress could take to pass a resolution of this kind. I am not going, however, to take up the time of the Senator from Missouri. I thank him for yielding; but I shall discuss this matter later on during the day at some length.

Mr. BORAH. Very well.

COMMISSION OF GOLD AND SILVER INQUIRY

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

Mr. REED of Missouri. I yield.

Mr. ODDIE. I ask that the Committee to Audit and Control the Contingent Expenses of the Senate be discharged from the further consideration of Senate Resolution 323, which is to continue the life of the Senate Commission of Gold and Silver Inquiry through the Sixty-ninth Congress.

The PRESIDENT pro tempore. Is there objection?

Mr. WARREN. I object.

Mr. CURTIS. Mr. President——

The PRESIDENT pro tempore. The Chair will not entertain a debate upon a question of unanimous consent.

Mr. CURTIS. The Senator from Kansas does not intend to debate the matter. The Senator from Kansas wanted to say that he understood this was just the entry of a motion. He does object to taking it up to-day. Under the rules it must go over a day.

The PRESIDENT pro tempore. Objection is made.

Mr. ODDIE. Mr. President, just one word.

The PRESIDENT pro tempore. Does the Senator from Missouri further yield to the Senator from Nevada?

Mr. REED of Missouri. I yield.

Mr. ODDIE. I will say that it was my intention to have this matter lie over until to-morrow.

NATIONAL BANKING ASSOCIATIONS AND FEDERAL RESERVE SYSTEM

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8887) to amend an act entitled "An act to provide for the consolidation of national banking associations," approved November 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 5209, section 5211 as amended of the Revised Statutes of the United States, and to amend sections 13 and 24 of the Federal reserve act, and for other purposes.

Mr. REED of Missouri. Mr. President, on yesterday evening I was in the midst of a discussion of the question of branch banks and had dealt with that proposition as a general proposition. I only desire the attention of the Senate for a few moments to the provisions of this bill.

The bill does not propose to authorize a branch-bank system generally, but the bill does propose to authorize in some 22 States the establishment of branch national banks in all cities of 25,000 inhabitants and greater than 25,000; and when the population of a city has reached 100,000 the number of branches is limited only by the discretion of the Comptroller.

That, Mr. President, is neither fish, flesh, nor fowl. If the branch-banking system is sound, its benefits ought to be extended to all parts of the country. If it is unsound, we ought not to have it at all. I repeat what I said yesterday, that the sole reason urged for granting the right to establish branch banks in these 22 States is that under the laws of those States State banks may establish branches; but it is not here proposed to give to national banks in those 22 States the same right to establish branches that may be granted by the State legislatures to the State banks. It is only proposed to grant the right to establish branches to a limited extent. If it is logical and sound to grant the right to national banks in States permitting State banks to have branches, then we ought to grant to the national banks the same rights which are conferred by the State legislatures.

The committee, however, evidently did not regard that as sound or safe. They evidently saw a latent danger in the establishment of branch banks, and hence they propose to grant the right with limitation. So I say again that this bill is neither fish, flesh, nor fowl. It does not establish a general branch-banking system coextensive with the country and containing such elements of strength and accommodation as a general branch-bank system may possess, but carrying also the dangers and evils which such a system embraces. It does not propose to grant to all banks in the country the right to establish branches in their municipalities; nor does it propose, even in States where branch banks are permitted for State institutions, to permit the establishment of branches for national banks upon the same terms as the State banks are permitted to establish their branches. What the bill does do is to take a step of a most important character toward the branch-banking system, and it is interesting, now, to trace the progress of this movement.

At first we absolutely prohibited any branch banks, except in the few instances where they had already been established. Then the banks came here, or certain banks, and said they were engaged in foreign business, and requested the right to establish branches in foreign countries, and it was urged that that would be no particular disadvantage. Then, after that had been granted, we were told that there were certain advantages which State trust companies had over the national banks, and that we ought to take away those restrictions, and we proceeded to take away certain of them. Now it is proposed to introduce the branch-bank system into 22 States of the Union, and when that is done we can confidently expect that the other States will speedily make similar requests.

So we might as well look this question in the face. It means the establishment throughout the Union ultimately of a system of branch national banks; and having admitted that it is proper to allow a bank to have branches in the city in which it is located, the same logic will permit the establishment of branches in the county. Then the question will be, Why limit the privilege to a county? And it will be extended to a State. Then the question will arise, Why limit this privilege by State lines, because commerce is not limited by State lines; business does not know State lines? And the argument will be made, and made logically, having admitted the desirability of national banks with branches in cities or in counties or in States, that the system should be extended to the Nation.

That means, Mr. President, the concentration of the banking business in a few hands. There are many people who believe that to be the correct policy. There are many people who believe that there should be in this country only one great central institution, with a vast number of branches, and they argue that that makes for economic saving; they argue that that makes for stability. The argument upon the other hand, however, is that it destroys the small independent banking institutions, and that the existence of a great number of independent banks, each in competition with the other for business, and each in alliance with the local interests of the various communities of the country, makes for a better and more healthful economic condition.

I believe in the latter doctrine, sir. I believe that there is nothing that will have a greater tendency to throttle the free industries of this country than to concentrate the financial control in the hands of the management of a few great institutions.

Now, Mr. President, speaking directly to the provisions of this bill, under its terms in every city of these 22 States having more than 100,000 population as many branch banks can be established as the comptroller sees fit to license. That inevitably means that one or two great, stronger institutions will absorb the business that is now carried on by a considerable number of independent banks. The small independent bank that is located in the suburbs of a city and exists because it accommodates local trade will find placed next door to it a branch of some powerful institution, and its business will be taken from it, and it will go out of business.

That is the reason why this provision is put into this bill, It means to strengthen the powerful institutions of a city, to give them the opportunity to undermine and destroy the smaller institutions. I believe in the smaller institutions. I believe that a small institution has the advantage, first, of being independent, and hence, if it falls, it does not draw down with it a large number of other institutions. Second, it is immediately responsive to the needs of the particular community where it is located. Third, it affords to the customer of the bank the opportunity to deal, not with one financial institution, but with a large number of financial institutions, so that if credits are refused, or if discount rates are extortionate, the customer can find a rival bank willing to transact business with him, if he be solvent and entitled to credit.

Therefore, and for many other reasons which I do not want to take the time of the Senate to urge, I am opposed to this provision of the bill. If we are ready to establish a branch-banking system in this country, let us do it with our eyes open. Let us not open the windows on one side of the house to-day, well knowing that we will open them upon the other side to-morrow, and that the day after all of the doors will be opened.

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

Mr. REED of Missouri. I have concluded. I will, however, answer any question the Senator desires to ask me, if I can.

Mr. DILL. I wanted to get the Senators' opinion of the Senate committee's action in striking out those provisions of the House bill which prohibited State banks with branches coming into the system of national banks, and keeping their branches. In other words, the bill as amended by the Senate committee will permit these banks which have the branches to come in, and retain the branches they now have, while the bill, as it passed the House, forbade them retaining their branches outside of the municipality where the parent bank was located.

Mr. REED of Missouri. What I have said I think covers the whole field. We have our national banking system, which has been a great success. I think it a very healthful thing in our country that we have a national banking system and that we have State bank systems, and, as I argued yesterday, a Federal reserve system sufficiently tying together the financial interests of the country so that in case of a crisis we have a stability that has withstood the stress of a great war.

I know that there has been criticism of the management of the Federal reserve system. I do not desire to enter into that discussion. I think some of the criticism is justified, and that some of it has been without justification; but that was a question of management, and I would still rather have an institution in which the public have something to say than to have a branch bank system in which one or two boards of directors of privately owned institutions could retire to their directorial room and there either expand or contract the credits of the country.

Mr. NORRIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Nebraska?

Mr. REED of Missouri. I do.

Mr. NORRIS. It may be that the question I am about to propound has been discussed——

Mr. REED of Missouri. I desire to yield the floor, but I will try to answer anything the Senator has to ask.

Mr. NORRIS. I have not been able to follow the discussion; I was not here last night when the bill was debated. If I am asking a question that has been covered, I will not expect the Senator to answer it.

I have had this proposition put up to me in conversations with various people who have talked with me about this bill. When I have expressed the opinion that I felt prejudiced against branch banking they have said that something of this

kind—to permit national banks to establish branches—was necessary in order to preserve the Federal reserve system; that national banks were losing ground in competition with State banks because they could not establish branch banks.

Mr. REED of Missouri. I did discuss that phase of the matter, and it was debated to some extent yesterday, but I will try briefly to give the Senator my views regarding it.

In the first place, when we established the Federal reserve system the State banks, with their branches, already existed, and the national banks had prior to that time existed without the right to have branches at all and had voluntarily chosen the national banking act as the law under which they would do business. That was the condition before we ever created the Federal reserve system. When we created that system we did not further limit the rights of the national banks in regard to branches, but allowed them to remain as they were at that time.

When we created the Federal reserve system any national bank not desiring to come into the system because there were branch State banks had its option at that time to come in or stay out. If it did not want to come in, it could then be organized under a State law and surrender its national charter. But many of them exercised the option to come in, and they did that in line with their past experience. They elected to come into the system.

We have been operating the Federal reserve system since 1914, and the national banks have not gone out of the system. On the contrary, the aggregate capital of the national banks in the system is, as was stated yesterday by the Senator from Virginia [Mr. GLASS], who gave accurate figures, vastly greater than it was when the system was organized. The number of banks in the system is greater, I understand. It was said that last year a considerable number of banks went out of the system, but it is discovered that a great number of national banks went out of business. I have not had an opportunity to examine the figures, but I think it will be found that quite as many went out in States where branch State banks are not allowed as in States where they are allowed. The withdrawal of these national banks, therefore, was not on account of a condition which had always existed and which is no more onerous now than it has been at all times in the past, but they went out because in most instances they were failing, or they were consolidating. I think there were four or five more national banks in my city three or four years ago than there are now, but some of those banks consolidated with other banks, and hence surrendered their charters, and in most instances they consolidated because they were obliged to liquidate.

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

Mr. REED of Missouri. I yield.

Mr. COUZENS. I would like to ask the Senator if he has any opinion as to the growth of branch banking in connection with State banks since the national banks elected to go into the Federal reserve system?

Mr. REED of Missouri. I will have to answer the Senator frankly that I have not looked into that question.

Mr. COUZENS. I believe that this agitation at this time is largely due, if not entirely due, to the enormous growth of branch banking by State banks, which has been going on for a number of years to such an extent that the national banks, with no branch-banking facilities, have found it difficult to compete with State banks, and in many cases they have held off changing their charters from national charters to State charters, hoping that the Congress would at some time in the near future permit the establishment of branch banks under national charters.

Mr. REED of Missouri. Mr. President, that is the opinion of the Senator. I know of no such condition. In my own State trust companies have very wide powers, and it was said they would drive the national banks out, but they have not done so.

I beg my colleagues to bear this in mind when they come to vote on this bill, that if a branch-banking scheme is unsound, we never should graft it onto the national banking system, even if States improvidently grant the right to their State banks to organize a large number of branches. If temporarily those State banks get some business thereby away from the national banks, still, if that be not a sound system, if it be a dangerous thing to do, we should not carry it into the national banking system, because by so doing we would impair the entire system, and we would tend to centralize the control of the finances of the city or of the State, and finally, perhaps, of the Nation itself, in the hands of a few large institutions.

Whenever we do that, in my judgment, we will make a tragic mistake. The thing that has kept the commerce of America free, the thing that has developed the cities, towns, and villages of the United States has been the independent banking system of this country; the bank that grows up with the municipality, that is officered by the citizens of that municipality, who have an interest in the welfare of the community; the bank that stands by itself, so that if it shall peradventure fall, it falls alone, and does not bring down with its destruction a large number of other institutions. Nearly every rotten failure we have had in the United States in recent years has been through what we term "chain" banks, one bank being organized, then part of its capital or resources employed to organize another, and so on, until finally an evil day comes, and one of those banks fails and the entire chain of banks goes down with it. That was the case with the Morse banks, whose failure precipitated what we commonly call the Roosevelt panic, for one of them failed, and the Knickerbocker Trust Co., being the banking institution of the Morse banks, was confronted by a run, and in a few hours' time the panic spread until it closed the banks of New York City, and then in turn the banks of the United States were closed.

The PRESIDENT pro tempore (at 1 o'clock p. m.). The Senator from Missouri will suspend a moment. Pursuant to the unanimous-consent agreement heretofore entered into, the Chair lays before the Senate Senate bill 3011.

Mr. REED of Missouri. Mr. President, I simply wish to say this in conclusion. I am not standing here out of any desire to oppose the committee or any desire to obstruct the bill, but I beg the Senate to pause and consider before it fastens a branch banking system upon the country. I do not hesitate to assert that the advantage of a bank organized as a national bank, the advantages that go with full membership in the Federal reserve system, and the general advantage that goes with clean-cut banking are such that the national banking system will stand unless we so alter it and change it that instead of having a large number or a considerable number of independent national banks in the cities of the country, we will have only a very few with a large number of branches. I appeal for a consideration of the question because, in my opinion, it strikes at the very roots of the independent banking system of the United States.

PERSONAL EXPLANATION

Mr. BURSUM. Mr. President, I rise to a question of personal privilege. This seems to be an open season for Senators.

Certain newspaper articles have been called to my attention, which articles allege that I am charged with having violated the Federal statutes in relation to a proposed sale of cattle grazing in the Republic of Mexico in 1923. In view of the publicity I feel that it is due to the Senate and myself to make a brief statement regarding this matter. To my mind, this transaction referred to is purely a private transaction and the services which I rendered had no connection, either directly or indirectly, with this Government, its departments, or any of its agencies.

I did go to Mexico City in 1923 at the request of the Livestock & Agricultural Loan Co., of Albuquerque, a local State corporation, and individual local bankers of New Mexico, and made an effort to sell some cattle grazing in the Republic of Mexico. I failed to consummate the sale, one of the reasons being that the Mexicans did not have the cash available to pay for the cattle. The manager of the loan company in Mexico City asked what terms could be given. I replied that I had no authority to offer any terms except cash; that the cattle were owned by hundreds of individuals in my State and most of them mortgaged either to banks or to the Livestock & Agricultural Loan Co.; that I would make inquiries and if any terms could be submitted I would submit them after my return to the United States.

I spent about two months in Mexico City, paid my expenses out of my own pocket, and made no charge and received no compensation for such expenses. On my return to this country in October, 1923, I reported to the Livestock & Agricultural Loan Co. and the local bankers interested the situation as I saw it and suggested that if the Livestock & Agricultural Loan Co. would accept securities guaranteed by the Mexican Government I believed there would be a fair chance of selling the cattle, and on request of the loan company in New Mexico I submitted a proposal in writing to that effect, a copy of which proposal I am sending to the desk with the request that the same be printed in the RECORD at the conclusion of my remarks.

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

[The matter referred to appears at the close of Mr. BURSUM's remarks.]

Mr. BURSUM. The proposal was not accepted. No transaction was had. No agreement was entered into pursuant thereto. No further efforts were made regarding the sale and

no further proposals or offers were made to the Mexican corporation and, incidentally, later I learned that if the proposal or offer had been made to the Mexican corporation it would not have been accepted.

At no time did I make any request of any governmental department, bureau, or agency, in writing or verbally, either directly or indirectly, either on my own behalf or through any other person, to do anything whatsoever in relation to the sale of the cattle, or the purchase, or the payment in any manner or connection therewith. Neither did I at any time represent or make any request whatsoever of or before any governmental department, bureau, or agency on or in behalf of the said Livestock & Agricultural Loan Co. regarding any matter whatsoever, nor the acceptance of any securities by the Government in connection with such sale.

Had the proposal been accepted and had I proceeded with the transaction, I would have been within my rights and would not have violated any law thereby. Great benefit to the cattle raisers would have accrued had the sale been consummated, as the market in this country was, and is yet, demoralized. I may add, had the sale been consummated, most of the commission, and possibly all, would have been consumed in expenses incident to legal proceedings necessary to the transaction, grazing rentals, and other charges which were liens on the cattle as well as the expense of labor and supervision of the delivery and classification of the cattle in case of sale.

The proposal referred to by Mr. BURSUM is as follows:

ALBUQUERQUE, N. MEX., *October 18, 1923.*

To the LIVESTOCK & AGRICULTURAL LOAN CO.,
Albuquerque, N. Mex.

GENTLEMEN: Pursuant to the conversation which we have hereinbefore had relating to the possibility of disposing of the cattle now in Mexico, and including also some cattle which are outside of Mexico and still in this country which are being carried by some of our local banks, I desire to say that the chances are favorable for completing the negotiations with the Caja de Prestamos, which I have initiated in your behalf at Mexico City upon the following basis:

27,000 cows at	$40
6,000 yearling heifers at	30
6,000 calves at	15
800 bulls at	100
500 saddle horses at	35

Commission to cover sale as follows:

	Per head
Yearlings and cows	$2
Calves	1
Bulls and horses	5

I am not informed as to whether or not the consent of the owners who have pledged the cattle as security has been obtained by your company. I am assuming that it has. However, in this regard, I take it that it would be highly desirable if the American owners of cattle just now had their cattle on their own ranges within the United States. While I have great confidence that the Government of Mexico has started out on a firm, peaceable basis, yet it must be conceded that livestock, as a rule, can be handled more successfully under the care of the owner, conditions being favorable, which they are just now so far as the New Mexico ranges are concerned, and I may add that there is no security under the sun for the safety of property equal to that under the Stars and Stripes. Therefore, if any of the owners, or all of the owners, would prefer, and it is agreeable to those carrying the securities, I would be willing to arrange so that every owner with whom it was agreed to retain his cattle that for every 100 cows which he now has in Mexico which might be delivered under sale made to the Caja de Prestamos, he should have returned to him 105 cows of equal or better quality of flesh condition, delivered on American soil with the guaranty that the freight rate from point of delivery should not exceed the freight rates to bring back the cattle from Mexico. Also, as relating to bulls, for every bull that might be turned over in Mexico I would replace him with a yearling, good grade Hereford bull. Saddle horses are easily handled, so that anyone desiring to keep his saddle horses, those could very easily be brought back. On account of the very attractive price, I take it that the percentage of those who would desire to hold their cattle would not be very large. However, it would be immaterial, so far as I am concerned, if all of the owners should elect to take in return 105 cows delivered on American soil in place of the 100 now on Mexican soil.

The whole difficulty in this matter is the financing, and the above proposition is made with the understanding that the Livestock & Agricultural Loan Co. will accept as payment and give credit to the Caja de Prestamos the amount of the total purchase, which would approximate $1,000,500, and accept in payment 6 per cent three-year Caja de Prestamos bonds, guaranteed by the Mexican Government, principal and interest payable in gold coin at New York. If it is desired to have the undersigned market these bonds an additional expense to the cattle owners will be involved.

In this connection I may state that the national elections in Mexico occur next July. The campaign is now on. I do not believe that any organized revolution, or anything approaching it, will occur; yet it is very possible that there may be some local flurries in different States, such as is evidenced now in the State of Potosi, and during times of excitement it is not always possible for the Government to entirely control the activities of small bands of lawless elements, and it may happen that such small lawless bands might indulge in some activities which possibly might, to some extent, affect the security of the cattle now located in Mexican territory. I do not say that this will occur. I hope it will not.

Very truly yours,

H. O. BURSUM.

RETIREMENT OF CIVIL-SERVICE EMPLOYEES

The Senate, as in Committee of the Whole, resumed the consideration of 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.

Mr. HEFLIN. Mr. President, I rise at this time for the purpose of saying something about the resolution which I have introduced.

Mr. STANFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the inquiry.

Mr. STANFIELD. Under the unanimous-consent agreement, did not the Senate take up Senate bill 3011 at 1 o'clock?

The PRESIDING OFFICER. That bill is now before the Senate.

Mr. HEFLIN. I have no desire to disturb the progress of that bill. I am in hearty sympathy with the Senator in trying to pass the bill and I will wait until that measure is disposed of in order to discuss the question I desire to bring before the Senate. The Senator from Oregon may proceed with his bill, and let us see if we can not dispose of it in a little while.

The PRESIDING OFFICER. The clerk will state the next committee amendment passed over.

The READING CLERK. On page 2, line 2, strike out "sixty" and insert "sixty-three."

Mr. DIAL. Mr. President, since I have been in the Senate I have consistently opposed pensions and bonuses to able-bodied soldiers. This bill is somewhat along the same line. I can conceive of but two theories upon which the bill is based. One is that the Government underpays its employees and that therefore when they reach a certain age the Government should pay them an annuity.

I think that proposition is unsound. In the first place, when individuals apply to the Government for a position they know the compensation they will receive. They are at liberty at any time they see proper to discontinue their service. Further more there are many other people who would like to have their places. Hence, there is no scarcity of would-be employees. I believe the record shows in many of those cases that there are a large number of applicants for any vacancy that might occur. Hence I do not think that compensation under the bill can be based upon the theory that the Government underpays its employees.

It is true that the compensation is not very large, but at the same time I am satisfied that it is adequate and that it is equal to the compensation they could obtain through employment in civil life. I am perfectly willing for the Government to pay its employees something more than they could earn in private employment, but I do not believe that it is right for it to fix a standard away beyond the reach of business to attain. Hours of Government employees are not onerous. So, Mr. President, I do not think a claim may properly be based upon that theory.

The other theory, and I take it the correct one, would be appreciation on the part of the Government for faithful services which had been performed by its employees. I believe that would be right. No one, perhaps, will object to the Government paying all of the retirement compensation for its employees after those employees shall have reached a certain age when they can no longer comfortably work or when they shall be incapacitated by reason of illness, but the age proposed to be fixed in the pending bill is entirely too low. I do not believe it would be just to the employee to say that he must retire at certain age. I heard it stated here the other day that after the employee attained a certain age he was automatically incapacitated for the performance of the duties of his office. I think that is a misrepresentation, and that it is not fair to the employee.

Mr. President, we have the divine injunction that we should work, and I believe that about as great a punishment as could be imposed upon some persons would be to deprive them

of the opportunity to work. It is better for men and women themselves to be employed. I care not how rich people may be, they should be employed in useful occupations. If people are without means, they should be encouraged and aided and helped by giving them employment.

Mr. COPELAND. Mr. President, will the Senator from South Carolina yield to me?

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

Mr. DIAL. Yes; I yield with pleasure.

Mr. COPELAND. Mr. President, I do not understand that because the employee shall have reached a certain age, as provided in lines 3 and 6, on page 2 of the pending bill, he must necessarily retire. As a matter of fact, the bill provides in the proviso beginning in line 11, on page 2, that the retirement "shall be at the option of the employee," and nothing contained in this proposed act provides for the automatic retirement of the eligibles for retirement.

I agree with the Senator from South Carolina that everybody should work, and nearly everybody wants to work, but I think the Senator is under a misapprehension, if I properly understand the bill.

Mr. DIAL. I admit that retirement is not compulsory under the particular language which the Senator from New York has quoted, but the general provision of the law is that employees are compelled to be retired at 70 years of age. The ages 60 and 55 years fixed in the bill for retirement are too low.

Mr. COPELAND. Yes; that is true.

Mr. DIAL. A few years ago an employee who was automatically retired from the public service appealed to me to try to get him restored. He did not wish to retire; he said he was miserable; that he was not willing to accept the small compensation allowed him under the retirement law and to quit work. He was one of the most competent men I have ever known in the Postal Service, but the Government refused to allow him to continue to work. Let us act and treat all like men.

Mr. President, when a Government employee retires, either voluntarily or involuntarily, that employee, perhaps, may go around and seek employment and secure a position that some other person who has no annuity would like to have. Therefore I do not know that in passing retirement legislation we shall be just to the other man who may want the place.

Not only that, but if we go ahead and grant a high rate of retired pay to employees who retire, either voluntarily or involuntarily, the other workers and the taxpayers of the United States will feel that they have not received fair treatment. When they see going around a man who is in robust health and is comparatively young and yet is drawing a handsome stipend, while they are paying taxes and have to struggle hard in order to make ends meet, those people will feel that the Government has not been just to them. Therefore we shall sow the seeds of discord and dissatisfaction among our people. There is no retirement age for the taxpayer. We should not build up a privileged class in the United States.

I have noticed that private companies, such as the General Electric Co., the Pennsylvania Railroad Co., the Westinghouse Co., and others, assist their employees to retire when they attain the age of 70 years and after they have been in the employment of those companies for a certain length of time.

The impression has gone abroad that all the money in the retirement fund is derived from the salaries of employees; that it is deducted from their salaries; but that impression has already been explained to be a mistake. The statement was made to me that the employees had a right to receive this compensation because it belonged to them, but we now understand that in a few years the Government will be contributing, I believe, something over half the amount which will be necessary in order to retire the employees. I think it would be well for the employees to have some kind of insurance, and, if they care to make provision for that out of their compensation as they go along, they should be encouraged and the Government should help them in that respect.

What I am complaining about is the proposition to make it possible for Government employees to retire, either voluntarily or involuntarily, at the ages which are fixed in the pending measure, 58 and 63 years. I do not think it would be right; I do not think it would be fair to the employee, nor would it be fair to the working public; neither would it be fair to the taxpayers of the country.

I wish to warn the Senate that the people all over the country are bitterly complaining of the high cost of government. We want to encourage prosperity; we want to encourage industry; we want everybody to prosper. What I should like to see, not only as to Government employment but as to employment generally throughout the country, would be fewer employees, allowing them to accomplish their work better, and better compensation for them all. So as this bill stands, Mr. President, I am sorry I can not support it.

Mr. COPELAND. Mr. President, as I understand the action of the committee as now proposed in line 3, on page 2, it is to fix the age limit at 65 years. Is that correct?

Mr. STANFIELD. That is the amendment which has been agreed upon.

Mr. COPELAND. And in line 6 to fix the age at 62 years?

Mr. DALE. Mr. President, let me get that clearly in mind. Does the Senator from New York mean to state that the committee has agreed to fix the age limit in that case at 62?

Mr. COPELAND. I may say, Mr. President, that the Senator from New York has had great difficulty in finding out what the committee has agreed on. I have seen no evidence so far that it has agreed on anything.

Mr. DALE. That is what I should like to say—that the committee have not agreed upon anything.

The PRESIDING OFFICER. The pending amendment, the Chair will state, is to strike out "60" and insert "63."

Mr. STANFIELD. Mr. President, if the Senator will yield to me, I think I can explain the situation.

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

Mr. COPELAND. I yield to the Senator from Oregon.

Mr. STANFIELD. The bill as now printed——

Mr. SMOOT. Mr. President, if the Senator from Oregon will permit me to interrupt him for a moment, I suggest that the Senator from New York yield in order that the Senator from Oregon may make a statement as to just what the amendments are which it has been agreed he will propose to the bill.

Mr. COPELAND. I shall be very happy to do so, and I know that the Senate will be very glad to hear that there has been an agreement. There has been a suspicion on the part of the Senate that the committee has been in serious disagreement. So if the chairman of the committee can make a statement which will make clear to the Senate that there is an agreement, for my part, I will be very happy to listen to it, and I will yield the floor to the Senator from Oregon for that purpose.

Mr. STANFIELD. Mr. President——

The PRESIDING OFFICER. The Senator from Oregon.

Mr. STANFIELD. At the last meeting of the Civil Service Committee they did approve an amendment making the age 63, where the original bill fixed the age at 60 and an amendment substituting "fifty-eight" for "fifty-five." Then it was suggested that it would be well to fix the same age covering all employees and making that age 63. To this the committee did not agree, but the chairman of the committee and the Senator from Utah [Mr. SMOOT], thinking it would expedite the legislation, agreed that so far as the chairman was concerned he would not oppose an amendment fixing the age at 63. Later we worked out a better compromise, one that seemed more favorable to all, proposing to fix the ages at 65 and 62, the latter covering the mechanics, laborers, post-office clerks, railway postal clerks, and others in active laborious employment, while as to those in other Government employment the 65-year limit would apply.

There has not been a meeting of the committee since the chairman had that understanding with those who were opposing the ages fixed in the original committee amendment. The chairman of the committee, however, is not going to oppose but, in fact, is going to offer an amendment upon which the Senator from Utah and he have agreed with the Senator from South Dakota [Mr. STERLING].

Mr. STERLING. In view of what appears in the bill as the committee amendment fixing the ages at 63 and 58, would it not be preferable for the chairman of the committee to offer an amendment to the committee amendment substituting 65 and 62? The pending amendment is the committee amendment as it appears in the bill, but if the chairman will offer an amendment to the amendment, I think it would be proper and would make everything clear.

Mr. STANFIELD. That is exactly what the chairman of the committee proposes to do, but the Senator from New York wanted an explanation as to the position of the committee on these amendments.

I am not going to say that there is discord or disagreement among the members of the committee as to this amendment. I am simply stating that there has not been a meeting of the Civil Service Committee to consider the amendment, and the committee have not agreed to the amendment which the chairman is going to propose. I am going to propose the amend-

ment in the interest of harmony, believing that it is the best thing to do at this time, in order to expedite the passage of this bill.

We are now in the closing days of this session of Congress. The House has not yet acted on this bill. I have been assured by House Members that if the Senate shall pass this bill the House will immediately act upon it; but if the Senate delays longer there will not be time for the House to act upon it, and there will be no civil service retirement legislation during the present session of Congress. This is a measure of such momentous importance—it means so much to present annuitants who have been retired on a pension that is wholly inadequate and which does not permit a proper living or one that is in keeping with American standards—that I think it would be a very great mistake if we were to jeopardize the enactment of the pending measure. It is for that reason that the chairman of the committee has agreed with those opposing the age limits as originally proposed to offer the amendment which, when the proper time comes, I propose to offer.

Mr. RANSDELL. Mr. President, as one member of the committee I wish to say that I am in accord with the views expressed by the chairman. I think it is imperative that we should get this bill through at this session of Congress and get it passed in the very best form we can. It perhaps is not satisfactory to all of us, but it is certainly a great deal better than to have this most important measure go over for another 12 months.

It seems as though this is the only practical way in which we can get the bill passed, and I sincerely hope that it will be passed. If inequalities result, let me say that another Congress may correct those inequalities. It will be a very decided step forward, and as a member of the committee I am in hearty accord with it, and I do not believe that there is any real discord in the committee.

Mr. BRUCE. Mr. President, I have no special familiarity with the provisions of this bill; but I am in sympathy with the principle which underlies it, and I am so much so, and have so long been so, that I should feel that I was just a little unfaithful to my strongest convictions if I did not say so.

All my life I have been an advocate of the merit system of appointment and all the legislative sequels that naturally flow from it. When I was a mere boy I picked up a newspaper one day and saw that one of the politicians of that time, the late Jay Hubbell of Michigan, was proceeding to levy a political assessment on the charwomen in the departments of the Federal Government. My indignation was so intensely aroused that from that day to this I have been not simply an earnest but an enthusiastic and uncompromising adherent of the merit system of appointment and all that appertains to its wise and beneficent character.

For many years, in the State in which I live (Maryland), a voice raised in behalf of the application of that system to appointments in the civil service of the State of Maryland and of the city of Baltimore, respectively, was as the voice of one vainly crying aloud in the wilderness; and I flatter myself that I might have been a Member of this body long before I became so but for the fact that I was one of those who vainly contended for many years for the complete substitution of the merit system of appointment for the old spoils system of appointment in the province of the Maryland State government and in the province of the city of Baltimore.

We waged that fight in Maryland for I do not know how many years—35, perhaps 40 years. For a long time we seemed to be waging it ineffectually; but I thank God—because I can not use terms too strong to express my feelings—that I have lived long enough not only to see the merit system of appointment applied to the great mass of subordinate offices under the National Government, but also to practically all the subordinate offices in the State of Maryland and the city of Baltimore. In other words, instead of the old body of personal and political dependents which got its precarious crust of bread from political favoritism and influence, I have survived long enough to see the great mass of public servants in the cities and the States of the country, and in the sphere of the National Government owing their appointment to and their retention in office to nothing but their own personal worth, moral and intellectual; and as my friend from South Dakota [Mr. STERLING] knows, the retirement system is but the crown, the capstone, of the merit system of appointment. When you select the subordinate officeholder for his merit, and retain him for his merit, and give him an opportunity, unmolested and unafraid, to do the full measure of his duty to the Government, it is only fair for the Government to help him to make a provision for his old age; and anything that the Government may give toward this object it will get back many times. This provision, like the improved conditions under which the appointee receives his appointment, will tend to build up a true office spirit, a real office morale which, after all, is the thing upon which the full success of any public office most largely depends. It will tend to make the appointee not only satisfied with his position but proud of it. It will assist to make it a badge of honor to serve the Government in any position, high or low. In other words, this provision, too, tends to create a great corps of conscientious, self-respecting, and useful public servants. And surely it can not be gravely argued that the ages fixed by this bill for voluntary retirement are too low. The proposed ages, as I understand it, will be 65 and 62—62 for servants of the Government who are engaged in very active occupations, and 65 for those who are engaged in occupations of a more sedentary and less exacting character so far as physical strength is concerned.

We all know that for ages 63 has been known as the grand climacteric of human existence. Just why it should be called such I do not know, but I do know that it has always been considered to be a sufficiently advanced age to warrant that term—the grand climacteric. Therefore, it is eminently proper that when some mechanic or artisan or some other individual along the lower levels of Federal appointment reaches the age of 62, just one year less than 63, he should have the privilege of retiring, and that when he retires he should find that he is not simply an old cast-off shoe, not merely a helpless individual left to the charity of friends or relations or to a despondent effort to seek employment upon the streets, but a faithful servant of the Government who has himself partly contributed to his sustenance and solace in his old age, and to whose sustenance and solace his Government has also contributed, as it is but right and proper that it should do.

Mr. GEORGE. Mr. President, as a member of the committee I merely wish to make this statement:

I do not think the ages for optional retirement should be placed at 65 and 62. Sixty-two is now the age for the retirement of the railway postal clerks, as I recall; and that age ought to be in justice reduced. I call attention to the fact—I think it is a fact; I have been so informed—that about 8 per cent of the railway postal clerks last year were actually injured in the line of their duty. When a man has served 30 full years as a railway postal clerk and has reached the age of 60 he is much more entitled to an optional retirement than the average clerk, stored away in a perfectly safe place, working under perfectly comfortable and safe conditions.

I desire to go on record as favoring 63 and 60 as the proper ages under the optional retirement provision of this bill. There will not be very many employees of the Government to retire at 63 if they be clerks, or 60 if they be postal railway clerks or men engaged in other like lines of business. When men have worked for 30 full years, and have thus established the habits of a lifetime for work under the regular requirements of the civil service they are not likely voluntarily to become idlers.

It is contrary to all human experience. If they do wish to retire, it is very certain proof that they are not longer able to render efficient service; and the very object of a retirement act from the standpoint of the employer is to permit his employees, when no longer able to render efficient service, in the interest of economy to separate themselves from the service. That is to say, that is the object of the act from the selfish standpoint of the employer.

Of course I am not speaking about the principles of humanity involved in this bill, nor the principles of wisdom involved in it; but if you find many men and many women in the civil service taking advantage of the optional retirement provision of this bill you will find positive proof that those men and those women, in nearly every instance, recognize themselves that for some reason they are not longer able to render the same standard and measure of service that they have been rendering during the 30-year period.

The truth is that those who are efficient, those who are capable of doing good work, do not want to retire. The truth is that they do not take advantage of the optional retirement period fixed in the present law, and the truth is that not many of them will under the law as we may amend it; but if they do, and if they should, it is the highest possible degree of proof that in the interest of economy to the Government they should be permitted to retire.

If a man, having served 30 years and having reached the age of 63 years, wants to be retired badly enough to accept less than $1,200 or not more than $1,200 in lieu of a possible income of $2,000 per year from his regular work, I would

demand no higher proof of the fact that in the interest of economy to the Government that man ought to be allowed to retire.

Mr. STANFIELD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Oregon?

Mr. GEORGE. Yes; I yield.

Mr. STANFIELD. Just at that point I should like to call the Senator's attention to a statement that the actuary has just made to me of the cost to the Government of this bill when applied to increased salaries. Taking it from the lowest salary, the salary of the charwoman, $360 a year, to the salary of $1,800, it would mean only $7.50 a year to $38 a year increase in salary to cover the total cost to the Government.

Mr. GEORGE. I am sure the figures are correct. I am not discussing the question, however, from the standpoint of cost. I am discussing it solely from this point of view: My judgment is—and as a member of the committee I am merely expressing it because I want to go on record as giving my opinion—I do not think the optional retirement age ought to be carried above 63 for clerks and others in like line of service. I do not think the optional retirement age for railway postal clerks and men doing like manual labor should be carried above 60, and I do not believe that any apprehension that there will be a wholesale retirement at the ages of 63 and 60 is at all well founded. I do not believe there is any ground for that apprehension.

Mr. BRUCE. Mr. President——

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

Mr. GEORGE. I yield.

Mr. BRUCE. I would like to ask the Senator whether he has not had this experience: That officeholders in some branches of the Government who have been retired come to him and ask him to do what he could to restore them to the service so that they would not only be in receipt of the same amount of compensation as before but would not be compelled to lead an irksome, inactive life. I have had that experience frequently.

Mr. GEORGE. I have had that experience, and every other Senator, I apprehend, has had the same experience.

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

Mr. GEORGE. I yield.

Mr. SMITH. Are there not statistics showing the percentage of those who, having the optional retirement privilege, have taken advantage of it? My impression is that some tables have been worked up, in connection with this proposed legislation, which show, as I recall, that less than 2 per cent of those who could avail themselves of the optional privilege have availed themselves of it. As the Senator from Maryland has said, where there is compulsory retirement those subject to it have pleaded for the privilege of staying in active life.

If the Senator will pardon me just here, I do not think we need fear that the Government will be burdened by employees taking advantage of the voluntary retirement in any wholesale numbers.

Mr. GEORGE. I thank the Senator for his statement. I am quite sure that the figures have been prepared, but I have not taken the time to look them up, because as a matter of experience I know that the increase of the annuity from $720 to a possible maximum of $1,200 a year will not induce any large number of employees to separate themselves from the service when they reach the optional ages. When they do take advantage of the optional retirement provision of this act there will be in every case, I dare say, the strongest possible reason why they should do so. The danger with all retirement bills is not that we will put the optional retirement age too low but that we will put the compulsory retirement age too high.

Mr. SMOOT. Mr. President, there is one other condition to take into consideration which the Senator has not even mentioned.

Mr. GEORGE. I do not mean to say that I have mentioned all the considerations.

Mr. SMOOT. It is just the reverse of what the Senator has said, and therefore I feel that I ought to call attention to it.

There is a class of people, particularly in the leading positions in the Government service, particularly when they are efficient, who, when they reach the age of only 60 or 62 years, can retire without paying anything further to the Government of the United States, and get a position outside, perhaps drawing just as much salary as they are drawing from the Government. The other reason for not having the figure too low is that men who are efficient in the Government service, perfectly able to work for the Government, ought to be willing to pay to the Government at least until they are 65 years of age. That is the reason. It is true, on the other hand, that there are some people who would not feel able to carry on their work until they reach the age of 65. But we are trying to take care of those in this bill. I think if the Senator will study this thing very carefully, and will go into the details as to what the practices in the past have been in England, and other foreign countries, as well, he will find that 65 years is not too high an age.

Mr. GEORGE. Mr. President, I understand, of course, that in some of those exceptional cases, where the employee is earning a large income, and where, at the age of 63, he can leave the Government service and draw a maximum of $1,200 a year, there may be a larger number who will leave than of those who are drawing $1,800 or $2,000.

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

Mr. GEORGE. I was just about to conclude.

Mr. STANFIELD. Following the remarks of the Senator from Utah, I happen to have the age of optional retirement for Great Britain, and I find it to be 60 years.

Mr. GEORGE. I was going to call attention to that. I think that even under the Canadian postal law it will be found that the optional retirement is much below 65 or 60, as I have suggested.

I want to conclude with this statement, which is largely a repetition, no doubt, of what I have said, that, so far as the postal railway clerks are concerned, I do not believe we should keep them at the age at which they are now permitted to retire. They are now permitted to retire at 62. I think they should be permitted to retire at 60, after having served 30 years. The danger with all retirement legislation, I wish to repeat, is this, that out of our humanity, our regard for those men and women who have reached an advanced age, we do not compel retirement quite as early as we should compel it. The impulse that sways us to retain in the service men and women of advanced ages of course is quite worthy, it is quite natural, it is quite human; but from the standpoint of the employer, and from the standpoint of a real and intelligent humanity, I have no doubt that the error in all such legislation is in permitting men and women to remain in the service beyond the time when they really ought to be compelled to go out. They can never be compelled to go out unless we have provided at least an adequate annuity for them when they are retired.

Mr. BRUCE. Mr. President, I would like to ask the Senator from Georgia at what age judges are retired in Georgia, if they are retired at any age at all? In the State of Maryland they are retired at 70 years of age.

Mr. GEORGE. There is no retirement law in Georgia.

Mr. BRUCE. I thought that might furnish some analogy for a sedentary occupation.

Mr. DALE. Mr. President, I want to indorse most enthusiastically what the Senator from Georgia [Mr. GEORGE] has said, especially as it relates to the men in the Railway Postal Service. Under the existing law all employees are compelled to retire at prescribed ages. Those ages are fixed at three graduations. One group of employees is retired at 70 years of age, another group at 65 years of age, and another group at 62 years of age. In this latter group are the men in the railway postal service. The reason for putting these men in a group by themselves at this younger age is well known to be the tiresome, hazardous, exacting nature of the duties of those men. That fact is clearly understood, and the distinction was forceably written into the law at the time the law was passed.

The pending bill carries a section with a particular purpose in it, and that purpose is to lower these gradations for voluntary retirement, so that men of their own volition may retire at a lower age than the age at which the law compels them to retire.

The committee made two groups for voluntary retirement out of these groups included in the compulsory provisions of the present law. The committee recommended that those in the 70-year grade for compulsory retirement be made eligible for voluntary retirement at 63 years of age, and those in the 65 and 62-year grades for compulsory retirement be made eligible for voluntary retirement at 58 years of age. That recommendation as applied to the railway postal service would be equitable; it would give that group voluntary retirement at an age four years younger than that at which they are compelled to retire. This would preserve the just and the reasonable proportion, as it relates to the two principles of compulsory and voluntary retirement.

Under the proposed amendment raising the ages of voluntary retirement from those recommended by the committee an unjust and an unreasonable distinction is made, wholly against

the men in the railway postal service. Employees in that service are subject to compulsory retirement under the existing law at 62 years of age, and if the amendment proposed here is agreed to, under which they are made eligible for voluntary retirement only when they have reached the age of 62 years, the railway postal service group will clearly be given no relief whatever as contemplated they should be given in the voluntary provisions of this bill.

Of all the employees in the Government service the men in the railway postal group are the very last against which this discrimination should be made. They are away from home through long periods of time, during which they are compelled to bolt their food cold, and as chance permits; to catch their rest at irregular times, often in uncomfortable if not perilous positions. They ride continuously the jolting floor of crowded, dusty, smoky cars until the physical ills which are inevitably induced by their unnatural environment compel them to lay off. They are confined in a car which is put ahead in the make-up of the train, and when they go into accidents they go into them shut into this car, where the impending peril is concealed from them. They are constantly trailed by calamity, by which they are almost sure some time to be overtaken.

The Senator from Georgia referred to the percentage of these men who were injured and killed in the last year. Sixteen hundred of them went into wrecks and suffered accidents, and the average time of recovery for those men who were injured was three months. I know somewhat of their service. I myself was in a service for 13 years where they were under my observation, and I know full well that when they come into a wreck the death trap is the mail car.

Knowing these men as I do, the very soldiers in the front line of the battle for existence, I would not fix any age for them at all. If they can endure these conditions for 30 years, as the bill provides, after they have endured them for 30 years I would let them retire on the small pittance of the retirement fund, if they wanted to, without any further age limit.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, debate is limited to five minutes on the bill and amendments.

Mr. DALE. Does that allow me to proceed further?

The PRESIDING OFFICER. The Senator has five minutes on the bill and five minutes on the pending amendment.

Mr. DALE. I have practically concluded.

By all means, Senators, if we are going to differentiate in these ages let us not differentiate against the men in the Postal Service and make them the only group, as the amendment does, without any option of voluntary retirement whatever. At least give them 2 years of option after they have served 30 years, and at least after 30 years of such service let a man, if he wishes to do so, retire at 60 years of age.

Mr. COPELAND. Mr. President, I understand I have five minutes on the bill and five minutes on the amendment?

The PRESIDING OFFICER. The Senator has.

Mr. COPELAND. I have been surprised that the committee brought in an amendment elevating the age to 65 years.

Mr. STANFIELD. Mr. President——

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

Mr. COPELAND. I yield.

Mr. STANFIELD. May I explain again that that is not a committee amendment. That is an amendment which the chairman of the committee intends to propose.

Mr. SMOOT. Mr. President——

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

Mr. COPELAND. I yield, but I do not want it counted against my time.

The PRESIDING OFFICER. It does count against the Senator's time.

Mr. SMOOT. That statement has been made by the chairman of the committee twice. I want to know if the chairman of the committee is not in favor of the amendment?

Mr. STANFIELD. Because of my agreement with the Senator from Utah, I shall support the amendment.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from New York to the fact that the time occupied by the colloquy is charged against his time.

Mr. COPELAND. I can not yield further for any colloquy.

The PRESIDING OFFICER. The Senator from New York declines to yield further.

Mr. COPELAND. Mr. President, whether this is a committee amendment or the amendment of the chairman of the committee or the amendment of the Senator from Utah, I think the age is too high. I had supposed from the title of the bill that it was a retirement bill, and not a death benefit.

We have done very well in this country in extending the span of life. I suppose I am the only physician in the United States who has his own cemetery. On my farm is an old-fashioned neighborhood graveyard, where, in the language of the natives, there are 40 "head" buried. With two exceptions, everybody buried in my cemetery died under the age of 50.

The popular idea is that people lived to a ripe age in the olden times because Methuselah lived to be 969 years old. As a matter of fact, in the old days, they did not live long; it only seemed long. They used to go in the house in the fall as soon as it got cold and stick rags around the windows to keep the air out. They nailed the doors shut and did not take a bath until the ice went out of the river in the spring. So they died young.

Mr. BRUCE. What about the signers of the Declaration of Independence?

Mr. COPELAND. I do not doubt that the Senator from Maryland, who is well informed on all matters relating to the colonial period, will be able to tell us exactly about that. Not everybody had the privilege of signing the Declaration of Independence, and the signers represented the survival of the fittest, physically as well as mentally. Fifty years ago the average duration of life in this country was only 42 years, while now it is 53 years. The expectation of life of a man who goes into public service at 20 is not such as to make it probable he will reach the age proposed in the bill. I do not think it is right that we should simply provide a death benefit. We want a retirement benefit. For those persons particularly who are named—the mechanics and laborers, the city and rural letter carriers, and post-office clerks and railway postal clerks, the age of retirement, in my judgment, ought to be materially less than 62 years. If it were put as low as 58 years, which was the original proposal of the committee, it would be better.

Every person who goes into public service, or the average person at least, goes in at an outrageously low salary. Government employees are notoriously underpaid.

I like the provision of the bill which says that the retirement must come after a given number of years of service. In one of the executive departments in New York, over which I presided for a number of years, we had a retirement system where the age of retirement was not fixed, but where after 20 years of service an employee could retire. That was wrong, in my opinion, because too many of them retired under 40 years of age, when they were in the very prime of life, and when they could continue for years to render the highest sort of service to the State. The city was the loser by the arrangement. But here we are guarding against that condition by requiring 30 years of service.

In my judgment we should make the retirement ages 63 and 58, or materially lower than suggested by the committee. We should do this if we are really serious in our desire to give the employees an opportunity to retire and to have some years of opportunity late in life for the enjoyment of the leisurely pursuits of that period.

I want to put myself on record as being in opposition to the amendment suggested by the chairman of the committee.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. SMOOT. Mr. President, the Senator from Vermont [Mr. DALE] has made a statement that has reference only to railway postal clerks. The provision in the existing law and as proposed in the bill is for mechanics, laborers, city and rural carriers, and post-office clerks.

Mr. CARAWAY. That does not include railway mail clerks.

Mr. SMOOT. I mean in addition to railway mail clerks. It is true that the existing law provides for retirement at 62 years of age, just as it is provided now in the amendment that will be offered by the chairman of the committee.

I do not know what the experience of other Senators has been, but the basis of the complaints of letters that I have received is that the ages were too low, and they did not want to be separated from the service at the ages provided by existing law. The next complaint is that the annuity of $720 a year under existing law is too small an amount and that they can not live on it, and that is true.

Mr. DALE. Mr. President, will the Senator yield for a question?

Mr. SMOOT. I have only a very few minutes.

Mr. DALE. The letters to which the Senator refers do not apply to voluntary retirement.

Mr. SMOOT. Let me finish my statement, if the Senator will. I have only a few minutes.

The other class of complaints is from a class that not only want retirement at a later age than provided under the exist-

ing law, particularly employees here in the District of Columbia, but they want an increase in annuity, and nobody is objecting to that. I asked a lady only the other day when she came to my office what she really wanted. The answer was an increase in pay, an increase in age, and an increase in annuity. She stated she could not live on the amount of salary she was getting. I asked what she was getting and she said $1,800 a year. She said she could get more than that at home. I said, "Why not go home and get the larger salary?" The answer came quickly that she would rather live on water and bread in the District of Columbia than go home and work there for $1,800.

That is only one case. I do not charge that that is the sentiment of the great mass of employees. I want to say that the most of the letters I received and the only people who call upon me are those who want to retain their present positions. I take for granted that every Senator and Congressman has the same experience. Every time we make a reduction in the number of employees in the District, or anywhere else for that matter, I know that if there are any employees from my State who are dropped in the reduction I am immediately appealed to to see that they are retained in their positions.

I want it distinctly understood, as I have said before, that I want the employees of the Government paid the best salaries that are paid by any organization in the country or any government on earth. On the other hand, I expect to ask of the employees of the Government to give the best service that is in them. I think that is fair. Anything short of it is not. I think they ought to be housed in the best buildings that it is possible to erect. I feel very proud when I go to the Bureau of Engraving and Printing and see the men and women working there under the best conditions existing in any building for the purpose used in the world.

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

Mr. STERLING. Mr. President, for the first time the Senate has before it a bill providing for voluntary or optional retirement. At the time of the passage of the original retirement act I hardly think the question of voluntary or optional retirement at any age or after any period of service was thought of at all. The matter has been agitated, of course, since, and within the last year or two to a considerable extent. One proposition strongly urged was that after an employee had served 30 years, regardless of age, he should have the privilege of retiring. But as against that was the argument, and I think it was well founded, that an employee who had entered the service at perhaps 20 years of age and at the age of 50 had served 30 years would have the right of retirement just at that period when he was able to render the Government the very best of service. That was the objection.

Finally a bill was prepared which provided that after 30 years of service and the arrival at a certain age, then the employee should have the right to retire. There was a sharp conflict of opinion, I think, among members of the committee to begin with, and then later between members of the committee or the committee and others interested in the legislation as to what should be the age at which a person might be allowed to retire after 30 years of service. Sixty years was first fixed and written in the bill; then 63 was agreed upon in the committee—63 years for employees generally and 58 years for other employees, including mechanics, laborers, city and rural carriers, and railway postal clerks.

I hope Senators will appreciate some of the difficulties, and will remember also that in fixing the age of voluntary retirement at 65, as now proposed by the chairman of the committee, we give the employee the benefit of five years of service, because the age at which he would involuntarily retire is 70 years under the present law.

It is true, Mr. President, the railway postal clerks have no differential at all in their favor; they may be required to retire at 62 years of age under the present law, and they have no option in regard to retirement before that age under the proposition now advanced by the Senator from Oregon [Mr. STANFIELD], the chairman of the committee.

Mr. SMOOT. Mr. President, will the Senator from South Dakota yield to me?

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

Mr. STERLING. Yes.

Mr. SMOOT. I wish to suggest that the age of retirement for the railway postal group of employees is 65 years and of all the others it is 70 years.

Mr. STERLING. I wish to say merely a few words further. We are apt to think of the bill now under discussion, at least it would so appear from the discussion thus far, that the voluntary retirement provision is the main and principal feature of the bill. I may say that it is rather an incident. The main feature of the bill is the increase in the annuities to be paid all employees on retirement. The other day I saw the representative of the railway postal clerks here; he is an admirable man, and I think a great deal of him; and while he expressed regret that those who had been conferring over the bill had not made a differential in favor of the railway postal clerks, he wanted the bill to pass even with this agreement, because of the other benefits that would accrue to the railway postal clerks from the bill in the way of an increase of annuities.

Mr. DALE. Mr. President, will the Senator from South Dakota yield to me for just a moment?

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

Mr. STERLING. Yes; I yield.

Mr. DALE. Do I understand the Senator from South Dakota to assent to the proposition that employees in the railway postal service are now retired at the age of 65 years?

Mr. STERLING. Oh, no; I did not assent to any such proposition. The railway postal clerks are now retired at 62 years of age.

Mr. DALE. Sixty-two years in their case is the age of compulsory retirement?

Mr. STERLING. Yes; the age of 62 is the time of their compulsory retirement.

APPROPRIATIONS FOR THE DISTRICT OF COLUMBIA

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives receding from its disagreement to the amendment of the Senate No. 21 to the bill (H. R. 12033) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1926, and for other purposes, and concurring therein; and insisting upon its disagreement to the amendments of the Senate Nos. 1, 28, and 46.

Mr. PHIPPS. Mr. President, I move that the Senate insist upon its amendments in disagreement, ask for a further conference with the House of Representatives on those amendments, and that the Chair appoint the conferees on the part of the Senate.

The PRESIDING OFFICER. The Senator from Colorado moves that the Senate insist upon its amendments still in disagreement, ask for a further conference with the House, and that the Chair appoint the conferees on the part of the Senate. The question is on that motion.

Mr. KING. Mr. President, I wish to ask the Senator from Colorado as to the points of disagreement which remain undetermined and the point upon which the House conferees receded.

Mr. PHIPPS. The House conferees practically agreed to the Senate amendments, with the exception of about four, one of which they had to take back to the other body, but to which they have since agreed. That narrows down to three the items in dispute. The first relates to the amount of the lump-sum appropriation for the Federal contribution to the expenses of the District of Columbia, the House of Representatives offering to appropriate $9,000,000 and the Senate providing for $11,000,000 as the Federal contribution.

There is also in disagreement the last amendment in the bill, the Senate having stricken out the House provision instructing the Budget officer to prepare the bill for the fiscal year 1927 based upon a $9,000,000 contribution by the Federal Government.

The remaining item in disagreement is one relating to the police court, which, as I understand, can now be cared for, inasmuch as the other House has passed the traffic bill as passed by the Senate with minor amendments. I believe the committee of conference on the part of the Senate would be justified in practically accepting the House provision, with, perhaps, some modifications to bring it into conformity with the traffic bill, which has now been practically agreed upon by both Houses.

Mr. KING. Mr. President, as I understand the Senator from Colorado, the House is still insisting upon the $9,000,000 contribution on the part of the Federal Government for the maintenance of the District government and the Senate conferees are still insisting upon an $11,000,000 contribution?

Mr. PHIPPS. That is correct.

Mr. KING. If so, I should like to move that the Senate conferees be instructed to recede.

Mr. PHIPPS. Mr. President, I wish to say that on that particular item the conferees representing the House came to us with positive instructions not to recede on the House fig-

ures; in other words, they were not at liberty to confer fully and freely with the representatives of the Senate. Now, we are asking for another conference. If that request shall be granted and the House of Representatives appoints conferees, the representatives on the part of the Senate may meet with them and determine what their attitude is, whether they are prepared to confer freely or whether they are not.

Mr. McKELLAR. If there is that sort of position, why not merely leave out entirely the provision for the contribution?

Mr. PHIPPS. As the Senator from Tennessee will see, it is necessary for the Federal Government to make some contribution in this case. The bill as passed by the Senate carries, in round figures, $32,000,000. In addition to that, there are $3,500,000 coming through by way of deficiency estimates as against the bill of last year of about $29,000,000, including deficiency estimates.

Mr. KING. Mr. President, do I understand the Senator from Colorado that, notwithstanding the positive prohibition of the statute against creating deficiencies, the District officials have created deficiencies during the year to the extent of more than $3,000,000?

Mr. PHIPPS. Oh, no; I am very sorry if I conveyed any such impression. The majority of the items and the great bulk of the amounts are in the form of supplemental estimates, which are usually provided for in the last deficiency bill which is passed by the Congress. I have not yet had an opportunity to examine those items, so I am not prepared to discuss them with the Senator from Utah.

Mr. KING. Mr. President, speaking for myself—and I feel quite sure that many other Senators take the same view—I think that the Senate should recede with respect to the item of $11,000,000. I think that the contribution by the Federal Government of $9,000,000 toward the maintenance and expenses of this municipality is a very generous contribution. I should be glad to see the Senate conferees yield, and I hope that the House conferees will insist upon adhering to the position of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Colorado [Mr. PHIPPS].

The motion was agreed to; and Mr. PHIPPS, Mr. JONES of Washington, Mr. BALL, Mr. GLASS, and Mr. SHEPPARD were appointed conferees on the part of the Senate.

Mr. FLETCHER. Mr. President, I understand this is a further conference, and I presume that the same conferees as had the matter in hand before will be appointed.

The PRESIDING OFFICER. The same conferees have been appointed.

RETIREMENT OF CIVIL-SERVICE EMPLOYEES

The Senate, as in Committee of the Whole, resumed the consideration of 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.

Mr. BRUCE. Mr. President, I merely wish to second what the senior Senator from Utah [Mr. SMOOT] has said. I think it would be a mistake to fix the age of voluntary retirement for employees of the Government engaged in some active or bustling employment as low as 58 years; indeed, judging by my own age and my own measure of strength, which perhaps is not a fair criterion, I really think that a man ought to be ashamed to ask to be retired at such an age as 58. He is too young, he is too vigorous, he has too good an expectancy of life. It is true, as the Senator from New York has said, that the average duration of life is only 53 years, but the average duration of life is as low as that, of course, because of the very great mortality that attends infancy. We all know that, and every insurance man knows that when an individual attains the age of 50 his chances of persisting are very good indeed. So I do not think that any self-respecting subordinate of the Government engaged in some active employment under it should be willing to ask that he be voluntarily retired at 58; nor do I think that the hazards to which the railway postal employees are exposed, of which the Senator from Vermont [Mr. DALE] has spoken, ought to disturb the conclusion that I reach in that respect. The railway postal clerk, after all, is not exposed to any greater hazards than—in fact, not to such great hazards as the locomotive engineer or the locomotive fireman, and if he is to be allowed any enhanced——

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

Mr. BRUCE. I am sorry, but my time is so limited that I am afraid I will not be able to cover the ground which I have in mind if I should yield. If the special risks to which the railway postal clerk is exposed are to be taken into account, then that condition should be made up to him in increased compensation rather than in an acceleration of the age of retirement.

When it comes to the minimum age for other employees, it seems to me that nobody engaged in any sedentary or reflective, if I may use such an expression, occupation under the National Government should be allowed to retire before 65.

The man engaged in such an occupation is under no great physical strain. He ought at 65 to have sufficient vital resources to enable him to go along effectively with his quiet work. All that we have to do to realize how useful an individual may be at a much more advanced age than that is to look around the Senate Chamber and note the considerable number of Senators here who are active and capable and useful in the highest degree and yet have passed the age of 65.

Apparently the members of the committee have been just a little influenced in fixing different age limits under this bill by their own relative degrees of physical strength. John Stuart Mill said on one occasion that it was ludicrous to observe how strongly a man's general ideas about women are affected by what he happens to know of his own wife. In the same way it seems to me, forming my opinion from the divergencies of opinion that have developed between members of the committee, that one member of it who was not feeling particularly well on the last day that the pending bill came up in committee must have been disposed to fix the ages of retirement under it at considerably lower levels than some other member of the committee who was feeling particularly well on that day.

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

Mr. STANFIELD. Mr. President, I propose the amendment, which I send to the desk.

The PRESIDING OFFICER. The Senator from Oregon offers an amendment which the Secretary will state.

The READING CLERK. On page 2, line 2, it is proposed to strike out "sixty-three" and insert "sixty-five"; in other words, in lieu of the age proposed to be fixed by the committee to insert "sixty-five."

Mr. STANFIELD. Mr. President, as I have previously explained, I am not offering this as a committee amendment, but I am offering it as my own amendment, after consulting with those who were opposed to the bill by reason of the age limit recommended on the part of the committee. I have discussed it also individually outside of the committee meeting with a number of the members of the committee, and I think a majority of the committee are of the same opinion as the chairman that it will be expedient to accept this amendment. I hope the amendment may be adopted.

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

Mr. STANFIELD. Yes.

Mr. SMOOT. Is it not also true that the representatives of the employees of the Government accepted the limit of 65 years?

Mr. STANFIELD. I will say that a number of the representatives of the Government employees said that they hoped that the amendment would be accepted.

Mr. FLETCHER. Mr. President, I presume it is utterly impossible to pass a bill which will meet every particular case and serve every individual instance. About the only thing we can do is to legislate in a way that will meet the situation as to a majority of the cases.

I am very glad to hear that the employees of the Government have indicated, through their representatives, that they are satisfied with this amendment; and I do not propose to urge any objection to it, further than to say that there are instances where hardships will be worked, I think, in view of the raising of the age limit to 65.

There are some cases, perhaps not a great many—I hope not—that might be illustrated by this instance: A faithful and efficient employee of the Government has been serving 35 years. He is now 59 years of age. He suffers from heart trouble and some other troubles, perhaps. If he were allowed the privilege of retiring in another year, when he will be 60 years of age, he would receive $1,200 instead of $720, and that situation would serve his case very justly and properly. If he has to live until he is 65 before he can retire, he may not make the grade, and perhaps he will be in the position that the Senator from New York [Mr. COPELAND] has referred to—of receiving death benefits instead of retirement benefits.

There may be a good many instances of that kind, men who probably can not live to be 65 years of age on account of their physical condition, and who would get the benefits provided under this bill if the age were 60 instead of 65. I do not know

that there are many instances of that kind; but, as I say, we can not pass legislation to meet every particular case, and we will have to pass a law that will meet the large majority of the cases.

I wanted to mention that case because I happened to know of it. As I say, very likely there are others. Here is a man who has already served 35 years, and if he has to serve 6 years more he will have served 41 years before he will be able to retire under this bill, and his condition of health now is such that he may not live that long. There may be a number of instances of that kind.

I should like, if we could, to meet situations like that one. I do not know that it is possible, but it is well to keep it in mind.

Mr. BAYARD. Mr. President, I should like to ask the chairman of the committee a question. As I understood him a moment ago, the Senator from Oregon stated that he had consulted with a number of the representatives of the employees, and that they were satisfied with this advance to 65 years. Is that right?

Mr. STANFIELD. That is correct. I am not implying that they were all satisfied, but a majority of those that talked to me were satisfied with this compromise, having in mind that they were more concerned about the passage of the bill and the relief growing out of the increased compensation that it will give them.

Mr. BAYARD. That is just what I wanted to bring out. In other words, they are not really satisfied with the advance to 65 years, but they are satisfied to take 65 years to get the general terms of the bill?

Mr. STANFIELD. The Senator's statement is correct.

Mr. BAYARD. In other words, it is a forced piece of satisfaction on their part. Practically speaking, that is what it is.

Mr. STANFIELD. They realize that almost all legislation is the result of compromise, and as a matter of expediency they are willing to accept this amendment, and most of them have expressed to me the hope that it would be done in order to get the benefits of the increased compensation.

Mr. BAYARD. In other words, it is a compromise to get the bill through?

Mr. STANFIELD. That is correct.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment offered by the Senator from Oregon to the amendment of the committee.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment as amended.

The amendment as amended was agreed to.

Mr. DALE. Mr. President, I desire to offer the amendment which I send to the desk, which I could not offer until the action that has just been taken by the Senate.

The PRESIDENT pro tempore. The Secretary will state the amendment offered by the Senator from Vermont.

The READING CLERK. On page 2, line 4, it is proposed to strike out "and railway postal clerks"; and on the same page, line 5, after the word "years," it is proposed to insert the following:

and railway postal clerks who shall have attained or shall thereafter attain the age of 60 years.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment proposed by the Senator from Vermont.

Mr. DALE. Mr. President, I have offered that amendment to meet exactly the class of cases cited by the Senator from Florida [Mr. FLETCHER]—the cases of men in the service whose lives will be imperiled if they are compelled to remain in the service a year or two years longer. The Senator from Florida said that he would like to reach those cases. Here is precisely the opportunity by which he may reach them.

The Senator from Maryland [Mr. BRUCE] made reference to instances of men who might be willing to retire at 60 years of age because of particular physical ailments. These are the men in that class. Any man who is familiar with the service knows—of course, as the Senator said, it does not matter whether he is an engine driver, or is in the Postal Service, or is a conductor, it may be, on a train—that they are all subject at that particular time in life, almost without a single exception, to some special, specific physical ailment. The Senator from New York [Mr. COPELAND] knows that much better than I do; and it is to reach just that class of cases that this amendment is offered.

Mr. SMOOT. Mr. President, the case referred to by the Senator from Florida [Mr. FLETCHER] does not happen to be the case of a railway mail clerk at all. This amendment does not affect that man in any way, shape, or form. It has no reference to any such case. This amendment simply means that there will be another age of 60 years provided in this bill for the railway postal clerks. The age under existing law is 62 years.

There is no need of saying anything further about the matter, so far as I am concerned. I simply express the hope that the age will remain as it is, 62 years; and I am opposed to the amendment.

Mr. STANFIELD. Mr. President, I hope Senators will not agree to this amendment. I have an amendment which I propose to offer immediately following the action on the amendment proposed by the Senator from Vermont. The amendment that he has proposed does not conform to the agreement that I think we have made in good faith with those who are opposed to the bill, and therefore I hope the amendment will be voted down.

Mr. COPELAND. Mr. President, we have not heard the amendment proposed by the Senator from Utah.

Mr. SMOOT. It was not proposed by the Senator from Utah.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Vermont.

Mr. HEFLIN. May it be stated?

The PRESIDENT pro tempore. The Secretary will restate the amendment.

The READING CLERK. On page 2, line 4, it is proposed to strike out the words "and railway postal clerks"; and on the same page, line 5, after the word "years," it is proposed to insert the following:

and railway postal clerks who shall have attained or shall thereafter attain the age of 60 years.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment offered by the Senator from Vermont.

Mr. DALE. I call for the yeas and nays on the amendment.

The yeas and nays were ordered and taken.

Mr. ERNST (after having voted in the affirmative). I have a general pair with my colleague [Mr. STANLEY], which I transfer to the senior Senator from Vermont [Mr. GREENE], and allow my vote to stand.

Mr. McNARY (after having voted in the negative). I transfer my pair with the senior Senator from Mississippi [Mr. HARRISON] to the senior Senator from Illinois [Mr. McCORMICK], and allow my vote to stand.

The result was announced—yeas 34, nays 46, as follows:

YEAS—34

Ball	Ernst	Ladd	Shortridge
Bayard	Ferris	Lenroot	Smith
Brookhart	Fess	Mayfield	Stephens
Capper	Fletcher	Neely	Underwood
Copeland	Frazier	Pittman	Walsh, Mass.
Couzens	George	Reed, Pa.	Weller
Dale	Gerry	Sheppard	Wheeler
Dill	Johnson, Minn.	Shields	
Edge	Keyes	Shipstead	

NAYS—46

Bingham	Glass	McLean	Simmons
Broussard	Gooding	McNary	Smoot
Bruce	Hale	Metcalf	Spencer
Bursum	Harreld	Moses	Stanfield
Butler	Harris	Oddie	Sterling
Cameron	Heflin	Overman	Swanson
Caraway	Howell	Pepper	Trammell
Cummins	Jones, Wash.	Phipps	Warren
Curtis	Kendrick	Ralston	Watson
Dial	King	Ransdell	Willis
Edwards	McKellar	Reed, Mo.	
Fernald	McKinley	Robinson	

NOT VOTING—16

Ashurst	Harrison	McCormick	Owen
Borah	Johnson, Calif.	Means	Stanley
Elkins	Jones, N. Mex.	Norbeck	Wadsworth
Greene	La Follette	Norris	Walsh, Mont.

So the amendment was rejected.

Mr. STANFIELD. I offer the amendment to the committee amendment which I send to the desk.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The READING CLERK. On page 2, line 5, of the original print, in lieu of the words proposed to be inserted by the committee, the Senator from Oregon proposes to insert "62," so that it will read "or shall thereafter attain the age of 62 years, and shall have rendered at least 30 years of service," and so forth.

Mr. KING. That is to conform to the other amendment?

Mr. STANFIELD. It is.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDENT pro tempore. The Secretary will state the next amendment passed over.

The READING CLERK. On page 17, line 4, after the words "United States," the committee proposes to insert the words "or Federal farm-loan bonds."

Mr. STANFIELD. This amendment simply leaves it to the discretion of the Secretary of the Treasury to invest this fund in Federal farm-loan bonds. It is not compulsory or mandatory. If he sees fit, he may purchase farm-loan bonds as an investment for the retirement fund.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. STANFIELD. I offer another amendment.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The READING CLERK. On page 21, line 19, after the word "Pensions," the Senator from Oregon proposes to insert the words "or the Comptroller General."

The amendment was agreed to.

Mr. STANFIELD. I offer a further amendment.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The READING CLERK. On page 21, line 19, the Senator from Oregon proposes to strike out the word "he" and to insert the word "either."

The amendment was agreed to.

Mr. STANFIELD. I send another amendment to the desk, which I desire to offer.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The READING CLERK. On page 21, line 15, strike out the words "loss of pay," so that it will read, "reinstatements, and such other information," and so forth.

The amendment was agreed to.

Mr. STANFIELD. I offer another amendment.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The READING CLERK. On page 21, line 17, strike out line 17 and the remainder of the paragraph, and insert:

be deemed necessary, and shall furnish the Commissioner of Pensions, the Comptroller General, and the Board of Actuaries, or either of them, such reports therefrom as they shall from time to time request.

The amendment was agreed to.

The PRESIDENT pro tempore. The bill is still in Committee of the Whole, and open to further amendment.

Mr. JONES of Washington. On page 6, line 4, after the words "*Provided*, That," I move to strike out the remainder of the paragraph, and to insert the following language:

Whenever a person is appointed, promoted, or transferred from the competitive classified civil service of the United States, subject to the retirement act, to the office of postmaster, he shall hold such office subject to all the provisions and requirements of the civil service act of January 16, 1833, and amendments thereto and without a fixed tenure.

Mr. FLETCHER. Will the Senator please state what that means?

Mr. JONES of Washington. The language which I ask to have inserted simply provides, that when a person is taken from the classified service, a clerk in the post office, for instance, under the civil service, and is made a postmaster, he holds that position under the classified service without a fixed tenure. This would place such a person, promoted in that way, under the civil service. As it is now, as I understand it, if a person is taken from the classified service and made a postmaster, he holds the office for a fixed tenure, for four years. Then he goes out, possibly goes back to his original position under the civil service, or he may go out entirely. This amendment provides that when a person is taken from the classified service and promoted and made a postmaster, he shall continue as a civil-service postmaster.

Mr. STANFIELD. Mr. President, I hope the amendment will be rejected. It has not had the approval of the committee, nor was it the opinion of the committee that fourth-class postmasters should come under the provisions of this bill. The committee amended the bill on page 6, where this amendment is proposed to be inserted, for the very purpose of keeping out fourth-class postmasters. I hope the amendment will be disagreed to.

Mr. SMOOT. Mr. President, I express the hope that the amendment will not be agreed to. It affects only cases where men are taken out of the civil service to accept promotions as postmasters. When a man leaves the classified service, under the existing law, he can demand all that he has paid into the annuity fund, with 4 per cent interest, compounded annually. He does not lose a single cent. If he does not want to leave the service and get the promotion to postmaster, he need not go out. Why pick out a man who is promoted to the position of postmaster? He is not losing anything. The Government pays back all he has contributed to the annuity fund, with 4 per cent interest compounded annually. I think the adoption of this amendment would be a very unwise thing.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. HEFLIN. Mr. President, the amendment of the Senator from Washington is a dangerous amendment. A great many postmasters do not get their appointments in that way, as the long list of men and women we are dealing with in the Postal Service indicates. Under the amendment men would be appointed to the office of postmaster for a term of 4 years who have not been in the Postal Service, are not in the Postal Service, and never have been before and probably never will be again. The amendment of the Senator from Washington practically makes such a man an officer for life in the Postal Service.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Washington.

The amendment was rejected.

Mr. OVERMAN. Mr. President, I submit an amendment which I have shown to the chairman of the committee, and which I hope he will accept on behalf of the committee.

The PRESIDENT pro tempore. The amendment will be stated.

The READING CLERK. Add a new section as follows:

SEC. —. And it is hereby provided that any person who may establish to the satisfaction of the Commissioner of Pensions that such person served the Government as a civil-service employee for more than 32 years after such person was appointed on March 9, 1886, and before such person resigned on August 31, 1919, and that such person resigned on the eve of becoming entitled to retired pay under the act of May 22, 1920, because of physical disability reasonably attributable to the overstrain of war work and extra hours of service required by the War Department, shall be entitled to the same annuity herein provided for in the case of retirement after 30 years' service from a position of the same class in which such person last served: *Provided*, That such annuity shall be subject to similar deductions and offset charges that are required in the case of civil-service employees of restored status.

Mr. SMOOT. Mr. President, this is a general bill, and we can not take up individual cases in it. I would like to do anything in the world for my colleague from North Carolina, but——

Mr. OVERMAN. The woman whose case is covered by the proposed amendment is not a constituent of mine. She is a poor old woman in the city of Washington who has served the Government for 32 long years. During the war she broke down, just a few days before the retirement law went into effect, and she had to get out of the service on the advice of her doctor. There is not another case like it in Washington or in the country.

Mr. SMOOT. Let me suggest to the Senator that this is an increase of salaries bill. Let us introduce a bill to meet her case alone.

Mr. OVERMAN. Will not the Senator let it go to conference?

Mr. SMOOT. We are in hopes that the bill will not have to go to conference. The session is drawing to a close, and we do not want anything in the bill to compel it to be sent to conference and that may require it to be sent back to the House or the Senate. I will support the bill if the Senator will introduce it as a special bill, but let us not get individual cases into this general legislation.

Mr. STANFIELD. I am heartily in sympathy with the proposed amendment; but we have a number of similar cases, and, as the Senator from Utah has said, this is general legislation, so I think it would be a great mistake to load the bill down with amendments applying to individual cases. We hope to bring out a number of bills to take care of cases such as the one referred to in the amendment. I hope the amendment will not be agreed to.

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the Senator from North Carolina.

The amendment was rejected.

Mr. McKELLAR. Mr. President, I desire to ask the chairman of the committee a question. On page 7 of the bill there is an amendment which has been offered and which has been adopted. I would like to understand the meaning of the lan-

guage "not exceeding $1,800" and the striking out of the proviso on page 8. Will the Senator just explain why the change was made?

Mr. STANFIELD. The maximum now is based on 75 per cent of $1,800, and in order to simplify the language it has been inserted there that it shall be $1,800, which makes it a positive provision.

Mr. McKELLAR. If the proviso had been left in, "*Provided, however*, That no employee with less than 25 years' service shall receive more than 75 per cent," and so forth, would not that have had the same effect?

Mr. STANFIELD. No; it would not.

Mr. McKELLAR. Why not?

Mr. STANFIELD. An employee with less than 30 years' service might have received the maximum annuity without this provision.

Mr. McKELLAR. What about the employee who has been there 15 years?

Mr. STANFIELD. That is provided for in section 2 of the bill.

Mr. McKELLAR. I am not absolutely sure about it, but I suppose it can be taken up in conference at any rate.

Mr. STANFIELD. Yes.

Mr. McKELLAR. If we find that it does not mean exactly what the Senator has stated it does mean, we will have the right to take it up in conference.

The PRESIDENT pro tempore. If there are no further amendments to be offered as in Committee of the Whole, the bill will be reported to the Senate.

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.

TRAFFIC REGULATIONS AND ADDITIONAL COURT OFFICERS

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 4207) to provide for the regulation of motor-vehicle traffic in the District of Columbia, increase the number of judges in the police court, and for other purposes.

Mr. BALL. Mr. President, perhaps I had better explain the amendments. Amendment No. 1 strikes out "10" and inserts "9" in the provision with reference to court beginning at 9 o'clock in the morning and continuing until late in the evening.

Amendment No. 2 decreases the number of clerks. In the Senate bill we had provided for six and the House has reduced it to two. In the matter of additional bailiffs the Senate bill provided for four and the House has reduced it to two.

Amendment No. 4 is the insertion of a new section 4, which in effect amends the code so as to permit a trial by jury. Under the code whenever the fine is $50 or imprisonment for 30 days a jury trial may be had. The House has amended that so as to permit a jury trial only where the fine is $300 or the imprisonment for 60 days. Of course, whenever a person demands a jury trial he gets it.

Amendment No. 5 is merely changing the number of the section.

Amendment No. 7 strikes out "an assistant chief of police, to be known as the," and leaves the language as the Senate originally had it, providing merely for the appointment of a director of traffic.

Amendment No. 8, on page 7, in line 8, after the word "advisable," is to insert "and shall remain in force until revoked by the director with the approval of the commissioners," which is a perfectly proper amendment.

Amendment No. 9 is merely changing the number of the section.

Amendment No. 10 strikes out the word "annually."

Amendment No. 11 strikes out the word "may" and inserts the word "shall," providing that the examination under certain conditions shall be made if they are merely appealing for a second permit.

Amendment No. 12 strikes out "for a period not in excess of one year," as it refers to operators' permits, and inserts "unless written complaint is made and filed with the traffic director; and in all such cases the applicant shall have reasonable opportunity to show that he is a fit person to operate a motor vehicle."

Amendment No. 13 leaves the fee at $2.

Amendment No. 14 inserts a provision "That this shall not apply to transient visitors from States in the Union." That applies to the fine for failing to comply with the requirement for a new permit, and exempts those coming from other States who are merely visitors in the District.

Amendment No. 15 provides for the issuance of permits without an examination.

Amendment No. 16 provides for the reissue of permits without a further examination, "unless the director has information that the applicant is not a fit or suitable person to whom license should be issued."

Amendments 18 and 19 merely change the number of the paragraph.

Amendment No. 20 strikes out "30" and inserts "22." That has reference to the speed limit. The Senate bill provided for a speed limit of 30 miles and the House reduced it to 22. Personally, I think that is wrong.

Mr. SMITH. In what zone would that apply?

Mr. BALL. That would apply in any zone.

Mr. SMITH. Twenty-two miles an hour?

Mr. BALL. Yes. The bill provides for boulevards. The Senate bill, which I think was very proper, provided for a 30-mile speed limit on them; but rather than take the chance of getting no bill by throwing it into conference in the closing days of the session, I thought it better to amend the law after the boulevards shall have been established.

Mr. McKELLAR. Does that apply to those who drive fire engines and hospital ambulances?

Mr. BALL. I think it applies just the same to them as it does to other vehicles.

Mr. McKELLAR. I am quite sure of that.

Mr. DILL. Nowhere in the District can a machine be driven at more than 22 miles an hour?

Mr. BALL. According to the bill.

Mr. DILL. What section is that?

Mr. BALL. That is section 9 as amended.

Amendment 21 is merely a change in the number of the section.

Amendment numbered 22 changes the penalty for the hit-and-run offense. It provides a prison term for the operator who runs away after he strikes another machine or person.

The second offense will be punished by imprisonment and additional fines. There are only two prison offenses provided for by the bill as passed by the House. One is where a driver strikes and injures another person and runs away, and the other is in the case of a person operating a machine while intoxicated.

Mr. McKELLAR. Mr. President, if the Senator will allow me, I desire to say that I think both of those amendments are very good ones, and I have no objection whatever to them.

Mr. BALL. I am very glad to hear the Senator say that.

Mr. McKELLAR. However, when it comes to providing for a separate police department and a separate traffic department, as is provided in the bill, and then increasing the number of traffic policemen by 100 per cent, it seems to me those matters ought to be thrashed out.

Mr. BALL. Would it not be better for me to go on and state the other amendments?

Mr. KING. May I say to the Senator from Delaware that if he hopes to have the conference report adopted now he is mistaken. I suggest that the bill ought to go to conference, and I move that the bill be sent to conference.

Mr. BALL. Will the Senator state his objections to the amendments as I have explained them?

Mr. KING. I am not called upon to state my objections. The bill had better go to conference.

Mr. SHORTRIDGE. Mr. President——

Mr. KING. It will take too much discussion here now.

Mr. BALL. If the Senator will allow me to read the language of the section to which he objects, I am sure his objection will be withdrawn.

Mr. KING. The Senator is too optimistic.

Mr. DILL. I wish to say to the Senator from Delaware that I am not going to consent to the imposition of a 22-mile limit in the District of Columbia without a vote on it. The proposition is absolutely ridiculous.

Mr. KING. I desire that the bill shall be referred to a conference committee.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Utah that the Senate disagree to the amendments of the House and ask for a conference.

Mr. BALL. I move that the Senate concur in the amendments.

Mr. KING. Of course, that is debatable.

The PRESIDENT pro tempore. The Chair is of the opinion that this debate is all proceeding by unanimous consent.

Mr. KING. Then, I object, Mr. President.

The PRESIDENT pro tempore. Then, upon objection, the regular order must be resumed which is the unfinished busi-

ness, and the Chair lays before the Senate the unfinished business.

Mr. BALL. We should take some action on the House amendments. I move that the Senate disagree to the amendments of the House of Representatives, ask for a conference on the disagreeing votes of the two Houses, and that the Chair appoint the conferees on the part of the Senate.

Mr. KING. I am happy to assent to the view of my learned friend.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Delaware that the Senate disagree to the House amendments, ask for a conference with the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and Mr. JONES of Washington, Mr. CAPPER, and Mr. KING were appointed conferees on the part of the Senate.

Mr. JONES of Washington subsequently said: Mr. President, I understand that a few moments ago the conferees were appointed on the traffic bill, and that I was made chairman of the conference committee. The Senator from Delaware [Mr. BALL] has given months to the consideration of this problem, and I feel that he should be at the head of the conference committee. He ought to be. I think probably his views and mine are very much in accord, and if, because of his views, he should not head this committee, I should not do so. I want to ask that the committee of conference be made up of five members, of whom the Senator from Delaware shall be the chairman, and that the other members be suggested by him.

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

Mr. BALL. Mr. President, I feel that I should not go on the conference committee, for the reason that on the one point at issue I agreed with the House and not with the Senate. For that reason I do not feel that I would be competent to sit as a conferee. I am satisfied that there is only one amendment in the whole bill that is really at issue, and that is the matter of the director of traffic.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from Washington? The Chair hears none.

Mr. KING. Mr. President, of course whatever the Senator from Delaware is willing to do will be entirely satisfactory to me. I assume, of course, that the Senator from Delaware, respecting the traditions and the precedents and the unwritten law of the Senate, will use his best endeavors to execute the will of the Senate as expressed upon the point to which he has just referred. I know his moral and mental integrity, and I am perfectly willing that the Senator from Delaware should head the committee.

The PRESIDING OFFICER. There is no objection heard. The Chair appoints the following Senators as managers on the part of the Senate: The Senator from Delaware [Mr. BALL], the Senator from Washington [Mr. JONES], the Senator from Kansas [Mr. CAPPER], the Senator from Utah [Mr. KING], and the Senator from Texas [Mr. SHEPPARD].

APPROPRIATIONS FOR THE STATE AND OTHER DEPARTMENTS

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives receding from its disagreement to the amendment of the Senate No. 1 to the bill (H. R. 11753) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1926, and for other purposes, and concurring therein; receding from its disagreement to the amendment of the Senate No. 24 and concurring therein with an amendment as follows: In line 13 of the Senate amendment, after the word "vessel," insert the following: "within the territorial waters of the United States."

Mr. JONES of Washington. Mr. President, the House amendment is to the immigration item that was put on the bill making appropriations for the Department of State and other departments. The House agrees to the Senate amendment with a limitation. The amendment, which is on page 90, in line 14, reads:

(2) To board and search for aliens any vessel, railway car, conveyance, or vehicle, in which he believes aliens are being brought into the United States.

After the word "vessel" the House inserted the words "within the territorial waters of the United States." It seems to me that is entirely proper; I doubt if a vessel could be searched outside of territorial waters even if we did not have that language in it; so I think the Senate should concur in the amendment of the House.

Mr. KING. Mr. President, I should like to ask whether the Senator from California [Mr. JOHNSON], the chairman of the Committee on Immigration, has been advised with regard to this amendment?

Mr. JONES of Washington. I advised the Senator from Ohio [Mr. WILLIS] of it, because he proposed the amendment in the Senate.

Mr. WILLIS. I have conferred with the Senator from California, and have apprised him of the nature of the amendment. He agrees with the Senator from Washington that it is not objectionable and if adopted will not interfere with the purposes of the immigration amendment that was agreed to.

The PRESIDENT pro tempore. The question is on concurring in the amendment of the House of Representatives to the bill.

Mr. KING. Let the amendment be read, so that the full effect of it may be understood.

The PRESIDENT pro tempore. If objection is made, the matter can only proceed by unanimous consent, and the Chair lays before the Senate the unfinished business.

Mr. KING. There is no objection. I merely asked to have the amendment read in order that we may know the nature of it. No objection has been offered. There is a great deal of difference between an objection and an inquiry as to facts about the case.

The PRESIDENT pro tempore. Very well. The Secretary will state the amendment proposed by the House of Representatives.

The READING CLERK. In line 15 of the Senate amendment, after the word "vessel," it is proposed to insert the words "within the territorial waters of the United States."

Mr. JONES of Washington. I move that the Senate concur in the amendment of the House.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Washington.

The motion was agreed to.

ISLE OF PINES TREATY

Mr. PEPPER. Mr. President, I move that the Senate in open executive session proceed to the consideration of the pending treaty between the United States and Cuba.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Pennsylvania that the Senate in open executive session proceed to the consideration of the Isle of Pines treaty.

The motion was agreed to; and the Senate, in open executive session and as in Committee of the Whole, resumed the consideration of the treaty between the United States and Cuba, signed on March 2, 1904, for the adjustment of title to the ownership of the Isle of Pines.

Mr. HEFLIN. Mr. President, I think a good many Members of the Senate a moment ago voted under a misapprehension of just what the situation was. I can not believe that a majority of Senators here intended to take up the Isle of Pines treaty at this time in preference to the river and harbor bill. That bill is of vast importance to the people of the whole country. I had no idea that the Senator from Pennsylvania was going to make such a motion. I thought he had in mind the banking bill. I have talked to Senators here since the vote was taken who did not know what the question was. I hope the Senate will not proceed, as it is about to do, with the Isle of Pines treaty. We can consider that treaty when we assemble here in special session after the 4th of March following the adjournment of the present Congress. I wish now to sound this note of warning to Senators who are voting for this procedure, that they are driving nails in the coffin of the river and harbor bill.

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

Mr. HEFLIN. I am glad to yield to the Senator from Arkansas.

Mr. ROBINSON. Mr. President, the treaty with Cuba relating to the Isle of Pines has been pending in the Senate of the United States for more than 21 years. This treaty was made a special order of the Senate some weeks ago, and its provisions were discussed at length by a number of Senators. Certainly the time has come when the Senate of the United States should make some disposition of the treaty. It does not reflect credit upon the efficiency of this body in its dealings with foreign governments to keep pending before the Senate a subject of this nature; nor do I believe it is just to foreign countries whose interests are involved in treaties to prevent a de-

cision of important questions affecting our relations with them.

This treaty in a moral sense, as well as in a technical sense, is the unfinished business of the Senate of the United States. If an agreement to vote upon the treaty can be reached, an arrangement of that sort ought to be effected immediately, and I inquire of my friend, the Senator from Alabama, whether he can suggest a unanimous-consent agreement or will entertain a suggestion for such an agreement to test the sense of the Senate upon advising and consenting to the ratification of the Isle of Pines treaty?

Mr. HEFLIN. Mr. President, so far as I am individually concerned, I have no objection if we can agree on some time toward the end of the session to vote on the treaty. I have no desire merely to hold it up, but my suggestion was that we could dispose of the treaty after the present Congress adjourns and the Senate is called in special session after the 4th of March. At that time, of course, we can not take up the river and harbor bill.

Mr. ROBINSON. Suggestions similar to that have resulted in the delay of over 21 years in the settlement of this very simple question. I repeat that we ought to take action concerning this treaty. We ought not to insist upon deferring it from session to session, from year to year, if we want the people of the United States to respect the Senate of the United States as an essential part of the treaty-making power.

The *questions* involved in the treaty are simple; issues of fact may be considered and determined; but no consideration sounding in the interests of the United States or in the interests of Cuba can justify further delay in voting upon the question whether the United States shall keep faith with the Republic of Cuba, which was brought into existence through the activity of the United States.

I ask unanimous consent that on next Friday the Senate shall meet at 10 o'clock a. m. and proceed to the consideration of the pending treaty, and that before the expiration of that calendar day the Senate shall proceed to vote upon the question, Shall the Senate advise and consent to the ratification of the treaty?

The PRESIDENT pro tempore. Is there objection?

Mr. SIMMONS and Mr. BORAH addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. BORAH. The Senator from North Carolina was addressing the Chair before I rose, and I yield to him.

Mr. SIMMONS. I yield to the Senator. I assume he wants to say about the same thing I do.

Mr. BORAH. I presume so. All I wish to say is that if the proposed unanimous-consent agreement could be made to include a sufficient length of time to enable the Senate properly to discuss this question I do not think I should object to it.

Mr. ROBINSON. Mr. President, will the Senator yield there?

Mr. BORAH. Yes.

Mr. ROBINSON. My proposition is to proceed at 10 o'clock a. m. on Friday next to the consideration of the treaty and vote not later than 12 o'clock at night, which would give 14 hours for the consideration of the treaty. I made the proposition liberal so as to preclude any question of an attempt to shut off fair debate. Certainly 14 hours additional debate on the question before the Senate would be adequate, and I myself would be willing to waive, if necessary, any privilege of debate in order to secure a vote on the treaty.

Mr. BORAH. Mr. President, if other conditions here were as they generally are when we are in the midst of a session or before the closing days of the session, the Senator's proposition would be very fair; but in the closing days of the session, with the multitude of matters to engage our attention both on the floor and off the floor, it is impossible to give the consideration to it which it should have in that time.

Mr. President, we are going to meet here on the 4th day of March in an extra session of the Senate. The treaty can be brought up at that time. There will be practically nothing else to engage our attention, and we can dispose of it within a few days at most, whether there is an agreement to vote or not.

Mr. CURTIS. Mr. President, would the Senator agree to a vote, say, five days after we meet?

Mr. BORAH. I do not know whether I would or not, but I will agree to cooperate with the Senators in bringing the treaty before the Senate and keeping it before the Senate until it is disposed of.

Some people think that this is a simple matter. It may be a simple matter, but it is a matter about which some of us feel very keenly and very deeply. Therefore I do not want to enter into an engagement which would preclude offering reservations and considering them in a proper way, but I have no desire at all to prevent the disposition of this matter, provided we can do so under circumstances which will admit of full discussion and debate.

Mr. ROBINSON. Mr. President, will the Senator yield for a question?

Mr. BORAH. Yes.

Mr. ROBINSON. There will not be, I believe, the slightest disposition to resist any arrangement that will effectuate a vote on this treaty; and if an agreement can be reached to take a vote during the special session which the Senator contemplates will be called, I shall be glad to cooperate in an effort to make the arrangement. If the Senator will himself suggest the terms and conditions under which the final vote may be taken in the special session, I shall be glad to have him do so; otherwise I myself will make a proposition.

Mr. BORAH. Mr. President, I will make a suggestion to the Senator after I have an opportunity to confer with some of those who are interested in the matter, but I can not do it at this moment while I am standing on the floor. I will say to the Senator, however, speaking for myself, that my vote will always be recorded for bringing this treaty forward and keeping it before the Senate until it is disposed of at the special session. I can say that; but as to making an agreement now, I would not be able to do that without consulting some of my friends.

Mr. ROBINSON. In that view of the matter and in the hope that an arrangement for a vote may be made that will be satisfactory to practically all Senators, I suggest to the Senator from Pennsylvania [Mr. PEPPER] that he move to proceed to the consideration of the banking bill.

Mr. BORAH. Then we will have to go back into legislative session.

Mr. ROBINSON. Yes; my suggestion is that we proceed to the consideration of the banking bill in legislative session.

Mr. PEPPER. Mr. President, am I right in understanding from what has last been said by the Senator from Idaho that a real effort will be made to come to an understanding respecting a program which will give us reasonable assurance that, if not during the present session, at least during the special session, this matter may come before the Senate for decisive action?

Mr. ROBINSON. Mr. President, if the Senator from Idaho will be kind enough to yield to me further, I think the arrangement is that those who represent the opposition to the treaty and who are especially interested will confer and probably later submit a proposition fixing a time to vote; and in the hope and expectation that an agreement will be reached I have made the suggestion that the Senate proceed to the consideration of other business.

Mr. CURTIS. At any rate, Mr. President, there will be an agreement to proceed immediately or early after the convening of the extra session to the consideration of the proposition with a view to having it settled?

Mr. ROBINSON. No, Mr. President.

Mr. BORAH. Senators need not be so sensitive about this agreement. They have the majority here to bring up the treaty at any time, and I will vote with them to bring it up at any time, and I will vote to maintain it before the Senate all the time. That is as far as I can go individually.

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

Mr. BORAH. Yes.

Mr. ROBINSON. The committee of which the Senator from Idaho is chairman has reported this treaty favorably some three or four times. It never has made an unfavorable report. The same conditions that exist now have prevented the final disposition of the treaty until I think it has become a subject justifying serious criticism of the Senate, and my thought is that the time has come when a definite arrangement ought to be made. We have no disposition to restrict debate or to prevent any Senator from expressing his opinion fully on the subject. The object is to get action one way or the other by the Senate of the United States.

Mr. BORAH. I have said all I can say—that I will confer with those who are interested in the matter and see if we can arrive at a conclusion as to a definite agreement.

Mr. ROBINSON. That is satisfactory.

Mr. BORAH. I have stated my personal position as far as I can, and that is that when the treaty can be brought before the Senate and kept before the Senate, so that we may discuss it, I am perfectly willing that it shall draw to a conclusion and be voted upon. I have never joined in a filibuster in 18 years.

Mr. SWANSON. Mr. President, will the Senator yield a minute? This treaty was put off at the last long session of

the Senate because it was made the first unfinished business at this special session. Then another agreement came in.

Mr. BORAH. Mr. President, let me say a word there. This treaty was put on the calendar on December 10. For four weeks thereafter another matter was before the Senate. It had as a matter of fact lost its place upon the calendar.

Mr. SWANSON. The Senator is mistaken in that respect. This is open executive business and the other was the unfinished business in legislative session, and a privileged motion could have been made at any time to proceed to the consideration of executive business.

Mr. BORAH. It was agreed upon all hands, however, that we would not interfere with Muscle Shoals. Nobody sought to interfere with it; and so far as I know there has not been the slightest coloring of a filibuster against this proposition, and there will not be so far as I am concerned.

Mr. SWANSON. I am satisfied that the Senator is correct in that statement, but I do not know to what extent it might include others who desire to delay action on this treaty. I have no objection to its coming up at the special session if we have any assurance that it will be disposed of at the special session and not delayed and delayed and delayed, as it has been for 21 years. Every time it has come up it has been delayed in this way by somebody wanting to speak, somebody wanting to get better satisfied as to its provisions and the effect of it, and wanting an investigation. I think the time has come to dispose of this treaty one way or the other, and all I want is to have an agreement that after a certain length of time in the special session it will be disposed of, so that Senators will know what that time is and remain here and do it.

It seems to me that the right course to pursue, so as not to let this matter interfere with other business, is to adopt the suggestion made by the Senator from Idaho that he would see those who cooperate with him in opposition to this treaty and submit a proposition as to a time at the special session at which we can vote on this treaty.

Mr. SMITH. But the point is, at what time does the Senator think he would be ready after he has his conference with his colleagues who are of the same opinion as himself? What length of time does he think would be necessary? We have but a very few more days before we adjourn.

Mr. BORAH. I will report, so that my integrity of purpose will not be called in question.

Mr. SMITH. It was not that. I was wondering if it would not be possible for it to be within the next three or four days, on account of the pending bills.

Mr. BORAH. Why, certainly. It is liable to be in the next three or four hours; certainly to-morrow some time.

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

Mr. BORAH. Yes.

The PRESIDENT pro tempore. To whom does the Senator from Idaho yield?

Mr. BORAH. I yield to the Senator in charge of the treaty.

Mr. PEPPER. Mr. President, it seems to me that the hearty assurance of a desire to cooperate in this matter is all that Senators may possibly expect from the Senator from Idaho, and, coming from such a source, it seems to me that it ought to be conclusive; and if I gain the floor in my own right I shall move, in accordance with the suggestion made a few moments ago, that the Senate proceed as in legislative session with the consideration of House bill 8887.

Mr. BORAH. I will yield to the Senator for that purpose in just a moment.

Mr. DILL. Mr. President, I desire to make a suggestion. Is it or is it not a fact that this Senate can not make a unanimous-consent agreement as to the date of a vote in the next Senate? This Senate ends on the 4th of March, and one-third of the present Senators will not be here after that time.

Mr. SWANSON. If the Senator will permit me, the executive business of the Senate does not expire at the end of a session. The treaties do not expire.

Mr. DILL. But one-third of the membership ends.

Mr. SWANSON. The legislative business is the only part that expires.

Mr. BORAH. I have an idea that if we could come to an understanding here, it would be carried out.

Mr. SWANSON. It has been uniformly held, on the executive side, that the Senate is a continuing body.

The PRESIDENT pro tempore. The Chair understands the Senator from Idaho to object to the proposed unanimous-consent agreement.

Mr. BORAH. At the present time I do not understand that there is any request pending.

Mr. ROBINSON. I do not press the request in view of the suggestion which has been made and the tentative arrangement that has been entered into. Unless an agreement is reached within a reasonable time, of course, I may renew the request for a vote at this session.

Mr. BORAH. Very well.

Mr. ROBINSON. But if a vote can be had in the extra session, after reasonable consideration of the treaty, I shall be glad to effectuate that arrangement. I shall be entirely satisfied with it.

AGRICULTURAL RELIEF LEGISLATION

Mr. BORAH. Mr. President, the treaty matter having been temporarily disposed of, while I am on my feet may I say a word about another matter?

We are now within four or five days of the close of the session. We can scarcely regard Monday and Tuesday as anything in the nature of a time when we can consider anything seriously with reference to legislation. Anything that is going to have really serious consideration or extended discussion must be considered between now and Saturday night. We have about four days, and nothing has been as yet advanced in the way of legislation with reference to agricultural matters.

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

Mr. BORAH. Yes.

Mr. CURTIS. I understand that the House will likely vote to-morrow upon the bill that was introduced to carry out the recommendations of the agricultural commission. I have suggested to the steering committee that they be ready to take up that question, and that we proceed at the very first moment to take up the Senate bill—which, I understand, is substantially the same as the House bill—and substitute the House bill for the Senate bill, and proceed with it with a view of having it enacted before we adjourn.

Mr. BORAH. Mr. President, I certainly do not wish to be understood as criticizing, either directly or indirectly, expressly or impliedly, the action of the majority leader, who is not only efficient but is accommodating to everybody. Nevertheless, Mr. President, to call up this cooperative marketing bill and consider it for a day or two days and pass it, in my judgment, would not be to legislate intelligently upon this subject at all. It is far better for the farmers that they be postponed for another year than to be fed upon an undigestible proposition, or one which has not been considered with the degree of deliberation which is necessary in order to dispose of this kind of a subject.

If we wait until the House bill comes over here and then take up this matter for the first time for discussion and consideration, we are going to pass here a bill which will not have even the approbation of the Senate, but one which will receive its approval rather through sheer expediency, merely to get rid of it.

I think, Mr. President, and I want to repeat it here, because I am going to repeat it many times before next fall, that instead of having an extra session of the Senate we ought to have an extra session of Congress, where we can deal with this subject in a way that the subject demands that it shall be dealt with. To take up this legislation with the river and harbor bill, the Cape Cod bill, the appropriation bills, and these other matters crowding in upon us and urging us to action, is simply to pass here a bill which is a sheer matter of expediency and nothing else. The only thing it will likely have in it that anybody knows definitely about is a commission with salaries of $12,000 apiece for the members of the commission.

We ought to have time to consider it, and to consider it for days, to consider it in a way that the subject demands, and we can not do it, in my judgment, at this special session. I have lost considerable interest in it by reason of that fact, but I have not lost interest in the fact that we ought to have a special session of Congress. For the Republican majority, sent here by the tremendous majority which it received, with a pledge to the voters that this legislation would be enacted, to go home and remain in idleness until next December is a betrayal of the public trust, and will in time receive the condemnation it invites. When I think of the detriment which may come to thousands of our people, of the sacrifices which they may be compelled to make, I am at a loss to know how we can go home and idle away our time and, if our corroded sense of duty will permit it, to enjoy our vacation for months.

NATIONAL BANKING ASSOCIATIONS AND FEDERAL RESERVE SYSTEM

Mr. PEPPER. Mr. President, in compliance with the suggestion I made a moment ago when the Senator from Idaho yielded to me, I now, if recognized in my own right, move that the Senate proceed as in legislative session to the consideration of House bill 8887, being the bill for amending the provisions of the national banking act.

The PRESIDENT pro tempore. The Senator from Pennsylvania moves that the Senate proceed to the consideration of legislative business.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8887) to amend an act entitled "An act to provide for the consolidation of national banking associations," approved November 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.

Mr. CURTIS. Mr. President, I ask unanimous consent that when the Senate concludes its business this afternoon it adjourn until 11 o'clock to-morrow morning.

Mr. WADSWORTH. May I ask how long the Senator from Kansas expects the Senate to stay in session this evening?

Mr. CURTIS. I thought we would stay in session until about 7 o'clock.

Mr. WADSWORTH. I am very glad to know that.

Mr. ROBINSON. I suggest to the Senator from Kansas that he modify his request so as to provide for adjournment at 7 o'clock, in order that Senators who have other engagements for the evening may carry them out.

Mr. CURTIS. I am perfectly willing to do that. I will change the request and ask that at not later than 7 o'clock the Senate shall adjourn until 11 o'clock to-morrow morning.

The PRESIDENT pro tempore. The Senator from Kansas asks that the Senate adjourn at not later than 7 o'clock this evening until to-morrow at 11 o'clock. Is there objection? The Chair hears none, and it is so ordered.

Mr. PEPPER. Mr. President, I suggest that a stage has been reached in our discussion of this measure at which it is proper to proceed with the consideration of the committee amendments. If the Chair thinks proper, I suggest that we proceed with the committee amendments.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment proposed by the committee on page 9, which is the equivalent of a motion to strike out and to insert.

Mr. PITTMAN. Mr. President, I desire to address myself to the first amendment proposed by the committee, found on page 5 of the bill. I am in favor of the amendment if its construction is such as was stated last night by the Senator from Pennsylvania [Mr. PEPPER] and the Senator from Virginia [Mr. GLASS]. I must confess, however, that I can not construe the language of the amendment as it is construed by the Senator from Pennsylvania. The language proposed to be stricken out of the bill as it passed the House does accomplish the purpose stated by the Senator from Pennsylvania and the Senator from Virginia. The amendment does not accomplish the purpose. Let me explain what I mean. There is a limitation in this bill as to the number of branch banks which may be established. It is a very important limitation. As far as I am concerned, if that limitation were not in the bill, I would not need to go further to find opposition to the measure.

Last night reference was made to the Bank of Italy, of California, and inquiry was made as to what would be the result on the branches of that bank of the consolidation of the bank with a national bank in San Francisco. It was stated, as I understood, by the Senator from Virginia, that in the event of such a consolidation the hundred branch banks of the Bank of Italy outside of the city of San Francisco could not be in the consolidation and would probably be liquidated. Let us see what the amendment provides. This is the substitute offered by the Senate committee for the House provision:

> That it shall be unlawful for any such consolidated association to retain any branch or branches in any State which at the time of the approval of this act did not by law, regulation, or usage with official sanction permit State banks or trust companies to have such branches.

As a matter of fact, the law does prevent the hundred-odd branch banks in California. This amendment does not deal at all with the number of branch State banks which may be taken into a consolidation. It deals only with the limitation that there shall be no branch banks under this consolidation that are not permitted in a State by State law. Let us see the distinction between the House provision, which is proposed to be stricken out, and that language. This is the House provision which is proposed to be stricken out. I am now reading on page 5, line 11:

> *And provided further,* That, except as to branches in foreign countries, independencies, or insular possessions of the United States, it shall be unlawful for any such consolidated association to retain in operation any branches which may have been established beyond the corporate limits of the city, town, or village in which such consolidated association is located, and it shall be unlawful for any such consolidated association to retain in operation any branches which may have been established subsequent to the approval of this act.

That is the provision inserted by the House. There is no question as to what that means. That means that the hundred-odd branch banks of the Bank of Italy in the case of a consolidation with a national bank of San Francisco, shall cease to exist, that they shall be liquidated.

The provision substituted for that, as I have read it before, only makes it unlawful to have branch banks in a State where State banks are prohibited from having branches. As suggested to me by the Senator from Missouri [Mr. REED], I might as well read the whole matter proposed to be inserted. I have read what is proposed to be stricken out of the House provision. There is no question of the effect of the House provision. It simply states that branches outside of the municipality where the main bank of the State bank is situated are unlawful.

Again let us turn and read the substitute for that, and see if it means the same thing. This is what is proposed to be substituted:

> That it shall be unlawful for any such consolidated association to retain any branch or branches in any State which at the time of the approval of this act did not by law, regulation, or usage with official sanction permit State banks or trust companies to have such branches; but branches established by a State bank under such law, regulation, or usage, and heretofore lawfully retained when consolidation was effected with a national banking association may continue to be maintained by any such consolidated association.

I am not, however, dealing now with the last clause of that amendment. The last clause of that amendment undoubtedly refers to prior consolidations, so I leave that. I am now dealing with the first part of the first clause. That first clause does nothing on earth but provide that where it is unlawful for a State bank to have branch banks, then it shall be unlawful after a consolidation between a State and a national bank. That is all it provides. After the House provision is stricken out, there is nothing that states that the numerous branches of State banks outside of the municipality of the parent bank shall not become part of the consolidation.

The greatest objection I have to this bill is the power conferred on branch banks. The committee itself has recognized that there is a danger in branch banks. Both Houses have attempted to scientifically limit the number of branch banks, and yet by this amendment the gate is thrown down entirely, because a bank could go into a State like California, which permits branch State banks, or into a State like Missouri, which permits branch State banks, and they could lawfully place a branch of a State bank in every town in Missouri or in California. Then they could consolidate with the State bank a national bank, and the national bank then would carry all of those branches with it. If that could not be done, I would like to find the language in this bill which prohibits it. I do not find it.

Mr. PEPPER. Mr. President, I think the Senator from Nevada has done us a great service in calling attention to this provision, which is one of the utmost importance, and if it does not rightly express the clear intention which the committee had, then it ought to be modified to give expression to such intention. This is the substance of the thought of the committee. Let us see if we can agree on the substance of the matter. If we can, it will be a simple matter to put it into phraseology.

We have this situation, that under the existing law where, in a State that permits branch banking, a State bank has established branches and then through the process of conversion and consolidation has merged itself into a national banking association that national banking association, as the result of such conversion and consolidation, is to-day lawfully retaining the branches in question. The substance of the thought of the committee—and in this respect we understand we are in accord with the intention of the House—is not to disturb or disintegrate that situation as it exists lawfully to-day.

In a State like California, for example, where branch banking is permitted, if a national bank to-day is retaining branches in virtue of conversion and consolidation with a State bank which had branches at the time of conversion, it is not the intention of this bill to interfere with that status.

I am not quite sure whether the Senator from Nevada is in harmony with the substance of that proposition or not.

Mr. PITTMAN. I am in harmony with the substance of it, and I said the last clause of the amendment deals with that point, but the first clause, which is intended to deal with matters stricken out of the House bill, does not deal with it. Let us not deal, so far as I am concerned for the present, with the result of past action. I am talking about future action. If after the bill is passed the First National Bank of San Francisco forms a consolidation with the Bank of Italy, where is there any prohibition in the bill from carrying with it the 100 branches of the Bank of Italy?

Mr. PEPPER. It must be forgotten that we are not dealing with a situation in which a power exists unless there is a prohibition. The bill is an enabling act to confer powers where none now exist at all. This is the proposition of the committee, that where we have existing branches as the result of conversion and consolidation in times past, the question is whether we may retain them. If we have not any branches after the date of the passage of this act, the question is whether we may establish them. The only provision on the subject of retaining them is found in the section under discussion and in the seventh section. Unless the power to retain existing branches is found in the first or seventh section, it is not to be found in the bill. If the Senator deals with the question of future acquisition or establishment of branches by national banks, whether through consolidation or otherwise, he will find that there is no enabling power in that regard save in the eighth section of the bill. In all cases it seems to us that we have carefully safeguarded, first, the conditions of retention, and, second, the conditions of establishment. Do I make myself clear to the Senator?

Mr. PITTMAN. Very clear. I still am not directing my attention to retaining the status quo of banks established prior to the passage of this bill. I have in mind what the powers of consolidation are to be after the bill is passed.

Mr. PEPPER. If I may focus attention upon that, I suggest that any branch not already acquired by a national bank at the date when this bill is passed, if it is to exist in the future, must exist in virtue of power to establish or acquire conferred by this bill. I think the Senator will fail to find in the bill any language outside of section 8 which authorizes such establishment or acquisition. Section 8 is very carefully guarded to meet the Senator's thought.

Mr. PITTMAN. Section 8 provides for the consolidation of a national bank with a State bank.

Mr. PEPPER. I beg the Senator's pardon, I think not.

Mr. PITTMAN. What does it provide for?

Mr. PEPPER. It provides that a national banking association, in addition to the right to retain branches under section 1 and section 7, may "upon the following conditions" establish branches in the future.

Mr. PITTMAN. I am not dealing with that section at all. That is the reason why I asked the question. The Senator is dealing with a section granting to national banks the right to establish branches. I am trying to hold the Senator's attention to the one clause that is stricken out. Let me read it again and ask why it was stricken out. That will bring it out more quickly than any other way. Here is the clause in the House bill stricken out, and I want to know why it was stricken out and how the Senator's provision amends it. On page 5, commencing in line 11, the language stricken out is as follows:

> *And provided further,* That, except as to branches in foreign countries, independencies, or insular possessions of the United States, it shall be unlawful for any such consolidated association to retain in operation any branches which may have been established beyond the corporate limits of the city, town, or village in which such consolidated association is located, and it shall be unlawful for any such consolidated association to retain in operation any branches which may have been established subsequent to the approval of this act within the corporate limits of the city, town, or village in which such consolidated association is located, in any State which at the time of the approval of this act did not, by law or regulation, permit State banks or trust companies created by or existing under the laws of such State to have such branches.

Why did the committee strike that out?

Mr. PEPPER. Does not the Senator think that that language is at least capable of the interpretation that a national banking association, which is to-day lawfully maintaining branches in virtue of past consolidations, must under the terms of the bill lose the branches which it is maintaining under existing law? In other words, is not the language at war with what the Senator agreed to a few moments ago as being the substance of our thought?

Mr. PITTMAN. Again the Senator takes up the last clause of his amendment. He continually goes back to the status quo of banks before the enactment of the law. I have read the limitations placed upon the consolidation as provided in the House bill. What limitations have the committee placed after striking out the House language which I have read?

Mr. GLASS. Mr. President, will the Senator from Pennsylvania yield?

Mr. PEPPER. I gladly yield, although the Senator from Nevada, I believe, has the floor.

Mr. PITTMAN. I yield to the Senator from Virginia.

Mr. GLASS. Let us consider for a moment the concrete case mentioned by my friend from Nevada. We will assume that the bill becomes a law. We will assume that after it shall have become the law the Bank of Italy in the State of California, with its large number of branches, will seek to consolidate with the First National Bank of San Francisco. Now, can the Senator tell us by what sanction of law or by sanction of what law that national bank thus consolidated with the State Bank of Italy will establish or retain branches?

Mr. PITTMAN. Let me start in and see about it. Here is the clause providing for consolidation. Let us see what it says. We want to start from the first. I judge that authority to take the branches is not given in the law, and therefore the Senator says the limitation is not necessary. Here is the language:

> That any bank or trust company incorporated under the laws of any State, or any bank or trust company incorporated in the District of Columbia, may be consolidated with a national banking association located in the same county, city, town, or village under the charter of such national banking association on such terms and conditions as may be lawfully agreed upon by a majority of the board of directors of each association, bank, or trust company proposing to consolidate, and which agreement shall be ratified and confirmed by the affirmative vote of the shareholders of each such association, bank, or trust company owning at least two-thirds of its capital stock outstanding, or by a greater proportion of such capital stock in the case of such State bank or trust company if the laws of the State where the same is organized so require, at a meeting to be held, etc.

In other words, by the first and second paragraphs of the bill the committee provides for the consolidation, as I said, of State banks with national banking associations.

Now I go back again to the Bank of Italy. What is the Bank of Italy? Is the Bank of Italy solely a banking institution in the city of San Francisco? It is not. The Bank of Italy has its assets in 100 towns in branch banks in the State of California. If to-morrow the Senator should buy the Bank of Italy he would buy every branch with it. If he consolidated the First National Bank with the Bank of Italy under this authority, he would take into the consolidation every branch bank it has. What is the result? We have the power to consolidate banks. The House having granted the power to the First National Bank in San Francisco to consolidate with the Bank of Italy, it carries with it its hundred branch banks.

Then consider the proposition of branch banks as the committee considered the bill with regard to national banks. What did they do? They placed in the bill the express provision that none of the branch banks of the consolidating banks outside of the municipality should be taken into the consolidation. That was plain language, so plain that even the Senator would not have to debate it; he could read it on the floor. But when we start back in the debate again he commences to deal with what the purpose of the committee was, and constantly goes back to the purpose of the committee to do something else besides limit these things.

Mr. GLASS. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Nevada yield to the Senator from Virginia?

Mr. PITTMAN. I yield.

Mr. GLASS. If the Senator from Nevada will simply dismiss the House bill from his mind and consider the pending bill, should the Bank of Italy in the State of California with its numerous branches undertake consolidation with a national bank in San Francisco, the only sanction it could possibly have for maintaining branches would be the sanction of this bill. I ask the Senator to point to any sentence in the bill that would authorize a national bank in San Francisco which had acquired the property of the Bank of Italy to establish or retain a branch bank except by the sanction of this bill, which means except by the sanction of the Comptroller of the Currency, within the corporate limits of San Francisco.

Mr. PITTMAN. The only difference between the Senator and myself is that I desire to be certain about it, as the House was.

Mr. GLASS. I differ with the Senator with respect to the House provision. The House provision, as the Senator from

Pennsylvania well knows, related to a provision of the House bill which has been stricken out altogether.

Mr. PITTMAN. Of course, when the Senator speaks about provisions, and so forth, I can not follow him. When he reads a provision I can look at it if I have it before me in the bill under consideration, and I can appreciate his argument. Here is the difference. The Senator from Virginia said that the general provisions of the bill limiting branch banks to national banks governs, but what becomes of those branch banks in the State of California? What becomes of them under the bill as it is here before us?

Mr. GLASS. They must be relinquished under the terms of this bill.

Mr. PITTMAN. It does not say anything about relinquishing them.

Mr. GLASS. It does not need to say anything because they can not exist except by sanction of law.

Mr. PITTMAN. That draws exactly the distinction between the Senator and myself. He wants to leave this matter to the discretion of somebody because nothing else can happen except what he says will happen. He wants to have in the amendment——

Mr. GLASS. This statute, if the bill should become a statute, states very specifically what may be done. It states that no national bank, subsequent to the passage of this act, may establish a branch bank in any city of a population of less than 25,000, and but one branch bank in a city having a population between 25,000 and 50,000, and but two branch banks in cities having between 50,000 and 100,000 population, and in cities of greater than 100,000 population may not establish branch banks in any number except through the sanction of the Comptroller of the Currency. Therefore, if the Bank of Italy, in the State of California, should consolidate with a national bank in San Francisco, how could it establish and what sanction would it have for establishing or maintaining branches except by the terms of this bill. It would no longer be a State bank operating by sanction of State laws, but would be a national bank operating by sanction only of this proposed statute. The bill provides in plain language that subsequent to its becoming a law national banks may have branches only under its specific terms. I am not a lawyer, and it may seem presumptuous in a layman to be construing laws, but that seems so simple to me that I marvel at lawyers not understanding it.

Mr. PITTMAN. Mr. President——

Mr. PEPPER. Mr. President, will the Senator from Nevada permit me to supplement a statement which the Senator from Virginia [Mr. GLASS] has made?

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

Mr. PITTMAN. Yes.

Mr. PEPPER. It seems to me that the Senator from Virginia has made it abundantly clear that if this measure shall become a law no authority can be found in its four corners for a national bank, whether by consolidation, conversion, or original establishment, to set up any branches in the future excepting under the limitations that the Senator from Virginia has specified. On the other hand—and this is the point to which I now wish to direct the attention of the Senator from Nevada—the language of the House bill must receive some amendment in order to make it manifest what we understand the purpose of the House to have been, namely, that this proposed law when it passes is not intended to disintegrate any situation that lawfully exists.

Mr. PITTMAN. The second clause does that, and I am for it.

Mr. PEPPER. No; I am not speaking of that. I am speaking of the language of the House bill; and I am seeking to point out that we must make some change in the language of the House bill, as I think the Senator will concede.

Mr. PITTMAN. I have already agreed that some additions, not changes, will have to be made; that something which has been left out must be added.

Mr. PEPPER. Since the Senator from Nevada makes that concession, I shall not weary him more upon that point; but a few moments ago he read the language and asked me to say for the committee why we had changed the language of the House bill.

Mr. PITTMAN. Yes.

Mr. PEPPER. My answer is, in order to cover the point to which the attention of the Senate has now been directed.

Mr. PITTMAN. We are together, then, as to that.

Mr. PEPPER. Yes.

Mr. PITTMAN. Now, as to the first clause. The last clause provides for maintaining the status quo. The first clause merely provides that branch banks shall not continue to exist where it may be unlawful for State banks to have them. That is all right; but we are now dealing with a case where it is lawful for a State bank to have branches. There is no question that the branch banks of the Bank of California are lawful according to law. Consequently the amendment does not touch that situation. Now, going back to the position taken by the Senator from Virginia [Mr. GLASS], which is, as I take it, that no amendment on that subject is needed; that the law is so plain that it does not need any express limitation. We all agree that we do not want those hundred branch banks to go into a consolidation. We all agree on that as a matter of policy.

Mr. PEPPER. My mind goes along with the Senator's as to that.

Mr. PITTMAN. Then, that, as I understand is the policy of the act; and as that is the policy of the act, we want to be sure that it will be carried out. The House of Representatives, taking no chances as to that, as I said before, provided that it shall be unlawful for any such consolidated association to retain in operation any branches which may have been established beyond the corporate limits of the city.

Mr. PEPPER. But that language is the very language which the Senator and I have agreed can not stand as it is, because the Senator will perceive that if that language does stand, then this will be the result: If the Bank of Italy had last year consolidated with a national bank in California and that national bank was to-day retaining those branches as it might lawfully do under the existing law, the language that the Senator has just read, unless amended, would compel the disruption of that situation. It is against that contingency that we all agree careful provision should be made.

Mr. PITTMAN. Very well. Referring, for illustration, to the Bank of Italy, the House bill provides that it shall be unlawful to maintain branches outside of San Francisco. The Senator, however, says that such branches may already have been acquired, and therefore there should be an exception. Why could we not retain the House provision that it shall be unlawful to maintain such branches, and also a portion of the Senate committee amendment, and say, "except branches established by a State bank under such law, regulation, or usage, and heretofore lawfully retained when consolidation was effected with a national banking association may continue to be maintained by such consolidated association"?

That, the Senator will understand, would provide for the exception that he has in mind for past transactions, but what is desired to be done apparently is to provide for the exceptions and not to provide for the main limitation.

Mr. PEPPER. Mr. President, I think that the difference between us is due to our fundamental difference of apprehension respecting the function of the proposed act. The Senator from Nevada sees the danger of establishing branch banks unless they are carefully prohibited. We have assumed that branch banks may not be established by national banks unless they can point to the letter of authority in the law.

Mr. PITTMAN. Let me take that question up. I have just as high an opinion of the interpretation by the Senator from Virginia of the meaning of the law of banking as I would have of that of any lawyer; I do not think he need feel modest about his knowledge at all. However, let us see. The bill provides, in the first place, for the consolidation of State banks and national banking associations. What does that embrace? We will again take the Bank of Italy as an illustration. If the First National Bank of California should, under that section, consolidate with the Bank of Italy what would be the result? The First National Bank of California would take over the entire Bank of Italy, and the Bank of Italy consists of a main bank and a hundred branches. We can not possibly authorize a purchase of the Bank of Italy and then after it has been purchased contend that they only purchased the main bank in San Francisco. But the Senator says, even after they obtain all the branch banks under the authority to consolidate, the other section of the bill, which limits the number of branch banks that any national bank may have, would cut them off.

Mr. GLASS. Mr. President——

Mr. PITTMAN. I will ask the Senator to wait a moment. Let us see whether or not it will cut them off. That deals with the question of branch banks in the future; it does not deal with an existing fact; that is the trouble about it. Of course, after this bill shall have passed, the first national bank may not establish more than a limited number of branches; but I call attention to the fact that in another section the consolidation of branch banks is authorized, and it would not

stand in a court of equity to say that those branch banks were not acquired under the law. It would not be necessary to ask to establish them; the purchasing bank would not be bound by the limitation as to their establishment in the future, for they would exist. The law has given the bank the right to purchase the branch banks, and there is no provision destroying them in this bill.

Mr. GLASS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Virginia?

Mr. PITTMAN. I yield.

Mr. GLASS. Would the Senator from Nevada contend that because a State bank is consolidated with a national bank, therefore the national bank must retain all of the employees or retain all of the various departments of the State bank?

Mr. PITTMAN. No; but it could do it.

Mr. GLASS. For example, there are departments of banking sanctioned by State laws and prohibited by the national bank act. Would the Senator contend that because there is a consolidation of a State bank with a national bank, because a national bank acquires the rights and property of a State bank, therefore the national bank is compelled, contrary to the national bank act, to perpetuate these departments of the State bank permitted by the State banking law?

Mr. PITTMAN. I do, if this bill passes, because——

Mr. GLASS. Oh, no.

Mr. PITTMAN. Because it authorizes that to be done.

Mr. GLASS. My contention is that if the Bank of Italy, in the State of California, were purchased by a national bank in San Francisco, it would then become a national bank subject to the national bank act and not a State bank subject to the State laws of California, and that by the conversion it would automatically abandon all of its branches under this proposed act.

Mr. KING. Except those within the city.

Mr. GLASS. Except those within the city of San Francisco.

Mr. PITTMAN. That might be the construction placed upon it.

Mr. GLASS. What would be the sanction of law for their continuance?

Mr. PITTMAN. I have tried to read the very section that proposes to provide the sanction. There is not any sanction to-day, but there is a sanction under this bill, and that sanction does not limit the consolidation. That is my contention.

Mr. GLASS. There is a sanction of consolidation, but no sanction of the establishment and maintenance of branches.

Mr. PITTMAN. I understand that, but it must seem absurd to the Senator from Virginia to authorize a national bank to purchase a bank that has a hundred branches and after that purchase to put a construction on the law to the effect that they can not own them. That is too absurd for any use on earth.

Mr. GLASS. Let me ask the Senator this question, if he thinks that is absurd: Say the State laws of Nevada authorize a State bank to conduct a savings department or a trust department, whereas the national bank act prohibits a national bank from conducting a savings or a trust department, and a national bank acquires the property of a State bank by consolidation; under this bill does the Senator mean to say that, in contravention of the national bank act, that national bank, because it acquires the State bank, may conduct a trust and savings bank business?

Mr. PITTMAN. Oh, no; but there is no comparison there.

Mr. GLASS. The two cases are on all fours.

Mr. PITTMAN. Here is the difference, if the Senator will allow me to point it out. The institution is still a national bank after it has absorbed the Bank of Italy.

Mr. GLASS. The Bank of Italy is then a national bank.

Mr. PITTMAN. I understand it becomes a national bank; the two institutions become one national bank, and that bank must exist according to the rules and regulations governing national banks, so there is no difference there; but here is what I am getting at——

Mr. GLASS. Right there will the Senator allow me to interrupt him?

Mr. PEPPER. Mr. President, will the Senator yield to me for a moment?

Mr. PITTMAN. No; not until I finish my answer.

Mr. PEPPER. I have a suggestion to make.

Mr. PITTMAN. I wish to finish the sentence, if I may.

The PRESIDING OFFICER. The Senator from Nevada declines to yield.

Mr. PITTMAN. When I finish the sentence, I will be glad to yield to both Senators. There is no power existing to-day, as I understand, for national banks to absorb branch banks, and, consequently, when they absorb them they must look to this proposed act; they will not look to any prior acts but will look to this measure.

Mr. GLASS. The existing law permits such absorption.

Mr. PITTMAN. I understand that, but I am dealing with the proposition of consolidating the First National Bank or some other national bank with the Bank of Italy or some similar bank which has a hundred or more branches. They consolidate and look to the first section as to their power, and that provision is merely that the two banks may consolidate. Having consolidated, what do they acquire? Do they acquire simply the bank building in the city of San Francisco or do they acquire the 100 branches in addition?

Mr. PEPPER. Mr. President——

Mr. PITTMAN. Wait a moment. They acquired them under the authority of this section. Then what is the result? Having acquired them by virtue of this section, the general banking act must destroy that situation. What are you going to do with that? How are you going to correct that? The Senator knows how the House dealt with it, does he not? The House dealt with it by an express provision. I can not see why the committee struck it out. That is what I have been trying to find out all the time. I must read once more what the House provided. Here is the provision of the House bill which the committee struck out:

> it shall be unlawful for any such consolidated association to retain in operation any branches which may have been established beyond the corporate limits of the city, town, or village in which such consolidated association is located.

Mr. PEPPER. Mr. President——

Mr. PITTMAN. Why does the Senator object to that language?

Mr. PEPPER. Mr. President, the Senator from Nevada has three times admitted that if that language stands it would require the abandonment or relinquishment of branches established in the past.

Mr. PITTMAN. No; I have not admitted that in that way.

Mr. PEPPER. Will the Senator admit it now?

Mr. PITTMAN. I will tell the Senator what I will admit. I will admit that we should leave the House provision there as it stands and add to it, not the first clause, for that means nothing, but the last clause of the committee amendment, which reads as follows:

> but branches established by a State bank under such law, regulation, or usage, and heretofore lawfully retained when consolidation was effected with a national banking association may continue to be maintained by such consolidated association.

Of that part of the amendment I approve, and it is not in conflict with the House provision. It is not necessary to strike out the House provision to put that Senate provision in, for the two go together.

Mr. PEPPER. Mr. President, the reason for changing the House provision is to remove all possibility that the effect of enacting this bill will be to render invalid branches established by a consolidated association and now lawfully maintained. That is the reason for not taking the language of the House. With respect to the language suggested by the committee, our thought was that we had safeguarded the situation to accomplish the purpose for which the Senator is contending; but the fact that the Senator thinks we have not done so is to me unanswerable evidence that we have not expressed ourselves clearly. Therefore I am in favor of making a change in our proposal which will be one upon which the Senator and the committee can agree.

I suggest to the Senator, instead of providing as the House does that a consolidated association may not retain branches that it already has, which is a thing that we do not want to bring about, that we take the language, on page 6, and for the language which the Senator thinks is obscure substitute this——

Mr. KING. Mr. President, may I ask the Senator what line he is referring to?

Mr. PEPPER. I am now referring to the language at the top of page 6.

Mr. KING. Commencing on line 1?

Mr. PEPPER. Commencing on line 1, which at present reads, according to the committee amendment:

> That it shall be unlawful for any such consolidated association—

And so forth. I am proposing this modification for the Senator's consideration:

> That it shall be unlawful for any national banking association hereafter to acquire a branch or branches by consolidation with a State bank, or to retain any branch or branches in any State—

And so forth, and so forth, to the end of the amendment, as proposed by the committee.

Mr. PITTMAN. I think that will accomplish the same thing.

Mr. GLASS. Mr. President, I submit to the Senator from Pennsylvania that if it is necessary to do that it is necessary to take the entire national banking act and make exceptions of that sort to those characters of business that State banks may do and that national banks may not do under the national banking act.

When a national bank absorbs a State bank by consolidation under this bill it is at once confronted by the textual requirements of this act, and one of the textual requirements of this act is that no national bank may establish or maintain a branch except those heretofore obtained by consolidation in any city with less population than 25,000, and so forth. So that if it is necessary to make this exception in this case, it is just as necessary to go through the national bank act and to modify it to conform to those characters of business that State banks may engage in and that national banks may not.

Mr. PEPPER. Mr. President, I venture to think that the Senator from Virginia is unreasonably apprehensive about this suggestion.

Mr. GLASS. I am not apprehensive about it at all. I just think it is unnecessary; but if the Senator thinks it is necessary, why, all right.

Mr. PEPPER. Mr. President, my mind is in harmony with the mind of the Senator from Virginia respecting the meaning of the amendment as reported by the committee, but I find myself faced by the criticism of the Senator from Nevada [Mr. PITTMAN], who sees in the situation something that we do not see. Now, we are not all wise; and it seems to me that the proper thing to do in such an emergency is to agree upon language which will accomplish the purpose of the committee and at the same time meet the criticism of the Senator from Nevada.

Mr. KING. Mr. President——

Mr. PEPPER. I yield to the Senator from Utah.

Mr. KING. I have not seen the amendment just suggested by the Senator from Pennsylvania, and I am not sure that I comprehend its full import; but as I interpret it, it seems to me that it would have the effect of preventing hereafter, in the event of consolidation between a State bank and a national bank, the State bank or the consolidated bank from retaining in any event, either in the municipality or its environs or elsewhere, any of the branch banks with which it might be endowed when the consolidation was effectuated; and I am sure the Senator did not intend to go that far.

Mr. PEPPER. No; I did not, Mr. President; but let me say this: Under the eighth section of this act a national bank will have the undoubted right, subject to the approval of the Comptroller of the Currency, to establish branches within the limits of the city in which it is established. Therefore it does not need the grant of power to retain branches acquired by consolidation.

The suggested amendment would merely cut off the possibility of acquiring branches through the process of future consolidation, and would leave the bank with a right to retain branches acquired from past consolidation, and a right to establish branches within the limits of the municipality and subject to the jurisdiction of the comptroller. But, Mr. President, permit me to make a statement respecting the parliamentary situation.

At the beginning of this discussion I stated that last evening the clerk had reported the first amendment, but that that amendment had not been agreed to or acted upon. I now discover that the first committee amendment was acted upon and was accepted by the Senate last evening. Therefore, strictly speaking, what we have been discussing is applicable to an amendment already acted upon. I wish to say to the Senator from Utah—and I will communicate my thought to the Senator from Nevada, who has for the moment left the Chamber—that if, when we have reached the end of the discussion of the committee amendments, they in their judgment think that some such amendment as I have proposed upon the floor is needed, I shall be glad to move to reconsider the action by which the first amendment was agreed to, and then to allow the other proposal to be put as a substitute for the committee proposal.

Mr. President, I beg leave to inquire whether I am right in my understanding?

The PRESIDING OFFICER. The Chair has been informed that while there is no entry in the CONGRESSIONAL RECORD to that effect the clerks have the record that the amendment was acted on last night.

The Secretary will state the second amendment.

The READING CLERK. On page 9, line 15, after the word "*Provided*," it is proposed to strike out:

That no such State bank having branches in operation outside of the corporate limits or other such boundaries of the city, town, or village in which such State bank is located, but not including any branch established in a foreign country, or dependency or insular possession of the United States, shall, upon conversion into a national banking association, retain or keep in operation such branches: *And provided further*, That it shall be lawful for any national banking association having, prior to the approval of this act, acquired branches by virtue of having elected to retain such branches after having been converted from a State bank with branches into a national banking association, or through consolidation with such an association having such branches, to continue to operate any such branches, but it shall be unlawful for any national banking association having been converted into such association under the provisions of section 5154 of the Revised Statutes to retain in operation any branch, wherever located, which may have been established subsequent to the approval of this act, in any state which did not by law or regulation, at the time of the approval of this act, permit State banks or trust companies created by or existing under the laws of such State to have branches.

And to insert:

That it shall be unlawful for any such national banking association to retain any branch or branches in any State which at the time of the approval of this act did not by law, regulation, or usage with official sanction permit State banks or trust companies to have such branches; but branches established by a State bank under such law, regulation, or usage and heretofore lawfully retained when conversion into a national banking association was effected may continue to be maintained by such association.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. KING. Mr. President, when the bill was first brought to the attention of the Senate by the Senator from Pennsylvania, I asked his attention to the paragraph just read, as well as to the provisions of the bill found on page 12, and I asked a question then, and I repeat it: Does the Senator think the discrimination warranted which this amendment, if adopted, will bring about? In other words, is the antipathy toward branch banks so great as to deny to States which may hereafter by law authorize the establishment of branches of State banks the same privileges which are granted under the law to banks in those States where branch banks are now permitted?

Mr. PEPPER. Mr. President, I would answer the Senator in this way: The opposition to the grant of branch-banking powers of any sort is very great. This bill represents what the committee believes to be the limit of concession which can be obtained from those who oppose branch banking on principle. I do not mean that the committee agrees or disagrees with their position, but merely regards their opposition as so formidable to any wider grant of powers than is here made that we think that no bill would have a chance of passing unless it contained some restrictive amendment, such as the amendment known as the Hull amendment, introduced in and favorably acted upon by the House.

Mr. REED of Missouri. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. REED of Missouri. Are we to understand, then, that if the committee did not fear this opposition we might have had a branch bank bill here without any limitation?

Mr. PEPPER. Mr. President, I can not tell what the minds of individual members of the committee may be on that subject, because it was not necessary for us to discuss it; but, speaking for myself, I am opposed to state-wide branch banking. I believe that the limit to which branch banking should be extended is the commercial community within which the parent bank is situated; and if the Senator means to inquire my position, it is as I have stated, in agreement with his own respecting the subject of state-wide branch banking.

Mr. REED of Missouri. The Senator, then, does recognize the principle that there ought to be a geographical limitation to the installation of branch banks. That geographical limitation is the boundaries of the town in which the parent bank is situated. But let me ask the Senator if that is any true limitation? For instance, Greater New York City has a larger effective territory than an entire State, if we should go to some of the less-populous States. It is not a true limitation.

Let us concede, for the sake of illustration, that one bank with its branches should absorb the entire business of New York City. It would control more money, more industries, would have a more far-reaching effect in the Nation than if there were a single bank established, let me say, in the State of Nevada, which, with its branches, controlled the activities of that entire State.

The Senator admits that there must be a territorial limitation upon banks, and the reason for that is the necessity of the limitation of the power and influence of a bank, and when that step is taken, then this bill stands condemned, because it permits the installation in a city like New York of an unlimited number of banks, save as the Comptroller of the Currency may not see fit to grant charters.

Mr. PEPPER. Mr. President, I would say in answer to the Senator's question that I am opposed to branch banking not so much because I apprehend the growth of a banking monopoly by one or a few banks in our great cities, but because I do not thing that absentee banking is a wise principle. I personally do not think it is advisable to give to a metropolitan bank the right to establish a branch alongside of and in competition with an up-State bank in a small community, which is serving that community well, and which represents local initiative and local ambition to go forward to financial and industrial success. That is my individual view.

The Senator from Virginia [Mr. GLASS], if I do not mistake him, is of the belief that branch banking, even on a state-wide scale, with reasonable limitations, is scientific banking and highly desirable. But I beg Senators to realize that what we are trying to do in this measure is to take account of an honest and intelligent difference of opinion between the bankers of America on this subject. We are trying to give to national banks, which can get their authority only from the Congress, such a measure of relaxation and privilege in States where they have to compete with State banks that are given by the State law the right to maintain these branch banks, as will go a little in the direction of helping the national banks, but not far enough, as it seems to us, to arouse any of the reasonable apprehensions of those who are opposed to branch banking altogether.

Mr. GLASS. Mr. President——

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

Mr. PEPPER. I yield.

Mr. GLASS. I do not think it important to consume the time which ought to be devoted to the details of this bill in a statement of my position, but since the Senator from Pennsylvania, with more or less accuracy, has stated it for me, I would like to make this elaboration of what he said.

I do not speak in advocacy of state-wide banking. I do not think it is feasible to propose that at this time, if at any time. But, in justice to my general advocacy of well-guarded branch banking, I have repeatedly challenged anybody to show that there has ever appeared before the Committee on Banking and Currency of either House of Congress in opposition to branch banking anybody who wanted to borrow money or wanted credit. The only opposition to branch banking that has ever come to Washington has been from banks which want to monopolize the credits of their own community and banks which actually do contribute every day that they exist to what the Senator has so felicitously referred to as "absentee banking." I venture to say that in the State of Missouri to-day the National City Bank of New York acts as a correspondent bank for more Missouri banks than the Bank of Italy has branches in the State of California. We have scarcely anything but absentee banking under this unit banking system. That is the history of the national-banking system of this country, only partially corrected by the adoption of the Federal reserve banking system. The banks in Virginia and in Missouri and in every other State in this Union take the deposits derived from the business activities of the various commercial communities and shunt them off to the great banks in the money centers, to be used for speculative purposes; and when we enacted the Federal reserve banking act, as the Senator from Missouri well knows, we only succeeded in recapturing the reserves of the country, to be impounded in 12 regional banks, for commercial rather than for speculative purposes. We hoped by that that we were going to break up this system of absentee banking, of sending all of the surplus banking funds to the great money centers to be used for speculative purposes, but we only partially cured the evil. We have this very thing of absentee banking all over this country now, and it would be greatly cured by a moderate establishment of branch banking in the country.

The same objection that is raised to a reasonable degree of branch banking was raised to the adoption of the parcel post. We were told that it would break down every corner grocery and every country store in the United States. Yet I venture to say that anybody who should undertake to secure the repeal of the parcel post law would find his task very difficult.

The plea against branch banking comes from bankers and not from people who transact business, not from people who want to borrow money, not from people who want to buy credit. It comes from bankers who want to exclude from their peculiar communities anybody else who wants to sell credit.

Mr. PEPPER. Mr. President, I think I owe the Senator from Virginia an apology for having attempted to state his position on this matter.

Mr. GLASS. The Senator did pretty well in stating it as far as he proceeded, and I apologize to the Senate for taking up time to state it further, because it is not important.

Mr. PEPPER. I merely wish to call the attention of the Senator from Missouri to the fact that the bill reported by the committee can not be said to represent either a branch banking interest or an antibranch banking interest. It is an attempt to take account of the difference of opinion that exists, and make the most of it, in the interest of the welfare of the national banks.

Would the Chair think it proper to put the question respecting committee amendments?

The PRESIDING OFFICER. The question is upon agreeing to the committee amendment.

Mr. HEFLIN. Mr. President, we are now considering one of the most important questions that has been before the Congress in a long, long time. Any change in the banking system of our country is a matter of serious concern to the American people. A few years ago, during the Wilson administration, the Federal reserve banking system was adopted, a great system, a system which if honestly administered would absolutely supply all the currency and credit the country needs and prevent at all times financial panics.

In 1920 an innocent-looking amendment was by a Republican Congress fastened onto the Federal reserve act. Only a few Members of the House seemed to realize what dangerous powers that amendment possessed. One or two of them did express the opinion that great harm would come from it. When the amendment reached the Senate there were only two Senators, as I recall, who pointed to it with dread and fear—the Senator from Oklahoma [Mr. OWEN] and the Senator from South Carolina [Mr. SMITH]. They both expressed the fear that if it should be resorted to it would produce a panic. The amendment was adopted, and after Congress had adjourned and the amendment was put into operation by the Federal Reserve Board, it produced widespread business disaster and the worst financial panic in our history.

In 1873, when the act demonetizing silver was passed, as this amendment was by a Republican Congress no Member of the House discovered the dangerous power found later in the phraseology of the provision, under which the panic of 1873 was produced. It was not discovered in the Senate, it is claimed, until after the Congress had adjourned and the big bankers in the big cities proceeded with their plan to demonetize silver and produce a panic.

Mr. President, I cite these two instances in order to invite the attention and arouse the concern of Senators to the importance of the serious question that is now before us. There is no time when Senators should be more keenly alert than when a banking bill is up for consideration. It is unfortunate, but true, that many Members do not really understand the subject.

The effort is being made now by some to give more power to certain bankers. I enjoyed what I heard of the speech made by the Senator from Missouri [Mr. REED]. I thought of the time when one of his predecessors, Thomas H. Benton, a great Democrat of the old days, spoke against the United States banking system. He spoke against it and sought its destruction because it had become so powerful, oppressive, and dangerous. It was in those days that Nicholas Biddle, the bankers' leading lobbyist at the Capitol, told President Jackson that unless he consented to legislation that would give them more power he would use his political pull and power with Congress to prevent the President from passing other legislation affecting the welfare of the American people.

Every few years the effort is made to give more power to the banking interests, to enable them more easily and completely to control the money supply and credits of the Nation. The interests back of measures like that do not care how much we differ upon the tariff. They do not care how much we may differ upon the League of Nations or the World Court. They do not care how we differ upon any and all other questions, but they do not want this question, the money question, discussed. They do not want the masses of the people to understand the money question. A great many men in public life even do not understand how essentially vital it is to the well-being of the people of every State in the Union. Money and credits are to the business of the people what sunshine and rain are to the Nation's growing crops. No man can fell a tree without an

implement with which to do it. No man can plow a field without an implement to turn the soil. No man can make a success of business, I care not what business he is in, without the things necessary with which to do it. The things absolutely necessary in all kinds of business are money and credit.

Then the most important question before us is how to find the best plan possible for Congress to adopt for handling the money supply and credit of the Nation. What can we do so as to make certain that the people in every walk of life may be promptly and constantly supplied at a fair and reasonable interest rate with the currency and credit needed to make a success of their business. Some people have a mistaken idea as to the purpose Congress had in mind when it originally authorized the existence of the bank. The institution of banking was created primarily to serve the financial needs of the American people. But unfortunately some of our largest bankers seem to think that the bank should be operated and currency and credit manipulated so as to enrich the banker without regard to the needs and rights of the people the bank was created to serve.

Unfortunately we have had and still have some distinguished professors in some of our eastern universities who have taught and still teach the doctrine that financial panics must and will come every 10 or 15 years. I have no patience with that false and dangerous doctrine. Mr. President, when a financial panic comes it is usually planned for and deliberately brought about by unscrupulous speculators and conscienceless financiers. There is no occasion or excuse for a money panic except when some great catastrophe comes, some terrible calamity over which a people have no control; but when a panic comes in the ordinary course of things, the plans have been laid for it, the trap has been set, and everything made ready for the big speculators and financial jugglers to rob and plunder the people.

I want to read to the Senate an extraordinary document which has just been given to the public through the press by Prof. Irving Fisher, professor of political economy at Yale University.

Mr. REED of Missouri. Will the Senator from Alabama yield to me?

Mr. HEFLIN. I am glad to yield to the Senator from Missouri.

Mr. REED of Missouri. 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:

Ashurst	Edwards	Ladd	Robinson
Ball	Ferris	Lenroot	Sheppard
Bingham	Fess	McCormick	Shipstead
Borah	Fletcher	McKellar	Shortridge
Brookhart	Frazier	McKinley	Simmons
Broussard	George	McLean	Smith
Bruce	Gerry	McNary	Smoot
Bursum	Glass	Mayfield	Spencer
Butler	Gooding	Metcalf	Sterling
Cameron	Hale	Neely	Swanson
Capper	Harris	Norbeck	Trammell
Caraway	Heflin	Oddie	Wadsworth
Copeland	Howell	Overman	Walsh, Mass.
Couzens	Johnson, Calif.	Pepper	Warren
Cummins	Johnson, Minn.	Phipps	Watson
Curtis	Jones, N. Mex.	Pittman	Wheeler
Dale	Jones, Wash.	Ralston	Willis
Dial	Kendrick	Ransdell	
Dill	Keyes	Reed, Mo.	
Edge	King	Reed, Pa.	

The PRESIDENT pro tempore. Seventy-seven Senators have answered to their names. A quorum is present. The Senator from Alabama will proceed.

Mr. HEFLIN. Mr. President, I was about to call attention to an article written by Prof. Irving Fisher, who is professor of political economy at Yale University. The article is entitled:

Price average urged to regulate dollar—Wide fluctuations occur frequently to disturb monetary system—Recent variability brings up question—Alterations between high costs and depression of trade provide problem.

The article appeared in The Washington Post of February 15, 1925. A statement accompanies it which reads as follows:

Many articles have been written for business men, bankers, and economists on the subject of fluctuating prices. The following article differs from these in that it has been written primarily for the workingman. It discusses the effect on the common people of the fluctuating values of the dollar and the resulting alternating periods of "H-C. L." and "depressions of trade."

Dr. Irving Fisher, of Yale University, is and has been for many years an authority on the stabilization of the dollar. He has written this article in a simple, impressive style, clear and full of meaning for the layman.

The article that I have in my hand, accompanied by the statement which I have just read, has been published throughout the country—for some purposes just at this particular time.

And, Mr. President, I want to say just here, before I read any more of the article itself, that it is certainly "full of meaning." Let us see what this eastern professor of political economy suggests as the remedy for rising prices.

The only way to keep prices from rising is to keep the amount of money in circulation from increasing unduly. One way is, if there is more gold one year than there was the year before, instead of making more dollars——

Now listen to this, Senators:

to put more gold into each dollar made. Of course you can not add gold or subtract gold in a gold dollar which is actually circulating from pocket to pocket.

But gold coins seldom do circulate, and need not circulate at all. Their chief business is to lie low in the United States Mint and keep up our confidence in paper dollars, because we know that we can hand in a paper dollar at the mint any time and get a gold dollar in exchange for it.

What needs to be done is to put all gold dollars into the Government vault and melt them all down; and then when a man comes to the mint with a paper dollar to redeem, hand him raw gold—just the amount of raw gold that will buy the usual dollar's worth of goods in the market, whether that amount of raw gold is more or less than it was yesterday.

Senators, is not that a remarkable and astounding statement, that the gold dollar of America, the standard of value, shall be broken and permitted to fluctuate up and down in value according to the price of commodities in the market place? There has never been a suggestion if carried out which would create more confusion, more unsettlement of business, and more financial disorders and panics than that suggestion made by the teacher of political economy at the great Yale University. Listen to this:

The moment a dollar shows that it is getting too valuable because it buys more than usual, the Government would take some of the value from it by taking some of the gold out of it.

What do you think of that, Senators? If his plan should be adopted there would be no such thing as a stable dollar or fixed standard of value in money. The dollar of to-day worth 100 cents might, under his theory, be worth only 85 cents 30 days hence.

Mr. President, if some irresponsible, wild-eyed theorist had advanced a financial theory like that, most sensible men and women would have said he is crazy or that he is trying to create riot and revolution in the monetary system of America. It is absurd and ridiculous. What does it mean? I fear that it is the forerunner of an attempt soon to be made by certain financiers to disturb the fundamental principles of our monetary system. Mark that expression Senators. You will probably hear from it in the next few months—if not, it will be in the next few years—that those by whom this man is being praised, those who inspired this article and had it printed, telling the people that he is a great authority upon the subject, would not vouch for it unless they intended to do someting of a revolutionary character.

What have we in this country by which to measure values and various other things? We have 12 inches that make a foot, and 3 feet that make a yard; but here is the professor of Yale University who, if we had an abundance of cloth to measure, because it would take a longer time to measure it than it took in years gone by when the amount of cloth was less, would make the yardstick 4 feet or 4½ feet in length. Then, as the cloth supply became less, he would cut the yard stick down to 2½ feet may be, in order to meet the occasion that might arise in what he regards as an uncertian commercial market.

As my friend, the junior Senator from Florida [Mr. TRAMMELL], suggests, they would slide up and down the ounces in a pound having more ounces some of the time and fewer ounces at other times. They would do the same thing with a loaf of bread. If wheat got scarce, instead of making a luscious loaf sufficient to satisfy a man's appetite, they would reduce the loaf. Then, as the situation changed, and the wheat supply was more abundant, they would increase the size of the loaf. These illustrations are inspired by the suggestions that come from a professor of political economy in the Yale University.

Mr. REED of Missouri. Mr. President——

Mr. HEFLIN. I yield to the Senator from Missouri.

Mr. REED of Missouri. I was going to suggest that if there were a contraction of cloth in proportion to the dearth of ideas,

about what size had does the Senator from Alabama think this professor would be entitled to wear?

Mr. HEFLIN. I think the thimble size would fit his head. [Laughter.]

Oh, Mr. President, this is a most interesting article. When I opened the Washington Post on last Sunday and saw this article, I commenced to glance through it casually, and these statements seemed so ridiculous that I looked up to see who it was that had written such an article, and I confess that I was astounded to find that it was Professor Fisher, of Yale.

Senators, let me read a little more to you from this remarkable statement.

Mr. REED of Missouri. Mr. President, I should like to suggest to the Senator that he ought to be a little moderate in his language, because I understand this gentleman is to-day the chief proponent of the League of Nations in America.

Mr. HEFLIN. Does the Senator refer to Prof. Irving Fisher?

Mr. REED of Missouri. Yes.

Mr. HEFLIN. It may be that his disappointment at the failure of the Senate to ratify that great peace proposal has wrecked the poor fellow mentally. [Laughter.]

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

Mr. HEFLIN. I yield to the Senator from Maryland.

Mr. BRUCE. Has the Senator any familiarity with Doctor Fisher's general character and ability and training?

Mr. HEFLIN. Yes.

Mr. BRUCE. I have always been under the impression from his works which I have read that he was one of the ablest economists and students of political subjects in the United States.

Mr. HEFLIN. So have I.

Mr. BRUCE. And entertaining that opinion, I felt bound to ask the Senator the question which I did ask him.

Mr. HEFLIN. Let me say to the Senator that at one time I quoted Professor Fisher in the debate which I took part in here when I made the fight against the deflation panic of 1920 and 1921. But when I saw that he had lost his bearings and gone astray and was teaching a strange and untenable doctrine, I said, "How the mighty have fallen!" It is the duty of every State in the Union to see to it that those who teach political economy—for it has to do with that which is the life blood of business, money—are not influenced by that class of financiers who want the people to believe that panics are bound to come and can not be prevented. When they order a panic, so that they can clean up millions and hundreds of millions, they want their helpless victims to feel that the panic just came of its own accord. Now listen to this, Senators:

> Everything under the sun, whether it is shoes or salt or money or what money is made of, is bound to get more valuable when it is scarce and less valuable when it is abundant. The reason why money is less valuable now is that money is more abundant now.

Let us see how that theory works out in the common everyday things all about us. I do not think that air is less valuable because there is an abundance of it. Every human being and every fowl and animal that flies and walks must have it in order to live. It is not less valuable because there is such an abundance of it that nobody knows how much there is of it in all the world; but here is a man from Yale University who says that because there is more money now in circulation than there was probably during the panic of four years ago that money is less valuable now.

Mr. President, that is not true. An American dollar worth 100 cents is always worth 100 cents. Its value is not to be measured by the fact that it will buy 1 bushel or 2 bushels of corn. Something may happen to disturb the price of corn; influences may be at work that will withhold currency and credit from the corn grower and impoverish him to such an extent that he has got to throw his product on the market and sell it below the cost of production. That does not in any way, whatever, affect the intrinsic value of the American dollar. So I take issue with these American economists who are trying to lead us off after such false doctrines as that. Would you say, Mr. President, that a yardstick is less valuable and less a standard of measurement because there are hundreds of thousands of yardsticks in existence? Or that the yardstick should be changed—made shorter or longer as the amount of cloth increases or diminishes? A yardstick is 36 inches, whether it is used to measure 3,600 yards or 36,000,000 yards.

Now let us consider further this suggestion in connection with the illustration concerning the air which I used a few moments ago. I presume that Professor Fisher would contend that the more air there is the cheaper it becomes. However, if one drives his automobile up to a pumping station and asks to have his tires inflated when they are flat, is the charge reduced any because air is abundant and unlimited? Do we find that to be the case? Not at all. Professor Fisher, however, says that where money is abundant it is less valuable. Air ought to be very cheap; they ought to charge very little to fill up an automobile tire because the air is drawn from the reservoir of space that is unlimited.

Now, Mr. President, let me consider another aspect of the question. Those who are engaged in the business of producing electricity charge for it so much per kilowatt; they have a way of measuring the amount of electricity that is used, whether they have it in abundance or just a small supply of it, there is a meter that measures every kilowatt that goes into your house and mine, and we are made to pay for it so much per kilowatt, whether electricity is in small or large quantity.

What else? We have water meters in our homes and everywhere. It makes no difference whether the water be obtained from a river running near or from an ocean hard by, the meter measures every gallon used by the public, and it is not suggested that because water is abundant that the meter should be changed so that the consumer would get three gallons instead of one.

They want the kilowatt to remain the same; they want the gallon measure and meter to remain the same; but they want to destroy the standing and stability of the American standard dollar in order to enable the big financiers to get all the gold in the country under their control. Just think of the unsound and dangerous suggestion of constantly changing our fixed medium of exchange and long-established standard of value as we know it in the American dollar. And Professor Fisher suggests that we change it according to the price of hay or chickens and eggs in the market place. I believe in a fixed value in money, in a stable standard and I can not agree with Professor Fisher, of Yale. Again he says in this article:

> Money consists of many different things. It consists of gold and silver and green paper, and also of what is called credit. Credit means bank checks. Of course these checks are not money, legally speaking, but, economically speaking, they are almost the same as money, and the more of them there are available the less each dollar will buy.

Again the professor is wrong. Mr. President, the amount of merchandise or farm products that a dollar will buy does not depend on what represents the dollar. It depends on conditions in the market place. I can convince any intelligent man in two minutes that if in 1920, when the panic came, the cotton farmers of the South had been furnished the credits, the loans, with which to hold their cotton and refuse to sell, cotton never would have gone below 30 cents a pound, and then the dollar would have performed its function exactly the same as it did when cotton went to 10 cents a pound, but it would not have bought as much cotton as it did when cotton went to 10 cents a pound; and why? Because the farmer was not able to hold his cotton and compel, as he had done, the buyers to pay 30 cents a pound. That was not the dollar's fault. It was the fault of those who withheld the dollar and refused financial aid to the cotton producers, merchants, and bankers of the South. A conspiracy was formed for the purpose of withholding money and beating down the price. Those who wanted to beat down the price of cotton got all the money they wanted, but those who wanted to hold up the price could not get the money needed, and of course the price went down and down.

But, I repeat, that was not the fault of the dollar. That did not change the value of the dollar at all. It was, I am sorry to say, a deplorable condition brought about by the criminal conduct of those who control the money supply and credits of a hundred millions of people. That is the situation. It was not because the dollar had lost its purchasing power in an orderly market in normal times. Market conditions brought about those things. Commodity prices had been so hammered and manipulated that the products in question had been deprived of their former purchasing and debt-paying power. Why has cotton gone back from 10 to 23 and 24 cents a pound? The dollar has not changed; and I hold that it has gone back because there is more money in circulation and money can again be had on cotton at our banks. It went down when there was little in circulation, and I stood on this floor, and other Senators with me, urging the reorganization of the War Finance Corporation; and what was our argument? That it would put into circulation about $700,000,000, and that that money in circulation, working in the channels of business, would bring up the price of products.

That was our argument, and it did that very thing. Then what is the situation here? We all know from experience that when money is withdrawn, when the circulating medium is contracted, when credits are deflated, markets are dead. And we all know that when money is in circulation, made plentiful

to meet the business needs of all the people, prices are good, and prosperity abounds. If anybody here challenges that proposition, I should like to hear from him. It is as true as Holy Writ, Mr. President. Let me repeat: Whenever money is withdrawn from circulation, whenever credits are deflated wages go down, industries close, and the price of farm products and other products go down and down in price. When money is plentiful, when the volume in circulation is ample, wages are good, industries prosper, and prices are good. Nobody can gainsay that proposition.

I want to warn the Senate that this is the time to be exceedingly careful. I hope and I pray that when this bill shall become a law, as I believe it will, no Senator who supports it will hereafter be embarrassed by having some one say to him that you voted for a measure which is now being used to injuriously affect legitimate business—a measure that is now being invoked to contract the currency and deflate credits and produce a panic.

Mr. President, all students of history know that concentrated wealth in the hands of a few men constituting what is called the money power has been the bane of nearly, if not all, of the governments that have perished.

Mr. President, what is this money power in America? Here is what President Wilson said about it when we had the Federal reserve system under consideration:

> It is the mere truth to say that the financial resources of the country are not at the command of those who do not submit to the direction and domination of small groups of capitalists who wish to keep the economic development of the country under their own eye and guidance. The great monopoly in this country is the monopoly of big credits. So long as that exists, our old variety of freedom and individual initiative and development are out of the queston. A great industrial nation is controlled by its system of credit. Our system of credit is privately concentrated. The growth of the Nation, therefore, and all our activities, are in the hands of a few men.

Mr. President, here was a great American patriot standing on a mountain top that overlooked his country. He saw conditions as they were. He properly appraised them. He spoke a truth in that statement that found favorable response even in the hearts of a majority of the bankers of America. Privately concentrated wealth was the evil against which he warned us. I may be mistaken but that is what I fear is the dominating note of the bill now pending in the Senate..

Continuing, President Wilson said:

> The growth of the Nation, therefore, and all our activities, are in the hands of a few men. An invisible financial empire has been set up above the forms of democracy. We have been dreading all along the time—

Senators, I wish that every man and woman in America could hear this.

> when the combined power of high finance would be greater than the power of the Government.

He saw that danger and dared to call attention to it.

> Have we come—

He said in the same statement—

> to the time when the President of the United States or any man who wishes to be President must doff his cap in the presence of this high finance, and say: "You are our inevitable master, but we will see how we can make the best of it"? We have restricted credit and control of development. We have come to be one of the worst ruled, one of the most completely controlled and dominated governments in the world. We are no longer a government of free opinion; we are no longer a government by conviction and the vote of the majority, but a government by the opinion and duress of a small group of dominant men.

Mr. President, this has been finally the all-important question in all the ages of the past. Paul never spoke more truly than when he said, in his letter to Timothy:

> The love of money is the root of all evil.

I referred a moment ago to money, and how those who handle it and work with it all the time and study and plan how best to make the dollar accomplish most—reach the point when their love of the dollar becomes the dominating thing in their lives. The close-fisted dollar-worshipping fellow is not looking out to see whether those dollars which constitute the peoples' medium of exchange and their measure of value are serving the business needs of the people; and it is the business of the Government, of Congress, to see to it that the currency and credit arrangements of the Nation make it certain at all times that the energy, enterprise, and industry of the citizen shall receive the currency and credits to which he is entitled.

Lest some one may misunderstand me, I do not mean that the Government shall force banks to loan money to worthless individuals. I simply mean that it is incumbent upon the Government to see to it at all times that there is a sufficient volume of money in circulation and that the credit arrangements are amply sufficient at all times to meet the business needs of all the people all the time. If any Senator here questions the soundness of that proposition. I want him to speak out now.

Whose Government is this? It is the Government of the people. What is the duty of the Government? To see to it that a circulating medium is established and maintained, a medium of exchange, a measure of value, which shall be ample to meet the business needs of every man and woman who has energy and assets, as President Wilson put it.

Mr. President, it is not the duty of Congress to turn over to a certain group of big bankers the control of the money supply and credits of the Nation. It is the duty of Congress to move in the opposite direction. The Government favors and honors our bankers when it singles them out and permits them to do this great work of supplying to the people the wherewith that helps to build and which measures the wealth of the greatest Nation of people of the globe. We do not create banks for the purpose of making bankers rich. I believe that a majority of our bankers fully realize their duty to the public in this matter, but we all know that there are bankers who do not seem to have any other thought and purpose in view but to manipulate and control the money supply and credits of the Nation to their own benefit and enrichment. What is the danger here? The danger is of conferring so much power on them that they will be, some day, strong enough to do what Nicholas Biddle threatened to do to Jackson—to defeat him, and defeat his measures, and control Congress. I pray that that day will never come; but, Mr. President, the time to guard against such a thing is now. What is one of the great dangers in this bill? It is the national branch banking system lodged in the very heart of it. Of course they have changed it to some extent. I do not want to deny to any bank a single right and power that it is entitled to possess, but it is my duty to be just and fair to all interests and to protect and safeguard the interests of the people generally. I look upon extensive national branch banking as a great evil and a great danger.

What is the proposition as they state it to us here? They say: "We have cut out national branch banking, except that in the big cities where the big national bank is located it may have a branch bank over here on the right, another one in front, another one on the left, and another one in the rear"—a chain of banks, mighty institutions, all bound together; a concentration of wealth; a concrete, powerful money institution. I am disturbed and alarmed when I think what will be the next step. They will come back later, I fear, and say: "We want to amend the law and enlarge our powers a little." "Oh, no!" we say, "you are simply trying to get up a general national branch banking system." "No," they will say, "we find that we must get out into the county, and we ask you to amend the act confining us and our activities to the county." Before, you will recall, the limits were the limits of the city.

Then it will be the county, and after a while, when they are stronger grown and harder to handle, more powerful in politics, they will say: "We want the limit now to be the boundary lines of the States."

And then I fear that each State—48 of them—will have a national branch banking octopus, with its tentacles reaching out into every county, with their tentacles running out in every direction with one big octopus in New York City, in Wall Street. Then we will have a dollar aristocracy and a moneyed oligarchy that may destroy the liberties of the American people.

God knows I would not hamper or harm a single banker who is conducting a fair and legitimate business. But, as I said before, some bankers are very selfish, closefisted, and cold-blooded. To that peculiar kind there is no music so sweet as the clink of the dollar. They think only of money and dream about money.

I heard a story about the experience of a farmer in the panic of 1921. He went into a bank run by a friend of his and said: "John, I have just got to have $5,000 or I am ruined." John said: "What is the trouble?" He repiled: "Why, the prices of my farm products have gone down below the cost of production. I have no money to hold them off the market. I have got to get some money." The banker said: "I am very sorry,

but we are not lending any money now. We are only taking money in."

Think of that, Senators, an institution established for the purpose of backing the people in whose community they do business, serving their financial needs, helping them to fight their financial battles, were taking away from them the weapons they had to fight with, and were bringing them in and storing them all away behind closed doors in the bank.

The banker said: "We are not letting out any money at all now. We are only taking it in." The man said: "Money is the only thing that will save me. I have always been able to get it here before. What on earth is the matter? You must let me have $5,000."

The banker's face was as cold as marble. He looked steadily out through the open door into the street. He did not look at the farmer at all. Finally he said to the farmer: "Bill, I have got a glass eye, and I pride myself on the matter of having one made that is so much like my other eye that nobody can tell the difference. My wife has said that if she had not known which eye it was that was out, she could not have told the difference between the two. I want you to look me in the eye, and if you can tell me which one is my glass eye, I am going to lend you the $5,000."

Bill was all excitement. All he had was at stake and now depended on his ability to locate the glass eye. He said, with tears in his voice: "It is you right eye." The banker said: "That's right. How could you tell?" He said: "It seemed to be more sympathetic." [Laughter.]

Mr. President, that represents a situation frequently found in the common experiences of the people. I think that the time has come when the Government should do something to aid the men who have stuff that is valuable so that it can receive financial help in order to keep it from being sold at a loss in the market place. I mean to supply the banks and require the banks to do their duty to the citizen. There must be some way by which we can compel banking institutions to serve the business needs of their communities. That demand is not unreasonable.

What do we do under the Federal reserve banking system? A bank in New York can put up $60,000,000 of commercial paper and $40,000,000 of gold, go to the Federal Reserve Board and have it run a printing press and print them one hundred million dollars in Federal reserve notes, and take them out and use them. They lend them. They charge interest on them. They serve their needs with them, and finally take them back to the Treasury, have them destroyed, and get back their $60,000,000 of commercial paper and their $40,000,000 of gold.

There is no provision like that for the man who toils. His grain may rot, his cotton may sell below the cost of production, his hay and his cattle upon the plains perish, and all his produce be ruined, but nobody has written into a banking system, except in the Federal reserve system, a provision to take care of him. Who wrote the provision in the Federal reserve system that looks after him? Democrats, when in power. The provision was approved by President Wilson, and as long as that system was honestly administered the farmer got money on his grain, the farmer in the South got money on his cotton, the farmer on the plain got money on his cattle, and we had an era of prosperity the like of which this country has never seen. The bankers of the South knew that they could get the money needed and they backed the cotton farmer and cotton merchant. What was it that changed the situation? That innocent-looking amendment to the Federal reserve act when invoked by Governor Harding and the Federal Reserve Board brought on a panic, they ceased to let the farmer have money on his cotton, on his grain, on his cattle; and what happened? He lost his cotton, grain, and cattle. The farmers are impoverished now, and thousands of them can not pay their fertilizer bills and taxes.

Mr. President, it is nothing short of a crime that the big financiers of America are able to bring on a panic at a stated time, and drive more than half the population to their knees, strip them of their substance, give them 10 or 12 years in which to get back on their feet again, and then drive them to their knees again, in order that the money lords of Wall Street may prosper and revel in luxury and evil doing.

Mr. President, we all know what happens when outside dangers threaten our country. What do we do when the clouds of war hang on the horizon and a foreign enemy seeks to invade our land? We go into the homes of the people. We command their sons to come forth. We put guns on their shoulders, uniforms on their backs, and compel them to battle with the enemy until the victory is won.

What do we do with regard to money, that which is the lifeblood of the people's business? Money is the only thing that can fight the people's battle in a panic, and yet we permit it to tuck its tail and run when even an economic enemy appears on the scene, and we leave the people, the sovereign citizens of the various States, helpless in the market place, without a weapon with which to fight. Such a thing is cowardly, contemptible, and criminal. Mr. President, the Senator from South Carolina, Mr. SMITH, has a bill on this subject, some of the provisions of which should be enacted into law. They would be helpful to the people of the South and West.

I want to say this in conclusion, that I am the friend of every patriotic and honest banker in America. I believe in sound money. I believe in having sound financial institutions. I want every banker in the country to prosper. I bid them Godspeed on every field of honest and legitimate endeavor. But I owe a duty to myself, to my people, to the people of the country, to sound a note of warning when I feel that it should be sounded at a time like this. Senators, beware! Beware! I fear that when once you start out on this road of national branch banking, the day will come when we will cry out that it is too late now to protest. Let us keep a righteous and just control of these great institutions in the interest of all the people. Let us say, "Money is a thing to which the masses of the people are entitled, to enable them to carry on their daily work, to conduct their business to a successful conclusion, and we do not intend that you, by governmental sanction, shall so manipulate the currency and credit of the Nation as to enrich yourselves, to the hurt, injury, and impoverishment of the masses of the American people."

I want the banker to do well and prosper, and at the same time I want him to serve the business needs of the American people so that they will have at all times the currency and credit needed to make a success of their business.

LIBERTY BONDS

Mr. President, in conclusion I want to say, that during the World War when we were urging the people to buy bonds in order to win the war, the agents of the Government and the bankers said: These Government bonds are as good as gold; they will always be worth 100 cents on the dollar; if you should have occasion to borrow money from a bank, you can get it on your bonds when all other collateral fails. But when the war was over and certain American money lords and big speculators brought on the financial panic of 1920 and 1921, loans on Government bonds were denied; these bonds in the banks were declared to be "frozen assets" and tens of thousands of those who bought bonds from purely patriotic motives were forced to sell them for $80 and $85 on the hundred.

On the other hand "whisky" certificates or warehouse receipts were declared to be "liquid assets," and those who held them got the money they wanted. In other words, a warehouse receipt for whisky stored away in a Government building received recognition at certain banks and obtained the money their owners desired, while Government bonds in the hands of patriotic citizens, and backed by the honor of the Nation and three hundred billions of wealth, were denied recognition for borrowing purposes—declared to be frozen assets, and the situation thus produced was so embarrassing, distressing, and desperate that thousands of these bonds were forced upon the market and sacrificed by their owners at a loss of from $15 to $20 on the hundred. Can any one justify such a stupendous outrage and national crime as that?

The truth is, these bonds were regarded as "liquid assets" in the principal cities of the East, and held to be "frozen assets" in portions of the North and throughout the South and West.

Senators, such conduct is not only inexcusable, but it is criminal. If those in charge of the Government sanction such as that and permit it to be done in the name of the Government, are you surprised that loyal, patriotic citizens are beginning to fear that a great enemy is entrenched in the strongholds of the Government and that the citizen has become an object of prey for his greed?

Senators, such as this is fuel upon the flames of socialism and anarchy. No one here should want to do the thing that will shake or weaken the faith of the citizen in his Government. We should strive always to do the things that will inspire his confidence in and increase his devotion for his country.

Mr. COPELAND. Mr. President, I suppose there is no more amusing spectacle to a countryman than to see a man from the city on the farm. He is afraid of the cows, of the horses, of the pigs, of all the animals about the place. The farmer has become accustomed to these animals and is not frightened

by them. I suppose since I have lived in New York I have become so accustomed to the appearance of the octopus and have so many times stepped over his tentacles as they have extended up Broadway and down Fifth Avenue that I have lost my fear of the beast.

My colleague from Alabama has spoken about the Federal reserve. He has spoken of what it has accomplished for this country, and as a fellow Democrat he has taken pride in the fact that it is a product of the Democratic Party. But I want to remind my friend from Alabama that without the aid of the "octopus," without the assistance of these great national banks, it would not be possible for the Federal reserve to operate.

Mr. HEFLIN. Mr. President, I am sure my friend does not mean to try to put me in the attitude of being opposed to large banks. I said I was the friend of every banking institution that was doing an honest and a legitimate business, but that I thought they were created to serve the needs of the public, and not created for the purpose of enriching themselves. Does the Senator disagree with me on that?

Mr. COPELAND. No; I do not fully disagree with my friend on that matter. I have observed many bankers who seemed to me to have two glass eyes, absolutely lacking in sympathetic glint or favorable glance, but I will state the situation as regards the great banks in New York City. One who is unfamiliar with the growth of New York can have no conception of how that city has traveled, from the Battery up past Wall Street, up to Fourteenth Street, to Central Park, and beyond Central Park to the Harlem River, and up miles and miles, 30 miles from the Battery.

I wish my friend from Alabama would bear witness to the fact that the parent of all these great banks, the really sinful father of all the octopi, lived in Philadelphia, and the Senator having the bill in charge must defend Biddle and the United States bank.

These great banking institutions have tremendous banking houses, enormous marble monuments, which were built with money taken away from the people. I do not doubt that; I agree fully with my colleague from Alabama in that matter. Nevertheless, these institutions were built. Now there has arisen—and I want every Senator to know this—a physical condition, the growth of the city away from Wall Street, the growth of the city away from these great banking palaces. The result is that business now is so remote from Wall Street that these great banking institutions find themselves declining in their financial power, and in our State State banks with the privilege of establishing branches are springing up. These branch banks are found in Fourteenth Street, in Twenty-third Street, in Thirty-second Street, and in Forty-second Street. They are found everywhere in the city and they are getting the business. What will be the ultimate result of that? The ultimate result will be, if this bill is not passed, that the national banks in our city, these banks which are now the very backbone of the Federal reserve system, will give up their national bank charters and will take out State charters, in order that they may have branch banks where they can do business.

I want to say for myself that the reason why I favor the bill is not because of any fear I have of what may result by renewed strength and virility on the part of the octopus. I favor it because I can see that if we do not pass the bill and permit the national banks to have branches, they are going to give up their charters as national banks and become State banks, and then the Federal reserve system referred to by my colleague from Alabama must go out of business for want of support. I want to see placed about the banking system safeguards to make sure that it is not going to entangle us in any sort of financial operations to the disadvantage of the country, but I am convinced that we must take this action in order to preserve the Federal reserve system itself.

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

Mr. COPELAND. I yield to the Senator from South Carolina.

Mr. SMITH. Can not the State banks, by a very simple process, become members of the Federal reserve system without being nationalized, and get all of the benefits of that system?

Mr. COPELAND. Yes; voluntary members, but suppose we take away the power of insisting that the national banks shall be members of the Federal reserve system, what is going to become of the Federal reserve system then?

Mr. SMITH. It will be supported by the membership of those which join.

Mr. COPELAND. The voluntary members.

Mr. SMITH. The national banks were made automatically members of the Federal reserve system, because the Federal reserve system being a national institution and the national banks being under national law, we thought it wise to have them connected directly with it as supporting institutions. We could not force State institutions into the system, but we gave them the optional right to come in or stay out. If there is no great benefit growing out of the Federal reserve system, surely every State bank will stay out. If there is great benefit to come from that system, every State bank will come in.

Mr. COPELAND. I want to ask my friend from South Carolina if he would be willing to have taken away the necessity and obligation on the part of the national banks to become members of the system?

Mr. SMITH. No; I do not think I would.

Mr. COPELAND. That is exactly what would happen if the national banks took out State charters. Their membership then in the Federal reserve system would be a purely voluntary act on their part. There would be no guaranty of the perpetuity of the Federal reserve system.

Mr. REED of Missouri and Mr. HEFLIN addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from New York yield, and, if so, to whom?

Mr. COPELAND. I yield first to the Senator from Missouri.

Mr. REED of Missouri. Does not the Senator know it is purely voluntary for a national bank to belong to the Federal reserve system now? They can take out State charters and go out of the system.

Mr. COPELAND. I know that, if they are willing to give up their national charters.

Mr. REED of Missouri. Does not the Senator know that that was the condition when the Federal reserve system was organized, and that the national banks could have gone into the State system then?

Mr. COPELAND. And that is true now. The statement I made is that unless we make it possible for national banks to do branch banking in a city like mine and in a city like that from which the Senator from Missouri comes they will be compelled for self-preservation to take out State charters and no longer be obligated to have their part in the Federal reserve system.

Mr. REED of Missouri. Does not the Senator know that the national banks always have been denied the right to have branches and that the State banks in many States always had the right to have branches, and yet the national banks have been organized and existing all that time in those States?

Mr. COPELAND. Conditions have changed. I will say to the Senator that my particular interest in the bill lies in the fact that in my city, if the national banks are not permitted to establish branches, they are almost with one accord in the region south of Forty-second Street going to take out State charters and abandon their charters as national banks. The Senator must not forget that changing conditions in the economic world bring new banking conditions.

Mr. REED of Missouri. On what authority does the Senator make that statement? I have heard banks make statements of that kind and I have seen them stay in the system. Can the Senator name some bank that is going to do that?

Mr. COPELAND. Of course I may say to the Senator that I have no affidavits, bankers have not supplied me with any bond to this effect, but I have been approached by at least a dozen bank presidents, precidents of national banks in my city, who have made that statement to me. Furthermore, I have the testimony of certain national banks up town in New York City who have no direct personal interest in the proposition and who give me the same testimony.

Mr. REED of Missouri. Could the Senator tell me how long there has been a branch State bank in New York?

Mr. COPELAND. No, I do not know just how long.

Mr. REED of Missouri. It has been many years, has it not?

Mr. COPELAND. Yes.

Mr. REED of Missouri. What is the reason for this sudden change of heart on the part of the national banks?

Mr. COPELAND. If the Senator had been in the Chamber a little while ago he would have understood what the reason is. I spoke about the growth of our city, the tremendous growth of business to the north of Wall Street. If the Senator has been recently in New York, and I have seen him there on occasions, he realizes that where a few years ago Fourteenth Street was the chief retail street of our city, that district has moved up to Twenty-third Street, then to Thirtieth Street, then to Forty-second Street, and Fifty-ninth Street, and now is rapidly going up Fifth Avenue. The growth of business away from the old financial center of the city has placed upon

the national banks the necessity, if they are going to hold their business, of having branch banks uptown. That is the reason.

Mr. REED of Missouri. Are there some national banks up town now?

Mr. COPELAND. A few; yes.

Mr. REED of Missouri. Are they not reasonably supplying the needs of the people?

Mr. COPELAND. No; besides there are rivalries in banking. Probably the down-town banks want to retain their business. I suppose that is the thought the Senator has in mind.

Mr. REED of Missouri. Does the Senator think it would be a good thing for New York to have three or four banks with a lot of branches, and that it would be better than to have a large number of banks independent in character?

Mr. COPELAND. I think that New York would prosper and would welcome and be benefited by the privilege on the part of these national banks in existence in the financial centers of having branches uptown. I doubt, too, if the business will ever be done by three or four banks; more likely it will be three or four hundred in my city.

Mr. REED of Missouri. I would like to ask the Senator one further question. Does he think we ought to change the whole banking system of the United States in order to accommodate a few banks down in the Wall Street district?

Mr. COPELAND. I have no doubt that other Senators have other reasons for voting for the bill, but the particular reason I have is the one I have given. I feel from the standpoint of New York City and of the tremendous banking institutions there, institutions which are depended upon and leaned upon by business throughout the country, that it would be advantageous to the country if they were permitted to have branches, and for that reason I favor the bill proposed by the committee.

Mr. HEFLIN. Mr. President, some of the reasons given by the Senator from New York are the very reasons why I am opposed to the very banks which operate in New York. Of course, the Senator comes from New York and he feels called upon to defend the institutions of his city.

Mr. COPELAND. I would like to say to my friend from Alabama that all those men vote the Republican ticket. They do not mean anything to me politically.

Mr. HEFLIN. There is a combination of influences and forces in New York City that operates upon all the other sections of the country. In 1920 in the month of November two or three banks in New York City got $250,000,000 from the Federal reserve system, and that was three or four times as much as the amount supplied to all the Federal reserve banks in the system in the other 47 States. I am fighting that system that obtains in New York. If the Senator from New York feels called upon to defend it, he is at liberty to do so.

We know that whenever a panic breaks it is hatched out in New York City. This time it was aided by financiers in Chicago. The two operated together. With certain big financiers in London they laid the plans and worked the whole thing out, and brought it upon this country under an innocent amendment to the Federal reserve act. I fought that thing for two years. I exposed the whole diabolical thing. I introduced a bill to repeal that amendment and it was passed by the Senate, passed by the House, and approved by the President.

I think the Federal reserve act standing alone, if compelled to be operated honestly and fairly, is good enough of itself without any more power being given to the bankers of the country. I fear that there is cloaked in the bill somewhere a provision that will cut into the side of the Federal reserve system. We are going to have a conflict between the State banks and the national banks operating under the new bill, and the Federal reserve system, and I do not know what the result may be. I fear that there is a covert effort somewhere to destroy the Federal reserve system.

I should hate to see it destroyed, because under the powers of the law creating the Federal reserve system there is a provision which authorizes the Federal Reserve Board to compel 11 of the banks of the system, there being 12 of them in number, to go to the rescue of the other one bank to prevent a panic and tide it over and save the business of the community where that bank is located. That is the purpose of a banking system, and a proposition that destroys that power is a proposition that will destroy the liberties of the American people.

Mr. President, I want to sound this note of warning once more. Senators can not be too careful about what they are writing into law. The Senator from Nevada [Mr. PITTMAN] pointed out conflicting provisions this afternoon that no one else had discovered. A bill like this is often written by some of the shrewdest minds that ever wielded a pen, written for the purpose sometimes of confusing the average man, the man unacquainted with banking technique who will not discover what the powers are given until they are in the law and Congress has adjourned, and if the bankers then want to invoke it sometime they can do it and strike down the currency and credit arrangement of the country. Senators, beware!

Mr. REED of Missouri. Mr. President, gradually we are getting a little light. The very frank statement of the Senator from New York [Mr. COPELAND] that he was for the bill because the banks south of Forty-second Street in New York City wanted to establish branches uptown helps to illuminate the situation.

It means, of course, that large banks, not content with the natural advantage of their location, want to spread out into a territory where independent banks might be established or where independent banks have been established, and to absorb to themselves the business which might be done by the independent institutions. That is my objection to this bill. Pass it, and in every one of the 22 States where there are cities of any importance two or three large banks will establish branches in the vicinity of the smaller independent institutions and so sap their vitality as to put them out of existence. That is the purpose of this bill and, of course, every big banker in the country is for it.

I am not against the bill because big bankers are for it, but I am against it because I believe in a democratic form of banking. I believe it is better for this country, better for the various municipalities, that there shall be a large number of independent banks than that there shall be one or two powerful institutions with a large number of branches. This, in my judgment, is the most important bill that we have had before Congress in a great length of time.

There are two lines of thought touching the matter of banking. One line of thought is that there should be one great central bank in the country, that it should have many branches, and thus ramify and cover the entire land. It is argued in favor of that idea that such a bank is so strong, and has such an immense concentration of wealth under its command, that it can better serve the country, and that its stability is very greatly enhanced; but, Mr. President, it was determined in this country in the days of Jackson that such an institution, whatever its advantages, had so many disadvantages that it was an intolerable thing in a republic.

As I said on yesterday, and as has been said here to-day by other Senators, the National Bank of the United States became so powerful that it dominated the industrial development and the commercial activities of the Nation, and it finally became so arrogant as to assert its ability to control even in the matter of the election of Presidents. That bank was dissolved, as it ought to have been dissolved. We operated then, as every one knows—and I state it merely as a matter of sequence—for many years with a banking system under which the national banks were permitted to have no branches whatever; but it was found that in case of a sudden and unusual demand for money there was no way to secure the necessary currency to meet an emergency. So the Federal reserve system was organized.

When the Federal reserve system was being organized there were those who insisted that there should be but one Federal reserve bank, advancing in favor of their conception substantially the same arguments for the central Federal reserve bank as had been advanced in years past in favor of the old central national bank; but Congress determined upon the creation of a system that had some element of distribution in it. The President of the United States insisted that this country should be divided into zones, into 12 districts, arguing that by the creation of a bank in each of those districts the money of each district would largely remain within the district and not be sent to New York, where it would be subject to the fluctuations of the New York market and to the command of a few great financiers of that city.

No one rendered more valiant service in the creation of that system and no one stood more firmly in favor of the 12-bank plan than did the distinguished Senator from Virginia [Mr. GLASS]. He insisted then, both in committee and upon the floor of the Senate, that the division of the country into 12 districts was essential to the accomplishment of the design to create new centers of finance and to retain within the sections of the country where the money was produced the control of the money there produced. Those banks were not branch banks; they were Federal reserve banks, and each of them was absolutely independent of the others save and except that in case of disaster they could be required to come to each other's aid, but that required in turn the action of the Federal Reserve Board appointed by the President.

Mr. COPELAND. Mr. President——

Mr. REED of Missouri. Mr. President, will the Senator pardon me for just a second, and I will then yield to him?

Mr. COPELAND. Very well.

Mr. REED of Missouri. The Senator from Virginia to-day said upon the floor that the object sought to be attained had only been partially accomplished; that still our country was suffering under the disability that formerly existed, but not to the same extent, by which he meant that still large sums of money, instead of being held in the Federal reserve banks, gravitated to New York, and that the system in that respect had not worked as perfectly as it had been anticipated originally it might work. That, however, affords an additional reason why the law of concentration should not be applied to the banking system.

It is a strange spectacle, in my judgment, to find men who insisted upon the creation of independent Federal reserve banks for the purpose of keeping the reserves and surpluses and accumulations within the respective districts which had contributed those several funds and who talked about the democratization of the banking business now join in an attempt which means the creation in every municipality of this country of a financial trust. We have been inveighing for years against trusts and monopolies. We have been telling the people, notwithstanding any economic advantages which might result from great industrial combinations, that the evil of their creation was a thing to be abhorred in a republic and to be feared by every lover of liberty.

What, pray, was an industrial trust? It consisted almost invariably of some one institution combining with a large number of other institutions having for their object the fixation of prices or the regulation of the supply of a particular commodity. For a quarter of a century we have struggled to destroy the trusts and have only partially succeeded.

Now, let me repeat, what the antitrust laws were aimed at was the combination of various corporations engaged in the same line of endeavor, so as to bring them under one management and thereby enable that management to fix the prices, or, if the combination was not so complete, to agree between themselves upon the fixation of prices or upon the amount of goods to be furnished the public. That is what we have declared to be an abomination and to be destructive of individual enterprise and of freedom in the markets of the country. Now, it is proposed to enact a law which will not only make possible but will invite the creation in every city of this country of a financial trust that will control, at least in that community, by providing that there may be one central institution and that it may have its branches in every part of a city, and thus by its power and its rivalry destroy the independent banks of that city.

Mr. CURTIS. Mr. President, would it be agreeable to the Senator to conclude his remarks, so that we may have an executive session before the hour fixed for adjournment?

Mr. REED of Missouri. I am ready to conclude right now.

Mr. CURTIS. I thank the Senator.

HELIUM GAS

Mr. WADSWORTH. Mr. President——

Mr. CURTIS. I yield to the Senator from New York.

Mr. WADSWORTH. If there is no objection, I ask that a certain conference report on the so-called helium gas bill may be laid before the Senate.

Mr. CURTIS. Is there any contest over it?

Mr. WADSWORTH. It is a unanimous report and a complete agreement.

Mr. REED of Missouri. What does it provide?

Mr. WADSWORTH. It is a bill which provides for the conservation of the national supply of helium so necessary for the proper equipment of the Air Services of the Army and Navy, and confides the task to the Department of the Interior.

Mr. KING. Does it give power to the Bureau of Mines to go into the mining business? There was an objection urged, may I say to the Senator, by the Senator from Massachusetts [Mr. WALSH], and I shared in the objection which he had to the bill.

Mr. WADSWORTH. That was not the nature of his objecjection, as I understand, but whatever it was he has withdrawn it. I have seen him twice to-day.

Mr. COPELAND. Mr. President, if my colleague will permit me, I rose to make a similar inquiry. I knew that the Senator from Massachusetts had some objection to the bill.

Mr. WADSWORTH. I assure the Senate that I have seen the Senator from Massachusetts and he has authorized me to say that he will not interpose an objection to the adoption of the conference report.

Mr. KING. Will the Senator from New York feel aggrieved if I ask, in order that we may look into it, that it go over until to-morrow morning? I will join with him in giving it the right of way upon the calendar at that time if I can.

Mr. WADSWORTH. I shall not feel aggrieved, but, of course, the bill was completely explained in the presence of the Senator from Utah when it passed the Senate, and it has not been changed in the slightest degree since. It passed this body unanimously after an amendment had been agreed to, proposed by the Senator from Nevada, who saw some danger, and I think justly so, in one feature of the bill which seemed to be rather sweeping. That was eliminated, and everybody was unanimous in the whole thing, and so far as I know there is no objection to it.

Mr. KING. I do not want to make any apology for failure to apprehend the full scope of the bill when it was under consideration; but my attention has been called to the matter by a number of persons who feel that it is creating too much authority in the Bureau of Mines, and giving to them the power to establish plants, and go into the mining business, the result of which no one can anticipate; and it is feared that it will fasten more effectively a sort of bureaucratic system upon us. I have not had time to examine it fully. I do not want to delay the passage of this measure, or to retard the consideration of the report. I should be very much indebted to the Senator if he could permit it to go over until to-morrow morning.

Mr. WADSWORTH. My understanding is that the Senate is to adjourn to-night.

Mr. CURTIS. There is an agreement that we shall adjourn.

Mr. WADSWORTH. Until what hour?

Mr. CURTIS. Eleven o'clock.

The PRESIDENT pro tempore. Does the Senator from New Yord desire the report to be laid before the Senate?

Mr. HEFLIN. Mr. President, I rose for the purpose of asking the Senator if he had accepted the amendment of the Senator from Nevada.

Mr. WADSWORTH. Oh, yes; that was accepted in the Senate, and the House conferees accepted it, and the report is unanimous.

Mr. President, I merely want to be assured—I do not suppose any one Senator can give me that assurance—that I shall have an opportunity to get consideration for the report to-morrow morning.

Mr. CURTIS. There will be an adjournment, so that there will be two hours for morning business in the morning.

Mr. KING. I am sure I shall aid the Senator in every possible way, but I should esteem it a very great favor if the Senator would let the report go over until to-morrow morning.

Mr. WADSWORTH. Then I will seek consideration of this conference report to-morrow morning.

Mr. CURTIS. Why not have it printed, so that Senators may see it in the morning?

Mr. WADSWORTH. Very well. May it be printed in the RECORD?

The PRESIDENT pro tempore. The rule of the Senate provides that the presentation of a conference report is in order at any time, and that if the question of its consideration be raised it shall be immediately put, and decided without debate.

Mr. WADSWORTH. We have already violated the rule, in that we have debated its consideration. I shall not press it at this time, Mr. President, but I do ask that it be printed in the RECORD.

The PRESIDENT pro tempore. The Chair is advised that it was printed in the RECORD two or three days ago.

Mr. WADSWORTH. Very well.

INTERIOR DEPARTMENT APPROPRIATIONS—CONFERENCE REPORT

Mr. SMOOT. I submit the conference report on the Interior Department appropriation bill. I do not ask for the immediate consideration of the report, but I desire to give notice that I shall try to call it up to-morrow.

Mr. KING. I suppose it will be printed.

Mr. SMOOT. Yes; just as other conference reports are always printed in the RECORD.

The report is 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. 10020) making appropriations for the Department of the Interior 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, 4, 5, 6, 7, 8, 9, 10, 15, 23, 31, 36, 45, and 49.

That the House recede from its disagreement to the amendments of the Senate numbered 11, 12, 13, 16, 17, 19, 20, 21, 22, 24, 25, 29, 39, 40, 41, 42, 46, 47, and 48, and 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: At the end of the matter inserted by said amendment insert the following: "not to exceed $2,000"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "$35,000, of which $10,000 shall be available only for the completion of the Taber feed canal"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "*Provided*, That no part of this appropriation shall be used for construction purposes until a contract or contracts in form approved by the Secretary of the Interior shall have been made with an irrigation district or with irrigation districts organized under State law, providing for payment by the district or districts as hereinafter provided. The Secretary of the Interior shall by public notice announce the date when water is available under the project: *Provided further*, That no part of the sum hereby appropriated shall be expended for the construction of new canals or for the extension of the present canal system for the irrigation of lands outside of the 40,000 acres for the irrigation of which a canal system is now provided until a contract or contracts shall have been executed between the United States and the State of Montana, whereby the State shall assume the duty and responsibility of promoting the development and settlement of the project after completion, securing, selecting, and financing of settlers to enable the purchase of the required livestock, equipment, and supplies and the improvement of the lands to render them habitable and productive. The State shall provide the funds necessary for this purpose and shall conduct operations in a manner satisfactory to the Secretary of the Interior: *Provided further*, That the operation and maintenance charges on account of land in this project shall be paid annually in advance not later than March 1, no charge being made for operation and maintenance for the first year after said public notice. It shall be the duty of the Secretary of the Interior to give such public notice when water is actually available for such lands"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment insert the following: "to remain available until December 31, 1925"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "*Provided further*, That no part of this appropriation shall be used for construction purposes until a contract or contracts in form approved by the Secretary of the Interior shall have been made with an irrigation district or with irrigation districts organized under State law, or water users' association or associations, providing for payment by the district or districts, or water users' association or associations, as hereinafter provided: *Provided further*, That the operation and maintenance charges on account of land in this project shall be paid annually in advance not later than March 1, no charge being made for operation and maintenance for the first year after said public notice. It shall be the duty of the Secretary of the Interior to give such public notice when water is actually available for such lands"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows: "*Provided*, That no part of this appropriation shall be used for construction purposes until a contract or contracts in form approved by the Secretary of the Interior shall have been made with an irrigation district or with irrigation districts organized under State law providing for payment by the district or districts as hereinafter provided. The Secretary of the Interior shall by public notice announce the date when water is available under the project: *Provided further*, That no part of the sum provided for herein shall be expended for construction on account of any lands in private ownership until an appropriate repayment contract, in form approved by the Secretary of the Interior, shall have been properly executed by a district organized under State law, embracing the lands in public or private ownership irrigable under the project, and the execution thereof shall have been confirmed by decree of a court of competent jurisdiction, which contract, among other things, shall contain a provision for an appraisal, showing the present actual bona fide value of all such irrigable lands fixed without reference to the proposed construction of said Kittitas division, and shall provide that until one-half the construction charges against said lands shall have been fully paid no sale of any such lands shall be valid unless and until the purchase price involved in such sale is approved by the Secretary of the Interior, and shall also provide that upon proof of fraudulent representation as to the true consideration involved in any such sale the Secretary of the Interior is authorized to cancel the water right attaching to the land involved in such fraudulent sale; and all public lands irrigable under the project shall be entered subject to the conditions of this section which shall be applicable thereto: *Provided further*, That no part of the sum hereby appropriated shall be expended for construction until a contract or contracts shall have been executed between the United States and the State of Washington pursuant to its land settlement act embodied in chapter 188, Laws of 1919, as amended by chapter 90, Laws of 1921, and by chapters 34 and 112, Laws of 1923, or additional enactments, if necessary, whereby the State shall assume the duty and responsibility of promoting the development and settlement of the project after completion, including the subdivision of lands held in private ownership by any individual in excess of 160 irrigable acres, the securing, selection, and financing of settlers to enable the purchase of the required livestock, equipment, and supplies, and the improvement of the lands to render them habitable and productive. The State shall provide the funds necessary for this purpose and shall conduct operations in a manner satisfactory to the Secretary of the Interior: *Provided further*, That the operation and maintenance charges on account of land in this project shall be paid annually in advance not later than March 1, no charge being made for operation and maintenance for the first year after said public notice. It shall be the duty of the Secretary of the Interior to give such public notice when water is actually available for such lands"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In line 10 of the matter inserted by said amendment strike out the words "until used"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 27, 30, 34, 37, 38, 43, 44, and 50.

REED SMOOT,
CHARLES CURTIS,
WM. J. HARRIS,
Managers on the part of the Senate.

LOUIS C. CRAMTON,
FRANK MURPHY,
C. D. CARTER,
Managers on the part of the House.

POSTAL SALARIES AND POSTAL RATES—CONFERENCE REPORT (S. DOC. NO. 209)

Mr. MOSES. Mr. President, I present the conference report on the postal salaries and rates bill, and ask that it be printed and lie on the table.

There being no objection, the report was ordered to be printed and lie on the table, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 11444) reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, 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 House recede from its disagreement to the Senate amendment, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by said amendment insert the following:

"TITLE I.—RECLASSIFICATION OF SALARIES OF POSTAL EMPLOYEES

"SECTION 1. That on and after January 1, 1925, postmasters and employees of the Postal Service shall be reclassified and their salaries and compensation readjusted, except as otherwise provided as follows:

"CLASSIFICATION OF POSTMASTERS

"That postmasters shall be divided into four classes, as follows:

"The first class shall embrace all those whose annual salaries are $3,200 or more.

"The second class shall embrace all those whose annual salaries are less than $3,200, but not less than $2,400.

"The third class shall embrace all those whose annual salaries are less than $2,400, but not less than $1,100.

"The fourth class shall embrace all postmasters whose annual compensation amounts to less than $1,100, exclusive of commissions on money orders issued.

"RECLASSIFICATION OF POSTAL SALARIES

"The respective compensation of postmasters of the first, second, and third classes shall be annual salaries, graded in even hundreds of dollars, and payable in semimonthly payments to be ascertained and fixed by the Postmaster General from their respective quarterly returns to the General Accounting Office, or copies of duplicates thereof to the First Assistant Postmaster General, for the calendar year immediately preceding the adjustment, based on gross postal receipts at the following rates, namely:

"First class.—$40,000, but less than $50,000, $3,200; $50,000, but less than $60,000, $3,300; $60,000, but less than $75,000, $3,400; $75,000, but less than $90,000, $3,500; $90,000, but less than $120,000, $3,600; $120,000, but less than $150,000, $3,700; $150,000, but less than $200,000, $3,800; $200,000, but less than $250,000, $3,900; $250,000, but less than $300,000, $4,000; $300,000, but less than $400,000, $4,200; $400,000, but less than $500,000, $4,500; $500,000, but less than $600,000, $5,000; $600,000, but less than $7,000,000, $6,000; $7,000,000 and upward, $8,000.

"Second class.—$8,000, but less than $12,000, $2,400; $12,000, but less than $15,000, $2,500; $15,000, but less than $18,000, $2,600; $18,000, but less than $22,000, $2,700; $22,000, but less than $27,000, $2,800; $27,000, but less than $33,000, $2,900; $33,000, but less than $40,000, $3,000.

"Third class.—$1,500, but less than $1,600, $1,100; $1,600, but less than $1,700, $1,200; $1,700, but less than $1,900, $1,300; $1,900, but less than $2,100, $1,400; $2,100, but less than $2,400, $1,500; $2,400, but less than $2,700, $1,600; $2,700, but less than $3,000, $1,700; $3,000, but less than $3,500, $1,800; $3,500, but less than $4,200, $1,900; $4,200, but less than $5,000, $2,000; $5,000, but less than $6,000, $2,100; $6,000, but less than $7,000, $2,200; $7,000, but less than $8,000, $2,300: *Provided*, That when the gross postal receipts of a post office of the third class for each of two consecutive calendar years are less than $1,500, or when in any calendar year the gross postal receipts are less than $1,400, it shall be relegated to the fourth class: *Provided*, That postmasters at offices of the third class shall be granted for clerk hire an allowance of $240 per annum where the salary of the postmaster is $1,100 per annum; an allowance of $330 per annum where the salary of the postmaster is $1,200 per annum; an allowance of $420 per annum where the salary of the postmaster is $1,300 per annum; an allowance of $510 per annum where the salary of the postmaster is $1,400 per annum; an allowance of $600 per annum where the salary of the postmaster is $1,500 per annum; an allowance of $690 per annum where the salary of the postmaster is $1,600 per annum; an allowance of $780 per annum where the salary of the postmaster is $1,700 per annum; an allowance of $870 per annum where the salary of the postmaster is $1,800 per annum; an allowance of $960 per annum where the salary of the postmaster is $1,900 per annum; an allowance of $1,050 per annum where the salary of the postmaster is $2,000 per annum; an allowance of $1,140 per annum where the salary of the postmaster is $2,100 per annum; an allowance of $1,400 per annum where the salary of the postmaster is $2,200 per annum; an allowance of $1,600 per annum where the salary of the postmaster is $2,300 per annum: *Provided further*, That the Postmaster General may modify these allowances for clerk hire to meet varying needs, but in no case shall they be reduced by such modification more than 25 per cent: *Provided, however*, That the aggregate of such allowances, as modified, shall not exceed in any fiscal year the aggregate of allowances herein prescribed for postmasters of the third class.

"The allowances for clerk hire made to postmasters of the first, second, and third class post offices by the Postmaster General out of the annual appropriations therefor shall cover the cost of clerical service of all kinds in such post offices, including the cost of clerical labor in the money-order business, and excepting allowances for separating mails at third-class post offices, as provided by law.

"Fourth class.—The compensation of postmasters of the fourth class shall be fixed upon the basis of the whole of the box rents collected at their offices and commissions upon the amount of canceled postage-due stamps and on postage stamps, stamped envelopes, and postal cards canceled, on matter actually mailed at their offices, and on the amount of newspaper and periodical postage collected in money, and on the postage collected in money on identical pieces of third and fourth class matter mailed under the provisions of the act of April 28, 1904, without postage stamps affixed, and on postage collected in money on matter of the first class mailed under provisions of the act of April 24, 1920, without postage stamps affixed, and on amounts received from waste paper, dead newspapers, printed matter, and twine sold, at the following rates, namely:

"On the first $75 or less per quarter the postmaster shall be allowed 160 per cent on the amount; on the next $100 or less per quarter, 85 per cent; and on all the balance, 75 per cent, the same to be ascertained and allowed by the General Accounting Office in the settlement of the accounts of such postmasters upon their sworn quarterly returns: *Provided*, That when the total compensation of any postmaster at a post office of the fourth class for the calendar year shall amount to $1,100, exclusive of commissions on money orders issued, and the receipts of such post office for the same period shall aggregate as much as $1,500, the office shall be assigned to its proper class on July 1 following, and the salary of the postmaster fixed according to the receipts: *Provided further*, That in no case shall there be allowed any postmaster of this class a compensation greater than $300 in any one of the first three quarters of the fiscal year, exclusive of money-order commissions, and in the last quarter of each fiscal year there shall be allowed such further sums as he may be entitled to under the provisions of this act, not exceeding for the whole fiscal year the sum of $1,100, exclusive of money-order commissions: *And provided further*, That whenever unusual conditions prevail the Postmaster General, in his discretion, may advance any post office from the fourth class to the appropriate class indicated by the receipts of the preceding quarter, notwithstanding the proviso which requires the compensation of fourth-class postmasters to reach $1,100 for the calendar year, exclusive of commissions on money-order business, and that the receipts of such post office for the same period shall aggregate as much as $1,500 before such advancement is made: *And provided further*, That when the Postmaster General has exercised the authority herein granted he shall, whenever the receipts are no longer sufficient to justify retaining such post office in the class to which it has been advanced, reduce the grade of such office to the appropriate class indicated by its receipts for the last preceding quarter.

"SEC. 2. That post-office inspectors shall be divided into six grades, as follows: Grade 1—salary, $2,800; grade 2—salary, $3,000; grade 3—salary, $3,200; grade 4—salary $3,500; grade 5—salary $3,800; grade 6—salary, $4,000, and there shall be 15 inspectors in charge at $4,500: *Provided*, That in the readjustment of grades for inspectors to conform to the grades herein provided, inspectors who are now in present grades 1 and 2 shall be included in grade 1; inspectors who are now in present grade 3 shall be included in grade 2; inspectors who are now in present grade 4 shall be included in grade 3; inspectors who are now in present grade 5 shall be included in grade 4; inspectors who are now in present grade 6 shall be included in grade 5; and inspectors who are now in present grade 7 shall be included in grade 6: *Provided further*, That inspectors shall be promoted successively to grade 5 at the beginning of the quarter following a year's satisfactory service in the next lower grade, and not to exceed 35 per cent of the force to grade 6 for meritorious service after not less than one year's service in grade 5; and the time served by inspectors in their present grade shall be included in the year's service required for promotion in the grades provided herein, except as to inspectors in present grade 1.

"Inspectors and supervisory employees of the Railway Mail Service and post offices shall be paid their actual expenses as fixed by law.

"That clerks at division headquarters of post-office inspectors shall be divided into six grades, as follows:

"Grade 1—salary, $1,900; grade 2—salary, $2,000; grade 3—salary, $2,150; grade 4—salary, $2,300; grade 5—salary, $2,450; grade 6—salary, $2,600; and there shall be one chief clerk at each division headquarters at a salary of $3,000: *Provided*, That in the readjustment of grades for clerks at division head-

quarters to conform to the grades herein provided, clerks who are now in present grade 1 shall be included in grade 1; clerks who are now in present grade 2 shall be included in grade 2; clerks who are now in present grade 3 shall be included in grade 3; clerks who are now in present grade 4 shall be included in grade 4; clerks who are now in present grade 5 shall be included in grade 5; and clerks who are now in present grade 6 shall be included in grade 6: *Provided further*, That clerks at division headquarters shall be promoted successively to grade 5 at the beginning of the quarter following a year's satisfactory service in the next lower grade and not to exceed 35 per cent of the force to grade 6 for meritorious service after not less than one year's service in grade 5, and the time served by clerks in their present grades shall be included in the year's service required for promotion in the grades provided herein: *And provided further*, That whenever in the discretion of the Postmaster General the needs of the service require such action, he is authorized to transfer clerks or carriers in the City Delivery Service from post offices at which division headquarters of post-office inspectors are located to the position of clerk at such division headquarters after passing a noncompetitive examination at a salary not to exceed $2,300. After such transfer is made effective clerks so transferred shall be eligible for promotion to the grades of salary provided for clerks at division headquarters of post-office inspectors. Hereafter when any clerk in the office of division headquarters in the post-office inspection service is absent from duty for any cause other than leave with pay allowed by law, the Postmaster General, under such regulations as he may prescribe, may authorize the employment of a substitute for such work, and payment therefor from the lapsed salary of such absent clerk at a rate not to exceed the grade of pay of the clerk absent without pay.

"SEC. 3. That at offices of the second class the annual salaries of assistant postmasters shall be in even hundreds of dollars, based on the gross postal receipts for the preceding calendar year, as follows: $8,000, but less than $10,000, $2,200; $10,000, but less than $12,000, $2,200; $12,000, but less than $15,000, $2,200; $15,000, but less than $18,000, $2,300; $18,000, but less than $22,000, $2,300; $22,000, but less than $27,000, $2,400; $27,000, but less than $33,000, $2,400; $33,000, but less than $40,000, $2,500.

"That at offices of the first class the annual salaries of the employees, other than those in the automatic grades, shall be in even hundreds of dollars, based on the gross postal receipts for the preceding calendar year, as follows:

"Receipts $40,000, but less than $50,000—assistant postmaster, $2,600; superintendent of mails, $2,400. Receipts $50,000, but less than $60,000—assistant postmaster, $2,600; superintendent of mails, $2,400. Receipts $60,000 but less than $75,000—assistant postmaster, $2,600; superintendent of mails, $2,400. Receipts $75,000, but less than $90,000—assistant postmaster $2,700; superintendent of mails, $2,500. Receipts $90,000, but less than $120,000—assistant postmaster, $2,700; superintendent of mails, $2,600; foremen, $2,500. Receipts $120,000, but less than $150,000—assistant postmaster, $2,800; superintendent of mails, $2,700; foremen, $2,500. Receipts $150,000, but less than $200,000—assistant postmaster, $2,900; superintendent of mails, $2,800; foremen, $2,500. Receipts $200,000, but less than $250,000—assistant postmaster $3,000; superintendent of mails, $2,900; foremen, $2,500. Receipts $250,000, but less than $300,000—assistant postmaster, $3,100; superintendent of mails, $3,000; assistant superintendent of mails, $2,600; foremen, $2,500. Receipts $300,000, but less than $400,000—assistant postmaster, $3,200; superintendent of mails, $3,100; assistant superintendent of mails, $2,600; foremen, $2,500. Receipts $400,000, but less than $500,000—assistant postmaster, $3,300; superintendent of mails, $3,200; assistant superintendent of mails, $2,600; foremen, $2,500. Receipts $500,000, but less than $600,000—assistant postmaster, $3,500; superintendent of mails, $3,300; assistant superintendent of mails, $2,600; foremen, $2,500; postal cashier, $2,900; money-order cashier, $2,600. Receipts $600,000, but less than $1,000,000—assistant postmaster, $3,700; superintendent of mails, $3,500; assistant superintendent of mails, $2,800; foremen, $2,500; postal cashier, $3,100; money-order cashier, $2,800. Receipts $1,000,000, but less than $2,000,000—assistant postmaster, $3,900; superintendent of mails, $3,700; assistant superintendents of mails, $2,700, $2,800, and $3,100; foremen, $2,500 and $2,600; postal cashier, $3,300; assistant cashiers, $2,600; money-order cashier, $3,000; bookkeepers, $2,400; station examiners, $2,400. Receipts $2,000,000, but less than $3,000,000—assistant postmaster $4,000; superintendent of mails, $3,800; assistant superintendents of mails, $2,700, $2,800, $3,000, and $3,300; foremen, $2,500 and $2,600; postal cashier, $3,400; assistant cashiers, $2,600 and $2,900; money-order cashier, $3,100; bookkeepers, $2,400 and $2,500; station examiners, $2,600. Receipts $3,000,000, but less than $5,000,000—assistant postmaster, $4,100; superintendent of mails, $3,900; assistant superintendents of mails, $2,700, $2,800, $3,100, and $3,500; foremen, $2,500 and $2,600; postal cashier, $3,600; assistant cashiers, $2,600, $2,800, and $3,100; money-order cashier $3,300; bookkeepers, $2,400 and $2,500; station examiners, $2,600 and $2,800. Receipts $5,000,000, but less than $7,000,000—assistant postmaster, $4,300; superintendent of mails, $4,100; assistant superintendents of mails, $2,700, $2,800, $3,100, $3,300, and $3,700; foremen, $2,500 and $2,600; postal cashier, $3,800; assistant cashiers $2,600, $2,900, and $3,100; money-order cashier, $3,500; bookkeepers, $2,400, $2,500, and $2,600; station examiners, $2,600 and $2,800. Receipts $7,000,000, but less than $9,000,000—assistant postmaster, $4,600; superintendent of mails, $4,300; assistant superintendents of mails, $2,700, $2,800, $3,100, $3,500, and $3,900; foremen, $2,500 and $2,600; postal cashier, $4,000; assistant cashiers, $2,600, $2,800, $3,100, and $3,400; money-order cashier, $3,600; bookkeepers, $2,400, $2,500, and $2,600; station examiners, $2,600 and $2,800. Receipts $9,000,000, but less than $20,000,000—assistant postmasters, $4,700 and $4,800; superintendent of mails, $4,500; assistant superintendents of mails, $2,800, $2,900, $3,100, $3,500, $3,700, and $4,100; foremen, $2,500, $2,600, and $2,700; postal cashier, $4,100; assistant cashiers, $2,600, $2,800, $3,200, and $3,600; money-order cashier, $3,700; bookkeepers, $2,400, $2,500, $2,600, and $2,800; station examiners, $2,600 and $2,800. Receipts $20,000,000 and upward—assistant postmasters, $4,800 and $4,900; superintendent of mails, $4,700; assistant superintendents of mails, $2,800, $2,900, $3,100, $3,500, $3,900, and $4,100; superintendent of delivery, $4,700; assistant superintendents of delivery, $2,800, $2,900, $3,100, $3,500, $3,900, and $4,100; foremen, $2,500, $2,600, and $2,700; superintendent of registry, $4,300; assistant superintendents of registry, $2,800, $2,900, $3,100, $3,500, and $4,100; superintendent of money order, $4,300; assistant superintendent of money order, $4,100; auditor, $4,000; postal cashier, $4,300; assistant cashiers, $2,600, $2,800, $3,100, $3,300, and $3,800; money-order cashier, $3,900; bookkeepers, $2,400, $2,600, $2,800, and $3,300; station examiners, $2,600, $2,800, and $3,000.

"The salary of superintendents of classified stations shall be based on the number of employees assigned thereto and the annual postal receipts. No allowance shall be made for sales of stamps to patrons residing outside of the territory of the stations. At classified stations each $25,000 of postal receipts shall be considered equal to one additional employee.

"At classified stations the salary of the superintendent shall be as follows: One and not exceeding 5 employees, $2,400; 6 and not exceeding 18 employees, $2,500; 19 and not exceeding 32 employees, $2,600; 33 and not exceeding 44 employees, $2,700; 45 and not exceeding 64 employees, $2,800; 65 and not exceeding 90 employees, $2,900; 91 and not exceeding 120 employees, $3,000; 121 and not exceeding 150 employees, $3,100; 151 and not exceeding 350 employees, $3,300; 351 and not exceeding 500 employees, $3,500; 501 or more employees, $3,800.

"At classified stations having 45 or more employees there shall be assistant superintendents of stations with salaries as follows: Forty-five and not exceeding 64 employees, $2,400; 65 and not exceeding 90 employees, $2,500; 91 and not exceeding 120 employees, $2,600; 121 and not exceeding 150 employees, $2,700; 151 and not exceeding 350 employees, $2,900; 351 and not exceeding 500 employees, $3,100; 501 employees and upward, $3,400: *Provided*, That not more than two assistant postmasters shall be employed at offices where the receipts are $9,000,000 and upward: *Provided further*, That at post offices where the receipts are $14,000,000 but less than $20,000,000, there shall be a superintendent of delivery whose salary shall be the same as that provided for the superintendent of mails, and assistant superintendents of delivery at the salaries provided for assistant superintendents of mails: *Provided further*, That in fixing the salaries of the postmaster and supervisory employees in the post office at Washington, D. C., the Postmaster General may, in his discretion, add not to exceed 75 per cent to the gross receipts of that office: *Provided further*, That not more than one assistant superintendent of mails, one assistant superintendent of delivery, one assistant superintendent of registry, and one assistant cashier shall be paid the maximum salary provided for these positions, except where receipts are $9,000,000 and less than $14,000,000 to which offices two assistant superintendents of mails shall be assigned at the maximum salary, one to be in charge of city delivery: *And provided further*, That State depositories for surplus postal funds and central accounting offices, where the gross receipts are less than

$500,000, and no postal cashier is provided, the employee in charge of such records and adjustments of the accounts shall be allowed an increase of $200 per annum; if receipts are $500,000 and less than $5,000,000, the postal cashier shall be allowed an increase of $200 per annum: *And provided further*, That at all central accounting offices where the bookkeeper in charge performs the duties of auditor, he shall be designated chief bookkeeper, at a salary equal to that of the assistant cashier of the highest grade at that office: *And provided further*, That when an office advances to a higher grade because of increased gross postal receipts for a calendar year, promotion of all supervisory employees shall be made to the corresponding grade at the higher salary provided for the same titles or designations under the higher classification of the office based on its postal receipts: *And provided further*, That no employee in the supervisory grades shall receive a salary less than $100 more than that paid to the highest grade of clerk or special clerk: *Provided further*, That in the readjustment of salaries of all employees above the highest grade for special clerks, those at present designated by titles for which more than one grade of salary is provided shall be placed in the same relative grade and designation and receive the increased salary provided in this title.

"SEC. 4. That clerks in first and second class post offices and letter carriers in the City Delivery Service shall be divided into five grades as follows: First grade—salary $1,700; second grade—salary, $1,800; third grade—salary $1,900; fourth grade—salary, $2,000; fifth grade—salary, $2,100: *Provided*, That in the readjustment of grades for clerks at first and second class post offices and letter carriers in the City Delivery Service to conform to the grades herein provided, grade 1 shall include present grade 1, grade 2 shall include present grade 2, grade 3 shall include present grade 3, grade 4 shall include present grade 4, and grade 5 shall include present grade 5: *Provided further*, That hereafter substitute clerks in first and second class post offices and substitute letter carriers in the City Delivery Service when appointed regular clerks or carriers shall have credit for actual time served on a basis of one year for each 306 days of 8 hours served as substitute, and appointed to the grade to which such clerk or carrier would have progressed had his original appointment as substitute been to grade 1: *And provided further*, That clerks in first and second class post offices and letter carriers in the City Delivery Service shall be promoted successively after one year's satisfactory service in each grade to the next higher grade until they reach the fifth grade. All promotions shall be made at the beginning of the quarter following one year's satisfactory service in the grade: *And provided further*, That there shall be two grades of special clerks, as follows: First grade—salary, $2,200; second grade—salary, $2,300: *Provided*, That in the adjustment of grades for special clerks to conform to the grades herein provided special clerk grade 1 shall include present grade 1, and special clerk grade 2 shall include present grade 2: *Provided further*, That in all special clerk promotions the senior competent employee shall have preference: *Provided further*, That printers, mechanics, and skilled laborers, employees of the United States Stamped Envelope Agency at Dayton, Ohio, shall for the purpose of promotion and compensation be deemed a part of the clerical force.

"That the pay of substitute, temporary, or auxiliary clerks at first and second class post offices and substitute letter carriers in the City Delivery Service shall be at the rate of 65 cents per hour: *Provided*, That marine carriers assigned to the Detroit River Marine Service shall be paid annual salary of $300 in excess of the highest salary paid carriers in the City Delivery Service: *Provided further*, That hereafter special clerks, clerks, and laborers, in the first and second class post offices and carriers in the City Delivery Service shall be required to work not more than eight hours a day: *Provided further*, That the eight hours of service shall not extend over a longer period than 10 consecutive hours, and the schedules of duty of the employees shall be regulated accordingly: *Provided further*, That in cases of emergency, or if the needs of the service require, and it is not practicable to employ substitutes, special clerks, clerks, and laborers, in first and second class post offices and carriers in the City Delivery Service can be required to work in excess of eight hours per day, and for such overtime service they shall be paid on the basis of the annual pay received by such employees: *And provided further*, That in computing the compensation for such overtime the annual salary or compensation for such employees shall be divided by 306, the number of working days in the year less all Sundays and legal holidays enumerated in the act of July 28, 1916. The quotient thus obtained will be the daily compensation which divided by 8 will give the hourly compensation for such overtime service: *And provided further*, That when the needs of the service require the employment on Sundays and holidays of foremen, special clerks, clerks, carriers, watchmen, messengers, or laborers, at first and second class post offices, they shall be allowed compensatory time on one day within six days next succeeding the Sunday, except the last three Sundays in the calendar year, and on 1 day within 30 days next succeeding the holiday and the last three Sundays in the year on which service is performed: *Provided, however*, That the Postmaster General may, if the exigencies of the service require it, authorize the payment of overtime for service on the last three Sundays in the calendar year or on Christmas Day in lieu of compensatory time.

"SEC. 5. That messengers, watchmen, and laborers in first and second class post offices shall be divided into two grades, as follows: First grade—salary, $1,500; second grade—salary, $1,600: *Provided*, That watchmen, messengers, and laborers shall be promoted to the second grade after one year's satisfactory service in grade 1: *Provided further*, That the pay of substitute watchmen, messengers, and laborers shall be at the rate of 55 cents per hour.

"SEC. 6. That employees in the motor-vehicle service shall be classified as follows: Superintendents, $2,400, $2,600, $2,800, $3,000, $3,400, $3,600, $3,800, $4,000, and $5,000 per annum; assistant superintendents, $2,500, $2,600, and $2,800 per annum; chiefs of records, $2,200, $2,300, $2,400, $2,500, $2,600, $2,800, and $3,000; chiefs of supplies, $2,200, $2,300, and $2,400; chief dispatchers, $2,300 and $2,500; route supervisors, $2,400, $2,500, and $2,600; dispatchers, $2,100, $2,200, and $2,300; chief mechanics, $2,400, $2,500, $2,600, $2,800, and $3,000; mechanics in charge, $2,200, $2,300, and $2,400; and special mechanics, $2,100, $2,200, and $2,300: *Provided*, That assistant superintendents shall not be authorized at offices where the salary of the superintendent is less than $3,000 per annum.

"That general mechanics employed in the motor-vehicle service shall be divided into three grades: First grade, salary $1,900; second grade, salary $2,000; third grade, salary $2,100; and clerks employed in the motor-vehicle service shall be divided into five grades as follows: First grade, salary $1,700; second grade, salary $1,800; third grade, salary $1,900; fourth grade, salary $2,000; fifth grade, salary $2,100: *Provided*, That in the readjustment of grades for clerks in the motor-vehicle service to conform to the grades above provided, grade 1 shall include present grade 1, grade 2 shall include present grade 2, grade 3 shall include present grade 3, grade 4 shall include present grade 4, and grade 5 shall include present grade 5: *Provided*, That general mechanics employed in the motor-vehicle service shall be promoted successively after one year's satisfactory service in each grade to the next higher grade until they reach the third grade, and clerks employed in the motor-vehicle service shall be promoted successively after one year's satisfactory service in each grade to the next higher grade until they reach the fifth grade, at the respective offices where employed, and promotion shall be made at the beginning of the quarter following one year's satisfactory service in the grade: *Provided further*, That at first-class post offices there shall be two grades of special clerks in the motor-vehicle service—grade 1, salary $2,200; grade 2, salary $2,300: *Provided further*, That in the readjustment of grades for special clerks to conform to the grades herein provided, special clerk, grade 1, shall include present special clerk, grade 1, and special clerk, grade 2, shall include present special clerk, grade 2.

"Mechanics' helpers employed in the motor-vehicle service shall receive a salary of $1,600 per annum: *Provided*, That on satisfactory evidence of their qualifications after one year's service mechanics' helpers shall be promoted to the first grade of general mechanics as vacancies may occur.

"That driver-mechanics employed in the motor-vehicle service shall be divided into five grades: First grade, salary $1,600; second grade, salary $1,700; third grade, salary $1,800; fourth grade, salary $1,900; fifth grade, salary $2,000; and garagemen-drivers employed in the motor-vehicle service shall be divided into two grades: First grade, salary $1,550; second grade, salary $1,650: *Provided*, That in the readjustment of salaries provided for in this title all driver-mechanics shall be classified in the respective grades as follows: Those with less than one year's service shall be placed in grade 1; those with more than one year's service and less than two years' service shall be placed in grade 2; those with more than two years' service and less than three years' service shall be placed in grade 3; those with more than three years' service and less than four years' service shall be placed in grade 4; those with more than four years' service shall be placed in grade 5: *Provided further*, That driver-mechanics employed in the motor-vehicle service shall be promoted successively after one year's satisfactory

service in each grade to the next higher grade until they reach the fifth grade at the respective offices where employed: *Provided further*, That garagemen-drivers in the motor-vehicle service shall be promoted after one year's satisfactory service in the first grade to the second grade at the respective offices where employed, and promotions of driver-mechanics and garagemen-drivers shall be made at the beginning of the quarter following one year's satisfactory service in the grade.

"That the pay of substitute, temporary, or auxiliary employees in the motor-vehicle service shall be as follows: Special mechanics at the rate of 75 cents per hour; general mechanics at the rate of 70 cents per hour; clerks and driver-mechanics at the rate of 65 cents per hour; and garagemen-drivers at the rate of 55 cents per hour.

"That special mechanics, general mechanics, mechanics' helpers, driver-mechanics, and garagemen-drivers in the motor-vehicle service shall be required to work not more than 8 hours a day: *Provided*, That the 8 hours of service shall not extend over a longer period than 10 consecutive hours, and the schedules of duties of the employees shall be regulated accordingly: *Provided further*, That in cases of emergency, or if the needs of the service require, special clerks, clerks, special mechanics, general mechanics, mechanics' helpers, driver-mechanics, and garagemen-drivers in the motor-vehicle service can be required to work in excess of 8 hours per day, and for such overtime service they shall be paid on the basis of the annual pay received by such employees: *Provided further*, That in computing the compensation for such overtime the annual salary or compensation of such employees shall be divided by 306, the number of working-days in the year less all Sundays and legal holidays enumerated in the act of July 28, 1916; the quotient thus obtained will be the daily compensation which divided by 8 will give the hourly compensation for such overtime service: *Provided further*, That when the needs of the service require the employment on Sundays and holidays of route supervisors, special clerks, clerks, dispatchers, mechanics in charge, special mechanics, general mechanics, mechanics' helpers, driver-mechanics, and garagemen-drivers in the motor-vehicle service, they shall be allowed compensatory time on 1 day within 6 days next succeeding the Sunday, except the last 3 Sundays in the calendar year, and on 1 day within 30 days next succeeding the holiday and the last 3 Sundays in the year on which service is performed: *Provided, however*, That the Postmaster General may, if the exigencies of the service require it, authorize the payment of overtime in lieu of compensatory time for service on Sundays and holidays.

"SEC. 7. That the annual salaries of employees of the Railway Mail Service shall be as follows: Division superintendents, $4,500; assistant division superintendents and assistant superintendents at large, $3,600; assistant superintendent in charge of car construction, $3,300; chief clerks, $3,300; assistant chief clerks, $2,800: *Provided*, That the clerks in charge of sections in the offices of the division superintendents shall be rated as assistant chief clerks at $2,800 salary.

"That railway postal clerks shall be divided into two classes, class A and class B, and into seven grades with annual salaries as follows: Grade 1, salary $1,900; grade 2, salary $2,000; grade 3, salary $2,150; grade 4, salary $2,300; grade 5, salary $2,450; grade 6, salary $2,600; grade 7, salary $2,700.

"Laborers in the Railway Mail Service shall be divided into two grades with annual salaries as follows: Grade 1, salary $1,500; grade 2, $1,600.

"Laborers shall be promoted to grade 2 after one year's satisfactory service in grade 1: *Provided*, That in the readjustment of the service to conform to the grades herein provided for laborers, grade 1 shall include laborers in present grade 1, and grade 2 shall include laborers in present grade 2.

"Substitute railway postal clerks shall be paid for services actually performed at the rate of $1,850 per annum, the first year of service to constitute a probationary period, and when appointed regular clerks shall receive credit on the basis of one year of actual service performed as a substitute and be appointed to the grade to which such clerk would have progressed had his original appointment as a substitute been to grade 1. Any fractional part of a year's substitute service will be included with his service as a regular clerk in determining eligibility for promotion to the next higher grade following appointment to a regular position.

"All original appointments shall be made to the rank of substitute railway postal clerk, and promotions shall be made successively at the beginning of the quarter following a total satisfactory service of 306 days in the next lower grade.

"In the readjustment of the service to conform to the grades herein provided, grade 1 shall include clerks in present grade 1, grade 2 shall include clerks in present grade 2, grade 3 shall include clerks in present grade 3, grade 4 shall include clerks in present grade 4, grade 5 shall include clerks in present grade 5, and grade 6 shall include clerks in present grade 6.

"That hereafter, in addition to the salaries provided by law, the Postmaster General is hereby authorized to make travel allowances in lieu of actual expenses, at fixed rates per annum, not exceeding in the aggregate the sum annually appropriated, to railway postal clerks, acting railway postal clerks, and substitute railway postal clerks, including substitute railway postal clerks for railway postal clerks granted leave with pay on account of sickness, assigned to duty in railway post-office cars, while on duty, after 10 hours from the time of beginning their initial run, under such regulations as he may prescribe, and in no case shall such an allowance exceed $3 per day.

"Substitute railway postal clerks shall be credited with full time while traveling under orders of the department to and from their designated headquarters to take up an assignment, together with actual and necessary travel expenses, not to exceed $3 per day, while on duty away from such headquarters. When a substitute clerk performs service in a railway post office starting from his official headquarters he shall be allowed travel expenses under the law applying to clerks regularly assigned to the run.

"Railway post-office lines shall be divided into two classes, class A and class B, and clerks assigned to class A lines shall be promoted successively to grade 4 and clerks in charge to grade 5. Clerks assigned to class B lines shall be promoted successively to grade 5 and clerks in charge to grade 6: *Provided*, That lines in present class A shall be continued in class A, and lines in present class B shall be continued in class B.

"Terminal railway post offices shall be divided into two classes, class A and class B; those having less than 20 employees shall be assigned to class A, and those having 20 or more employees shall be assigned to class B. Clerks in class A terminals shall be promoted successively to grade 4, and clerks in charge of tours to grade 5. Clerks in class B terminals shall be promoted successively to grade 5, and clerks in charge of tours to grade 6.

"Transfer offices shall be divided into two classes, class A and class B; those having less than five employees shall be assigned to class A, and those having five or more employees to class B. Clerks in class A shall be promoted successively to grade 4, and clerks in charge of tours to grade 5. Clerks in class B shall be promoted successively to grade 5, and clerks in charge of tours to grade 6.

"Clerks assigned to the office of division superintendent or chief clerk shall be promoted successively to grade 4, and in the office of division superintendent four clerks may be promoted to grade 5 and eight clerks to grade 6, and in the office of chief clerk one clerk may be promoted to grade 5 and two clerks to grade 6.

"Examiners shall be promoted successively to grade 6 and assistant examiners to grade 5 whether assigned to the office of division superintendent or chief clerk: *Provided*, That service of clerks shall be based on an average of not exceeding eight hours daily for 306 days per annum, including proper allowances for all service required on lay-off periods. Clerks required to perform service in excess of eight hours daily, as herein provided, shall be paid in cash at the annual rate of pay or granted compensatory time at their option for such overtime. Railway postal clerks assigned to terminal railway post offices and transfer offices and laborers in the Railway Mail Service shall be required to work not more than eight hours a day, and that the eight hours of service shall not extend over a longer period than 10 consecutive hours, and that in cases of emergency, or if the needs of the service require, they may be required to work in excess of eight hours a day, and for such additional service they shall be paid in proportion to their salaries as fixed by law.

"That clerks assigned to road duty shall be credited with full time for delay to trains equal to the period of time between the scheduled arrival and actual arrival of the train at destination of run.

"That section 3 of the act approved June 19, 1922 (41 Stat., p. 660), providing for leaves of absence of employees in the Postal Service, be amended by adding the following proviso: '*Provided*, That hereafter not exceeding five days of the 15 days' annual leave with pay, exclusive of Sundays and holidays, granted to railway postal clerks assigned to road duty each fiscal year may be carried over to the succeeding fiscal year.'

"RURAL MAIL DELIVERY SERVICE

"SEC. 8. That the salary of carriers in the Rural Mail Delivery Service for serving a rural route of 24 miles six days

in the week shall be $1,800; on routes 22 miles and less than 24 miles, $1,728; on routes 20 miles and less than 22 miles, $1,620; on routes 18 miles and less than 20 miles, $1,440; on routes 16 miles and less than 18 miles, $1,260; on routes 14 miles and less than 16 miles, $1,080; on routes 12 miles and less than 14 miles, $1,008; on routes 10 miles and less than 12 miles, $936; on routes 8 miles and less than 10 miles, $864; on routes 6 miles and less than 8 miles, $792; on routes 4 miles and less than 6 miles, $720. Each rural carrier assigned to a route on which daily service is performed shall receive $30 per mile per annum for each mile said route is in excess of 24 miles or major fraction thereof, based on actual mileage, and each rural carrier assigned to a route on which triweekly service is performed shall receive $15 per mile for each mile said route is in excess of 24 miles or major fraction thereof, based on actual mileage.

"Deductions for failure to perform service on a standard rural delivery route for 24 miles and less shall not exceed the rate of pay per mile for service for 24 miles and less; and deductions for failure to perform service on mileage in excess of 24 miles shall not exceed the rate of compensation allowed for such excess mileage.

"In addition to the salary herein provided, each carrier in Rural Mail Delivery Service shall be paid for equipment maintenance a sum equal to 4 cents per mile per day for each mile or major fraction of a mile scheduled. Payments for equipment maintenance as provided herein shall be at the same periods and in the same manner as payments for regular compensation to rural carriers.

"A rural carrier serving one triweekly route shall be paid a salary and equipment allowance on the basis of a route one-half the length of the route served by him. A rural carrier serving two triweekly routes shall be paid a salary and equipment allowance on the basis of a route one-half of the combined length of the two routes.

"SEC. 9. That the salary of requisition fillers and packers in the division of equipment and supplies shall be as follows: One foreman, $2,100 per annum; 10 requisition fillers and 9 packers at $1,800 each per annum.

"SEC. 10. That the pay of carriers in the village delivery service, under such rules and regulations as the Postmaster General may prescribe, shall be from $1,150 to $1,350 per annum. The pay of substitute letter carriers in the village delivery service shall be at the rate of 50 cents per hour.

"SEC. 11. Employees in the Postal Service shall be granted 15 days' leave of absence with pay exclusive of Sundays and holidays, each fiscal year, and sick leave with pay at the rate of 10 days a year, exclusive of Sundays and holidays, to be cumulative, but no sick leave with pay in excess of 30 days shall be granted during any one fiscal year. Sick leave shall be granted only upon satisfactory evidence of illness in accordance with regulations to be prescribed by the Postmaster General.

"The 15 days' leave shall be credited at the rate of one and one-quarter days for each month of actual service.

"Whenever an employee herein provided for shall have been reduced in salary for any cause, he may be restored to his former grade or advanced to an intermediate grade at the beginning of any quarter following the reduction, and a restoration to a former grade or advancement to an intermediate grade shall not be construed as a promotion within the meaning of the law prohibiting advancement of more than one grade within one year.

"Whereas the promotion of an employee herein provided for is withheld because of unsatisfactory service, such employee may be promoted at the beginning of the second quarter thereafter, or of any subsequent quarter, on evidence that his record has been satisfactory during the intervening period.

"Hereafter when the needs of the service require the employment on Sundays or holidays of laborers or railway postal clerks at terminal railway post offices and transfer offices, they shall be allowed compensatory time on one day within six days next succeeding the Sunday, except at last three Sundays in the calendar year, and on one day within thirty days next succeeding the holiday and the last three Sundays in the year on which service is performed: *Provided, however*, That the Postmaster General may, if the exigencies of the service require it, authorize the payment of overtime for service on the last three Sundays in the calendar year or on Christmas Day in lieu of compensatory time.

"All employees herein provided for in automatic grades who have not reached the maximum grades to which they are entitled to progress automatically, shall be promoted at the beginning of the quarter following the completion of one year's satisfactory service since their last promotion, regardless of any increases in salaries granted them by the provisions of this title.

"The Postmaster General may, when the interest of the service requires, transfer any clerk to the position of carrier or any carrier to the position of clerk and interchange the clerical force between the post office and the motor-vehicle service, such transfer or interchange to be made to the corresponding grade and salary of the clerk or carrier transferred or interchanged.

"Substitute clerks in first and second class post offices and the Railway Mail Service and substitute letter carriers in the City Delivery Service when appointed regular clerks, railway postal clerks, or carriers shall have credit for actual time served on a basis of one year for each 306 days of eight hours served as substitute, and appointed to the grade to which such clerk or carrier would have progressed had his original appointment as substitute been to grade 1.

"Postal employees and substitute postal employees who served in the military, marine, or naval service of the United States during the World War and have not reached the maximum grade of salary shall receive credit for all time served in the military, marine, or naval service on the basis of one day's credit of eight hours in the Postal Service for each day served in the military, marine, or naval service, and be promoted to the grade to which such postal employee or substitute postal employee would have progressed had his original appointment as substitute been to grade 1. This provision shall apply to such postal employees and substitute postal employees who were in the Postal Service on October 1, 1920.

"No employee in the Postal Service shall be reduced in rank or salary as a result of the provisions of this title.

"SEC. 12. That the sums appropriated for salaries and compensation of postmasters and employees of the Postal Service in the act making appropriations for the fiscal year ending June 30, 1925, approved April 4, 1924, shall be available for the payment of salaries and compensation of postmasters and postal employees at the rates of pay herein provided; and such additional sums as may be necessary are hereby authorized to be appropriated to carry out the provisions of this title.

"INCONSISTENT ACTS REPEALED

"SEC. 13. All Acts and parts of Acts inconsistent or in conflict with this title are hereby amended or repealed.

"TITLE II.—POSTAL RATES

"FIRST-CLASS MATTER

"PRIVATE MAILING CARDS

"SEC. 201. The rate of postage on private mailing cards described in the Act entitled 'An Act to amend the postal laws relating to use of postal cards,' approved May 19, 1898, shall be 2 cents each.

"SECOND-CLASS MATTER

"SEC. 202. (a) In the case of publications entered as second-class matter (including sample copies to the extent of 10 per cent of the weight of copies mailed to subscribers during the calendar year) when sent by the publisher thereof from the post office of publication or other post office, or when sent by news agents to actual subscribers thereto, or to other news agents for the purpose of sale—

"(1) The rates of postage on that portion of any such publication devoted to matter other than advertisements shall be 1½ cents per pound, or fraction thereof;

"(2) On that portion of any such publication devoted to advertisements the rates per pound or fraction thereof for delivery within the eight postal zones established for fourth-class matter shall be as follows:

"For the first and second zones, 2 cents, and third zone, 3 cents.

"For the fourth, fifth, and sixth zones, 6 cents.

"For the seventh and eighth zones, and between the Philippine Islands and any portion of the United States, including the District of Columbia and the several Territories and possessions, 9 cents;

"(3) The rate of postage on news papers or periodicals maintained by and in the interests of religious, educational, scientific, philanthropic, agricultural, labor, or fraternal organizations or associations, not organized for profit and none of the net income of which inures to the benefit of any private stockholder or individual, shall be 1½ cents per pound or fraction thereof, and the publisher of any such newspaper or periodical, before being entitled to such rate, shall furnish to the Postmaster General, at such times and under such conditions as the Postmaster General may prescribe, satisfactory evidence that none of the net income of such organization or association inures to the benefit of any private stockholder or individual.

"(b) Where the space devoted to advertisements does not exceed 5 per cent of the total space, the rate of postage shall be the same as if the whole of such publication was devoted to matter other than advertisements.

"(c) The rate of postage on daily newspapers and on the periodicals and newspapers provided for in this section when deposited in a letter-carrier office for delivery by its carriers, shall be the same as now provided by law, and nothing in this Act shall affect existing law as to free circulation and existing rates on second-class mail matter within the county of publication. The Postmaster General may hereafter require publishers to separate or make up to zones, in such a manner as he may direct, all mail matter of the second class when offered for mailing.

"(d) With the first mailing of each issue of each such publication, the publisher shall file with the postmaster a copy of such issue, together with a statement containing such information as the Postmaster General may prescribe for determining the postage chargeable thereon.

"SEC. 203. The rate of postage on publications entered as second-class matter, when sent by others than the publisher or news agent, shall be 2 cents for each 2 ounces or fraction thereof, for weights not exceeding 8 ounces, and for weights of such matter exceeding 8 ounces the rates of postage prescribed for fourth-class matter shall be applicable thereto.

"SEC. 204. Where the total weight of any one edition or issue of any such publication mailed to any one zone does not exceed 1 pound, the rate of postage shall be 1 cent.

"SEC. 205. The zone rates provided in section 202 of this title shall relate to the entire bulk mailed to any one zone and not to individually addressed packages.

"THIRD-CLASS MATTER

"SEC. 206. (a) Mail matter of the third class shall include books, circulars, and other matter wholly in print (except newspapers and other periodicals entered as second-class matter), proof sheets, corrected proof sheets, and manuscript copy accompanying same, merchandise (including farm and factory products), and all other mailable matter not included in the first or second class, or in the fourth class as defined in section 207.

"(b) The rate of postage thereon shall be 1½ cents for each 2 ounces or fraction thereof, up to and including 8 ounces in weight, except that the rate of postage on books, catalogues, seeds, cuttings, bulbs, roots, scions, and plants, not exceeding 8 ounces in weight, shall be 1 cent for each 2 ounces or fraction thereof.

"(c) The written additions permissible under existing law on mail matter of either the third or fourth class shall be permissible on either of these classes as herein defined without discrimination on account of classification.

"FOURTH-CLASS MATTER

"SEC. 207. (a) Mail matter of the fourth class shall weigh in excess of 8 ounces, and shall include books, circulars, and other matter wholly in print (except newspapers and other periodicals entered as second-class matter), proof sheets, corrected proof sheets and manuscript copy accompanying same, merchandise (including farm and factory products), and all other mailable matter not included in the first or second class, or in the third class as defined in section 206.

"(b) That on fourth-class matter the rate of postage shall be by the pound as established by, and in conformity with, the act of August 24, 1912, and in addition thereto there shall be a service charge of 2 cents for each parcel, except upon parcels or packages collected on rural delivery routes, to be prepaid by postage stamps affixed thereto, or as otherwise prescribed by the regulations of the Postmaster General.

"Whenever, in addition to the postage as hereinbefore provided, there shall be affixed to any parcel of mail matter of the fourth-class postage of the value of 25 cents with the words 'Special handling' written or printed upon the wrapper, such parcel shall receive the same expeditious handling, transportation, and delivery accorded to mail matter of the first class.

"The classification of articles mailable, as well as the weight limit, the rates of postage, zone or zones, and other conditions of mailability under this section if the Postmaster General shall find on experience that they or any of them are such as to prevent the shipment of articles desirable, or to permanently render the cost of the service greater than the receipts of the revenue therefrom, he is hereby directed, subject to the consent of the Interstate Commerce Commission after investigation, to reform from time to time such classifications, weight limit, rates, zone or zones or conditions, or either, in order to promote the service to the public or to insure the receipt of revenue from such service adequate to pay the cost thereof.

"(c) That during the twelve months next succeeding the approval of this Act, the Postmaster General be, and he is hereby, authorized to conduct experiments in the operation of not more than fifty rural routes, in localities to be selected by him; said experiments shall be designed primarily to develop and to encourage the transportation of food products directly from producers to consumers or vendors, and, if the Postmaster General shall deem it necessary or advisable during the progress of said experiments, he is hereby authorized, in his discretion, on such number or all of said routes as he may desire, to reduce to such an extent as he may deem advisable the rate of postage on food products mailed directly on such routes for delivery at the post offices from which such routes start, and to allow the rural carriers thereon a commission on the postage so received at such rate as the Postmaster General may prescribe, which commission shall be in addition to the carriers' regular salaries. The amounts due the carriers for commissions shall be determined under rules and regulations to be prescribed by the Postmaster General directly from the postal revenues: *Provided*, That the amount so paid shall in no case exceed the actual amount of revenue derived from this experimental service.

"A report on the progress of this experiment shall be made to Congress at the next regular session.

"MONEY ORDERS

"SEC. 208. Section 3 of the act entitled 'An act to modify the postal money-order system, and for other purposes,' approved March 3, 1883, as amended, is amended to read as follows:

"'SEC. 3. A money order shall not be issued for more than $100, and the fees for domestic orders shall be as follows—

"'For orders not exceeding $2.50, 5 cents.

"'For orders exceeding $2.50 and not exceeding $5, 7 cents.

"'For orders exceeding $5 and not exceeding $10, 10 cents.

"'For orders exceeding $10 and not exceeding $20, 12 cents.

"'For orders exceeding $20 and not exceeding $40, 15 cents.

"'For orders exceeding $40 and not exceeding $60, 18 cents.

"'For orders exceeding $60 and not exceeding $80, 20 cents.

"'For orders exceeding $80 and not exceeding $100, 22 cents.'

"REGISTERED MAIL

"SEC. 209. (a) The first sentence of section 3927 of the Revised Statutes is amended to read as follows:

"'SEC. 3927. Mail matter shall be registered only on the application of the party posting the same, and the fees therefor shall not be less than 15 nor more than 20 cents in addition to the regular postage, to be, in all cases, prepaid; and all such fees shall be accounted for in such manner as the Postmaster General shall direct.'

"(b) Notwithstanding the provisions of such section as amended, the Postmaster General may fix the fee for registered mail matter at any amount less than 20 cents.

"SEC. 210. Section 3928 of the Revised Statutes, as amended, is amended to read as follows:

"'SEC. 3928. Whenever the sender shall so request, and upon payment of a fee of 3 cents, a receipt shall be taken on the delivery of any registered mail matter, showing to whom and when the same was delivered, which receipt shall be returned to the sender and be received in the courts as prima facie evidence of such delivery.'

"INSURANCE AND COLLECT-ON-DELIVERY SERVICES

"SEC. 211. (a) The fee for insurance shall be 5 cents for indemnification not to exceed $5; 8 cents for indemnification not to exceed $25; 10 cents for indemnification not to exceed $50; and 25 cents for indemnification not to exceed $100. Whenever the sender of an insured article of mail matter shall so request, and upon payment of a fee of 3 cents, a receipt shall be taken on the delivery of such insured mail matter showing to whom and when the same was delivered, which receipt shall be returned to the sender and be received in the courts as prima facie evidence of such delivery.

"(b) The fee for collect-on-delivery service shall be 12 cents for collections not to exceed $10; 15 cents for collections not to exceed $50; and 25 cents for collections not to exceed $100.

"(c) The provisions of the act entitled 'An act to extend the insurance and collect-on-delivery service to third-class mail, and for other purposes,' approved June 7, 1924, and of section 8 of the act entitled 'An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes,' approved August 24, 1912, with respect to the insurance and collect-on-delivery services, are hereby continued in force.

"SPECIAL DELIVERY

"SEC. 212. (a) To procure the immediate delivery of mail matter weighing more than 2 pounds and not more than 10 pounds, stamps of the value of 15 cents shall be affixed (in

addition to the regular postage), and for the special delivery thereof 11 cents may be paid to the messenger or other person making such delivery.

"(b) To procure the immediate delivery of mail matter weighing more than 10 pounds, stamps of the value of 20 cents shall be affixed (in addition to the regular postage), and for the special delivery thereof 15 cents may be paid to the messenger or other person making such delivery.

"(c) For the purposes of this section the Postmaster General is authorized to provide and issue special-delivery stamps of the denominations of 15 and 20 cents.

"SEC. 213. The act entitled 'An act making certain changes in the postal laws,' approved March 2, 1907, is amended to read as follows:

"'That when, in addition to the stamps required to transmit any letter or package of mail matter through the mails, there shall be attached to the envelope or covering ordinary postage stamps of any denomination equivalent to the value fixed by law to procure the immediate delivery of any mail matter, with the words "special delivery" or their equivalent written or printed on the envelope or covering, under such regulations as the Postmaster General may prescribe, said letter or package shall be handled, transmitted, and delivered in all respects as though it bore a regulation special-delivery stamp.'

"SEC. 214. The Postmaster General is hereby authorized to continue the work of ascertaining the revenues derived from and the cost of carrying and handling the several classes of mail matter and of performing the special services, and to state the results annually as far as practicable and pay the cost thereof out of the appropriation for inland transportation by railroad routes.

"REPEALS

"SEC. 215. The following acts and parts of acts are hereby repealed:

"'(a) Sections 1101 to 1106, inclusive, of the revenue act of 1917;

"'(b) The act entitled "An act fixing the rate of postage to be paid upon mail matter of the second class when sent by persons other than the publisher or news agent," approved June 9, 1884; and

"'(c) The act entitled "An act to amend an act entitled 'An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1915, and for other purposes,' approved March 9, 1914," approved April 24, 1914.'

"EFFECTIVE DATE

"SEC. 216. This title, except section 217, shall become effective on April 15, 1925.

"SEC. 217. A special joint subcommittee is hereby created to consist of three members of the Committee on Post Offices and Post Roads of the Senate and three members of the Committee on the Post Office and Post Roads of the House, to be appointed by the respective chairmen of said committees. The said special joint subcommittee is authorized and directed to hold hearings prior to the beginning of the first regular session of the Sixty-ninth Congress, to sit in Washington or at any other convenient place and to report during the first week of the first regular session of the Sixty-ninth Congress, by bill, its recommendations for a permanent schedule of postal rates. Said special joint subcommittee is hereby authorized to administer oaths, to send for persons or papers, to employ necessary clerks, accountants, experts, and stenographers, the latter to be paid at a cost not exceeding 25 cents per 100 words; and the expense attendant upon the work of said special joint subcommittee shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives upon voucher of its chairman. This section shall become effective upon the enactment of this act.

"TITLE III.—FEDERAL CORRUPT PRACTICES ACT, 1925

"SEC. 301. This title may be cited as the 'Federal corrupt practices act, 1925.'

"SEC. 302. When used in this title—

"(a) The term 'election' includes a general or special election, and, in the case of a Resident Commissioner from the Philippine Islands, an election by the Philippine Legislature, but does not include a primary election or convention of a political party;

"(b) The term 'candidate' means an individual whose name is presented at an election for election as Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States, whether or not such individual is elected;

"(c) The term 'political committee' includes any committee, association, or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the election of candidates or presidential and vice presidential electors (1) in two or more States, or (2) whether or not in more than one State if such committee, association, or organization (other than a duly organized State or local committee of a political party) is a branch or subsidiary of a national committee, association, or organization;

"(d) The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution;

"(e) The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure;

"(f) The term 'person' includes an individual, partnership, committee, association, corporation, and any other organization or group of persons;

"(g) The terms 'Clerk' means the Clerk of the House of Representatives of the United States;

"(h) The term 'Secretary' means the Secretary of the Senate of the United States;

"(i) The term 'State' includes Territory and possession of the United States.

"SEC. 303. (a) Every political committee shall have a chairman and a treasurer. No contribution shall be accepted, and no expenditure made, by or on behalf of a political committee for the purpose of influencing an election until such chairman and treasurer have been chosen.

"(b) It shall be the duty of the treasurer of a political committee to keep a detailed and exact account of—

"(1) All contributions made to or for such committee;

"(2) The name and address of every person making any such contribution, and the date thereof;

"(3) All expenditures made by or on behalf of such committee; and

"(4) The name and address of every person to whom any such expenditure is made, and the date thereof.

"(c) It shall be the duty of the treasurer to obtain and keep a receipted bill, stating the particulars, for every expenditure by or on behalf of a political committee exceeding $10 in amount. The treasurer shall preserve all receipted bills and accounts required to be kept by this section for a period of at least two years from the date of the filing of the statement containing such items.

"SEC. 304. Every person who receives a contribution for a political committee shall, on demand of the treasurer, and in any event within five days after the receipt of such contribution, render to the treasurer a detailed account thereof, including the name and address of the person making such contribution, and the date on which received.

"SEC. 305. (a) The treasurer of a political committee shall file with the clerk between the 1st and 10th days of March, June, and September, in each year, and also between the tenth and fifteenth days, and on the fifth day, next preceeding the date on which a general election is to be held, at which candidates are to be elected in two or more States, and also on the 1st day of January, a statement containing, complete as of the day next preceding the date of filing—

"(1) The name and address of each person who has made a contribution to or for such committee in one or more items of the aggregate amount or value, within the calendar year, of $100 or more, together with the amount and date of such contribution;

"(2) The total sum of the contributions made to or for such committee during the calendar year and not stated under paragraph (1);

"(3) The total sum of all contributions made to or for such committee during the calendar year;

"(4) The name and address of each person to whom an expenditure in one or more items of the aggregate amount or value, within the calendar year, of $10 or more has been made by or on behalf of such committee, and the amount, date, and purpose of such expenditure;

"(5) The total sum of all expenditures made by or on behalf of such committee during the calendar year and not stated under paragraph (4);

"(6) The total sum of all expenditures made by or on behalf of such committee during the calendar year.

"(b) The statements required to be filed by subdivision (a) shall be cumulative during the calendar year to which they

relate, but where there has been no change in an item reported in a previous statement only the amount need be carried forward.

"(c) The statement filed on the 1st day of January shall cover the preceding calendar year.

"SEC. 306. Every person (other than a political committee) who makes an expenditure in one or more items, other than by contribution to a political committee, aggregating $50 or more within a calendar year for the purpose of influencing in two or more States the election of candidates, shall file with the Clerk an itemized detailed statement of such expenditure in the same manner as required of the treasurer of a political committee by section 305.

"SEC. 307. (a) Every candidate for Senator shall file with the Secretary and every candidate for Representative, Delegate, or Resident Commissioner shall file with the Clerk not less than 10 nor more than 15 days before, and also within 30 days after, the date on which an election is to be held, a statement containing, complete as of the day next preceding the date of filing—

"(1) A correct and itemized account of each contribution received by him or by any person for him with his knowledge or consent, from any source, in aid or support of his candidacy for election, or for the purpose of influencing the result of the election, together with the name of the person who has made such contribution;

"(2) A correct and itemized account of each expenditure made by him or by any person for him with his knowledge or consent, in aid or support of his candidacy for election, or for the purpose of influencing the result of the election, together with the name of the person to whom such expenditure was made; except that only the total sum of expenditures for items specified in subdivision (c) of section 309 need be stated;

"(3) A statement of every promise or pledge made by him or by any person for him with his consent, prior to the closing of the polls on the day of the election, relative to the appointment or recommendation for appointment of any person to any public or private position or employment for the purpose of procuring support in his candidacy, and the name, address, and occupation of every person to whom any such promise or pledge has been made, together with the description of any such position. If no such promise or pledge has been made, that fact shall be specifically stated.

"(b) The statements required to be filed by subdivision (a) shall be cumulative, but where there has been no change in an item reported in a previous statement only the amount need be carried forward.

"(c) Every candidate shall inclose with his first statement a report, based upon the records of the proper State official, stating the total number of votes cast for all candidates for the office which the candidate seeks, at the general election next preceding the election at which he is a candidate.

"SEC. 308. A statement required by this title to be filed by a candidate or treasurer of a political committee or other person with the Clerk or Secretary, as the case may be—

"(a) Shall be verified by the oath or affirmation of the person filing such statement, taken before any officer authorized to administer oaths;

"(b) Shall be deemed properly filed when deposited in an established post office within the prescribed time, duly stamped, registered, and directed to the Clerk or Secretary at Washington, D. C., but in the event it is not received, a duplicate of such statement shall be promptly filed upon notice by the Clerk or Secretary of its nonreceipt;

"(c) Shall be preserved by the Clerk or Secretary for a period of two years from the date of filing, shall constitute a part of the public records of his office, and shall be open to public inspection.

"SEC. 309. (a) A candidate, in his campaign for election, shall not make expenditures in excess of the amount which he may lawfully make under the laws of the State in which he is a candidate, nor in excess of the amount which he may lawfully make under the provisions of this title.

"(b) Unless the laws of his State prescribe a less amount as the maximum limit of campaign expenditures, a candidate may make expenditures up to—

"(1) The sum of $10,000 if a candidate for Senator, or the sum of $2,500 if a candidate for Representative, Delegate, or Resident Commissioner; or

"(2) An amount equal to the amount obtained by multiplying 3 cents by the total number of votes cast at the last general election for all candidates for the office which the candidate seeks, but in no event exceeding $25,000 if a candidate for Senator or $5,000 if a candidate for Representative, Delegate, or Resident Commissioner.

"(c) Money expended by a candidate to meet and discharge any assessment, fee, or charge made or levied upon candidates by the laws of the State in which he resides, or expended for his necessary personal, traveling, or subsistence expenses, or for stationery, postage, writing, or printing (other than for use on billboards or in newspapers), for distributing letters, circulars, or posters, or for telegraph or telephone service, shall not be included in determining whether his expenditures have exceeded the sum fixed by paragraph (1) or (2) of subdivision (b) as the limit of campaign expenses of a candidate.

"SEC. 310. It is unlawful for any candidate to directly or indirectly promise or pledge the appointment, or the use of his influence or support for the appointment of any person to any public or private position or employment, for the purpose of procuring support in his candidacy.

"SEC. 311. It is unlawful for any person to make or offer to make an expenditure, or to cause an expenditure to be made or offered, to any person, either to vote or withhold his vote, or to vote for or against any candidate, and it is unlawful for any person to solicit, accept, or receive any such expenditure in consideration of his vote or the withholding of his vote.

"SEC. 312. Section 118 of the act entitled 'An act to codify, revise, and amend the penal laws of the United States,' approved March 4, 1909, is amended to read as follows:

"'SEC. 118. It is unlawful for any Senator or Representative in, or Delegate or Resident Commissioner to, Congress, or any candidate for, or individual elected as, Senator, Representative, Delegate, or Resident Commissioner, or any officer or employee of the United States, or any person receiving any salary or compensation for services from money derived from the Treasury of the United States, to directly or indirectly solicit, receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription, or contribution for any political purpose whatever, from any other such officer, employee, or person.'

"SEC. 313. It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution in connection with any election to any political office, or for any corporation whatever to make a contribution in connection with any election at which presidential and vice presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to, Congress are to be voted for, or for any candidate, political committee, or other person to accept or receive any contribution prohibited by this section. Every corporation which makes any contribution in violation of this section shall be fined not more than $5,000; and every officer or director of any corporation who consents to any contribution by the corporation in violation of this section shall be fined not more than $1,000, or imprisoned not more than one year, or both.

"SEC. 314. (a) Any person who violates any of the foregoing provisions of this title, except those for which a specific penalty is imposed by sections 312 and 313, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(b) Any person who willfully violates any of the foregoing provisions of this title, except those for which a specific penalty is imposed by sections 312 and 313, shall be fined not more than $10,000 and imprisoned not more than two years.

"SEC. 315. This title shall not limit or affect the right of any person to make expenditures for proper legal expenses in contesting the results of an election.

"SEC. 316. This title shall not be construed to annul the laws of any State relating to the nomination or election of candidates, unless directly inconsistent with the provisions of this title, or to exempt any candidate from complying with such State laws.

"SEC. 317. If any provision of this title or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the act and of the application of such provision to other persons and circumstances shall not be affected thereby.

"SEC. 318. The following acts and parts of acts are hereby repealed: The act entitled 'An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected,' approved June 25, 1910 (chap. 392, 36 Stats., p. 822), and the acts amendatory thereof, approved August 19, 1911 (chap. 33, 37 Stats., p. 25), and August 23, 1912 (chap. 349, 37 Stats., p. 360); the act entitled 'An act to prevent corrupt practices in the election of Senators, Representatives, or Delegates in Congress,' approved October 16, 1918 (chap. 187, 40 Stats., p. 1013); and section 83 of the Criminal Code of the United States, approved March 4, 1909 (chap. 321, 35 Stats., p. 1088).

"SEC. 319. This title shall take effect 30 days after its enactment" and a period; and the Senate agree to the same.

GEO. H. MOSES,
L. C. PHIPPS,
Managers on the part of the Senate.

CALVIN D. PAIGE,
M. CLYDE KELLY,
Managers on the part of the House.

We agree to the foregoing report with the exception of the 2 cents service charge on parcel-post packages. To this item of the bill and the report we dissent.

KENNETH MCKELLAR,
Manager on the part of the Senate.

THOMAS M. BELL,
Manager on the part of the House.

THE FEDERAL POWER ACT (S. DOC. NO. 210)

Mr. PEPPER. Mr. President, in the January number of the University of Pennsylvania Law Review there is what seems to me to be a valuable article on the Federal power act, with a collection of useful authorities. It seems to me that a reprint of this article, which is the work of Mr. John Franklin Shields, of the Philadelphia bar, would be useful for the information of Senators, and I ask consent that it may be printed as a Senate document.

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

ADDRESS BY HON. JAMES M. BECK

Mr. MOSES. Mr. President, I ask unanimous consent for the printing in the RECORD of an address delivered in New York by the Solicitor General on the occasion of the celebration of Washington's Birthday.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

The matter referred to is here printed, as follows:

THE WASHINGTON TRADITION AND OUR FOREIGN POLICY

(An address delivered by James M. Beck, Solicitor General of the United States, in Carnegie Hall, New York City, on February 23, 1925, at the anniversary celebration of the birth of George Washington)

Ladies and gentlemen, it is a gracious custom which has brought us together this morning to honor the birthday of Washington. Such commemoration is a sacred debt to the dead, a like duty to the unborn, and the living can gain fresh inspiration and courage for the grave questions of the hour by recalling his character and achievements.

It may be said of Washington, as Matthew Arnold said of Shakespeare:

"Others abide our question. Thou art free."

He stands preeminent among the great and good, the "noblest man that ever lived in the tide of time." A self-educated man and with no alma mater other than the hard school of experience, he yet became the founder of a state, the greatest now in the world, in the same sense, but to a nobler purpose, that Alexander, Cæsar, Charlemagne, Frederick the Great, and Napoleon founded empires. Their empires have all vanished, but the American Republic endures. Without the vision, the sagacity, and the masterful influence of Washington it might never have been.

Truly, if you "seek his monument, look about you." The Republic is his monument. What man born of woman has a nobler?

And yet there have not been wanting historians who have failed to see his intellectual greatness. For example, a well-known and scholarly historian, an authority on the colonial era, in a lecture at Oxford a few years ago, described Washington as "a man of few natural gifts, self-educated, and somewhat slow witted." The learned professor is of that class of pedagogues who seek a reputation for original thought by questioning the intellectual powers of great men who have vindicated their strength of mind "by the arduous greatness of things done."

I wish that all the writings of this learned critic could be compared with the 12 volumes of Washington's writings. If he had written nothing more than the Farwell Address, his fame would be secure, for no leader of men ever gave to a people a wiser or a nobler political testament.

His contemporaries never questioned his intellectual qualifications. Patrick Henry only voiced the general judgment when he said, speaking of the Second Continental Congress:

"When you speak of solid opinion and sound judgment, Colonel Washington is unquestionably the greatest man upon that floor."

Jefferson, a man of unusual intellect, and whose estimate of Washington was not influenced by the partiality of friendship, said:

"His mind was great and powerful, without being of the very first order; his penetration strong, though not so acute as that of Newton, Bacon, or Locke; and as far as he saw no judgment was ever sounder. * * * Perhaps the strongest feature of his character was prudence, never acting until every circumstance, every consideration, was maturely weighed, refraining if he saw a doubt, but once deciding going through his purpose whatever obstacles opposed."

Long in advance of his fellow countrymen, he saw the need of a consolidated union and predicted the immense development which such a union would make possible.

After Yorktown, and until the Constitutional Convention of 1787, his correspondence teems with the most vigorous arguments and eloquent appeals for a central government that would be a State in fact and not merely in name. He summed up all the deficiencies of the impotent confederation in one sententious phrase: "Influence is not government." His vision, which saw far into the future, perceived the possibilities of the territory west of the Alleghenies at a time when it was commonly regarded as an almost impenetrable wilderness. It was he, in letters of wonderful sagacity, who deprecated in the eighth decade of the eighteenth century any premature quarrel with Spain with reference to the Mississippi; for he argued that the first duty of America was to fill in the hinterland with settlers, and then the control of the Mississippi would take care of itself. Realizing that only a system of transportation would accomplish this, he planned a series of waterways from the headwaters of the Potomac to the Great Lakes and thence to Detroit; and his far-sighted genius in this respect need not be undervalued to the sagacity of those pioneers of a century later who united the Atlantic and the Pacific with ties of steel rails. He early saw the possibility of mechanical power to serve the necessities of water transportation, and gave great encouragement to Rumsey, the first pioneer. To his initiative in connecting the States by water routes and his strong counsel that the conflicting commercial regulations of the States should give way to a common control over commerce, we owe first the Annapolis Convention and then the Philadelphia Convention of 1787, and while Washington, in the four months of that convention sat silent as its presiding officer, without his masterful influence and sagacious counsel that masterpiece of statecraft, the Constitution of the United States, would never have been.

More familiar is his extraordinary work in keeping the little army of the infant Republic together in the seven years of the war, and under circumstances such as never before tried any military leader. He was obliged to be at once its civil administrator as well as its commander in chief, and only Washington could ever have brought the epic struggle to a successful issue.

No one has better characterized this heroic chapter in his life than Thackeray, the greatest of the Victorian novelists, in The Virginians:

"What a constancy, what a magnanimity, what a surprising persistence against fortune! * * * The chief of a nation in arms, doing battle with distracted parties; calm in the midst of conspiracy; serene against the open foe before him and the darker enemies at his back; Washington, inspiring order and spirit into troops hungry and in rags; stung by ingratitude, but betraying no anger, and ever ready to forgive; in defeat invincible, magnanimous in conquest, and never so sublime as on that day when he laid down his victorious sword and sought his noble retirement—here, indeed, is a character to admire and revere, a life without a stain, a fame without a flaw."

To eulogize such a personality would be the idlest superfluity. Nothing we can say can either add to or detract from his preeminence among the wise, the good, and the heroic. Let it rather be our purpose this morning to consider his teachings with respect to the problems that immediately confront us as a Nation.

We are living in one of the great crises of human history. For 10 years civilization has been swept by a seismic storm of passionate strife. The greatest of the world wars has shaken civilization to its very foundation and the end is not yet.

There is an extraordinary analogy between the condition of the world as it has been in the last decade and as it was during the two terms in which Washington served as our Chief Magistrate. Then, as now, civilization seemed to have gone stark mad. As Washington said, "The whole world was in an uproar." Then, as now, the United States had a most difficult and delicate task "to steer safely"—again to quote his words—"between Scylla and Charybdis."

In one important respect the analogy fails, for then we were the youngest and weakest of nations, while to-day the United States is the most powerful Nation of the world. Washington's problem as the first President of the new Nation was of exceptional and novel difficulty. He was required, as he said, to "tread unbeaten paths." The infant Republic had neither an army nor a navy and no credit to organize either. The public debt was in arrears and the currency of the United States was valueless.

These conditions would have made the path of Washington difficult under any circumstances, but concurrently with the inauguration of the new Government the French Revolution exploded as a long-extinct volcano. A few months after he took the oath of office the Bastille was stormed and a Paris mob marched on Versailles and brought the King back to the Tuileries as a captive. Religion was dethroned, existing institutions swept away, and license under the name of reason worshipped in the guise of a naked woman before the high altar of Notre Dame. The civilized world felt the reflex action of this titanic upheaval, and it was under these circumstances, with "the world in an uproar," that Washington attempted to put a new Nation with a new form of government into successful operation.

Writing to Lafayette on January 29, 1789 he said:

> "My endeavors shall be unremittingly exerted, even at the hazard of my former fame or present popularity, to extricate my country from the embarrassments in which it is entangled through want of credit. * * * I think I see its path as clear and direct as a ray of light. Nothing but harmony, honesty, industry, and frugality are necessary to make us a great and happy people."

Thus he clearly predicted the result to himself of his efforts to establish a government, which would reconcile liberty with law and freedom with order, for the time soon came in his administration when he was jeered by the mob and subjected to venomous abuse.

He had no illusions about the French Revolution, as had so many of his contemporaries.

On October 13, 1789, he wrote:

> "I fear that although it has gone triumphantly through the first paroxysm, it is not the last it has to encounter before matters are finally settled. * * * The licentiousness of the people on the one hand, and the sanguinary punishment on the other, will alarm the best disposed friends to the measure, and contribute not a little to the overthrow of the object. * * * To forbear running from one extreme to another is no easy matter, and should this be the case, rocks and shelves, not visible at present, may wreck the vessel."

Who else at that time saw the future of the French Revolution more clearly? The fine aspirations for liberty, which inspired the French Revolution, were only to end temporarily in the despotic rule of Napoleon. This Washington foresaw, for in the same letter, written when Napoleon was an unknown officer of the artillery, Washington added:

> "My greatest fear has been that the Nation would not be sufficiently cool and moderate in making arrangements for the security of liberty."

The reflex action of the French Revolution upon the American people was so great that the infant Republic would have been strangled in its very birth if it had not been for the patience and sagacity of Washington. He selected for his Cabinet the leaders of the two great parties which were then in process of formation.

The result was only partly successful, for neither Jefferson nor Hamilton were sufficiently broad to sacrifice their personal controversies and interests to the common good in a spirit of loyalty to their illustrious chief. No fact tried Washington more bitterly than this. His whole official career as President was the most bitter experience of his life. It made of him in his latter days a silent and disillusioned man. He had sacrificed his own advantage to the public good, and yet found his two chief advisers unwilling to submerge their differences. Their passionate quarrels so embittered him that he once said that there was only one moment since he had been inaugurated that he had regretted having left his home in Mount Vernon, and that was "every moment," and that he "would rather be in the grave than to be the emperor of the world."

On August 23, 1792, he addressed a letter to Jefferson, Hamilton, and Randolph, in which, after deprecating the fact that internal dissension should "be harrowing and tearing out our vitals," he added:

> "That unless there could be more charity for the opinion and acts of one and another in governmental matters * * * it would be difficult to manage the reins of government or keep the parts of it together, * * * and thus the fairest prospect of happiness and prosperity that ever was presented to man will be lost, perhaps forever."

He therefore asked that—

> "instead of wounding suspicions and irritating charges there may be liberal allowances, mutual forbearance, and a temporary yielding on all sides."

Unfortunately, these quarrels did not cease, but only increased in intensity, until Washington's life became so embittered that at the end of the first term it was with the greatest reluctance, and only at the earnest solicitation of both Jefferson and Hamilton, that he agreed to accept a reelection.

It was not alone these two quarreling lawyers who thus made his life miserable, when he was trying to construct the edifice of our Government on a sure foundation, but even more irritating to him were two editors, whose pin pricks and unfair attacks made the old lion roar with anger. He was called a "Nero," a tyrant, and a would-be usurper. To us, in this latter day, when abuse has become so common that little attention is paid to it, it is difficult to understand the sensitiveness of Washington to the criticism of the press.

Thus, the last days of Washington were not altogether happy. If the quarreling of two lawyers and the attacks of two editors embittered him, it was finally reserved for two doctors to bleed him to death for an attack of acute laryngitis.

With scant cooperation, even from his immediate Cabinet advisers, of whom Knox and Hamilton were avowed in their sympathies for England, and Jefferson and Randolph were equally ardent for France, Washington, with extraordinary sagacity, kept the ship on an even keel, for he saw that nothing could be more fatal than to steer the infant Republic into the then seething maelstrom of European politics.

Defending his policy in a letter to Patrick Henry, he said:

> "My ardent desire and my aim has been * * * to comply strictly with all our engagements, foreign and domestic, and to keep the United States from political connection with every other country, to see them independent of all and under the influence of none. In a word, I want an American character that the powers of Europe may be convinced that we act for ourselves and not for others. This, in my judgment, is the only way to be respected abroad and happy at home, and not by becoming partisans of Great Britain or France create dissension, disturb the public tranquillity, and destroy, perhaps forever, the cement which binds the Union."

In a letter to William Heath, dated May 20, 1797, he expressed the hope that—

> "our citizens would advocate their own cause instead of that of any other nation under the sun; that is, if instead of being Frenchmen or Englishmen in politics, they would be Americans, indignant at any attempt of either or any other power to establish an influence in our councils or presume to sow the seeds of discord or disunion among us."

Fully conscious that his exhausted country needed peace and quiet for its convalescence, he was nevertheless not "a peace-at-any-price" adherent. He did not cherish the illusion that even in his day our Nation could have the immunity of a hermit nation.

When he delivered in December, 1793, his second inaugural address, war had again broken out in Europe, and the burden of his message naturally dealt with the many novel problems which then confronted the infant Republic. He said:

> "I can not recommend to your notice measures for the fulfillment of our duties to the rest of the world without again pressing upon you the necessity of placing ourselves in a condition of complete defense and of exacting from them the fulfillment of their duties toward us. The United States ought not to indulge a persuasion that, contrary to the order of human events, they will forever keep at a distance those painful appeals to arms with which the history of every other nation abounds. There is a rank due to the United States among nations which will be withheld, if not absolutely lost, by the reputation of weakness. If we desire to avoid insult, we must be able to repel it; if we desire to secure peace, one of the most powerful instruments of our rising prosperity, it must be known that we are at all times ready for war."

What a verification these words had 10 years ago. Had America been ready for war when the *Lusitania* was sunk, the history of this era would have been written to better purpose. Had it then taken up the gauntlet and resented that cruel outrage the World War would have ended in 1916, and the worst sacrifices of human life and treasure would have been averted. Lloyd-George once said to me, "Europe could have stood and survived three years of this war but the fourth was fatal." History may yet verify his statement.

In a letter to Gouverneur Morris, dated December 22, 1795, Washington after reaffirming his policy of nonintervention in European politics on account of the weakness of the infant Republic, added:

> "If this country is preserved in tranquillity 20 years longer, it may bid defiance in a just cause to any power whatever."

It was in the Farewell Address that he framed in the most deliberate and precise manner his views as to the foreign policy of the Government. I need not remind you of the care and deliberation with which this immortal valedictory was prepared. He first planned it at the end of his first term, and it evidently occupied his thoughts during the whole of his second term. He submitted drafts of it to Madison, discussed it with Jefferson and Knox, and finally engaged the acute mind and eloquent pen of Hamilton in its final preparation. Thus the Farewell Address, possibly the noblest state document in the history of the world, represents the mature wisdom and deliberate political philosophy of Washington, not only for his own day but for the future of his Nation.

Solemnly he warned us against—

> "excessive partiality for one foreign nation and excessive dislike of another. * * * The great rule of conduct for you in regard to foreign nations is, in extending our commercial relations

to them, to have as little political connection as possible. Europe has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by unofficial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities."

Please note the reiteration of the word "ordinary." It suggests by necessary implication a belief on the part of Washington that there might arise extraordinary vicissitudes in European politics which would involve the welfare of civilization itself, and as to these he was careful not to exclude the legitimate right and interest of the United States to have a voice. He recognized the possibility that extraordinary crises might arise in the world, in which the United States could not be a passive spectator. For such emergencies he recommended "temporary alliances," and thus America's intervention in 1917 in the World War and its temporary alliance with England and France was not a departure from his policy.

Again, in the Farewell Address, he expressly predicates his observations on the conditions which then prevailed and again prophetically calls attention to the fact that if the infant Republic simply abstains from intervention in the destructive policies of the Old World in its infancy a day will come when all nations must reckon with it, for he says:

"If we remain one people under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions, will not lightly hazard the giving us provocation; when we may choose peace or war as our interests, guided by justice, shall counsel."

Even more pointedly, at the close of the Farewell Address, he says, in further explanation of his policy of neutrality in the then pending war between England and France:

"With me a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress without interruption to that degree of strength and consistency which it may be necessary to give it, humanly speaking, the command of its own fortunes."

To-day his sagacity is vindicated, for the Nation which he founded is the most powerful in the world and, as no other, has "the command of its own fortunes."

Washington never intended to commit his Nation to a perpetual policy of political isolation. When he strongly and sagaciously advised his country against having "alliances" or "political connections" with other countries, the precise meaning which he gave to those terms must be steadily borne in mind. Civilization was then a community of detached and isolated States, between whom there was no cooperative effort for the maintenance of international law and the preservation of peace. Alliances and treaty relations between nations then were for purposes of offense and defense and bound the respective nations in a community of purely selfish interest. International arbitration was almost unknown, while such a federation of the world as was realized in the two Hague conventions was as undreamed a possibility as Marconi's instantaneous transmission of news "by the sightless couriers of the air." It was an age in which each nation was an Ishmael and international morality was almost nonexistent.

Is there anything in Washington's words or deeds which justifies the assumption that the Lion of Trenton did not intend his Republic to realize its full destiny as a great, masterful, and beneficent people in proportion to its strength? Could he who witnessed and directed the mysterious and puissant impulse which led the Colonies to throw off their allegiance to Great Britain and assume an independent station among the nations of the world ignore the fact that that instinct for expanding power would remain with us while Anglo-Saxon blood flowed in our veins? If he were alive to-day, would he reject the locomotive for the stage coach or the repeating rifle for the flintlock musket? When he lived the Atlantic coast was our cradle. Had he lived to see our Nation in its lusty youth on the banks of the Mississippi, and later reaching the shores of the Pacific, and still later had seen our flag greeting the rising sun in the harbor of Manila, would he, of all men, accept a policy which seeks to limit the power and influence of the Republic to the Western Hemisphere and which attempts to surrender the world-wide and beneficent influence in the affairs of man to which the greatness of our people and the strength of our resources alike entitle us?

Those who would keep the Republic in her swaddling clothes and invoke the great name of Washington should first convince us that if he were the President of the most powerful Nation he would advise it to yield precedence to lesser and weaker powers. Would he, of all men, ignore the fact that as our people have derived from civilization inestimable rights and privileges, we owe a corresponding duty to be a potent and beneficent force in the councils of mankind?

While Washington would never have favored in this day of our strength a policy of isolation, yet I think he would still oppose any permanent alliance or political connection that would impair our freedom to act on our own judgment as to what is just and wise in each recurring crisis of civilization. Independence, and not isolation would be his policy to-day.

In his eighth annual address, he again refers to the European complications. He says:

"To an active external commerce the protection of a naval force is indispensable. This is manifest with regard to wars in which a State is itself a party. But besides this, it is in our own experience that the most sincere neutrality is not a sufficient guard against the depredations of nations at war. To secure respect to a neutral flag requires a naval force organized and ready to vindicate it from insult or aggression. This may even prevent the necessity of going to war by discouraging belligerent powers from committing such violations of the rights of the neutral party as may, first or last, leave no other option. * * * These considerations invite the United States to look to the means, and to set about the gradual creation of a navy. * * * Will it not, then, be advisable to begin without delay to provide and lay up the materials for the building and equipping of ships of war, and to proceed in the work by degrees, in proportion as our resources shall render it practicable without inconvenience, so that a future war of Europe may not find our commerce in the same unprotected state in which it was found by the present?"

If Washington's foreign policy be in part limited to his times and the then prevailing conditions, yet in part it is intended to be our guide for all time. Thus he says:

"Observe good faith and justice toward all nations; cultivate peace and harmony with all. Religion and morality enjoin this country, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation to give to mankind the magnanimous and too novel example of people always guided by an exalted justice and benevolence."

My fellow citizens, that is a policy whose infinite truth and value "time can not wither or custom stale." Can it be doubted that if he were to-day to "revisit the glimpses of the moon" and entering this hall address us to-day, he would say:

"Americans, what I said to you in 1796 I repeat to-day in 1925. My words were addressed not alone to the little America of my day but that future America, whose greatness I foresaw. My dream is realized. You are now the greatest Nation of the world, and soon you will be of such overshadowing power that you can bring peace to the world. But that new 'pax Romana' must be a peace of justice and not of power.

"To that great end be free! Do not by any entangling alliance or political connection impair your full freedom to observe good faith and justice toward all nations. Do not subordinate your judgment to any nation. You have been the liberator of mankind, now be its pacificator. Be not only just to all, but generous to all. Do not in this day of your wealth and power be unmindful of the distresses of nations that are suffering from the errors and misfortunes of many centuries. You can conquer—not by force, but by giving 'to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence.' America—

"'To thine own self be true and it must follow, as the night the day, thou can'st not then be false to any man.'"

What were his views in those last days of his life, and of the eighteenth century? Europe was then rocking with revolution. Napoleon had destroyed the last remnant of free government and had seized the reins of power as first consul. All Europe was uniting against him and mankind was destined to see 15 years of bloody strife, which was only to culminate on the field of Waterloo.

While Washington was not destined to see this, for he died shortly before Napoleon won his great victory on the plains of Marengo, yet we can imagine the old soldier in his retirement at Mount Vernon following with eager vision the extraordinary developments in the Old World and the rising sun of the new Cæsar. I can imagine him in that last autumn of his life seated on the porch of his beloved Mount Vernon in the gathering twilight—emblematic of the dying day of his life—and silently gazing upon the Potomac as it moved toward the sea, a symbol of the infinite mystery of time.

It was on such an October evening a few months before he died, with the autumn leaves falling from the trees upon the green lawns of his much-loved home, that he retired to his study and wrote in a letter to a friend his last expression of opinion as to the affairs of the world, and what he thus wrote can be applied to the conditions of the present hour, as expressing his opinion if he were alive to-day. He said:

"The affairs of Europe have taken a most important and interesting turn. * * * My own wish is to see everything settled upon the best and surest foundation for the peace and happiness of mankind without regard to this, that, or any other nation. A

more destructive sword never was drawn, at least in modern times, than this war has produced. It is time to sheath it and give peace to mankind."

Thus spoke and still speaks the world's noblest citizen, and to that ideal of peace mankind is steadily marching. At its head is still the great soldier who, if "first in war," was also "first in peace"; for—

"the path of the just is as the shining light, that shineth more and more unto the perfect day."

EXECUTIVE SESSION

Mr. BORAH. 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 20 minutes spent in executive session the doors were reopened.

PROTECTION OF COMMERCIAL, INDUSTRIAL, AND AGRICULTURAL TRADE-MARKS AND COMMERCIAL NAMES

In executive session this day, the following convention was ratified and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith, authenticated by the Chilean Ministry for Foreign Affairs, which is the depositary of the original, a copy of a convention for the protection of commercial, industrial, and agricultural trade-marks and commercial names, which was signed at Santiago, Chile, on April 28, 1923, by the delegates of the United States and of the other Governments represented at the Fifth International Conference of American States.

I invite the attention of the Senate to the accompanying report of the Secretary of State concerning two omissions from the English text of this convention as it was approved by the American delegates, and join in the recommendation which he makes that action by the Senate giving advice and consent to the ratification of the convention, if given, may include an understanding that the two omitted phrases are to be included in the ratification.

CALVIN COOLIDGE.

THE WHITE HOUSE, *January 31, 1924.*

THE PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, an authenticated copy each of the English, Spanish, Portuguese, and French texts of a convention for the protection of commercial, industrial, and agricultural trade-marks and commercial names, which was signed at Santiago, Chile, on April 28, 1923, by the delegates of the United States and of the other Governments represented at the Fifth International Conference of American States.

The convention was signed in one original, which is deposited in the ministry for foreign affairs of the Republic of Chile, by which the authenticated copies of the four texts herewith submitted were furnished.

It is evident from a comparison of the four texts, and after consultation of the records of the American delegation to the conference that, due to an error of the printer, there are two inadvertent omissions from the authenticated English text, one from Section I, Article VIII, of the Convention, and the other from Article II of the Appendix.

In the authenticated English, Spanish, Portuguese, and French texts Article VIII, Section I, of the convention reads respectively as follows:

SECTION 1. To keep a detailed record of the applications for the recognition of marks received through the national offices of registration of this convention, as well as of all assignments or transfers thereof and of all notices pertaining thereto.

PARRAFO I. Llevar nota circunstanciada de las solicitudes de reconocimiento de marcas que reciban por medio de las oficinas nacionales y tramiten para los efectos de esta Convencion, asi como de las transferencias y demas datos que a dichas marcas se refieran.

PARAGRAPHE 1. Prendre note detaillee des demandes de reconnaissance de marques, transmises par l'intermediaire des bureaux nationaux. Leur donner cours, selon cette Convention. Tenir compte des transferts et autres renseignements se rapportant a ces marques.

PARAGRAPHO 1. Manter um assentamento detalhado dos pedidos de reconhecimento de marcas recebidos por intermedio das reparticoes naciones e que lhes forem enviados para os effeitos desta Convencao, assim como das transferencias ou demais informacoes relativas as ditas marcas.

To make the meaning clear and to conform to the texts in the other languages the English text of this section should read as follows:

SECTION 1. To keep a detailed record of the applications for the recognition of marks received through the national offices of registration *and to which they give course for the purposes* of this convention, as well as of all assignments or transfers thereof and of all notices pertaining thereto.

The words in italics, namely, "and to which they give course for the purposes," are those which are omitted from the authenticated English text, and they should be inserted in order to make the meaning clear and to make the English text conform to the texts of the other three languages.

Article II of the authenticated Appendix, subheading C, line 2, reads in the four languages as follows:

The date of the application in the State of first registration or deposit;

La fecha de la solicitud de registro en el Estado de primer registro o deposito;

La date de la premiere demande d'enregistrement ou depot.

A data do pedido de registro no Estado de primerio registro ou deposito.

To make its meaning clear and to conform to the languages of the other texts, the line mentioned should be made to read as follows:

The date of the application *for registration* in the State of first registration or deposit.

The words "for registration" are those omitted from the authenticated English text.

The English text of this convention is of direct importance only to this country, inasmuch as the languages of the other signatory countries are Spanish, French, or Portuguese. The convention, however, was signed in the four languages, and in order to make the necessary corrections in the English text this Government would require authorization from each one of the other 17 signatory Governments. This would entail an indefinite and unfortunate delay in submitting the treaty to the Senate. It is therefore suggested that it be recommended to the Senate that in giving its advice and consent to ratification, if it should do so, such action be taken with the expressed understanding that Article VIII, Section I, and Article II of the Appendix, subheading C, line 2, should read as set forth above in the corrected paragraphs.

Respectfully submitted.

CHARLES E. HUGHES.

DEPARTMENT OF STATE,
Washington, January 30, 1924.

FIFTH INTERNATIONAL CONFERENCE OF AMERICAN STATES.

CONVENTION FOR THE PROTECTION OF COMMERCIAL, INDUSTRIAL, AND AGRICULTURAL TRADE-MARKS AND COMMERCIAL NAMES.

Their excellencies the Presidents of Venezuela, Panama, United States of America, Uruguay, Ecuador, Chile, Guatemala, Nicaragua, Costa Rica, Brazil, Salvador, Colombia, Cuba, Paraguay, Dominican Republic, Honduras, Argentine Republic, and Haiti.

Being desirous that their respective countries may be represented at the Fifth International Conference of American States, have sent thereto, the following Delegates, duly authorized to approve the recommendations, resolutions, conventions, and treaties which they might deem advantageous to the interests of America:

Venezuela: César Zumeta, José Austria;

Panamá: Narciso Garay, José Lefevre;

United States of America: Henry B. Fletcher, Frank B. Kellogg, Atlee Pomerene, Willard Saulsbury, Frank C. Partridge, George E. Vincent, William Eric Fowler, Leo S. Rowe;

Uruguay: J. Antonio Bureo, Eugenio Martinez Thedy;

Ecuador: Rafael M. Arízaga, José Rafael Bustamente, Dr. Alberto Muñoz Vernaza;

Chile: Agustin Edwards, Manuel Rivas Vicuña, Carlos Aldunate Solar, Luis Barros Borgoño, Emilio Bello Codesido, Antonio Huneeus, Alcibíades Roldán, Guillermo Subercaseaux, Alejandro del Rio;

Guatemala: Eduardo Poirier, Máximo Soto Hall;

Nicaragua: Carlos Cuadra Pasos, Arturo Elizondo;

Costa Rica: Alejandro Alvarado Quirós;

United States of Brazil: Afranio de Mello Franco, Sylvino Gurgel do Amaral, J. de P. Rodríguez Alves, A. de Ipanema Moreira, Helio Lobo;

El Salvador: Cecilio Bustamente;

Colombia: Guillermo Valencia, Laureano Gómez, Carlos Uribe Echeverri;

Cuba: José C. Vidal y Caro, Carlos García Vélez, Arístides Agüero, Manuel Márquez Sterling;

Paraguay: Manuel Gondra;

Dominican Republic: Tulio M. Cestero;

Honduras: Benjamín Villaseca Mujica;

Argentine Republic: Manuel Augusto Montes de Oca, Fernando Saguier, Manuel Malbrán;

Haiti: Arturo Rameau.

Who, after having presented their credentials and the same having been found in due and proper form, have agreed upon the following Convention for the Protection of Commercial, Industrial, and Agricultural Trade-Marks, and Commercial Names, which shall be regarded as revision of the Convention of Buenos Aires of 1910:

ARTICLE I

SECTION 1. The High Contracting Parties agree that any commercial, industrial, or agricultural trade-mark registered or deposited in any of the States signatory of the Convention, by a person domiciled in any of such States, either directly, or through his duly authorized representative, may obtain in the other signatory States the same protection granted by them to the marks registered or deposited in their own territory, without prejudice to the rights of third parties and provided that the *formalities* and conditions required by the domestic law of each State, as well as the following requirements, are complied with:

(*a*) Any person interested in the registration or deposit of the mark shall present to the proper Inter American Bureau through the proper office of the State of first registration or deposit, an application for recognition of the rights claimed, in accordance with the requirements prescribed in the Appendix of this Convention, which is declared to be a part hereof.

(*b*) He shall pay, besides the fees or charges established by the domestic legislation of each State in which recognition of rights is desired, and other expenses incident to such recognition, a fee equivalent in value to fifty dollars ($50.00) United States gold, this sum to be paid only once for each period and for a single mark. Such fee shall be used to cover the expenses of the said Inter American Bureau.

SECTION 2. The period during which protection is granted shall be the same as that accorded by the laws of the particular State.

SECTION 3. Protection under this Convention may be renewed at the expiration of each period upon fulfillment of the requirements set forth in paragrah (*b*) hereof. Application for renewal may also be made by the interested party directly to the proper Inter American Bureau.

SECTION 4. Commercial names shall be protected in all the signatory States, without deposit or registration, whether the same form part of a trade mark or not, in accordance with the domestic law of each State.

ARTICLE II

The date of filing in the State where first application is made for registration or deposit through the proper Inter American Bureau, in the absence of other proof of ownership of a mark, shall determine priority for the registration or deposit of such mark in any of the signatory States.

ARTICLE III

SECTION 1. Each signatory State, upon receipt of an application for recognition communicated by the proper Inter American Bureau, shall determine whether protection can be granted in accordance with its laws, and notify the Inter American Bureau as soon as possible of its decision.

SECTION 2. In case objection is made to the registration or deposit of a mark under this Convention, the term to answer such objection in the country where it is made shall begin ninety days after the date of sending notice of such objection to the proper Inter American Bureau. This Bureau shall have no other part in the controversy originated by the opposition.

ARTICLE IV

The transfer of a mark registered or deposited in one of the contracting States shall be equally recognized in each one of the other States with the same force and effect as if made in accordance with the respective laws of each one of those States, provided that the mark transferred is a mark registered or deposited in the country where the recognition of transference under this Convention is applied for, and provided that the principles of Article V of this Convention are not impaired. Notification of transfer shall be made through the proper office of the State of first registration or deposit and the proper Inter American Bureau, upon payment of the fees corresponding to each State for such transference.

ARTICLE V

SECTION 1. In any civil, criminal, or administrative proceeding arising in a country with respect to a mark, such as opposition, falsification, imitation, or unauthorized appropriation, as also the false representation as to the origin of a product, the domestic authorities of the same State alone shall have jurisdiction thereof, and the precepts of law and procedure of that State shall be observed.

SECTION 2. When refused protection under this Convention in a signatory State because of prior registration or a pending application for registration, the proprietor of a mark claiming recognition of rights under this Convention shall have right to seek and obtain the cancellation of the previously registered mark, upon proving, according to the procedure by law of the country where cancellation is sought, such refusal and either:

(*a*) That he had legal protection for his mark in any of the contracting States before the date of application for the registration which he seeks to cancel; or

(*b*) That the registrant had no right to the ownership, use, or employment of the registered mark at the date of its deposit; or

(*c*) That the mark covered by the registration which he seeks to cancel has been abandoned.

SECTION 3 (transitory). Those who have heretofore sought the benefits of this Convention for their marks and who have been denied protection in certain States, may avail themselves of the right established in this article within two years after the present revision enters into effect. Those who subsequently seek to secure the benefits of the Convention shall have a period of one year, calculated in each instance from the day following that of the receipt by the proper Inter American Bureau of notice of refusal of protection, within which they may avail themselves of this right.

SECTION 4. This recourse shall not be applicable to trade-marks the registration or deposit of which is already beyond question under national legislation; but it shall apply to renewals.

SECTION 5. The proof that a trade-mark conceals or misrepresents the true quality, nature, or origin of the merchandise covered by it, shall be cause for cancellation of the registration or deposit effected through the respective Inter American Bureau.

ARTICLE VI

For the purposes indicated in the present Convention, a Union of American Nations is hereby constituted which shall act through two international Bureaus, established, one in the city of Havana and the other in the city of Rio de Janeiro.

ARTICLE VII

The High Contracting Parties agree to confer the postal frank on the official correspondence of the Bureaus.

ARTICLE VIII

The Inter American Bureaus for the registration of trade-marks shall have the following duties:

SECTION 1. To keep a detailed record of the applications for the recognition of marks received through the national offices of registration of this Convention, as well as of all assignments or transfers thereof and of all notices pertaining thereto.

SECTION 2. To communicate to each of the contracting States, for such action as may be necessary, the applications for recognition received.

SECTION 3. To distribute the fees received, in accordance with the provisions of paragraph (*b*), Article I.

The Inter American Bureaus shall remit to the proper governments or, if the governments should so desire, to their local representatives in Havana and Rio de Janeiro, duly authorized therefor, the charges stipulated, at the time when recognition of the alleged rights is requested by the applicant in accordance with this Convention. The cost of remitting the said charges shall be for account of the States to which remittance is made. The Inter American Bureaus shall return to the interested parties any sums returned to such Bureaus.

SECTION 4. To communicate to the State of first registration or deposit, for the information of the owner of the mark, the notices received from other countries with respect to the granting, opposition to, or denial of protection, or any other circumstance related to the mark.

SECTION 5. To publish periodical bulletins in which shall appear notices of applications for protection in accordance with

this Convention, received from and sent to the various States under the provisions of the Convention, as well as documents, information, studies and articles concerning protection of industrial property.

The High Contracting Parties agree to furnish to the Inter American Bureaus all the official gazettes, reviews and other publications containing notices of the registration of trade-marks and commercial names, as well as of judicial proceedings and decisions relative thereto.

SECTION 6. To carry on any investigation on the subject of trade-marks which the government of any of the signatory States may request, and to encourage the investigation of problems, difficulties or obstacles which may hinder the operation of this Convention.

SECTION 7. To cooperate with the governments of the contracting States in the preparation of material for international conferences on this subject; to present to the said States such suggestions as they may consider useful, and such opinions as may be requested as to what modifications should be introduced in the present Convention, or in the laws concerning industrial property; and in general to facilitate the execution of the purposes of this Convention.

SECTION 8. To inform the signatory governments at least once a year as to the work which the Bureaus are doing.

SECTION 9. To maintain relations with similar offices, and scientific and industrial institutions and organizations for the exchange of publications, information, and data relative to progress of the law of industrial property.

SECTION 10. To establish, in accordance with the provisions of this Convention, the regulations which the Directors may consider necessary for the internal administration of the Bureaus.

ARTICLE IX

The Bureau established in the city of Havana shall arrange with the contracting States for the registration or deposit of commercial, industrial, and agricultural trade-marks coming from the United States of America, Cuba, Haiti, Dominican Republic, Guatemala, El Salvador, Honduras, Nicaragua, Costa Rica, Panama, Colombia, and Ecuador.

The Bureau established in Rio de Janeiro shall arrange for the registration of the marks coming from Brazil, Uruguay, the Argentine Republic, Paraguay, Chile, and Venezuela.

Transitory paragraph.—The Inter American Bureau of Rio de Janeiro shall be installed as soon as the present Convention shall have been ratified by one third of the signatory States.

ARTICLE X

The two Inter American Bureaus shall be considered as one, and, for the purposes of uniformity in their procedure, it is provided:

(*a*) That both Bureaus adopt the same system of books and of accounts;

(*b*) That each of them send to the other copies of all applications, registrations, communications and other documents relative to the recognition of the rights of owners of marks.

ARTICLE XI

The Inter American Bureaus shall both be governed by the same regulations, prepared for the purpose by the governments of the Republics of Cuba and of Brazil.

ARTICLE XII

The part of the fees received by each Inter American Bureau which is stipulated for this purpose by the provisions of this Convention, shall be assigned to the maintenance and operation thereof.

The proceeds of the sale of publications by the Inter American Bureau to individuals shall be assigned to the same purpose; and if both these sums should be insufficient, the deficit shall be paid by the contracting States in the following manner:

80% of the total deficit of the operating budget of both Bureaus shall be paid by the contracting States in proportion to the number of marks which they may have had registered each year through the Inter American Bureaus, and the balance of 20% by the same States in proportion to the number of marks they may have registered at the request of the Inter American Bureaus.

Any annual surplus in one of the Bureaus shall be assigned to the reduction of the deficit, if any, of the other.

The Inter American Bureaus shall not incur any expense or obligation which does not appear in their definitive budgets and for which no funds may have been made available at the time of incurring such expense or obligation.

The provisional budget of annual expenditures of each Bureau shall be submitted to the approval of the Government of the State in which such Bureau is established, and shall be communicated to the contracting States for such observations as they may see fit to formulate.

The auditing of the accounts of the Inter American Bureaus shall be done by the officer authorized by the respective government, and the Directors of the Bureaus shall transmit the auditor's report to the contracting States through diplomatic channels.

ARTICLE XIII

Trade-marks which enjoy the protection of the Convention of 1910 shall continue to enjoy this protection without payment of any fees to the contracting States.

The High Contracting Parties agree that the protection accorded by their national legislation to all marks received up to the day on which the revised Convention becomes effective shall continue to be granted in accordance with the Convention of 1910, if they have ratified it.

NOTE.—This article provides for the continuity of protection of marks registered under the Convention of 1910.

ARTICLE XIV

The ratifications or adhesions to this Convention shall be communicated to the Government of the Republic of Chile, which shall communicate them to the other signatory or adhering States. These communications shall take the place of an exchange of ratifications.

The revised Convention shall become effective thirty days after the receipt by the Government of Chile of notice of ratification by a number of countries equivalent to one third of the signatory States, and from that moment the Convention signed on August 20, 1910, shall cease to exist, without prejudice to the provisions of Article XIII of this Convention.

The Government of Chile obligates itself to communicate by telegraph and in writing to all the signatory and adhering States the date on which the Convention in its present form becomes effective in accordance with the provisions of this Article.

ARTICLE XV

The American States not represented in this Conference may adhere to this Convention by communicating their decision in due form to the Government of the Republic of Chile, and shall be assigned to the group which each may select.

ARTICLE XVI

Any signatory State that may see fit to withdraw from this Convention, shall so notify the Government of the Republic of Chile, which shall communicate the fact to the other signatory States; and one year after the receipt of such notification, this Convention shall cease in respect of the State that shall have withdrawn, but such withdrawal shall not affect the rights previously acquired in accordance with this Convention.

ARTICLE XVII

The Inter American Bureaus shall continue so long as not less than one-half of the ratifying States adhere to the Convention. If the number of States adhering to the Convention shall become less than half, the Bureaus shall be liquidated under the direction of the Governments of Cuba and Brazil, and their funds shall be distributed among the adhering countries in the same proportion as they would have contributed to their support. The buildings and other tangible property of the Bureaus shall become the property of the Governments of Cuba and Brazil, respectively, in recognition of the services of those Republics in giving effect to the Convention, it being understood that the said Governments shall dedicate such property to purposes preeminently inter American in character.

The High Contracting Parties agree to accept as final any steps which may be taken for the liquidation of the Bureaus.

The termination of the Convention shall not affect rights acquired during the period of its effectiveness.

ARTICLE XVIII

Any differences between the contracting States relative to the interpretation or execution of this Convention shall be decided by arbitration.

APPENDIX

REGULATIONS

ARTICLE I. Any application to obtain protection under the Convention of which the present appendix is a part shall be made by the owner of the mark or his legal representative to the administration of the State of first registration or deposit, in the manner prescribed by the respective regulations, accompanied by a money order payable to the Director of the proper Inter American Bureau in the sum required by this Convention. His application and money order shall be accompanied by an

electrotype of the mark reproducing it as registered in the State of first registration or deposit and having the dimensions required in the State of first registration or deposit.

ARTICLE II. The administration of the State of first registration or deposit, having ascertained that the registration of the mark is regular and in force, shall send to the Inter American Bureau:

A. The money order;

B. The electrotype of the mark;

C. A certificate in duplicate containing the following details:

1. The name and address of the owner of the mark;

2. The date of the application for registration in the State of first registration or deposit;

3. The date of registration of the mark in the State of first registration or deposit;

4. The order number of the registration in the State of first registration or deposit;

5. The date of expiration of the protection of the mark in the State of first registration or deposit;

6. A facsimile of the mark;

7. A statement of the goods on which the mark is used;

8. The date of the application for recognition of the rights claimed under the Convention.

Should the applicant wish to claim color as a distinctive element of his mark, he shall send thirty copies of the mark printed on paper, showing the color, and a brief description of the same.

ARTICLE III. The proper Inter American Bureau, upon receipt of the communication of the office of the State of first registration or deposit, mentioned in the foregoing article, shall enter all the information in its books and inform the office of the State of first registration or deposit of the receipt of the application and of the number and date of the entry.

ARTICLE IV. Copies of the entry in the books of the respective Inter American Bureau containing all the details required shall be sent to the administration of the States in which the Convention has been ratified and in which protection is applied for. This data shall also be sent to the other contracting States, for the purposes of information.

ARTICLE V. The Inter American Bureaus shall publish in their bulletins reproductions of the marks received and such particulars as are necessary.

ARTICLE VI. The notice of acceptance, opposition or refusal of a mark by the contracting States shall be transmitted by the proper Inter American Bureau to the administration of the State of first registration or deposit with a view to its communication to whom it may concern.

ARTICLE VII. Changes in ownership of a mark communicated to the respective Inter American Bureau shall be entered in its register and corresponding notice sent to other contracting States.

ARTICLE VIII. The Directors of the Inter American Bureaus may, in their discretion, appoint or remove the officials or employees of their Bureaus, giving notice thereof to the governments of the countries where such offices are established.

In Witness whereof, the Delegates sign this Convention, and affix the seal of the Fifth International Conference of American States, in the city of Santiago, Chile, on the twenty-eighth day of the month of April in the year one thousand nine hundred and twenty-three, in English, Spanish, Portuguese and French.

This Convention shall be filed in the Ministry of Foreign Affairs of the Republic of Chile in order that certified copies may be made and forwarded through appropriate diplomatic channels to each of the Signatory States.

(Signed) for Venezuela: C. Zumeta, José Austria; for Panama: Marciso Garay, J. E. Lefevre; for the United States of America: Henry P. Fletcher, Frank B. Kellogg, Atlee Pomerene, Willard Saulsbury, Frank C. Partridge, George E. Vincent, William Eric Fowler, L. S. Rowe; for Uruguay: J. A. Buero, Eugenio Martínez Thedy; for Ecuador: Rafael M. Arízaga, José Rafael Bustamante, A. Muñoz Vernaza; for Chile: Augustín Edwards, Manuel Rivas Vicuña, Carlos Aldunate S., L. Barros B., Emilio Bello C., Antonio Huneeus, Alcibíades Roldán, Guillermo Subercaseaux, Alejandro del Río; for Guatemala: Eduardo Poirier, Máximo Soto Hall; for Nicaragua: Carlos Cuadra Pasos, Arturo Elizondo; for Costa Rica: Alejandro Alvarado Quirós; for the United States of Brazil: Afranio de Mello Franco, S. Gurgel do Amaral, J. de P. Rodríguez Alves, A. de Ipanema Moreira, Heilio Lobo; for El Salvador: Cecilio Bustamante; for Colombia: Guillermo Valencia, Laureano Gómez, Carlos Uribe Echeverri; for Cuba: J. C. Vidal Caro. Carlos García Vélez, A. de Agüero, M. Márquez Sterling; for Paraguay: M. Gondra; for the Dominican Republic: Tulio M. Cestero; for Honduras: Benjamín Villaseca M.; for the Argentine Republic: M. A. Montes de Oca, Fernando Saguier, Manuel E. Malbrán; for Hayti: Arthur Rameau.

MANUEL RIVAS VICUNA
Secretaire General.

(Seal of the Fifth Pan American Conference)

Esta conforme

ALBERTO CRUCHAGA

(Stamp of the Ministry for Foreign Affairs of Chile.)

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification on the part of the United States of Executive U, a convention for the protection of commercial, industrial, and agricultural trade-marks and commercial names, signed at Santiago, Chile, on April 28, 1923, between the United States and other Governments represented at the Fifth International Conference of American States, subject to the following understandings or conditions:

First, that in section 1 of Article VIII the words "and to which they give course for the purposes," the equivalents of which appear in the Spanish, Portuguese, and French texts of the convention, shall be inserted in the English text after the word "registration," so that the English text of the section shall read as follows:

"SECTION 1. To keep a detailed record of the applications for the recognition of marks received through the national offices of registration and to which they give course for the purposes of this convention, as well as of all assignments or transfers thereof and of all notices pertaining thereto."

Second, that in Article II of the Appendix, subheading C, line 2, the words "for registration," the equivalents of which appear in the Spanish, Portuguese, and French texts, shall be inserted in the English text after the word "application," so that the English text of the line shall read as follows:

"2. The date of the application for registration in the State of first registration or deposit."

Third, that the expressions in Article I "without prejudice to the rights of third parties" and in Article II "in the absence of other proof of ownership of a mark" are, and shall be, interpreted to protect every user of a trade-mark in the United States having ownership thereof by reason of adoption and use, and with or without subsequent registration, from any claim of priority under this convention based upon an application or a deposit in a signatory State subsequent to the actual date of such adoption and use in the United States.

Fourth, that the expression "legal protection for his mark" in Section 2 (a) of Article V shall be interpreted to include ownership of the mark in the United States acquired by adoption and use and with or without subsequent registration.

Fifth, that nothing contained in this convention shall take away or lessen any trade-mark right or any right to use a trade-mark of any person residing or doing business in the United States heretofore or hereafter lawfully acquired under the common law or by virtue of the statutes of the several States or of the United States.

ADJOURNMENT

Mr. CURTIS. I move that the Senate adjourn, the adjournment being under the order previously entered, until 11 o'clock to-morrow.

The motion was agreed to; and the Senate (at 6 o'clock and 55 minutes p. m.) adjourned until to-morrow, Wednesday, February 25, 1925, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate February 24 (legislative day of February 17), 1925

ASSISTANT SECRETARY OF THE INTERIOR

John H. Edwards, of Indiana, to be Assistant Secretary of the Interior, vice Francis M. Goodwin, resigned.

POSTMASTERS

COLORADO

William B. Edwards to be postmaster at Erie, Colo., in place of W. J. Jones, resigned.

FLORIDA

James E. Parrish to be postmaster at Larkins, Fla., in place of G. L. Sanders. Office became third class January 1, 1924.

GEORGIA

Mark A. Greene, jr., to be postmaster at Tallapoosa, Ga., in place of V. L. Howe, resigned.

Fannie M. Vaughn to be postmaster at Jeffersonville, Ga., in place of J. R. Wimberly, deceased.

Beulah L. McCall to be postmaster at Hinesville, Ga., in place of B. L. McCall. Office became third class October 1, 1923.

Mary V. Lynch to be postmaster at Fort Screven, Ga., in place of Ellen Husti. Office became third class October 1, 1923.

Henry F. Bullardto be postmaster at Cochran, Ga., in place of W. E. Dunham, resigned.

Karleene Fowler to be postmaster at Acworth, Ga., in place of C. A. Reed, removed.

James L. Dunson to be postmaster at Commerce, Ga., in place of W. T. Thurmond. Incumbent's commission expired July 28, 1923.

William T. Pilcher to be postmaster at Warrenton, Ga., in place of R. I. Corbin. Incumbent's commission expired July 28, 1923.

Stella Phelps to be postmaster at Nashville, Ga., in place of R. H. Wheless. Incumbent's commission expired December 10, 1922.

Robert L. Callan to be postmaster at Norman Park, Ga., in place of R. L. Callan. Incumbent's commission expired February 4, 1924.

Abbie F. Beacham to be postmaster at Glenwood, Ga., in place of A. F. Beacham. Incumbent's commission expired July 28, 1923.

Luther A. Jenkins to be postmaster at Crumps Park, Ga., in place of R. E. Millirons. Incumbent's commission expired August 29, 1923.

Frances E. Chapman to be postmaster at Buena Vista, Ga., in place of F. E. Chapman. Incumbent's commission expired February 4, 1924.

Mae Gibbs to be postmaster at Broxton, Ga., in place of B. R. Leggett. Incumbent's commission expired August 29, 1923.

Essie C. Ware to be postmaster at Austell, Ga., in place of J. L. Brooks. Incumbent's commission expired June 4, 1924.

Wesley S. Kickliter to be postmaster at Alma, Ga., in place of W. S. Kickliter. Incumbent's commission expired February 4, 1924.

ILLINOIS

Arden S. Coryell to be postmaster at West Union, Ill., in place of A. H. Simpson, resigned.

Glenn R. Adams to be postmaster at Carpentersville, Ill., in place of J. H. Bumsted. Incumbent's commission expired June 5, 1924.

John T. Kelahan to be postmaster at Algonquin, Ill., in place of J. T. Kelahan. Incumbent's commission expired August 29, 1923.

INDIANA

Orvis H. Betts to be postmaster at Garrett, Ind., in place of H. M. Van Lear. Incumbent's commission expired June 5, 1924.

KENTUCKY

Morris Browning to be postmaster at Greasy Creek, Ky., in place of Morris Browning. Office became third class July 1, 1924.

MISSISSIPPI

Scott H. Speck to be postmaster at Blue Springs, Miss., in place of J. W. Crane. Office became third class October 1, 1923.

Will N. Guyton to be postmaster at Blue Mountain, Miss., in place of W. N. Guyton. Incumbent's commission expired June 4, 1924.

MONTANA

Madge I. Melvin to be postmaster at Rexford, Mont., in place of M. I. Melvin. Office became third class October 1, 1924.

NEBRASKA

Catherine Tumberg to be postmaster at Verdel, Nebr., in place of M. M. McColley, resigned.

Ernest J. Kaltenborn to be postmaster at Waco, Nebr., in place of E. J. Kaltenborn. Incumbent's commission expired June 4, 1924.

NEW JERSEY

Harvey E. Harris to be postmaster at Bloomfield, N. J., in place of C. R. Blunt, resigned.

William H. Brown to be postmaster at Beachwood, N. J., in place of W. H. Brown. Office became third class October 1, 1924.

NEW YORK

Alexander Angyal to be postmaster at Monsey, N. Y., in place of Alexander Angyal. Office became third class October 1, 1924.

TENNESSEE

Anna G. Spears to be postmaster at Normal, Tenn., in place of A. G. Spears. Office became third class January 1, 1925.

TEXAS

Robert W. Scurlock to be postmaster at Tenaha, Tex., in place of J. L. Davis, resigned.

Annie L. Thompson to be postmaster at Manning, Tex., in place of A. C. Polk, resigned.

Alta Perkins to be postmaster at Aspermont, Tex., in place of Alta Perkins. Incumbent's commission expired August 15, 1923.

WEST VIRGINIA

Nancy Ridenour to be postmaster at Ridgeley, W. Va., in place of B. M. Moreland. Office became third class October 1, 1923.

Albert S. J. Hopkins to be postmaster at Braeholm, W. Va., in place of A. S. J. Hopkins. Office became third class January 1, 1925.

WISCONSIN

Frances W. Kulwiec to be postmaster at Lublin, Wis., in place of F. W. Kulwiec. Office became third class October 1, 1924.

Arthur Miller to be postmaster at Withee, Wis., in place of H. P. Hansen. Incumbent's commission expired May 28, 1924.

George A. Murray to be postmaster at Wisconsin Veterans' Home, Wis., in place of G. A. Murray. Incumbent's commission expired August 29, 1923.

Nellie M. Clark to be postmaster at Suring, Wis., in place of R. A. Grignon. Incumbent's commission expired August 29, 1923.

Lyle E. Dye to be postmaster at Mazomanie, Wis., in place of James O'Hora. Incumbent's commission expired June 5, 1924.

Vilas A. Kellman to be postmaster at Galesville, Wis., in place of Nels Pederson. Incumbent's commission expired March 22, 1924.

J. Charles Pile to be postmaster at Dodgeville, Wis., in place of J. E. O'Neill. Incumbent's commission expired March 22, 1924.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 24 (legislative day of February 17), 1925

AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY

Alanson B. Houghton to be ambassador extraordinary and plenipotentiary to Great Britain.

PROMOTION IN THE FOREIGN SERVICE

FOREIGN SERVICE OFFICERS

Class 1

William Coffin.
Ralph J. Totten.

Class 2

Norman Armour.
Frederic R. Dolbeare.
Allen W. Dulles.
Robert Frazer, jr.
Edward J. Norton.
Francis White.

Class 3

Cornelius Ferris.
Arthur Bliss Lane.
John F. Martin.
Walter C. Thurston.

Class 4

Thomas H. Bevan.
George A. Bucklin.
W. Roderick Dorsey.
Edward A. Dow.
Charles L. Hoover.
Ernest L. Ives.
Wilbur Keblinger.
Walter A. Leonard.
Keith Merrill.
Kenneth S. Patton.
John R. Putnam.
James B. Young.

Class 5

Walter F. Boyle.
Homer Brett.
Erle R. Dickover.
Frederick F. A. Pearson.
John M. Savage.
Orme Wilson, jr.
Warden McK. Wilson.

Class 6

Austin C. Brady.
Alfred T. Burri.
Reed Paige Clark.
John Corrigan, jr.
Cecil M. P. Cross.
Dudley G. Dwyre.
John G. Erhardt.
George D. Hopper.
Robert L. Keiser.
Karl de G. MacVitty.
Ernest B. Price.
Paul C. Squire.
Raymond P. Tenney.
Marshall M. Vance.
George Wadsworth.
Henry S. Waterman.
Harold L. Williamson.
Romeyn Wormuth.

Class 7

John S. Calvert.
Walter A. Foote.
H. Earle Russell.
Lester L. Schnare.
Alexander K. Sloan.
Leroy Webber.
Howard F. Withey.

Class 8

Richard P. Butrick.	Joseph G. Groeninger.
Charles L. DeVault.	Richard B. Haven.
Raymond H. Geist.	Edward P. Lowry.
Bernard F. Hale.	Sidney E. O'Donoghue.
Christian M. Ravndal.	Earl L. Packer.
Charles A. Bay.	Edwin A. Plitt.
David C. Berger.	Laurence E. Salisbury.
Henry R. Brown.	Leo D. Sturgeon.
Harold M. Collins.	Rollin R. Winslow.

UNITED STATES ATTORNEYS

Albert Ward to be United States attorney, district of Indiana.

Haveth E. Mau to be United States attorney, southern district of Ohio.

POSTMASTERS

KENTUCKY

William E. Proctor, Morehead.

MISSISSIPPI

George F. McLelland, Newton.

NEW JERSEY

Fred P. Crater, Gladstone.
Sealah P. Clark, Pitman.

NORTH CAROLINA

Jesse L. Riggs, Bayboro.

VIRGINIA

Robert N. Goodloe, Afton.
Ella P. White, Austinville.
Edgar E. Rawlings, Capron.
William P. Gilbert, Cleveland.
Margaret H. Hardy, McKenney.
Devon R. Raymer, Roda.
John H. Tyler, Upperville.
Mary O. Pumphrey, West Point.

HOUSE OF REPRESENTATIVES

TUESDAY, *February 24, 1925*

The House met at 12 o'clock noon.

Dr. Lucius C. Clark, chancellor of American University, Washington, D. C., offered the following prayer:

Oh God, our help in ages past,
Our hope for years to come,
Our shelter from the stormy blast,
And our eternal home.

We return Thee thanks this morning for Thy great goodness. We pray for Thy divine help. Illuminate our minds and purify our hearts and give us a new zeal to do the work of the day. To the glory of God. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its Chief Clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4302. An act incorporating the Imperial Council of the Ancient Arabic Order of the Nobles of the Mystic Shrine for North America; and

S. 4352. An act to create an additional judge in the district of Minnesota.

The message also announced that the President pro tempore had appointed Mr. KENDRICK as conferee on the bill (H. R. 7687) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Assiniboine Indians may have against the United States, and for other purposes.

ENROLLED BILLS SIGNED

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 491. An act for the prevention of venereal diseases in the District of Columbia, and for other purposes;

H. R. 5726. An act 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'";

H. R. 9343. An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims;

H. R. 10533. An act granting the consent of Congress to the State of Washington to construct, maintain, and operate a bridge across the Columbia River;

S. 4045. An act granting the consent of Congress to W. D. Comer and Wesley Vandercook to construct a bridge across the Columbia River between Longview, Wash., and Rainier, Oreg.; and

S. 3765. An act to authorize a five-year building program for the public-school system of the District of Columbia which shall provide school buildings adequate in size and facilities to make possible an efficient system of public education in the District of Columbia.

SENATE BILL REFERRED

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 4302. An act incorporating the Imperial Council of the Ancient Arabic Order of the Nobles of the Mystic Shrine for North America; to the Committee on the Judiciary.

BRIDGE ACROSS PEND D'OREILLE RIVER, IDAHO

Mr. FRENCH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 11706) a bill to authorize the construction of a bridge across the Pend d'Oreille River, Bonner County, Idaho, at the Newport-Priest River Road crossing, Idaho, which has passed the House and Senate with an amendment, and to agree with the Senate amendment.

The SPEAKER. The gentleman from Idaho calls up a bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 11706) an act to authorize the construction of a bridge across the Pend d'Oreille River, Bonner County, Idaho, at the Newport-Priest River Road crossing, Idaho.

The Senate amendments were read.

The question was taken, and the Senate amendments were agreed to.

SUITS FOR DAMAGES AND SALVAGE OF VESSELS BELONGING TO THE UNITED STATES

Mr. UNDERHILL. Mr. Speaker, I call up the conference report on the bill H. R. 9535.

The SPEAKER. The gentleman from Massachusetts calls up the conference report on the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 9535) authorizing suits against the United States in admiralty for damages caused by and salvage services rendered to the public vessels belonging to the United States, and for other purposes.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to 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, 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 amendment and agree to the same.

G. W. EDMONDS,
CHARLES L. UNDERHILL,
JOHN C. BOX,
Managers on the part of the House.

ARTHUR CAPPER,
SELDEN P. SPENCER,
THOMAS F. BAYARD,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9535) authorizing suits against the United States in admiralty submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

That in suits against the Government cause of action shall arise after the 6th day of April, 1920, instead 6th day of April, 1917.

G. W. EDMONDS,
CHARLES L. UNDERHILL,
JOHN C. BOX,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

NAVAL RESERVE AND MARINE CORPS RESERVE

Mr. BRITTEN. Mr. Speaker, I desire to call up the conference report on the bill H. R. 9634.

The SPEAKER. The gentleman from Illinois calls up the conference report on the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 9634) to provide for the creation, organization, administration, and maintenance of the Naval Reserve and the Marine Corps Reserve.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9634) to provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25, 26, 27, and 28, and agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: On page 19 of the bill, in line 3, strike out the words "at the rate of"; and the Senate agree to the same.

FRED A. BRITTEN,
GEORGE P. DARROW,
A. E. B. STEPHENS,
J. V. MCCLINTIC,
CARL VINSON,
Managers on the part of the House.

TASKER L. ODDIE,
CLAUDE A. SWANSON,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9634), to provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve, submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

On No. 1, by inserting the word "without," as proposed by the Senate, all members of the Naval Reserve Force heretofore retired will be included in the provisions herein provided.

On Nos. 2, 3, 4, 7, 8, 9, 10, 11, 13, 15, 17, 18, 19, 26, and 27, relating to striking out the word "enlisted" throughout the bill, as proposed by the Senate, are made necessary by the fact that men now in the Naval Reserve Force are enrolled and will be transferred as enrolled men to the reserve established by this bill until the expiration of the period of their four-year enrollment.

On No. 5, relating to the discharge of reservists, by inserting the words "enrolled and assigned," provision is made so that the same provisions shall apply to enrolled and assigned men, as proposed by the Senate, as applies to enlisted men.

On No. 6, relating to the number of authorized officers in the various grades, by striking out the words "in the various grades" perfects the language of the bill and avoids repetition, as proposed by the Senate.

On No. 12, relating to travel allowance of officers, by striking out the words "and enlisted men" the language of the bill is clarified, as proposed by the Senate.

On No. 14, relating to pay while on active duty or authorized travel, by inserting "Coast Guard" the provisions will cover all service in the Navy and its allied services, as intended, and the Coast Guard should therefore be included, as proposed by the Senate.

On No. 16, relating to uniform gratuity, by striking out the words "or transferred to," as proposed by the Senate, the language and intent of this provision is clarified and simplified.

On No. 20, relating to training duty, by inserting the words "or other." All the provisions of this section refer to training or other duty, and the words "or other," as proposed by the Senate, were inadvertently omitted in referring to officers and enlisted men detailed for aviation duty.

On No. 21, relating to persons first enlisting in the regular Navy, by inserting the words "and may authorize any enlisted men in such service," permission is given the Secretary of the Navy, as proposed by the Senate, to authorize enlisted men already in the regular Navy to obligate themselves and enter the Naval Reserve upon the completion of their enlistment.

On No. 22, relating to pay of fleet naval reservists, by inserting the words "in advance" payment of the annual pay is effected at the time of discharge, as proposed by the Senate, thus simplifying the assignment of men to the reserve, and obviates payments at the rate of two and a fraction dollars per month, necessitating a large volume of bookkeeping, clerical work, and the handling of a great many small checks each month, and by striking out the words "at the rate of," as proposed by the House, the language is clarified.

On No. 23, relating to pay of men transferred to the reserve after 20 years' service in the regular Navy: Provides that they shall receive one-half of the base pay of their rating at the time of transfer, as proposed by the Senate, with no permanent additions thereto.

On No. 24, relating to the transfer of men from the regular Navy to the reserve: Provides for men serving in the regular Navy at the time of passage of this bill who have enlisted or have reenlisted under the guarantees contained in the act of August 29, 1916, which is repealed by this bill, as proposed by the Senate.

On No. 25, relating to active duty of reservists: Clarifies the language of the bill, as proposed by the Senate, and simplifies the meaning and intent thereof.

On No. 28, relating to date of effect of this bill: Enables the Navy Department to have a specific time from which to work, as proposed by the Senate, and permits of the necessary preliminary work in changing over from the present Naval Reserve to the reserve created by this bill.

FRED A. BRITTEN,
GEORGE P. DARROW,
A. E. B. STEPHENS,
CARL VINSON,
J. V. MCCLINTIC,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

APPROPRIATIONS FOR THE DEPARTMENTS OF STATE AND JUSTICE, AND FOR THE JUDICIARY, AND FOR THE DEPARTMENTS OF COMMERCE AND LABOR

Mr. SHREVE. Mr. Speaker, I call up the conference report on the bill H. R. 11753, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection?

Mr. BLANTON. On what bill is this?

Mr. SHREVE. On appropriations for the State Department, Departments of Commerce and Labor, and so forth.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the statement.

The Clerk read as follows:

A bill (H. R. 11753) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1926, and for other purposes.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11753) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, 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 6, 9, 13, and 21.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 7, 8, 11, 12, 14, 15, 16, 17, 18, 19, 20, 22, and 23, and agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10,

and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$447,600"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "carrying into effect section 13 of the act of June 29, 1906 (34 Stat., p. 600), as amended by the act approved June 25, 1910 (36 Stat., p. 765), and in accordance with the provisions of the sundry civil act of June 12, 1917; and $20,000 of the appropriation contained in this paragraph shall be immediately available for such of the purposes covered by the paragraph as the Secretary of Labor may determine"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 1 and 24.

MILTON W. SHREVE,
ERNEST R. ACKERMAN,
W. B. OLIVER,
Managers on the part of the House.

W. L. JONES,
REED SMOOT,
SELDEN P. SPENCER,
LEE S. OVERMAN,
WM. J. HARRIS,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11753) making appropriations for the Departments of State, Justice, and the judiciary, Commerce, and Labor for the fiscal year ending June 30, 1926, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the following conference report:

On Nos. 2, 3, 4, and 5: Change the wording under the International Institute of Agriculture at Rome, Italy, from "dependencies of Hawaii, the Philippine Islands, Porto Rico, etc.," as proposed by the House, to read "Territory of Hawaii, and the dependencies of the Philippine Islands, Porto Rico, etc.," as proposed by the Senate.

On No. 6: Strikes out the language inserted by the Senate designating a director of the Bureau of Investigation at not exceeding $7,500 per annum.

On No. 7: Decreases the amount of money for the purchase of the Federal Reporter and continuations thereto as issued from $30,000, as proposed by the House, to $25,000, as proposed by the Senate.

On No. 8: Strikes out the language proposed by the House making $20,000 available for drainage work at the Atlanta, Ga., penitentiary.

On No. 9: Makes available for commercial attachés $315,861, as proposed by the House, instead of $340,861, as proposed by the Senate.

On No. 10: Makes available for promoting commerce, Europe and other areas, $447,600, instead of $432,600, as proposed by the House, and $457,600, as proposed by the Senate.

On No. 11: Makes available for promoting commerce, South and Central America, $273,040, as proposed by the Senate, instead of $248,040, as proposed by the House.

On No. 12: Makes available for promoting commerce in the Far East $268,734, as proposed by the Senate, instead of $243,734, as proposed by the House.

On No. 13: Makes available for export industries $618,054, as proposed by the House, instead of $633,054, as proposed by the Senate.

On No. 14: Makes available for domestic commerce and raw-materials investigations $125,000, as proposed by the Senate, instead of $115,000, as proposed by the House.

On No. 15: Makes available for general expenses, Bureau of Lighthouses, $4,039,500, as proposed by the Senate, instead of $4,031,000, as proposed by the House, and limits the amount for contingent expenses to $8,500, as proposed by the Senate.

On No. 16: Makes available for Pacific coast surveys under the Coast and Geodetic Survey $321,420, as proposed by the Senate, instead of $292,000, as proposed by the House.

On No. 17: Corrects the total for field expenses, Coast and Geodetic Survey.

On Nos. 18 and 19: Make available for employees at fish cultural stations $252,500, as proposed by the Senate, instead of $250,000, as proposed by the House.

On No. 20: Makes available for propagation of food fishes $400,000, as proposed by the Senate, instead of $386,250, as proposed by the House.

On No. 21: Makes available for inquiry respecting food fishes $43,500, as proposed by the House, instead of $63,500, as proposed by the Senate.

On Nos. 22 and 23: Makes available for Alaska, general service, $310,000, as proposed by the Senate, instead of $300,000, as proposed by the House.

On No. 25: Restores the language stricken out by the Senate with an amendment making the expenditure of $20,000 to be immediately available, discretionary with the Secretary of Labor.

The committee of conference have not agreed to the following amendments of the Senate:

On No. 1: Providing that vice consuls, while in charge of a consulate general or consulate during the absence of the principal officer, shall be entitled to additional compensation in the same manner and under the same conditions as foreign-service officers.

On No. 24: Giving authority to employees of the Bureau of Immigration to arrest without warrant aliens attempting to enter the United States in violation of existing law.

MILTON W. SHREVE,
ERNEST R. ACKERMAN,
W. B. OLIVER,
Managers on the part of the House.

Mr. SHREVE. Mr. Speaker, in calling up the conference report on the appropriations for the Departments of State, Justice, Commerce, and Labor, I desire to direct the attention of the House to the fact that the Senate increased the bill as it left the House by $209,170. However, the Senate receded on $70,000 of that amount and as the bill now stands it comes back to the House with an increase of only $139,170. And let me say this, that the bill as it stands to-day after the agreement on the conference report will still be $228,815 less than the estimate made by the Bureau of the Budget.

Mr. WATKINS. Will the gentleman yield?

Mr. SHREVE. I will.

Mr. WATKINS. Did the Senate make any change whatever in the appropriation for aids to navigation on the Columbia River and the appropriation for the district office at Portland, Oreg.?

Mr. SHREVE. None whatever. Mr. Speaker, I ask for the adoption of the conference report.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. SHREVE. I will yield.

Mr. CONNALLY of Texas. Can the gentleman tell us briefly what the increases over the House bill consisted of?

Mr. SHREVE. Yes. The first item, promoting commerce in Europe, $15,000; second item, promoting commerce in South and Central America, $25,000; domestic commerce investigation, $10,000; general expenses in the Lighthouse Service, $8,500; the Pacific coast geodetic survey, $29,450; the Bureau of Fisheries, $2,500; for the propagation of food fishes, $13,750; and $10,000 for Alaska general service.

Are there any other questions? If not, Mr. Speaker, I move the adoption of the conference report.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER. The Clerk will report the Senate amendments in disagreement.

The Clerk read as follows:

Senate amendment No. 1: Page 5, line 13, after the figures insert: "*Provided*, That after June 30, 1924, vice consuls while in charge of a consulate general or consulate during the absence of the principal officer shall be entitled to additional compensation in the same manner and under the same conditions as foreign-service officers as provided in section 17 of the act of May 24, 1924."

Mr. SHREVE. Mr. Speaker, this language is made necessary to clarify the Rogers Act. The Rogers Act took into account the compensation of vice consuls when similarly employed.

Mr. CONNALLY of Texas. Why is it necessary? Is not a vice consul a foreign-service officer under the terms of the Rogers Act?

Mr. SHREVE. It is simply because of the ruling of the Comptroller General.

The SPEAKER. The gentleman from Pennsylvania moves to recede and concur.

The motion was agreed to.

The SPEAKER. The Clerk will report the next Senate amendment.

The Clerk read as follows:

Senate amendment No. 24: Page 90, line 3, insert: "*Provided further*, That hereafter any employee of the Bureau of Immigration authorized so to do under regulations prescribed by the Commissioner General of Immigration, with the approval of the Secretary of Labor, shall have power without warrant (1) to arrest any alien who in his presence or view is entering or attempting to enter the United States in violation of any law or regulation made in pursuance of law regulating the admission of aliens, and to take such alien immediately for examination before an immigrant inspector or other official having authority to examine aliens as to their right to admission to the United States, and (2) to board and search for aliens any vessel, railway car, conveyance, or vehicle, in which he believes aliens are being brought into the United States; and such employee shall have power to execute any warrant or other process issued by any officer under any law regulating the admission, exclusion, or expulsion of aliens."

Mr. SHREVE. Mr. Speaker, this amendment is intended to clarify the law respecting our border patrol on the Mexican and Canadian borders. It is to give them additional authority, so that they can make arrests on sight.

Mr. CONNALLY of Texas. Mr. Speaker, will the gentleman yield?

Mr. SHREVE. Yes.

Mr. CONNALLY of Texas. Is it intended by this provision to authorize an immigration officer to board a foreign vessel, we will say, without any warrant or proceeding?

Mr. SHREVE. No.

Mr. CONNALLY of Texas. It says "any vessel."

Mr. SHREVE. If aliens were seen leaving a vessel it would apply in that sort of a case, but it is not intended to examine vessels at sea.

Mr. CONNALLY of Texas. Let me say to the gentleman that paragraph 2 says "to board and search for aliens any vessel, railway car, conveyance, or vehicle in which he believes aliens are being brought into the United States." That is a very broad authorization, and it is apt to entangle our Government in difficulties with foreign nations.

Mr. SHREVE. Let me reply to the gentleman and say that this matter has been very carefully studied by the legislative Committee on Immigration. I will be pleased if the chairman of that committee [Mr. JOHNSON of Washington] explains that paragraph.

Mr. CONNALLY of Texas. I would like to hear the gentleman from Washington.

Mr. JOHNSON of Washington. Mr. Speaker, as a matter of fact, the immigration inspectors think they have the situation well in hand regarding the boarding of vessels at ocean ports in the search for aliens entering surreptitiously. The immigration inspectors do this very thing now. They look for stowaways, for instance. The actual purpose of the legislation found here is to permit the newly established border patrol to take into custody aliens entering surreptitiously if the border patrol, who is to all intents and purposes a border policeman, sees the act of entry.

Members will be interested to learn that the border patrol, which was established with a million dollars appropriated directly from the floor here last May or June, is working most effectively. It consists of about 250 armed and uniformed patrolmen on the Mexican border and about 200 on the Canadian border. However, it developed that after they had begun to work effectively they had no power to make arrests. It is not desired that these men should have the same power that the immigrant inspector has to make examinations for entry. The patrol is a police force. This provision is to give them the power to make arrests when they see the act, and of course that applies to railway cars and possibly boats. The service recognizes it now with respect to boats, but if a boat is coming in with an alien attempting to enter illegally the border patrol sees that alien and takes him before the board of inspectors.

Mr. CONNALLY of Texas. The gentleman will notice that on line 15 of page 90 it says "any vessel." It does not say "territorial waters." Should it not be limited to the 3-mile zone? Why leave that open?

Mr. JOHNSON of Washington. Technically speaking——

Mr. CONNALLY of Texas. It is just such irresponsible officers as the gentleman is going to put on that might get us into trouble.

Mr. JOHNSON of Washington. Going back to the beginning, the language reads——

That hereafter any employee of the Bureau of Immigration authorized under regulations prescribed by the Commissioner General of Immigration, with the approval of the Secretary of Labor, shall have power without warrant—

And so forth. No person is going to authorize his going beyond the 3-mile limit.

Mr. CONNALLY of Texas. But why not limit it? It is just such loose legislation as this that produces complications with other nations.

Mr. JOHNSON of Washington. The gentleman is a member of the Committee on Foreign Affairs, and if he thinks it is necessary, the language could be amended.

Mr. CONNALLY of Texas. I should say "within territorial waters" or "within the 3-mile limit." Divide the question, and I will offer an amendment.

Mr. Speaker, I ask that the question be divided so that I may make a motion to concur with an amendment. I ask that the question of receding and concurring be divided. At this stage of the proceedings the motion to concur takes precedence.

Mr. SHREVE. Does the gentleman desire to concur with an amendment?

Mr. CONNALLY of Texas. Yes.

Mr. SHREVE. Mr. Speaker, I ask unanimous consent that the question be divided.

The SPEAKER. The gentleman asks unanimous consent that the motion be divided.

Mr. CONNALLY of Texas. Does that require unanimous consent? The gentleman from Pennsylvania has moved to recede and concur.

The SPEAKER. The Chair was not aware that the gentleman from Pennsylvania had made any motion at all.

Mr. CONNALLY of Texas. The gentleman from Pennsylvania made a motion to recede from the disagreement and concur. I ask that that question be divided so that I may offer an amendment.

The SPEAKER. It will be divided.

Mr. SHREVE. And, Mr. Speaker, we will consent to the amendment.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Pennsylvania to recede from the disagreement.

The motion was agreed to.

Mr. CONNALLY of Texas. Mr. Speaker, I offer an amendment. Page 90, line 15, after the words "any vessel," insert the words "within the territorial waters of the United States."

The SPEAKER. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CONNALLY of Texas to amendment No. 24: Page 90, line 15, after the word "vessel," insert the words "within the territorial waters of the United States."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question now is on the motion to concur in the Senate amendment as amended.

The motion was agreed to.

DISTRICT OF COLUMBIA APPROPRIATIONS

Mr. DAVIS of Minnesota. Mr. Speaker, I call up the conference report on H. R. 12033, being the District of Columbia appropriation bill. I ask that the conference report be read.

The SPEAKER. The gentleman from Minnesota calls up a conference report, which the Clerk will report.

The Clerk read the conference report, as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12033) "making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District 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 4, 13, 35, 38, and 39.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 5, 6, 7, 8, 9, 11, 12, 15, 16, 17, 19, 20, 22, 23, 24, 25, 26, 27, 29, 30, 31, 32, 33, 34, 43, 44, and 45, and agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: ", except in so far as conditions beyond the control of the commissioners prevent"; 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: Restore the matter stricken out by said amendment, amended to read as follows: "$35,000: *Provided*, That the purchase price shall not exceed the latest full value assessment of such property"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$97,900"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "$24,000"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "$5,500"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "in accordance with the classification act of 1923, $61,540"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "foremen, gardeners, mechanics, skilled and unskilled laborers"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$431,100"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 1, 21, 28, and 46.

C. R. DAVIS,
FRANK H. FUNK,
W. A. AYRES,
Managers on the part of the House.

L. C. PHIPPS,
W. L. JONES,
CARTER GLASS,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12033) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1926, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

On No. 2: Appropriates not exceeding $1,200 for the salary of an engineer for refrigerating plant, as proposed by the Senate.

On No. 3: Appropriates $2,400 for the replacement of a motor truck, municipal architect's office, as proposed by the Senate.

On No. 4: Strikes out the proposal of the Senate to except the Office of Public Buildings and Grounds from the general limitation on the purchase price of motor vehicles.

On No. 5: Appropriates $9,400 for maintaining a public employment service, as proposed by the Senate, instead of $9,340, as proposed by the House.

On Nos. 6 to 9, both inclusive, relating to street improvements: Appropriates $21,920 for paving a longer stretch of Ord-Way Street, as proposed by the Senate, instead of $7,920 for paving a shorter stretch of such street, as proposed by the House; appropriates $4,500 for paving a portion of Thirty-fifth Street NW., as proposed by the Senate, and appropriates $12,000 for paving a portion of Macomb Street NW., as proposed by the Senate.

On No. 10, relating to "Gasoline tax, road and street improvements": Provides that projects shall take precedence according to the acts carrying appropriations therefor, substituting for the Senate qualification "as far as practicable," the clause "except in so far as conditions beyond the control of the commissioners prevent."

On No. 11, relating to repairs of streets: Appropriates $800,000, as proposed by the Senate, instead of $600,000, as proposed by the House.

On No. 12: Appropriates $50,000 for continuing the construction of the upper Potomac main interceptor, as proposed by the Senate.

On No. 13: Restores the language stricken out by the Senate with respect to the disposition of proceeds received from the disposal of city refuse and garbage.

On No. 14: Appropriates $35,000 for the acquisition of the property now used as a garbage transfer station, instead of $31,000, as proposed by the House, and $40,000, as proposed by the Senate, and restores the provision proposed by the House that the purchase price shall not exceed the latest full value assessment of the property.

On Nos. 15, 16, and 17, relating to the bathing beach under the playgrounds department: Appropriates $600 for superintendence, as proposed by the Senate, instead of $1,320, as proposed by the House, in order that the two salaries of the employee superintending this beach (his other employment not interfering with the position here involved) will come within the statutory limit of $2,000.

On Nos. 18, 19, and 20, relating to public schools: Appropriates $97,900 for clerical staff, office of superintendent of schools, instead of $90,880, as proposed by the House, and $102,760, as proposed by the Senate; appropriates $28,100 for personal services, department of school attendance and work permits, as proposed by the Senate, instead of $16,500, as proposed by the House; and appropriates $38,000, as proposed by the Senate for personal services, community center department, to take care of the pay of janitors performing night work in the schools, instead of $33,300, as proposed by the House, the House figure including no extra allowance for such purpose.

On Nos. 22 to 25, both inclusive, relating to public schools: Changes the designation of the John R. Francis Junior High School by omitting the word "senior," as proposed by the Senate; and appropriates $475,000 for the construction of the Stuart Junior High School, as proposed by the Senate, instead of $175,000 for beginning the construction of such school, as proposed by the House

On No. 26: Removes the requirement proposed by the House that plans and specifications for buildings provided for in the bill shall be approved without reference to the Commission of Fine Arts.

On No. 27: Appropriates $9,360 for clerical services, fire department, as proposed by the Senate, instead of $9,300, as proposed by the House.

On Nos. 29 and 30: Appropriates $21,050 for court employees, court of appeals, as proposed by the Senate, instead of $20,190, as proposed by the House.

On No. 31: Corrects the total of the appropriation for the jail.

On No. 32: Strikes out the authorization proposed by the House for the issuance without charge of bricks manufactured at the workhouse for authorized construction work for the National Training School for Girls and the District Training School.

On No. 33: Corrects the total of the appropriations for the reformatory.

On Nos. 34 and 35, relating to the District Training School: Provides for the purchase and maintenance of horses and wagons, as proposed by the Senate, and restores the language stricken out by the Senate with respect to the disposition of moneys received as income from sale of products and from payment of board or of instruction or otherwise.

On Nos. 36 and 37, relating to the Industrial Home School: Appropriates $24,600 for maintenance, instead of $27,100, as proposed by the House, and $22,100, as proposed by the Senate, and appropriates $5,500 for repairs instead of $3,000, as proposed by the House, and $8,000, as proposed by the Senate.

On Nos. 38 and 39: Restores the matter stricken out and strikes out the matter inserted by the Senate in the text of the appropriation for continuing the reclamation and development of Anacostia Park.

On Nos. 40 to 44, inclusive, relating to public buildings and grounds: Appropriates $61,540 for personal services, as pro-

posed by the Senate, instead of $23,480, as proposed by the House, the Senate increase representing a transfer, the compensation for such services to be in accordance with the classification act of 1923, as proposed by the House; appropriates $431,100 for improvement and care of public grounds instead of $404,160, as proposed by the House, and $442,830, as proposed by the Senate, the amount agreed upon including provision for widening existing roads and bridges and for constructing new roads and bridges in Rock Creek Park and for improvement and maintenance of Rock Creek and Potomac Parkway, and also for the compensation of foremen, gardeners, and mechanics, as proposed by the House, as well as skilled and unskilled laborers; strikes out the appropriation on account of the existing bathing beach on the Tidal Basin and repeals existing appropriations on account of a new bathing beach on the west shore of the Tidal Basin, as proposed by the Senate; and appropriates $3,000 for expenses incident to the conducting of band concerts in the public parks, as proposed by the Senate.

On No. 45: Appropriates $129,710 for personal services under the water department, as proposed by the Senate, instead of $122,000, as proposed by the House.

The committee of conference have not agreed to the following amendments of the Senate:

On No. 1, relating to the amount of Federal contribution toward the expenses for which the bill makes provision.

On No. 21, relating to the appropriation for contingent expenses, public schools.

On No. 28, relating to the police court.

On No. 46, relating to the estimates of appropriations in the District of Columbia Chapter of the Budget, fiscal year 1927.

C. R. DAVIS,
FRANK H. FUNK,
W. A. AYRES,
Managers on the part of the House.

Mr. DAVIS of Minnesota. Mr. Speaker, this bill carried as passed by the House $31,150,267.

The Senate placed 46 amendments on the bill, 26 of which affect the amounts of money which it carries, and the remaining number apply to totals or deal exclusively with phraseology.

The net result of the Senate's action was to increase the amount of money carried by the bill as passed by the House by $661,970, or to $31,812,237.

The report which we have filed disposes of all but two of the money items, and if adopted will add to the House bill $692,830. The two money items which we have brought back relate to contingent expenses, public schools, involving an increase of $3,000, and to the police court, involving a decrease of $55,450. The final figure will depend upon the action finally agreed upon with respect to these two items.

The principal increases proposed by the Senate, to which your conferees have acceded, are as follows:

Repairs to streets	$200,000
Upper Potomac main interceptor	50,000
Stuart Junior High School	300,000
Improvement and care of public grounds (amount agreed to)	65,000
Total	615,000

Of the total increase proposed by the Senate, the Senate conferees receded from $21,590.

We have brought back for action by the House four amendments. One of them has to do with the amount which the Federal Government will contribute; one is a minor matter relating to the appropriation for contingent expenses, public schools; another has to do with providing additional police judges and court employees; and the fourth deals with the estimates of appropriations on account of the District for the fiscal year 1927.

I do not know as I need to say anything further with respect to these items at this time.

Mr. AYRES. Will the gentleman yield?

Mr. DAVIS of Minnesota. Yes.

Mr. AYRES. I desire to ask the chairman a question relative to the police judges. Do I understand we are to have a further conference on them?

Mr. DAVIS of Minnesota. When we get to that item, which we have brought back, I will explain a little further. I will say to the gentleman that we are to have a further conference.

Mr. Speaker, I move the previous question on the adoption of the conference report.

The SPEAKER. The gentleman from Minnesota moves the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Amendment No. 1, page 2, line 3, strike out "$9,000,000" and insert "$11,000,000."

Mr. DAVIS of Minnesota. Mr. Speaker, I move that the House insist upon its disagreement to this amendment.

Mr. CRAMTON. Will the gentleman yield one minute to me?

Mr. DAVIS of Minnesota. I will yield one or two minutes to the gentleman, because I like to hear him talk.

Mr. CRAMTON. Mr. Speaker, the amount that the House put in the bill, $9,000,000, plus the return of certain revenues from fines, licenses, and so forth, brings it to approximately $10,000,000, the same as for the current year. That is the most the Federal Government has ever contributed and there is no reason why the Federal Government should be called upon for more to meet these extraordinary expenditures made necessary by the growth of great, new residence districts in Washington. If each year we are to have this haggling over the amount, then the House will be obliged to start it by setting the figure low enough so that we can yield something in compromise. The way to promote not only the passage of this bill but all bills for the District in later years is to absolutely insist upon the position the House has taken. I hope that the vote upon the motion of the gentleman from Minnesota [Mr. DAVIS] will be so overwhelmingly in favor of the position the House has taken heretofore that the Senate will speedily recognize the situation and bring the controversy to an end.

Mr. BLANTON. Will the gentleman yield?

Mr. CRAMTON. I will yield if I have the time.

Mr. BLANTON. Why not insert the word "hereafter"?

Mr. CRAMTON. Well, in the first place, it would be subject to a point of order.

Mr. BLANTON. But that does not make any difference. The gentleman knows that we put such items in every bill that comes into the House, every one of them, and we might as well put in a good "hereafter" as a bad one.

Mr. CRAMTON. The gentleman will understand that I have a bill that is permanent in form now pending before the Committee on the District of Columbia, and I hope to have the cooperation of the gentleman from Texas more actively than I have had heretofore in getting that bill reported.

The SPEAKER. The time of the gentleman from Michigan has expired. The question is on agreeing to the motion made by the gentleman from Minnesota that the House further insist.

The question was taken; and on a division (demanded by Mr. CRAMTON) there were—ayes 104, noes 4.

Mr. CRAMTON. Mr. Speaker, I object to the vote on the ground there is not a quorum present.

Mr. GREEN. Mr. Speaker, I hope the gentleman will withdraw that. We have some very important bills that must be passed to-day.

Mr. CRAMTON. Mr. Speaker, reserving the point of no quorum, I will ask the Speaker what was the vote?

The SPEAKER. One hundred and four to four.

Mr. CRAMTON. Further reserving the point of no quorum, my only desire——

Mr. BLANTON. Mr. Speaker, the question of no quorum is not debatable.

Mr. CRAMTON. Mr. Speaker, I withdraw the point of no quorum.

So the motion was agreed to.

The SPEAKER. The Clerk will read the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 21: Page 40, line 1, strike out the figures "$77,000" and insert "$80,000: *Provided*, That a bond shall not be required on account of military supplies for equipment issued by the War Department for military instruction and practice by the students of high schools in the District of Columbia."

Mr. DAVIS of Minnesota. Mr. Speaker, I move that the House recede and concur in this amendment. The Senate has put back in the bill just what we tried to do in the House, but the language went out on a point of order. The Senate has put it back in the bill and, therefore, I bring it back here for the purpose of receding and concurring with the Senate upon this amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Page 55, line 6, after the figures "1923" strike out down to and including line 25, on page 55, and from lines 1 to 13, on page 56, and insert: "$58,124."

Mr. DAVIS of Minnesota. Mr. Speaker, I move that the House further insist on its disagreement to this amendment of the Senate.

I make this motion, Mr. Speaker, in order that there will be some avenue open for taking care of the traffic situation here to the extent that that may be practicable in the nature of an amendment to this bill, in the event that the bill which passed the House yesterday should meet with any obstruction. We have got to come back to the House again and it would seem that this item might just as well be left open until that time.

Mr. BLANTON. Will the gentleman yield?

Mr. DAVIS of Minnesota. Yes.

Mr. BLANTON. The gentleman ought not, in my judgment, even to suggest the possibility of the failure of the traffic bill. That bill ought to become a law before we adjourn.

Mr. DAVIS of Minnesota. I agree with the gentleman but there are many things that ought to be that never happen.

Mr. BLANTON. But if you pave the way for its defeat somewhere else, you are paving the way for 100 more people to be killed here during this coming year.

Mr. DAVIS of Minnesota. I can not agree with the gentleman on that because the Senate is all right on this matter if the traffic bill goes through, and that is all there is to it. Therefore I insist upon my motion.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 46: Page 87, after line 13, strike out lines 14, 15, 16, and 17.

Mr. DAVIS of Minnesota. Mr. Speaker, I move that the House further insist on its disagreement to the amendment of the Senate.

The motion was agreed to.

PURCHASE OF UNAPPROPRIATED PUBLIC LANDS

Mr. SINNOTT. Mr. Speaker, I call up the conference report on the bill (H. R. 8522) granting to certain claimants the preference right to purchase unappropriated public lands.

The Clerk read the conference report, as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8522) granting to certain claimants the preference right to purchase unappropriated public lands, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate Nos. 1, 2, 4, 5, and 6, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3 and agree to the same with an amendment as follows: After the word "corporation" insert a colon and the following proviso: "*Provided further*, That this act shall not be construed as in any manner abridging the existing rights of any settler or entryman under the public land laws"; and the Senate agree to the same.

N. J. SINNOTT,
ADDISON T. SMITH,
JOHN E. RAKER,
Managers on the part of the House.

ROBT. N. STANFIELD,
PETER NORBECK,
KEY PITTMAN,
Managers on the part of the Senate.

The conference report was agreed to.

CLAIMS FOR REFUND

Mr. GREEN. Mr. Speaker, I call up the bill (H. R. 12300) to amend section 281 of the revenue act of 1924, a privileged bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That subdivision (e) of section 281 of the revenue act of 1924 is amended by adding thereto two new sentences to read as follows: "If the taxpayer has, on or before June 15, 1925, filed such a waiver in respect of the taxes due for the taxable year 1919, then such credit or refund relating to the taxes for the taxable year 1919 shall be allowed or made if claim therefor is filed either on or before April 1, 1926, or within four years from the time the tax was paid. If any such waiver so filed has, before the expiration of the period thereof, been extended either by the filing of a new waiver or by the extension of the original waiver, then such credit or refund relating to the taxes for the year in respect of which the waiver was filed shall be allowed or made if claim therefor is filed either (1) within four years from the time the tax was paid, or (2) on or before April 1, 1926, in the case of credits or refunds relating to the taxes for the taxable years 1917 and 1918, or on or before April 1, 1927, in the case of credits or refunds relating to the taxes for the taxable year 1919."

Mr. GREEN. Mr. Speaker, this bill being on the Union Calendar, I ask unanimous consent that it may be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, I want to ask the gentleman a question. This bill will extend the time for filing claims for refund of 1919 taxes to April 1, 1926?

Mr. GREEN. To April 1, 1926.

Mr. BLANTON. Is there not going to be an end some time to these claims for refund?

Mr. GREEN. I hope so. The reason this bill is presented is because the department has not been able to audit all the returns for this year, and has asked for waivers of the statute of limitations from the taxpayers.

Mr. BLANTON. I understand this is a unanimous report from the Committee on Ways and Means?

Mr. GREEN. It is a unanimous report; yes.

Mr. BLANTON. Did the gentleman from Texas [Mr. GARNER] act on this?

Mr. GREEN. Oh, yes.

Mr. BLANTON. And it has his approval?

Mr. GREEN. It has his approval.

The SPEAKER. Is there objection?

There was no objection.

Mr. GREEN. Mr. Speaker, this bill is unanimously reported from the Committee on Ways and Means, and I think will commend itself to every Member of the House. The department unfortunately has not been able to audit all the returns for the year 1919 and has been obliged to ask the taxpayer for a waiver of the statute of limitations.

Now, the taxpayer is practically compelled to give this waiver, because if he does not the department puts on what they call a special assessment, which is practically an arbitrary assessment, on his return in order to keep the case open. The department does not wish to do this, and the taxpayer does not want it done, but in the event that it is done it is only fair that the taxpayer should have an opportunity to file an application for a refund if he finds anything wrong on his side. That is what this bill provides. It makes the same provision with reference to the few cases that remain unaudited for 1917 and 1918.

Unless some gentleman wants to ask a question, I move the previous question.

The SPEAKER. The gentleman from Iowa moves the previous question.

The previous question was ordered.

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

On motion of Mr. GREEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

SOME OBSERVATIONS OF A HOUSE MEMBER

Mr. STENGLE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on some observations of a House Member.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. STENGLE. Mr. Speaker, perhaps the House will pardon personal references in remarks I shall now make, because my position here is unusual and gives me special privilege and opportunity to talk very frankly. I am one of the few Southern-born men representing a Northern constituency. I am proud to sit here from a district in the imperial city of the Empire State of New York. Equally proud am I that I was born on the eastern shore of Virginia, the oldest part of the State that gave us the Declaration of Independence, the Constitution, Washington, who knew how to be wise, humble, and magnanimous in triumph, and Lee, who knew how to be magnanimous and magnificently triumphant in defeat. As a kind of connecting link between South and North, and especially between the democracies of the two sections, I feel privileged to speak for

and to both on the tariff and some other subjects. What I shall say will be somewhat of a parting and farewell admonition, but it will not be the piteous quacking of a lame duck. My head is unbowed and unbloodied and, therefore, not sore. I am retiring of my own motion—a motion not accelerated by my constituents—and I am leaving the place I had the honor to win over a Republican to be filled by another Democrat. The Sixth New York district is part of the small salvage from the wreck of last November.

I am calling on my political brethren to realize that this country is irretrievably and forever, so far as human foresight can discern, committed to a tariff system and to some system of protective tariff. It seems to me some of us are prevented from thinking and acting intelligently on tariff propositions by the vague ghost and shadowy legend of low tariff as a fundamental Democratic doctrine flitting through our memories rather than our minds.

We have had the words "robber tariff" drilled into us—some of us, at least, who come from rather sequestered sections—until we are unable to grasp at all the more modern idea of the flexible tariff capable of being changed readily to meet changing conditions in trade. Adam Smith, greatest of free-trade apostles, thought and wrote beautifully and ably for his time and country and conditions; but he died 135 years ago and was as innocent of knowledge of steamships and locomotives, automobiles, the radio, the telegraph, the harnessing of electric power, labor organizations, and the American standard of living as the other Adam, our respected ancestor who was a temporary tenant of Eden. There can be no such thing as a perpetual and unchangeable principle of economics, except the principle of honesty. What we really need is not that mysterious thing over which mysterious citizens highly charged with lore—and usually charging highly for their enunciations of it—mysteriously and unintelligibly quarrel, known as a "scientific tariff." It is a tariff which will be fair, businesslike, and subject to quick change to fit changing conditions of trade, of methods, of production, of demand, and of new discovery. I am not here to devise and expound such a system in a few minutes. My purpose is to beseech the members of my party who will be here next year to put aside their old, cumbering prejudices and their present political prejudices and give the country the benefit of their thought untrammeled and their brains working freely on the great, vital, intricate task of tariff revision. Let them realize the truth that some measure of protection through application of tariff duties is the settled, established policy of the country, decreed by the people time after time, and bring themselves into to-day and to recognition of realities.

A minority need not be impotent. A man need not dedicate or desecrate himself to mere complaining because he is part of a minority. The people have decided that our political adversaries shall control Congress and the Government. These controlling powers have before them very complicated, difficult, important problems and questions, evils and wrongs, to be corrected, defects to be cured, new situations to be provided for. As one Democrat who, if life be spared, will be looking on as a private citizen, I hope to see with pride and joy my fellow Democrats here and in the other House cooperating loyally and laboring faithfully with the administration and the majorities in doing all this work well and promptly and for the welfare and increasing prosperity of all our people and for the progress in real greatness and power of this wonderful Republic of ours.

That is the way to regain and retain public confidence—by earning it. The American people love and admire those who do big things and help in doing them, but they have neither patience nor respect for those who just stand back and criticize or laboriously and spitefully obstruct. We gain nothing by trying to make our opponents as helpless as ourselves. Eloquent excoriations of the other party may go beautifully in a county courthouse and gain some votes at the crossroads, but they will not get us majority delegations from the hard-boiled, practical East. Withering sarcasms against the administration may win much applause back home, but it will not win us votes in the Middle West. We can not carry the country with flayings and skinnings and denunciations and ridicule on this floor or in the other body directed at the President or his Cabinet. The people want things done and not simply promised. Orators may "convulse" the galleries or other audiences and rouse them to what the newspapers call "wild enthusiasm," but they do not make electoral votes. Results, and results alone, count.

If the majority undertakes good and wise measures or policies, we can share the credit by helping to perfect and make them effective. We have as much ability as the Republicans. Let us use it in working with them for all those measures that promise to drive dangers from our country or to win for it and for all classes of our citizenship benefits and advantages, and not waste it in gabble and persiflage. We have as much patriotism as they have. Let us apply it to making legislation and administration successful. Consistent obstructionists are failures consistently. The Democratic Party never will recover power by depending on the faults and sins of some other party. As one devoted member of it, I would be ashamed to see it with no hope but calamity, depending on disaster as the foundation on which to build. It must identify itself with hope and optimism and prospects for growing prosperity if it intends to thrive. All the loveliest and highest theories the human mind may formulate or the imagination vision are as mist on a mountain top compared with substantial, present results in food and clothing, housing, and comforts for the rank and file, and dollars and cents for business, big or little.

It is to be remembered that we have in the United States more than 2,000,000 stockholders in great corporations, each of them representing two or three votes, and the number growing continually. We are moving toward public ownership of utilities and enterprises by natural, normal, healthful methods, by the thrift and sagacity of the individual citizen rather than by any process of confiscation, violence, exclusion, or Government interference.

We are moving with astonishing rapidity toward community of interest and resulting unity of feeling between the classes and the masses—faster than any people in the world's history ever have moved in that direction and without resort to the hideously abortive and tragically ridiculous lunacy of communism by force. We are approaching more swiftly than we know, perhaps, the idyllic conditions put by Macaulay in the mouth of a Roman speaker as a mournful and glorious reminiscence—

> Then none was for a party;
> And all were for the state;
> Then the great man helped the poor,
> And the poor man loved the great;
> For Romans in Rome's quarrel
> Spared neither land nor gold,
> Nor son nor wife, nor limb nor life,
> In the brave days of old.

Never has there been a time in any country when self-interest was so intelligent as here and now. The great master minds of finance and commerce understand very clearly that their own eminence and safety depend on the well-justified hopefulness of wage earners and farmers and that they must act broadly and diligently on the teachings of the day and their own observation and sound judgment. Therefore, Mr. Speaker and gentlemen of the House, reliance for any permanent and extensive political success on class prejudice, envy, and resentment of large achievement has become ridiculous. It is horribly, tremendously absurd to be appealing to a proletariat which does not exist. None but demagogues or the "moody beggars, eager for a time of pell-mell havoc and confusion," described by Shakespeare more than 400 years ago, desire to kindle and cater to the basest and most dangerous passions of human nature. Any party to prevail in this country must be constructive rather than obstructive and progressive along high, orderly, and sane lines. We are planted here on a continent, and our thoughts, to be effective, and our purposes, to command respect, must be continent-wide and world-wide.

We must cease acting and talking here for parochial popularity and the whimpered plaudits of local newspapers. We need less comedy and attempted comedy and more sturdy, stalwart, courageous common sense. We need to tear ourselves away from unnatural, immoral, grotesque, and repulsive alliances between political dogma and theory long dead and political and economic monstrosities spawned stillborn on our land—between fine idealisms long ago vanished at the touch of hard experience and the fantastic dreams which perhaps may be realized in the far future when mankind has been purified and elevated beyond our present comprehension. We need to stand on our own feet and for definite, concrete, beneficial purposes which are possible of fulfillment and which we can comprehend ourselves and demonstrate to others. There is plenty to be done. The adjustment of the tariff that it may be fair and helpful to all of us and oppressive to none demands the combined and concentrated intelligence of the country. Assistance to the farmers in their long-sought, newly discovered path to independence and equality by becoming business men, dealing through their cooperative associations with other business men on equal terms, will tax our ingenuity

and all the resources of our statesmanship. I have special interest in this and some knowledge, because, as editor of a weekly newspaper in Accomac County, Va., in the early nineties, I was one of the instigators, promoters, and defenders of what has since become one of the oldest and most uniformly successful farmer cooperative organizations in the Union and has made that Virginia county the third richest agricultural community in America. I know that what has been done on a comparatively small scale there can be done in groups of States with the help of modern facilities and the aid of our Government in starting. Relations of the railways and other public utilities with labor and the general public remain to be adjusted.

Overhauling of the immigration laws so that we may go to other countries as a man goes into a store and pick just what human goods we may need when we need them and place them where they are needed might be undertaken presently for the good of all. I commend the Canadian plan in this connection. Clear definition of the respective rights and powers and the mutual relations of the States and the Federal Government is a pressing requirement of the present conditions, felt more acutely, strange to say, at the North than in the State sovereignty South. There is plenty to be done to employ all our time and energy and statesmanship through several years to come.

If we intend to build the Democratic Party to real and enduring strength and power, to make it something more and better and finer, let us be up and doing. Let us rid ourselves alike of the bourbonism that learns nothing and forgets nothing and the radicalism that rushes headlong to every new thing. Let us prove that the uses of adversity may be made not only sweet but stimulating and salutary. Our course of late has brought us close to the irreducible residuum—12 States of the 48, majorities against us in both Houses of Congress. Let us set ourselves now to be a hope rather than a dream. Let us make our party a force of preservation for progress well considered and in compliance with the foundation laws and principles of the Republic; for peace in the world; for establishment here of fusion and union of all elements, classes, and sections such as never has existed, to lead gloriously the march of mankind toward universal contentment, justice, and righteousness, to equality in enjoyment of life, liberty, and the pursuit of happiness.

THE PHILIPPINE ISLANDS

Mr. MURPHY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Philippine question.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. MURPHY. Mr. Speaker and gentlemen of the House, as one who feels deeply grateful for real human treatment received at the hands of the Philippine people when I was very, very ill and a visitor in their wonderful islands, I take the floor, not to talk for or against the problem that has been presented to you to-day by those contending on either side of the question, but to say a few words for the RECORD to the end that the wonderful people in the Philippine Islands may read them as they are spoken, by one whose heart is filled with deep appreciation and one who is truly their friend. And I hope that as they read they may profit by some of the things that I may present for their consideration.

What a strange condition we are confronted with as we view the politicians of this splendid people seeking to lead them away from the beneficent and brotherly care of the great Government that has brought so much opportunity and happiness to their islands in the short space of time that we have been charged with looking after their best interests. The people of the Philippines are a unique people in that they are the only brown or yellow-skinned people of the world who are recognized as a Christian people, who worship the same God that the Christian people of America worship, and who can come and go anywhere they may choose to wander throughout the United States, bargain for, buy, and sell property, conduct business to suit themselves and enjoy every protection that any citizen of the United States can claim under the flag.

Why do not the politicians in the Philippine Islands tell the people the truth about the wonderful opportunities that they enjoy under the American flag? Why do they not tell them that now under the great public-school system that is established in the islands the poorest and humblest of the citizens of those islands can look forward with hopeful eyes to the day when their children will be educated, and because of that educated mind can have aspirations that will be checked only by their ability to achieve?

How different this condition is as compared with that which existed in the islands previous to the coming of the American flag! In those days only those who had money, position, and power could think of educating their children. And through the accident of birth the people were segregated into classes; but that condition has all been changed since the coming of the American flag to the Philippines, and the doors of our ports are open to those who live in the Philippines, and their coming and their going is not measured by any immigration quota. I would ask the politicians to tell the people that Japan, the great neighbor on the east, and China, another great neighbor, and India, another great neighbor, with all their great armies and their great navies can not force their citizens into the United States or give to them the right to come and go that is now so freely enjoyed by the residents of the Philippine Islands.

America has not exploited the Philippine Islands or the people, but has sought diligently to teach them the high ideals of American government and to inspire in them a desire to take advantage of the splendid opportunities that are to be found only under the Government of the United States of America. The Philippine people are not a subject people, but they are now a part of this great and wonderful Christian Nation, and I hope that those who think deeply and love their families will realize the blessings that they now enjoy, due to their present relations with our Government, and that they will hold fast to that which has brought hope, education, opportunity, and an equal chance for rich and poor alike.

I hope that the real friends of the Philippine people will take a decided stand in the interest of the welfare of the citizens of the Philippine Islands and hold fast to the friendship and helpful cooperation that is now so freely given by the Government of the United States. I ask the politicians of the Philippines to tell their people of the immigration laws of America. Tell them that millions of white people from all the countries of Europe are constantly knocking at our doors for admission and are refused, save only a few who can measure up to the very rigid requirements of our health laws, as well as other restrictions. And again I call their attention to the fact that those who live in the Philippine Islands now enjoy opportunities that they never had until the American Government began to teach them.

There is so much more that I would like to say, but my time is up, and I beg of the Philippine people to question their politicians and ask them what they can give that the people do not now enjoy. Ask them how they will be able to transact business and come and go to America, once they become a separate people. Ask them why they want to close the door of opportunity to the poor and revert to the conditions that obtained before the coming of American ideals into their lives? Yes; I am a friend of the Philippine people and I am wondering why they alone of all the people in the world seek to sever relations with the folks who have gathered here from all the nations of the earth to build up a happy land of opportunity. And, in closing, I beg of the people of the Philippine Islands, for their own happiness, to go slow and not be led astray by the foolish agitation of ambitious climbers.

AMENDING THE NATIONAL DEFENSE ACT

The SPEAKER laid before the House the following:

CONGRESS OF THE UNITED STATES,
IN THE HOUSE OF REPRESENTATIVES.

Ordered, That the Clerk inform the Senate that the House has considered the request of the Senate for the return of the bill (H. R. 5084) entitled "An act to amend the national defense act approved June 13, 1916, as amended by the act of June 4, 1920, relating to retirement, and for other purposes," and that the unanimous consent necessary to comply with the request at that time was refused.

The SPEAKER. The question is on agreeing to the order.

Mr. BLANTON. Reserving the right to object, I think the House ought to know what they are refusing to agree to.

The SPEAKER. The House of Representatives agreed to this several days ago, but this is a notification to the Senate.

The order was agreed to.

SECOND DEFICIENCY APPROPRIATION BILL, 1925

Mr. MADDEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 12392) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1925, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1925, and June 30, 1926, and for other purposes. Pending that motion, I would like to ask the gen-

tleman from Tennessee [Mr. BYRNS] if we can agree upon time for general debate?

Mr. BYRNS of Tennessee. I have a few requests for time.

Mr. MADDEN. I ask unanimous consent, Mr. Speaker, that general debate be limited to two and one-half hours, one half of the time to be controlled by the gentleman from Tennessee [Mr. BYRNS] and the other half by myself.

The SPEAKER. The gentleman from Illinois moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12392, and pending that asks unanimous consent that general debate be limited to two and one-half hours, one-half to be controlled by himself and one-half by the gentleman from Tennessee. Is there objection?

Mr. BLANTON. Reserving the right to object, I want to ask the gentleman a question. On the independent office appropriation bill there was put on in the Senate an amendment fixing seven positions at $18,000 each.

Mr. MADDEN. That is not in this bill.

Mr. BLANTON. That was agreed to in conference, and it now forces the House to either vote the conference report up or down in order to defeat that amendment. How many amendments of that kind is the gentleman going to permit to go on this bill?

Mr. MADDEN. Oh, I can not make any agreement in advance; we have not started to read the bill yet.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The motion of Mr. MADDEN was then agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. CHINDBLOM in the chair.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Chairman, gentlemen will understand that this is a deficiency bill. The items contained in the bill relate to almost every activity of the Government. The aggregate amount carried in the bill is $54,052,097.24. During the consideration of the bill there will be other items that we will be called upon to offer as amendments from the floor, mainly because of laws enacted since we began the consideration of the bill. Whatever amendments are offered will be offered by the chairman of the committee, by authority of the committee, as committee amendments. Of course that will not preclude the right of any other Member to offer on the floor any amendment he may choose.

The amount recommended to be appropriated in the bill divides itself as follows: From the postal revenue, $8,770,120.11; from the revenue of the District of Columbia, $3,509,311.49; from the general fund of the Treasury, $41,772,665.64.

The amount for the Postal Service consists of $1,580,000 for compensation of clerks and other employees at first and second class post offices, $1,920,000 for city letter carriers, $500,000 for railway postal employees, and $3,500,000 for transportation of the mails, all of which are due to the increased volume of postal business. The sum of $315,000 for printing and binding in the Postal Service is due partly to increased business and partly to increased cost of production resulting from increased wages recently authorized by Congress for employees of the Government Printing Office.

The largest portion of the amount recommended for the District of Columbia—$3,509,311.49—is composed of the items of school buildings and grounds, aggregating $2,631,500, and authorized to be paid from the surplus revenue fund created by the act of February 2, 1925. By this act the amounts credited to the District of Columbia after an accounting between the District of Columbia and the United States were placed in a special fund to be available for appropriations for schools, parks, and playgrounds.

The school projects recommended to be appropriated in this bill from the special fund are brought to the committee as representing the most urgent and important of school projects now pending in the so-called five-year building bill. Of the remainder of the items chargeable to the District the major amounts are as follows:

Reallocations of positions under the classification act, $73,621.53. What is meant by reallocation of positions is that since the classification act was passed appeals have been taken by a great many employees against the classifications in which they were placed, and the cost of the reallocations approved on those appeals amounts to $73,621.53. Then there is the Mount Pleasant library, $21,000. Some of that is for furniture and $15,000 is for books, and some is for compensation of those who are to be employed in the operation of the library, which is soon to be opened. Then there is the extension of the water and sewer systems to accommodate current building operations, $175,000. This is on the special assessment plan, 40 per cent of the cost being paid by the abutting property and the balance out of the revenues. Then there is the expense for snow removal. Gentlemen will recollect that we had some snow this winter, and that the snow was not removed immediately upon its falling, but later, after it had become ice, and the District expended $35,000 to remove the snow from the principal business streets of the city. This money is appropriated to pay for that. Next there is the care of the insane of the District in St. Elizabeths Hospital, $254,041.46.

Next there is the Rock Creek and Potomac Park Commission, $100,000. Some years ago Congress authorized the acquisition of a lot of land to connect Potomac Park with Rock Creek Park. Some of that land has been purchased, some is in condemnation, and other propositions of acquisition of land are now in course of procedure. The limit of cost for the connection of these two parks was $1,300,000. The total cost will be $1,900,000. The total appropriations up to this time have been $1,200,000, and the Appropriations Committee is reporting the remaining $100,000 which it has the authority to report; but until new legislation is enacted fixing a new limit of cost there can be no more money appropriated for the acquisition of the land that may be required to connect Rock Creek Park with Potomac Driveway.

Of the amounts chargeable to the general fund of the Treasury ($41,772,665.64) the sum of $33,693,207.04 is due to new laws or treaties. The items comprising this sum are as follows:

Memorial to the women of the World War, contribution toward the erection of a building on the present site of the American National Red Cross Building, $150,000. This appropriation was authorized on condition that the American National Red Cross shall be required to raise at least an equal sum.

There is the Federal Industrial Institution for Women, for the purchase of additional land, commencement of construction and equipment, to accommodate 500 inmates, $909,100. They have selected a site in West Virginia, about 500 acres of land, and propose to begin the erection of buildings requisite for the establishment of this institution during the coming summer. They hope that within a year they will have accommodations prepared for not less than 200 of the 500 possible inmates.

Next there is $30,000,000 for the Navy Department to carry into effect the act increasing the limit of cost of airplane carriers, and the act authorizing the construction of additional gunboats and cruisers and the modernization of certain ships. There is in this an item toward modernization of the *New York*, *Utah*, *Florida*, *Texas*, *Arkansas*, and *Wyoming* (total limit of cost $18,360,000), $9,000,000, which will be appropriated at this time. It is proposed so to modernize these ships that the decks will be made as nearly bombproof as possible. There will be blisters built on the sides of the ships to guard against the destruction of the ship from torpedo explosions, and it will be the plan to substitute oil-burning machinery for existing coal-burning machinery on these ships. Then there is an item of $14,000,000 for continuing the construction of the aircraft carriers *Lexington* and *Saratoga*. The presumption is that these two ships, which are well under way, will be completed about January of next year. It is then proposed to supply them with aircraft and the accessories, which will amount to $3,000,000. The total cost of the accessories and aircraft for these ships will be $6,000,000, $3,000,000 of which is now being proposed. Then there is the item toward the construction of six gunboats and two of the eight cruisers authorized, $4,000,000.

These gunboats are to be sent to the Yangtze River in China to protect American interests there. In fact, they are probably to be built in China, because they are not of sufficiently deep draft to admit of their sailing across the ocean. They are to cost $700,000 each.

Then we have for payment to the Government of Sweden $7,104 on account of damage by an American ship to a Swedish ship during a fog. Construction of a coast guard cutter for duty in Alaskan waters to replace the old *Bear*, $925,000. The *Bear*, you will all probably understand, is the oldest landmark in the Coast Guard Service. She has been on duty during the last 50 years, mostly in Alaskan and Arctic waters looking after American interests. She has reached an age and a condition where the time has come for her replacement with something more modern. International conference on oil pollu-

tion of navigable waters to be held in Washington, $42,000. International conference for the protection of industrial property, $6,000. There is to be an international industrial conference to take care of patent rights and other propositions of that sort which can only be protected by international agreements. Then there is an international convention for radiotelegraphic matters, $75,000. World War Debt Commission, $6,000. Disposition of German war trophies, $20,000. That means we are going to spend $20,000 to pack and load the guns, cannon, and the like which were captured from Germany and have them distributed under orders of the governors of the various States of the Union at points designated by those governors. That has been authorized by law some time since, and we are now beginning to carry that law into effect. Construction of a 500-bed hospital at the Pacific Branch of the National Home for Disabled Volunteer Soldiers, $1,500,000, a part of the hospital program for substituting a fireproof building at the point where the Pacific Home for Volunteer Soldiers exists near Los Angeles, some of the present buildings being fire traps, obsolete, and unworthy of continuance for the treatment of these men. General accounting office—they asked for $75,000, and we are giving them $50,000.

Under several acts of Congress recently passed, suits are to be filed in the Court of Claims over payments alleged to be due to certain Indian tribes. The Department of Justice would be powerless to try the suits intelligently and protect the Government's interest without the information which is contained in the files of the General Accounting Office, and a large force of men are required to go back into the files for many, many years and accumulate and compile that information, and that is what this appropriation proposes to do. The remainder of the items chargeable to the general fund of the Treasury aggregate $8,079,458. Of this sum $248,216 is recommended for the payment of claims adjusted and certified to Congress for appropriation in accordance with laws previously enacted, $744,000 is for the payment of judgments rendered against the United States in the United States district courts and the Court of Claims, and $577,000 is for payment of claims audited and settled by the General Accounting Office and certified to Congress for appropriation. These latter amounts of claims and judgments aggregate $1,571,000 and, deducted from the $8,079,000, leaves a balance of $6,508,000 for all other items of the bill covering a wide range of Federal activity. Included in this latter sum are the following items: Installation of modern stoker equipment for the Capitol power plant, $251,000. The result of the investment of this $251,000 will be a saving of $52,000 per annum. To enable the President to continue the prosecution of suits in connection with the oil leases, $100,000. There has already been appropriated for this purpose $100,000. You all will recall that the President was authorized to appoint special counsel. He appointed former Senator Pomerene, of Ohio, and Mr. Roberts, of Philadelphia. Mr. Roberts was before the committee to present this case; and during the time I have been in public life I have seldom listened to as interesting or more enlightening statement by any man who has come before the committee than that made by Mr. Roberts. He showed us what had become of the $100,000 they already received and what they proposed to do with the $100,000 here recommended. He showed us every inch of progress made in the prosecution of the cases that are now pending, much of which, of course, was confidential and we could not insert in the record because it might interfere with the successful trial of the cases; but I commend Mr. Roberts not only for his intelligence and for the lucidity with which he could make a statement, but his willingness to disclose everything connected with the procedure with which he was charged; and I think it is fair to say that with men like these in charge of this great work that the House or the Senate or the country may have no hestitation ing appropriating such moneys as they recommend.

For replacement of elevators in the State, War, and Navy Building with modern equipment, $70,000. These elevators are obsolete and dangerous. I will pass over a number of these items as I want to speak particularly of one or two. In the Bureau of Engraving and Printing we are proposing an appropriation of $233,300 for the installation of rotary presses on which they may print postage stamps to be used by the Government. There are 13,000,000,000 postage stamps used by the people of America every year. We have bee paying about 8 cents a thousand for the stamps. The introduction of this system of printing the stamps will reduce the cost to 5½ or 6 cents a thousand and we will save by the investment of $233,000 we are proposing from $280,000 to $320,000 a year. In other words, the cost of the process will be saved and upward of $100,000 on top of that by the use of this process in the very first year after installation. We are proposing to do what ought to have been done many years ago but which has not been done—we are proposing to create a bureau reserve in the circulating medium of the country.

To-day the circulating medium of the country is printed from day to day, and circulates before it seasons. That is the currency of the country. Now we are proposing in this bill here to try to create a reserve of about 30-days supply. We are proposing to size the paper as we print the money and to let it dry and season, and we have the assurance that money so sized and dried and seasoned will last 20 per cent longer than the money that we are circulating to-day. But aside from that, we can not afford to have the Nation living from hand to mouth as to its circulation. There is a greater demand for money among the people of the country now than ever before. We are printing a large number of small bills, one dollar bills, very few twos; fives and tens enough. It costs just as about as much to print a one-dollar bill as a million-dollar bill, and we are recommending an appropriation for quite a large sum of money here in order that we may have at least a 30 days' supply on hand in the bureau. To-day the country would be without a circulating medium if any serious breakdown occurred there.

That we have an item here that we propose of $125,000 for the Customs Service, called "compensation in lieu of moieties." This appropriation of $125,000 is recommended to be paid to informers, men who inform the Customs Service of the illegal entry of goods into the United States without the payment of the duty. In every case where they furnish the information upon which convictions are had, or upon which fines are assessed and collected, they are entitled to 25 per cent of the amount collected, so that for every dollar that we pay, three dollars more remain in the Treasury as the result of the information which they supply.

Then we have the Public Health Service. This is a very interesting thing. Everybody in the country has been alarmed about the typhoid fever epidemic, caused, it is said, by the consumption of impure oysters. The people of the country have been very anxious that this epidemic should be wiped out, and the people who have their money invested in the oyster business have been anxious that a repetition of the trouble should be avoided. Your committee made a very comprehensive investigation of the subject. I think this is awfully important. It may not be of very great importance to people in a particular section of the country, but it is to the country as a whole, and I would like to have you listen to it, so that you can tell this story to somebody else in case they ask you about it. The committee called before it representatives of the Department of Commerce, the Department of Agriculture, and the Public Health Service, and while there was a recommendation of an appropriation to be placed at the disposal of the Department of Commerce to eradicate the trouble, the committee concluded that the Department of Commerce was not the department that ought to have jurisdiction over this subject; neither was the Department of Agriculture. The committee concluded that the one agency in the Government best fitted to cope with the situation and to allay the fear of the people was the agency that has the power to place a quarantine on the spread of disease between the States, and that agency is the Public Health Service. And so we recommend the appropriation of $25,000 to be placed at the disposal of the Public Health Service, and we require the Public Health Service to cooperate with the Department of Commerce and the Department of Agriculture in the exercise of the responsibility that we place upon them.

Since this appropriation has been inserted in the bill we have another estimate from the Bureau of the Budget, which, through investigation, has been assured that $25,000 will not suffice to meet the necessities of the problem. And so in the careful consideration of the bill I shall introduce an amendment to this proposal, adding $32,600 more to it, and in that case I think we shall have adequate funds to meet the problems that confront the people, and we shall be able, I am sure, to solve this one through the action of these three branches of the Government which are to cooperate not only in allaying any fear that may exist, but in eliminating any danger of contamination or the spread of typhoid fever as the result of the use of oysters for food.

There is the Steubenville (Ohio) public building, in according with the contract authority, $57,000. Here is a unique situation: In 1913 there was an omnibus public building bill passed, a limit of cost was fixed, and some appropriations made. The building at Steubenville, Ohio, is to be built under that authority and within the limit of cost fixed in the act of 1913, and with a surplus turned back under that limit

of cost, notwithstanding the recent increase in the cost of building.

Now, how was that done? That was done, as all other building ought to have been done, by taking away the monumental features of the building and putting up a building that is in every essential particular the kind of a building that is needed for the transaction of the public business. [Applause.] It did not reduce the space. It may have taken a lot of columns away, or it may have taken a lot of birds'-nest corners that could have been used in no way except to house birds, and it might have had one more disability, to shut out the light. But we have taken the plans and remodeled them, and we have given them the same amount of space as was contemplated in the beginning, and we have put a utilitarian building that will be a model of convenience for the transaction of the public business, and a model to guide the way for future economy in construction. [Applause.]

I hope people in other sections of the country will follow the example. I congratulate my distinguished friend from Ohio [Mr. MURPHY] in having such a sensible constituency as he has, for they had to cooperate before we could reduce the ornamentation that was useless on the original plan.

A number of paragraphs are recommended throughout the bill to continue during the fiscal year 1925 appropriations granted for the fiscal year 1924 in the second deficiency bill, which, as you recall, did not become available until December 5, and the result was they could not use the money. We are now making that money available.

Here is a unique recommendation, gentlemen: We made a somewhat comprehensive examination into the statement of the Director General of Railroads' administrative success. As you will recall, we had placed at the disposal of the Director General of Railroads in the Treasury about one and three-quarter billions of dollars against which he could draw in the Federal control of carriers. There has also been credited to this appropriation the amounts received from sales of assets growing out of Federal control. The final net balance in this fund is a little over $441,000,000 and we propose to repeal $440,000,000 of it.

In the settlement of claims they have done well. The railroad companies had claims against the Government when we turned them back amounting to about $1,015,000,000. The railroads afterwards reduced this to $769,000,000. The Government set up claims against the carriers for about $438,000,000. In making the adjustments the Government paid to creditor roads $243,000,000 and collected from debtor roads $195,000,000. The result was that what was collected was $48,000,000 less than was paid, or about 6 per cent on the face of the claims as originally presented by the roads.

Now, we are turning back $440,000,000, but it must not be understood that that is cash; it is not there except as a drawing credit. We are taking it away from the danger line so that nobody can draw against it.

I think the Director General of Railroads has done a remarkable job. He has reduced the force in his office from January, 1924, to January, 1925, from 779 to 400, and he will have reduced his force by the 1st of July to about 168. The office will have to be kept open for some time to come in order to make settlements. In addition to this $440,000,000, against which he has not drawn, he has a special account in the Treasury of $41,300,000; he has $10,500,000 on deposit with the Interstate Commerce Commission against which they can draw to pay judgments against the agent of the President growing out of Federal control; he has on deposit $56,000 in the District National Bank, and about $6,000 in a Canadian bank, placed there for use on account of exchange rates. He is expecting to collect from the Pennsylvania Railroad Co. within the next three months about $20,000,000, and $10,000,000 from other roads, which will be deposited in this fund in the Treasury. He has $174,000,000 of securities for loans made by the administration during the war to the New Haven & Hartford Railroad Co., to the Boston & Maine Railroad Co., and to the Milwaukee & St. Paul Railroad Co., all of which is drawing 6 per cent interest. Out of these funds and the interest received he will be able to pay all the expenses of his office; he will be able to meet every obligation that may be created as the result of any settlement, and there will be no more call for the appropriation of money in connection with railroad settlements out of the Treasury of the United States. Thank God for that. [Applause.] It has been a long siege.

There are a good many things I would like to talk about. Mr. Chairman, how much time have I used?

The CHAIRMAN. The gentleman has consumed 40 minutes.

Mr. MADDEN. I will then proceed to one other thing. I have only 35 minutes more; I will occupy 20 minutes and then yield time to the gentleman from Minnesota.

I want to call the attention of the House to a very peculiar thing which confronted the Committee on Appropriations. The amount of $374,465.02 was certified by the Budget for appropriation for payment to the Omaha Indians of Nebraska in accordance with the act of February 9, 1925. The subcommittee of which I am the chairman made a very exhaustive examination of the question and we included the $374,465.02 in our recommendations to the full committee. When we began to consider the question in the full committee, gentlemen on the full committee discovered weak spots in the item which, I regret to say, we of the subcommittee, who made the investigation, did not uncover. I want to place the whole story before the House, so it will understand how easy it is for us sometimes to make a mistake. We had this in the bill when we reported it to the full committee, but they took it out after we commenced to consider it. I have sometimes heard it stated on the floor of the House that the full Committee on Appropriations does not consider problems, but this is good evidence that it does. I will now tell the story.

The amount of $374,465.02 for a payment to the Omaha Indians of Nebraska in accordance with the act of February 9, 1925, is not recommended. The Congress by the act of June 22, 1910 (36 Stat. L. p. 580), conferred jurisdiction upon the Court of Claims to consider and render judgment in all claims legal and equitable of the Omaha Tribe of Indians against the United States. The Indians under the authority of this act filed a suit in the Court of Claims. The Court of Claims on April 22, 1918, awarded judgment in favor of the Indians in the principal sum of $122,295.31 and interest at 5 per cent per annum on the following portions of the judgment: On $94,739.54 from June 15, 1854, on $15,068.80 from August 3, 1856, and on $3,133.39 from August 11, 1858. The attorney for the Government subsequently called the attention of the Court of Claims to section 1091 of the Revised Statutes (being a part of the act creating the Court of Claims) which prohibits that court from allowing interest in certain cases, and thereupon the court modified the opinion in so far as it related to the payment of interest. The modified decision of the Court of Claims rendering judgment in favor of the Indians in the sum of $122,295.31 and eliminating any provision for interest was rendered on June 10, 1918 (Court of Claims reports, vol. 53, p. 549). On appeal to the Supreme Court of the United States, that court affirmed the judgment of the Court of Claims as to the disallowance of interest and affirmed the allowance of the principal of $122,295.31 with the exception of the sum of $4,560 which had been awarded the Indians for horses killed, leaving the net amount of the judgment affirmed by the Supreme Court at $117,735.31. This sum was certified to Congress and appropriated in the deficiency act approved March 1, 1921. Congress on February 9, 1925, enacted a law authorizing the appropriation of $374,465.02, a sum representing interest at 5 per cent per annum on the principal sums found due the Omaha Indians under the decision of the Court of Claims of April 22, 1918. This was the decision of the Court of Claims which allowed the $122,295.31 and interest at 5 per cent and which was recalled or modified by the court so as to eliminate interest and was superseded by the judgment rendered by the Court of Claims on June 10, 1918, wherein it allowed the sum of $122,295.31 without interest. This judgment of June 10, 1918, was the judgment affirmed, except as to the $4,560, by the Supreme Court on June 1, 1920 (U. S. Reports, vol. 253, p. 275), and payment for which has been made in the sum of $117,735.31. The committee is of the opinion that the appropriation of $374,465.02 should not be made. It has not been the general practice of the United States to pay interest on judgments of this character in favor of the Indians. If this should be done now, it would create a precedent for future action which would possibly run into many millions of dollars as well as establish a precedent for the passage of special bills of the same character as this for the payment of interest on judgments which have been rendered in the past in favor of Indian claimants and upon which no interest has been allowed by the Court of Claims or paid by Congress.

It was not singular that the subcommittee that had charge of the investigation authorized the insertion of this amount in the bill when it recommended it to the full committee because, first, there was the action of both Houses of Congress authorizing the $374,000 to be appropriated and they directed that when appropriated the money should be allotted to the Omaha Indians. That passed this House; it passed

the Senate; it was signed by the President; and the President sent an estimate to Congress. So we had the authority of the House and the Senate, the signature of the President, and the recommendation of the President and the Director of the Budget to justify us in making the recommendation. But when we came to look up the law on the subject—that is, the court decisions—it was clear that the special act dealt with a question that did not exist—that is, the act which passed both Houses—and if we were to pay this bill now it would be tantamount to overruling the decision of the Supreme Court of the United States. So we eliminated it. Of course, some people will be disappointed, but we have done the thing that should be done in all decency. We have protected the Treasury of the United States and the rights of the taxpayers without doing any injustice to anybody anywhere who has a legitimate claim against the Government. [Applause.]

Mr. WATKINS. If it will not interrupt the gentleman, I would like to ask him one question with respect to the air mail service.

Mr. MADDEN. Certainly.

Mr. WATKINS. On page 45 you are carrying $250,000, $25,000 of which will be used for expenses in the District of Columbia, leaving $225,000, and the report states that under this authority the Postmaster General will likely contract for air mail service between various towns, and perhaps establish a route from Elco to a point near Portland, Oreg. I understand they propose to go to Pasco, Wash., which is several hundred miles from Portland. My office and certain newspapers have tested out the air mail service from Washington, and the regular mail is delivered in Portland sooner than the air mail at this time, but, of course, the air mail only goes to Cheyenne and then is picked up. I would like to ask the gentleman what the chances are of getting air mail service to the Pacific coast with respect to Portland, Oreg., in particular.

Mr. MADDEN. This provision in the bill is in compliance with the act passed by Congress authorizing the Postmaster General to contract with individuals or corporations to carry the mail by air. It fixes the postage rates at 10 cents, 8 cents of which is to be given to the contractor, and authorizes the Postmaster General to let any contracts within the limits fixed in that act. I very much doubt whether you get any contracts under that law.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. SUMMERS of Washington. I may say that law permits them to carry regular 2-cent mail and get four-fifths of that in order to make up a load.

Mr. MADDEN. Oh, yes.

Mr. SUMMERS of Washington. I may also say that if the mail were only to reach Portland, Oreg., it might very well, of course, go directly to that point; but Pasco, Wash., has been selected and has been indorsed by practically all of the commercial clubs in the Northwest because of its being a central point to Spokane, to Seattle, to Portland, to Boise, and many other cities.

Mr. MADDEN. Of course, this provision does not limit the places to which they can go under contract air mail service. They can go wherever they can get a contract to carry the mail on the terms fixed by the law, and we only know about these places to which the gentleman refers because the Assistant Postmaster General, Colonel Henderson, indicated a number of places they were studying.

Mr. WATKINS. Will this appropriation of $225,000 be sufficient to cover places like Los Angeles, Salt Lake City, Chicago, St. Louis, Boston, and New York?

Mr. MADDEN. I will say frankly I do not know how far this amount will go toward these routes. This is an experimental proposition and we may not be able to get any contractors at all.

Mr. Chairman, I now yield the floor.

Mr. BYRNS of Tennessee. Mr. Chairman, this bill carries slightly over $54,000,000 and provides the funds to take care of the deficiencies for 1924, 1923, and prior years. It also provides considerable funds by way of supplemental appropriations for the year 1925, the present fiscal year, and in providing these funds it will prevent to a certain extent, at least, deficiencies which may otherwise result. It also carries considerable funds for the year 1926 beginning next July.

There is nothing of a controversial nature in the bill. The gentleman from Illinois [Mr. MADDEN], as he always does, has made a very full and comprehensive statement as to its main features, and I am not desirous of taking up the time of the committee, but prefer to yield such time as may be at my disposal to other gentlemen who wish to discuss various subjects. I therefore yield, Mr. Chairman, 10 minutes to the gentleman from New York [Mr. STENGLE].

Mr. STENGLE. Mr. Chairman and colleagues, I want to take advantage of the opportunity at this time to direct your attention to the bill (H. R. 12334) which was introduced in this House on the 17th of this month by my colleague, the gentleman from Illinois [Mr. MADDEN].

To my mind, this is a most important measure and one that should have the attention and the careful consideration of every Member of this House. I would not undertake at this time to define or describe this particular bill were I absolutely sure that time and opportunity would be given for its passage at this session, for I would much rather discuss it when it comes directly before us for action, but I am fearful that in the jam of the eleventh hour when other measures, seemingly more important, may occupy our attention, this measure may be lost in the shuffle, and remembering the fact that with the close of Congress on March 4 there will likewise come the cessation of my services in this House, I am taking advantage of this opportunity to place in the RECORD and to lay before you some observations on the importance of this bill, hoping—yes, almost praying—that at an early hour this measure may become a part of the laws of our Nation.

You will recall that last year from time to time, and indeed, during this session, especially in its early hours, the emphasis that has been laid upon the importance of some sort of control upon the disposition of lump-sum appropriations. You will recall that last year I expressed fear from time to time that if we were to turn over to department heads or their direct representatives large sums of money without specific instruction, the ultimate result would be the distribution of a major portion of that money to favorites within their ranks and a very small portion to deserving subordinate employees who had no influence, or at least had none especially with those who were directly over them as supervisors.

If you will take the time it will pay you to read the hearings of the various subcommittees on appropriations this year, in which you will find time after time admissions made under severe cross-examination by the committee chairmen, admissions that sums of money which you and I intended should be used for the alleviation of suffering and removal of a part of the burdens on the already overburdened shoulders of employees of subordinate rank, have been dissipated and turned aside to be placed in the laps of those who already had enough to live on and a little besides.

I am glad, indeed, as I go out from this Chamber to have the distinguished chairman of the great Committee on Appropriations introduce a bill that will put a stop to that business, a bill that says in direct language that there shall be only one promotion in each year, that there shall not be more than one in each year, in these classes that begin with $3,000 and go upward.

My friends, if you look at the hearings on some bills you will find evidence to show that there were no less than four or five promotions made in some bureaus within an ordinary day of 24 hours.

Another part of this proposed legislation that appeals to me is the fact that our colleague demands, and we ought to support him in that demand, that annually in September the heads of every department of this Government shall submit to the Budget officer an itemized report of their activities in the personal service in their department during the year, and that that Budget officer shall in turn submit to this House an itemized list of the activities that have gone on while you and I have been in our several homes preparing for another session of Congress.

Time will not permit me to go into detail, but I want to suggest that in the last paragraph of this bill an amendment be added that wherever the Committee on Appropriations shall find that they desire further information, other than that described in this bill, they shall have authority under this law to demand further information.

My friends, in the matter of managing the money of this Government you can not get too much light. In the management, supervision of the millions of dollars that go to pay the personnel under the United States Government, you can not get too much of the light of day upon those who directly handle it, and I trust that, although absent, I may sit on the side lines as a high private in the rear ranks and rejoice with you over the enactment of the bill H. R. 12334, which will mean the end of unrighteous things that have been going on recently. [Applause.]

Mr. BOYLAN. Will the gentleman yield?

Mr. STENGLE. I will yield to the gentleman.

Mr. BOYLAN. I would like to say that we all regret the passing of the gentleman; we feel that his work has been excellent, and has added much to the income of the employees of this Government. [Applause.] Does not the gentleman think that in this bill it would be better instead of getting reports from the heads of departments as to what they have done after it was done, if we would direct what they should do before they do it, and take care of the low-salaried employees?

Mr. STENGLE. If my friend will read the first part of the bill he will find that after June 30, 1926, which is the beginning of the fiscal year, any revised allocation by the board can not be effective unless there is an available appropriation. Let me call the gentleman's attention to the great crime—and I use the word advisedly—the great crime that has been committed in the name of reclassification, to wit, that men who have been classified in one grade, because of influence, because of their ability to get inside the charmed circle, have been able to have a rehearing and revised classification, and allocated grades above, and then jumped up, got their hands in the Treasury, and took money out that belonged to the poor scrubwomen in the department where they got the money from. [Applause.] If you will pass this bill you will add a laurel wreath to my friend from Illinois, and he in turn will have been performing a great public service. [Applause.]

Mr. BYRNS of Tennessee. Mr. Chairman, I yield 10 minutes to the gentleman from Minnesota [Mr. KVALE].

Mr. MADDEN. I also yield him 10 minutes.

The CHAIRMAN. The gentleman from Minnesota is recognized for 20 minutes.

Mr. KVALE. It is my high privilege, Mr. Chairman, to bring to-day, in the brief time I have been allotted to address the House, to each Member of this body a cordial invitation to visit Minnesota and to attend the Norse-American Centennial in the Twin Cities from June 6 to 9.

I bear you this invitation by authority and at the direct request of Prof. Gisle Bothne, of the University of Minnesota, a distinguished gentleman, the president of the organization promoting the centennial, and of its officers. It is an appeal directed personally to each of us, just as an invitation has been directed personally to our President, Calvin Coolidge, and his aides, by the State of Minnesota through its governor, Theodore Christianson, and its legislature.

In conformity with the action of the State legislature in passing a concurrent resolution extending an invitation to the Governments and peoples of the United States, Canada, Norway, and Iceland, invitations have been forwarded by the Hon. Charles Evans Hughes, Secretary of State, from Minnesota to these peoples.

I am happy in the knowledge that our Federal Government has recognized the significant and the far-reaching aim and scope of the centennial in various ways; I rejoice in the active interest displayed by the Chief Executive, and his promise to attend, if possible, and deliver an address.

The hundredth anniversary of the real beginning of Norse immigration to the United States will this year be observed in many places; it will be celebrated in every community in the United States where the incoming Norwegians have settled and established themselves and where their descendants are now to be found in numbers, notably in Chicago and New York City. The largest and the principal one, however, is the celebration which will be held at the Minnesota State Fair Grounds, officially known as the Norse-American Centennial. Informed and impartial observers declare it will be the greatest celebration in the history of the Northwest. This alone justifies us in pausing to give it attention. In view of its magnitude, and because of its growing importance to the West and the entire Nation, a few remarks may well be passed thereon.

Its beginning was comparatively modest. The plans have been in formulation for years in the minds of those among the Norwegian stock in the United States who wished to remind their blood brethren as well as their fellow American citizens of the part these peoples have played in the development of the United States, and who wished with equal fervor to inspire the citizens owning the heritage of the blood of the Vikings to better efforts, greater achievements, and higher ideals in the future.

Representatives chosen from each Norwegian organization—ethnic, religious, fraternal, social, civic—organized the corporation which has arranged for the event. It has gained in popularity and appeal away and beyond the original plans of its promoters and sponsors. Besides the official and formal interest of the State of Minnesota, where it is to be staged, five neighboring States have also through their executive departments urged support and cooperation on the part of their citizens because of the importance of the centennial to their States and to the Nation. Civic bodies stand solidly behind the event; church denominations are indorsing it; Norwegian organizations in foreign countries will participate and will send delegates and representatives to the centennial.

Notables in large numbers will address the assembled gatherings; prominent men will stress the important achievements of the Norse-Americans in all activities; exhibits and pageants will graphically describe them; musical organizations will at the same time exhibit and entertain. The entire program has been arranged with the double view of giving adequate review of things accomplished and of inspiring to more worthy accomplishments.

MINNESOTA'S UNRIVALLED SCENIC BEAUTY

I want to review in this brief half hour the reasons why you, my colleagues, should attend the centennial. Even aside from that event there is a great reason for a trip to the Gopher State. Attendance at the celebration will take you to Minnesota in the month of June, when her thousands upon thousands of crystal-clear lakes are sparkling in a warm, dazzling sun; when her vast, dense forests of birch and oak and pine are at their best and provide all those lakes with a setting that defies description; when hills and prairies and fields alike are a live and vivid green; when the air is clean and clear and invigorating; when this wonderful Commonwealth will be seen at her best.

Minnesota will welcome you. We who have the honor of representing that State in Congress are proud of Minnesota. It eminently deserves its appellations:

The Land of the Ten Thousand Lakes; the Park Region of the United States; the Bread Basket of the World.

From north to south within its borders may be found every variety of plant growth except tropical plants; in the northern part are dense forests of stately pine and poplar and birch, fish-filled lakes and streams, and through that country the deer and bear and other game still roam their native haunts, protected by a wonderful system of State parks that perpetuate the beauty and the primitive grandeur of that territory.

An incomparable system of highways stretches in all directions throughout the State, giving easy access to every corner; all her advantages and facilities will be at your disposal in June to show you her material and her natural wealth at the best time of all the year.

Yes; she is indeed "the Summer Playground of the Nation." Endowed with unparalleled scenic beauty, Minnesota also boasts a citizenship which in health, in thrift, in intelligence, and in morality can not be excelled.

This summer, however, there are motives greater than those which would inspire a recreational trip. I want to review them, to recount the reasons for this celebration. And I may be pardoned, perhaps, for recalling some outstanding reasons why those of Norwegian descent can well feel proud of their fathers and their forefathers.

Citizens of our United States with the heritage of Viking blood and the Norwegian characteristics and traditions want to recall the history of Norsemen as it has affected the growth of this glorious empire even from before the time of Columbus. They want to take stock of what they as a people have achieved here in the land of their adoption and birth; they want all the country to recognize their share in making the United States the peerless Nation it is to-day; they want to take this occasion to indulge in honest and pardonable pride in the traits and the characteristics that have made these things possible. Most of all, perhaps, do they want to inspire all citizens of Norwegian blood to even better efforts in this country's behalf, even while they cherish in their hearts the memory of that rugged little land across the sea that gave their forefathers birth.

NORSE-AMERICANS TRUE PATRIOTS

I am well aware that to some of you gentlemen the prefix "Norse," or any prefix, may seem to indicate something not purely and truly American. If the prefix in this case implied anything even faintly suggesting such a possibility, I would be the first to repudiate it in the most emphatic and unqualified terms. And I know that in making this statement I do so with the unanimous approval of all the people here concerned. Americans who trace their ancestry to the Vikings of old are proud of their lineage, but doubly proud of their American citizenship; and they claim as pure and as unadulterated an American patriotism as that possessed by any other group of citizens of this country, it matters not what European land is designated by them as the mother country. Without apologizing, we are this year celebrating the Norse-American Centennial, and we do so in grateful remembrance of our forefathers

and in recognition of what these immigrants have done for us and for our country.

The CONGRESSIONAL RECORD is authority for the statement that a former Member of this House, the late Hon. James R. Mann, beloved by political friend and foe alike, always prefaced his speeches on immigration with the salutation to his colleagues, "Fellow immigrants," and a truer and more appropriate term was never used on this floor. For, taking a sensible and a broad view of the situation, that is what we all are—immigrants—or nearly all. I am reliably informed that only two Members of this House can boast real American blood in their veins, claiming the proud distinction of the blue blood of the Cherokee and the Chickasaw. And I have not the slightest doubt that if the historian could delve into the secret recesses of the lore of bygone ages he would find indisputable evidence that even they were at one time but aliens and immigrants who had driven the real, genuine American from his hearth and his home.

The soil of Iowa is hallowed to me by harboring the sacred dust of my parents and grandparents. My eyes have never beheld any country but my own. But I can not feel that on that account I have any right to claim a patriotism in any way superior to that of him who, upon reaching the age of discretion, of his own free will chose this country to be his home for himself and his children for all time. And by the same token neither am I willing to concede even the suggestion of a superior brand of Americanism to him who may trace his ancestry to the Europeans who first drove the Indians back from the Atlantic seaboard. At best, it is merely a question of a few generations. And true Americanism is no more a matter of years and centuries, nor of language and customs, than is true Christianity a matter of latitude and longitude. Both are a state of the heart and of the inmost soul.

I claim, without the slightest fear of successful contradiction, that of all the peoples that have contributed their quota to the making of this Nation, no more law-abiding men and women have set foot on American soil than those who during the past century embarked for these shores from the rock-bound coast of the northwest peninsula of Europe.

HISTORIC REASONS FOR CENTENNIAL

Permit me to remind you very briefly of the historical facts which the centennial will commemorate.

On October 9, 1825, there arrived in New York Harbor, after a perilous and romantic three months' voyage, a small sloop of 40 tons, the *Restaurationen*, the *Mayflower* of the North, with 53 Norwegian immigrants on board.

This was the first shipload of Norse people to emigrate to the new land of the free across the Atlantic. The project was arranged by Kleng Peerson—sometimes known as Cleng Pearson—that romantic frontier figure, the Daniel Boone of the Norwegians. He had been in the United States and had covered the primeval West in his wanderings; he returned to Norway with his wonderful tales of the possibilities and the opportunities that awaited his fellow countrymen in America, organized the expedition, and assisted in the purchase of the little sailing vessel. The sloop sailed from Stavanger Harbor, Norway, on July 4, 1825, and reached New York after a long and stormy passage.

This single event marks the beginning of the steady and swelling stream of immigration from Norway, which has resulted in the large Norse-American citizenship we have to-day. Norway has sent to our land a larger proportion of her population than any other country with the exception of Ireland; her sons and daughters here total in excess of 2,500,000, according to careful and conservative estimates of ethnologists and historians. That, if you please, is equal to the actual population of Norway, which, according to the last census, was 2,649,775.

These were by no means, however, the first Norwegians that are recorded in American history. Pre-Columbian history carries record of their voyages of discovery and colonization. And according to Torstein Jahr, of the Library of Congress, who has made an exhaustive search and study of records and documents in the library, colonial history also reveals prominent activities on their part in many fields.

VIKINGS REACHED AMERICA

If we were to go back to the earliest Norwegian immigrant, it would carry us back 500 years before Columbus landed on one of the islands of this continent. No one now denies the fact of Leif Erikson having landed on American soil in the year 1000 A. D. For a long time his discovery was considered more or less mythical, but to-day no historian worthy of the name disputes the fact.

The Norsemen had founded colonies in Iceland, then in Greenland. These settlements continued; they became permanent colonies; routes of trade were opened up by the brave Vikings, who kept the channels of communication and supply open between the mother country and these settlements on the southern shores of Greenland, although the sea was dangerous, rough, foggy, and their small boats were open and were propelled by oars and a small sail. Even though we had no direct evidence substantiating the contention of Norse discovery of America, reason alone would force upon us the conclusion that the Vikings, who had safely reached Greenland again and again, would surely in their explorations not have stopped from proceeding the remaining short distance to these shores. And history has verified these claims.

Norse sagas and early histories carry reports of Viking trips to Vinland, the name the first explorers gave to America. They came in part to obtain lumber, which was not to be procured in Greenland; they tell of efforts to colonize, of the Indian natives, trade with them, battles with them. And it is recorded that in 1112 A. D. Eric Upsi was appointed bishop of Iceland, Greenland, and Vinland by the Vatican. Vinland was known of in Rome, mark you. Also, this bishop embarked on a missionary journey to Vinland in 1121.

COLUMBUS AND LEIF ERIKSON

Another matter, however, which is still the subject of some controversy is the connection between the Norse discovery of America and the subsequent rediscovery by Columbus.

Here are a few of the facts in the case:

Adam, of Bremen, who died in 1076, a year after he had completed a book on north European Christianity, which included historical and geographic facts regarding all the countries he mentions, tells of Norway, Sweden, Denmark, Iceland, Greenland, and then tells of Vinland, the "new land to the west." His book was authentic; it was widely circulated in his day and after. Many copies of it exist to-day, even though it antedates the printing press by hundreds of years. Surely Columbus, one of the learned men of his day, well educated and informed, would have known of this book and its contents.

Furthermore, Columbus, a geographer and a navigator, had sailed many seas; there is indisputable evidence, contained in letters written by his son Fernando, that Columbus visited Iceland in February, 1477. There everyone was familiar with reports of the Norse expeditions to the wonderful land to the southwest—Vinland. He also visited the cloister in Huelva, Spain, in 1484; and his son again tells us of the conversation, word for word, between his father and the monks, in which Christopher Columbus convinced the monks of his certain knowledge of a land to the west.

More than this, in 1472 an expedition led by the Norse admiral, Didrik Pining, and piloted by Jon Skolp, was outfitted in Norway by King Christian of Norway and Denmark upon the urgent request of King Alfonso of Portugal. Two Portuguese noblemen, Joano Vaz Corte-Real and Alvaro Martino Homem, joined this expedition as representatives of King Alfonso. The ship left the west coast of Iceland, sailed past Greenland, and reached the vicinity of the mouth of the St. Lawrence River, then returned to Norway. The two Portuguese noblemen returned to their native land the following year, 1473.

Can anyone, in the face of these facts, doubt for a moment that Columbus was well acquainted with the reports of their journey? His dogged determination to keep sailing westward, to sail and sail in the face of the threatened mutiny of his crew, bears this out. Columbus did not conjecture; he did not hope; he knew. The evidence which he possessed of a land to the west was supplied to him by the descendants of the very people who had themselves discovered this land of promise and had visited it time and again.

We do not desire to detract in the slightest degree from the value to the world of the voyage and the discovery of Columbus. But in the interest of truth it should also be stated that he was himself indebted to the Norsemen for his knowledge.

And surely it is even more to his credit that he set out on his perilous voyage knowing as a man of science that he was following direct and positive evidence than if he had merely set out as an adventurer on a haphazard and blind attempt to circumnavigate the globe.

The great majority of you, the Members of this House, are lawyers. You know what importance, even in matters involving human life, is attached to circumstantial evidence. Well, I say that while there may still be a lack of direct evidence, black on white, circumstantial evidence proves beyond the shadow of doubt to every unprejudiced man that Columbus had proof of the existence of a land to the west when he set out on his epoch-making voyage across the Atlantic.

NORSE CHARACTERISTICS NOTED

But, aside from the historical reasons, as indicated, the quondam Norsemen and their descendants want on this occasion to note, and to have their countrymen note, the outstanding and eminent characteristics of this folk. These are largely traceable to the character of their homeland, Norway. For centuries her residents have been renowned for their health, their vigor, their high moral, religious, social, and ethical standards, their thrift, their courage. Her history thrills with tales of the daring conquests of the Vikings; her mythology immortalizes these characteristics.

Lying in the far north, Norway has been for more than 2,000 years the home of this people. Mountainous, thickly forested, with land for the most part unproductive and untillable, it is a land of marvellous beauty. It is small—less in area than Minnesota and Iowa combined—and yet it has produced more than its proportion of scientists, artists, statesmen, leaders in music and literature and discovery.

Her people have learned to be resourceful; they have been forced to be hardy; they have been inspired to achieve notable successes in all fields; they have been driven into maritime pursuits; they have emigrated heavily; there has been practically no immigration to Norway. And when you trace the history of these Norwegian people who have settled in other lands you will invariably find that they have assimilated the ways and the customs of their new home and have merged with their new countrymen to become as loyal, worthy citizens as ever existed there prior to their arrival.

History, always an excellent teacher, vouches for the truth of the statement just made. In France they became Frenchmen—read the history of Normandy. In England they became Englishmen. That, exactly, is what has happened in America.

Our people have not built, nor attempted to build, a little Kingdom of Norway on American soil. [Applause.] The immigrants from Norway and their descendants have become as thoroughly and genuinely American as have the immigrants from any other country of Europe, not excepting even England. But they are not, for all that, unmindful of the deeds and the traditions of their forefathers, nor ashamed to own their love of and reverence for "the old country." Quite the contrary; every Norseman worthy the name is proud of all the heritage that from his ancestors and their loved little land is his.

GEORGE WASHINGTON'S NORSE ANCESTRY

It properly belongs here to note, by way of parenthesis, the fact that George Washington was proud of his Norse ancestry. This blood the first President acknowledged, and gave particular expression to his pride in it in an address delivered December 11, 1782, before the Scandinavian Society of Philadelphia, a society in which he held an honorary membership.

Mr. TILLMAN. Mr. Chairman, will the gentleman yield for an interruption?

Mr. KVALE. Yes; I gladly yield.

Mr. TILLMAN. Does the gentleman know what was the nationality of President Van Hise of the University of Wisconsin?

Mr. KVALE. I regret to say I do not. Judging by his name, I should say he was of Dutch descent.

Mr. TILLMAN. President Van Hise was an old friend of mine. He was an eminent geologist and was the president of the greatest university in the world. I have always thought he was of Norse ancestry.

Mr. KVALE. That is easily possible, but I have no definite knowledge on the subject. We know, however, of several families bearing typical Dutch names that trace their ancestry directly to Norwegian blood.

But, Mr. Chairman, the fact that he has always become a part of the country in which he has made his home does not mean that the incoming Norwegian has permitted himself to be stripped of his individuality. Rather he has put the stamp of that very individuality upon all his surroundings.

As the names of persons and places in France, England, Scotland, and other countries are indisputable proof of Norse influence, so the historian of the future, whose pleasant task it shall be to record in the pages of history the thrilling story of the development of Illinois, Wisconsin, Iowa, Minnesota, and the two Dakotas, will find a long array of facts bearing to him the same legend that similar facts do in the countries of Europe upon which the Norseman with his invincible courage and his love of freedom set his ineffaceable stamp.

And when we speak here or elsewhere of becoming Americanized, it should be borne in mind that there is no such being as a standardized American. There never will be; what is more, there should not be. Unity and uniformity are two widely divergent conceptions. It is the duty and the privilege of each ethnic group to contribute of its best. And each group has some trait worthy of being woven into the woof and warp of the American national entity. Our contention is that the Norseman is making a worthy contribution, and as the final product of the melting pot is evolved in the coming centuries he will be found to have been an integral, an essential part in the creation of the soul of America. [Applause.] As it was expressed two days ago in an editorial in the New York Times on Norse migration:

When Kleng Peerson set out to help his friends in Norway a hundred years ago he unwittingly performed a great service to the United States.

LARGEST NUMBER ARE FARMERS

While a large number of these people have been skilled in professions and in trades, by far the preponderating majority, more than 80 per cent of them, have been farmers. Reaching these shores, the statistics show, they went almost exclusively to farms beyond the Alleghenies; they passed through the larger cities, the densely populated country in the East, and answered the glorious, thrilling call that came to them from the great, cheerful, swelling western woods and prairies. Land was to be had for the asking; the natural resources were fabulously rich; the climate was just to their liking. The great urge was that of securing land, land, land. To-day the grandchildren are realizing the benefits of the pioneers' acumen; and they now own more valuable land than any other ethnic group in the United States.

These people were earnest, plain, God-fearing, reliable, modest, strong, and above all courageous. These traits will explain why the Norwegians have tramped out into the new and unexplored country, have fought savages and beasts and primeval nature, and have built the prosperous, peaceful, law-abiding communities that even to-day are a recognized mark of their homes in that section.

Their deeds can not be done justice in any verbal way. It requires some deeper reverence, some understanding of what they contended with and coped with. No railroads were there to transport them easily to their new homes far beyond the beaten tracks; they went on foot, if you please, through wild country; if they had a cart dragged westward by a yoke of oxen, they were objects of envy of all others with whom they came in contact.

Once having established their home, their difficulties had only begun. Wilderness, savages, wild beasts, pestilence, want, loneliness; yet they established schools, churches, markets, cities. They assumed their new responsibilities, they persevered, they made the Northwest the glorious, prosperous, law-abiding community it is to-day.

An undying tale. One indeed worthy of perpetuation. It gives evidence to the established fact that the Norsemen, dominant for the past 1,500 years in all the fields they have entered, and sharing with the English, Scotch, Germans, Swedes, and Danes the common Nordic or Teutonic blood, also share with these peoples the high intelligence and the civilization and capacity for progress that characterizes them. Nay, the Norsemen excel, for immigration statistics will prove that illiteracy does not exist among them. Investigate and see; you will find, I repeat it, that it does not exist.

And their descendants in America have maintained this high intellectual standard; they have been implacable foes of illiteracy wherever they have lived; their attention to thorough education of their people has been subordinated only to their attention to religious training of their dear ones.

MOTHER TONGUE EXTENSIVELY USED

In this work it has been inevitable that they have called into considerable use their mother tongue, the Norwegian language. And they have used it to fill their daily social requirements and needs as well. A simple, vigorous, musical language, with a wide variety of dialects that distinguish at once to the linguist the particular corner of Norway from whence they came—that is their tongue.

Maintaining in this way their own language, partly from love of their mother tongue and the memories and traditions associated therewith, they have added to their happiness and welfare during the trying pioneer days even while they have in that way worked directly to the ultimate advantage of our United States.

As for the cultural value of knowledge of two languages, who so ignorant as to question it? In the countries of Europe it is considered a mark of education and culture to know and to speak more than one language. May the day be not far distant when the same shall be true of our country. Too often the use of any language except English in the home, in the

press, and in the pulpit has been considered inimical to the best interests of the United States. And yet the foreign-language press has done and in a large measure is still doing what the English press could not possibly have accomplished; it has brought to the immigrant American understanding of, and therefore love of, American ideals in the only language that could reach his heart—his mother tongue.

And by far the most important factor in making of the Norse immigrant a real American has been the church, this aside from the spiritual, moral, and cultural values involved. The pioneer clergymen should not and will not be forgotten. Long since called to their reward, they have left their indelible imprint on the early development of the Northwest. These pioneer men of God gave their all to minister to the needs of the men and women who, without the spiritual help and encouragement afforded them, would have failed utterly in their arduous endeavors. They are enshrined, these early pastors, in the grateful hearts of every Norse-American and of every citizen who knows of their consecrated work.

The seeds they have sown have come to full fruition in succeeding generations. Under their leadership there were built a number of higher institutions of learning—colleges, seminaries, and academies—that have faithfully served both church and State. From these schools thousands of graduates have gone forth, and in their graduate work at eastern universities and in their varied activities they have given ample proof that they were in nowise handicapped because they had two mother tongues.

Speaking of these immigrants and the manner in which they established their institutions immediately on their arrival, Professor Bothne has said:

> To transplant this nation (Norway) to American soil without losing the best traits of their character, to make it a fully harmonious part of our American people so as to enrich and strengthen it, has been, as it should be, the general aim and the only real justification for the American institutions established by the Norwegian contingent of our people.

ST. OLAF CHOIR'S TRIUMPH

And reverting to the cultural values contributed by these institutions, I mention only one—their contribution in the realm of music. The St. Olaf Lutheran choir, with a membership of 60 from the student body of St. Olaf College, Northfield, Minn., and directed by a recognized genius, F. Melius Christianson, is to-day adjudged by the foremost musical critics in both the Old World and the New to have but one equal in all Europe—the Sistine Choir of the Vatican—and to be without a peer on this side of the Atlantic.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. KVALE. Mr. Chairman, I ask for five additional minutes.

Mr. HOWARD of Nebraska. Mr. Chairman, I have been granted some time, and I shall be glad to yield the gentleman five minutes of my time.

Mr. KVALE. I thank the gentleman.

The CHAIRMAN. The gentleman from Minnesota is recognized for five additional minutes.

Mr. KVALE. Mr. Chairman, one of their most highly-prized heritages is that of uniformly high moral and ethical standards. They are clean, chaste, and conscientious to a fault, deeply religious, temperate in their habits; they have an unusually high sense of responsibility for their neighbors' welfare and contentment, which has been of immeasurable value in the group effort which has been so vitally necessary in upbuilding the great Northwest.

They cherish to a degree that has made them conspicuous among our many groups of peoples the domestic institutions. Home, marriage, loyalty to family and relatives, these have been paramount. Large families, such as would have made glad the heart of a Roosevelt, are the rule rather than the exception.

In addition to the love of home life and home ties just referred to, the Norwegian people, as historians and divines will tell you, stand out among all mankind as a folk of deep and genuine religious convictions. Back as far as authentic history can trace, back through the beautiful traditions and lore included in the old Norse semimythological "sagas," back even to their mythology, which ranks second not even to the Greek mythology in the high type of natural religion which it teaches, this is clearly evidenced.

And they have zealously guarded this heritage, those who came to this Nation, for their children. They confess the Lutheran faith—pure, practical Christianity—and carry that abiding faith into the inner circle of their families and homes to an extent that is among other peoples rarely found. That is fact.

LITERATE AND RELIGIOUS PEOPLE

Immigration officials will tell you that in all the horde of incoming peoples and races during the last century the Norwegians have not only been the most literate—for their homeland saw to it that every one of her citizens had at least a common-school education—but the most God-fearing in their calm, placid way. No fanaticism ever, yet every man who brought his family to these shores brought also a Bible, a hymnal, a catechism, and a devotional book. The fear of God is a part of the very being of the Norseman.

Their contributions to literature, to art, to music are far in excess of what could be expected in the busy, workaday atmosphere incident to establishing themselves on a new continent. With their homeland so rich in tradition, in history, in romance, in tragedy, in natural beauty, Norway's music and her literature are both possessed of a vigor, an appeal, a range of marvelously depicted emotions ranging from somber shades through wild, passionate pictures to works that evidence the irresistible optimism and sprightly humor of the people. The Norwegians have, both directly, and indirectly through fusion of their blood with that of other nations, had a worthy place as contributors to the world's spiritual uplift and mental progress.

With such a heritage it is small wonder that the Norwegians have made, and are to-day adding to, their enviable record as American citizens. From the very beginning, despite every manner of disappointment, they were satisfied. They worked hard and continuously. They grasped opportunities, sensed possibilities, possessed the vision without which they must have failed. They prospered because of their vision, their courage, their ambition, because they were willing to help each other.

These facts give an indication of the achievements of this people, of their endeavors, of the heritage they have brought to their new land and infused into its polyglot population. To grasp these facts adequately and to visualize the story that lies behind the inadequate expression of the facts is not easy for our generation. A story "of toil and conquests, of joys and sorrows, of sacrifice and love." It is highly fitting that it should be recalled on this occasion, when the centennial will mark this specific date in history.

A TIME FOR PROSPECT AND RETROSPECT

As with all centennials this will have immeasurable value not only as a day of prospect but as a day of retrospect. Great peoples everywhere commemorate the significant happenings in their history in this manner. We have done so in the United States on several occasions within the memory of those of us who are here assembled in the House of Representatives. We have under consideration several such important events at the present time.

This Norse-American Centennial will do even in greater measure what, in 1920, the tercentenary of the arrival of the *Mayflower* at Plymouth Rock did for the descendants of the Pilgrims. It will be an unforgettable event.

And as I hope that one day some musician shall be able to blend into one grand symphony the beautiful, majestic strains of our American national anthem, the Star Spangled Banner, and the soul-stirring, inspiring national anthem of Norway, Ja, Vi Elsker, together with the national anthems of other European lands, so do I confidently look forward to the day when the fiery activity of the American and the sturdy, strong characteristics of the Norseman shall, under the guidance of the Author of Creation's harmony, be blended into one harmonious whole and be a power for good in Freedom's land, in our country, our home. [Applause.]

And at the conclusion of the Norse-American Centennial festivities and in the years to come every man and woman of Norse descent in America will sing with increased fervor and devotion and with renewed consecration:

> Our fathers' God, to Thee,
> Author of liberty,
> To Thee we sing;
> Long may our land be bright
> With freedom's holy light;
> Protect us by Thy might,
> Great God, our King!

[Applause.]

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. KVALE. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. KVALE. Mr. Chairman, under leave granted me to extend my remarks, I wish to include certain facts and observations which time did not permit of delivery in my address to the House. I shall, first of all, incorporate in these remarks the concurrent resolution adopted by the two houses of the Minnesota legislative body on January 27, 1925, extending the State's invitation to the President, Mr. Coolidge, and the first citizens of other countries to attend the centennial. It reads:

Whereas the year 1925 marks the one hundredth anniversary of the real beginning of Norse immigration to this country and of the coming of the Norwegian sloop *Restaurationen*, which brought the first large group of Norwegian immigrants to our shores; and

Whereas in commemoration of this event a celebration of national and international scope is now being arranged by the Norse-Americans of this country, to be held on the Minnesota State Fair Grounds, June 6, 7, 8, and 9, this year; and

Whereas Minnesota has a larger number of people of Norse descent than any other State, and it is recognized that these people braved the hardships of frontier settlements from our Territorial days and up through the first decades of our statehood and thus played an important part in transforming this and other Northwestern States from a wilderness to one of the best developed and most progressive sections of our great country, and that they and their descendants have ever distinguished themselves as a frugal, industrious, and thrifty people; have taken a deep interest in our social, religious, and political activities; have been prominent in educational lines, in science, in art, and literature, and in every branch of industry, but above all have shown themselves to be public-spirited and most loyal American citizens; and

Whereas our State will, by reason of this celebration, be visited by thousands of people who have never seen this part of the Northwest: Now, therefore, be it

Resolved by the House of Representatives of the State of Minnesota (the Senate concurring). That we extend our congratulations to our Norse-American citizens; that we express to them our gratitude for what they have contributed to the development, growth, and prosperity of our State; that we feel Minnesota will be distinguished and honored by reason of the fact that the contemplated celebration will be held within this State and that we heartily approve of the same being held on the Minnesota State Fair Grounds; and be it further

Resolved, That inasmuch as this celebration will be held in our State as aforesaid, we do hereby extend to the President and the people of the United States; the Governor General, the premier, and the people of the Dominion of Canada; His Majesty the King, the Government, the Storthing, and the people of Norway; the Primate and the people of Iceland a most cordial invitation to attend and participate in the said celebration.

The joint resolution of the Congress of the United States, also earlier herein referred to, requesting the Postmaster General of the United States to design and issue a special postage stamp for the centennial, was introduced by me in this body on May 26 last and later in the Senate by Senator PETER NORBECK. Although this resolution provided for the issue of but one postage stamp of the denomination of 2 cents, which was as much as we had dared to feel originally that we could ask for, I went at once to the Third Assistant Postmaster General, Mr. Warren Irving Glover, in charge of this division within the department, and explained to him that while the centennial would in the main observe the hundredth anniversary of the arrival of the *Restaurationen*, still it would in a broader sense commemorate also the arrival in the Western Hemisphere of the first Vikings many hundred years ago, and as such two stamps would be more proper than one.

In pleading with the department to issue two stamps instead of the one called for in my resolution, I also called attention to the fact that while one stamp would naturally bear the picture of the sloop *Restaurationen* another special stamp bearing the picture of a Viking ship would be most appropriate and would be deeply appreciated.

A little later I brought this request to Mr. Glover in the form of a petition signed by the 14 Members of Congress of Norse descent; they included Senators BURSUM, NORBECK, SHIPSTEAD, and SMOOT, and Representatives ANDERSON, BURTNESS, CHRISTOPHERSON, HAUGEN, KNUTSON, MICHAELSON, NELSON, WEFALD, WILLIAMSON and myself. In addition there were sent to the Postmaster General numerous requests along similar lines from influential citizens and societies in the Northwest. As a result of these pleas the Postmaster General decided to issue not only one special postage stamp but two special stamps in commemoration of the event.

POSTAGE STAMPS OF BEAUTIFUL DESIGN

The stamps will soon be in circulation. Through the courtesy of Mr. Glover and of Mr. M. L. Eidsness, jr., superintendent of the division of stamps in the Post Office Department, I have had the privilege of inspecting and passing on the proofs of the stamps. They are of unusual beauty of design and workmanship. Both stamps are bicolor; they are the first commemorative stamps to be issued by the department in two colors, and the only two-color stamps now in circulation with the single exception of the $5 stamp.

The 2-cent stamp, in red and black, bears the inscription—as does also the 5-cent stamp—"Norse-American Centennial, 1825—1925," and also a faithful reproduction of the sloop *Restaurationen*. Flanking it on the borders on each side are depicted the figures that adorn the prows of the ancient Viking ships and the battle shields used by the old chieftains. They are admittedly as fine specimens of engraving as the department has ever issued.

The 5-cent stamp is engraved in black and blue. If possible, it is more beautiful than the other. A true picture of the now famous Viking ship which was sailed to the United States from Norway at the time of the Columbian Exposition in Chicago in 1893 holds the center of the stamp. The romantic ship is flanked on the left by a shield with the colors of the Norse flag, and on the right by the Stars and Stripes. They are wonderful pieces of work, and we have reason to be proud of them.

The story of how the Viking ship was built and brought to the exposition is in itself indicative of the spirit that has lived in the hearts of the Norse people throughout the ages. With a fund gathered from every village in the Kingdom of Norway—testing in that way the truth of their traditions—they constructed an exact and a seaworthy replica of an ancient Viking vessel dug from the earth in Gokstad, Norway, in 1880. Complete in its detail, with the dragon's-head prow, with highly burnished shields along the sides, with its 32 long oars, its sail and rudder, this little 67-foot boat was sailed and rowed across the entire Atlantic by Capt. Magnus Anderson, with the Norwegian commissioners taking sail as crew. Once in these waters, they brought their vessel to Chicago by way of New York and the Great Lakes.

COMMEMORATIVE MEDAL PLANNED

The Federal Government will, I hope, take further cognizance of the centennial through authorization and direction to the Secretary of the Treasury to coin and issue a commemorative medal for the event. It was my privilege to institute this by preparing and introducing a bill providing congressional action. Here, too, Senator NORBECK willingly cooperated by introducing it and endeavoring to secure its passage in the Senate.

It is interesting to note that if this bill is passed by Congress and approved by the President, it will provide for the first commemorative medal to be issued in the history of the United States Mint. Other medals have been coined, but they have been for awards in the case of expositions and similar events.

Tentative arrangements have been made for the medal. As planned, it will be octagonal in shape, of silver identical with that used in the Nation's silver coins, and approximating a half dollar in size. It will bear appropriate inscriptions and devices, with perhaps a Viking ship and the heroic figure of a Viking chieftain in full fighting regalia. Under the terms of the bill, if enacted by Congress, medals will be coined to the number of 40,000, with perhaps a thousand of this number made of gold, exact replicas of the silver medals, but slightly smaller in size.

That, Mr. Chairman, indicates the extent to which the State and National Governments are participating in the arrangements for this celebration. Before concluding my remarks, I desire to return to the historical reasons for this centennial and add a few facts to those previously related, making particular reference to the debt of gratitude the Norse-descended citizens and all who share with them the American citizenship must owe that pioneer pathfinder, Kleng Peerson.

Peerson was born and raised in Norway, a member of a small Quaker colony in Stavanger. His first glimpse of America was given him when, as one of two representatives this band of Quakers sent to the new Republic to investigate conditions, he came here in 1821, returning to Norway in 1824 with glowing accounts of the possibilities and the opportunities to be realized in America.

His first visit had inspired him with a love of, and an enthusiasm for, this country which was to be transplanted in the hearts and minds of thousands of his countrymen before death ended his work, extending over a period of 40 years. He possessed the courageous heart of the pathfinder in the wilder-

ness, the vision to appreciate the possibilities of the land, the power to describe them adequately to others, the enthusiasm and fire necessary to crystallize this enthusiasm into action.

KLENG PEERSON A PATHFINDER

It seems Kleng Peerson was peculiarly endowed by nature for his chosen work. He had overcome the handicap of a most limited education by tirelessly informing himself on every possible subject and by becoming so proficient in English, French, and German, in addition to his own language, that he could converse with all whom he met and relay the information he gathered to all with whom he subsequently came in contact.

He traversed the entire West, visited every place concerning which he found any kind of favorable report; and he returned to Norway with his boundless faith in the "promised land," and through his unique and powerful ability to express himself, and his magnetic personality and force, he convinced thousands that it was for their good to take the momentous step in life of tearing the bonds that connected them with their home and country and seek their fortunes in America.

It was Kleng Peerson who instituted the voyage of the *Restaurationen* and who arranged for the reception of its passengers in America by providing for them the settlement at Kendall, N. Y., the colony near Rochester which he founded. His work in founding settlements, establishing colonies in the Northwest and the Southwest, was interrupted by three return voyages to Norway. He died at the ripe age of 83 years, in Bosque County, Tex., in 1865; and he lies to-day in Norse, the heart of the last settlement founded by him. The story of his life and his work is a true epic.

Others were ready to carry on the work he had begun. In the first years nearly all incoming groups came first to the Kendall settlement, received directions and supplies, and then pushed onward. Of these one group established themselves in the Fox River settlement in Illinois, founded in 1834 by Peerson. This was the first permanent Norse settlement in the Middle West.

Another group settled permanently in 1836 where Chicago now stands, and yet another, the first in Wisconsin, settled in 1838 on Jefferson prairie, near Beloit. From this time on, in ever-increasing numbers, these early Norwegian settlers crossed the sea, tramped out through the strange country and founded their settlements, on Rock prairie and Koshkonong in Wisconsin, in Winneshiek County in Iowa, and later in southern Minnesota and the two Dakotas.

One factor can not be overestimated. That is the influence and the aid given these pioneers in their existence and their accomplishments by the so-called Norwegian-American press. In my remarks in the House I referred to the manner in which the relationships and the adaptations of these early pioneers were quickened by the foreign-language press, as it is often called.

VALUABLE WORK OF NORWEGIAN PRESS

These papers and magazines—religious and secular—published in the United States, now comprise two dailies and approximately 30 other publications, and the total of these Norse-American papers and magazines is in the neighborhood of 400. As previously suggested, these papers have bridged the gap between the new home and the old homeland in a manner that could never have been done in any other way. It has been "Americanization" work in the truest sense of the term, by acquainting these new citizens with their Government and its institutions and the true spirit of its fundamental principles impossible through any other medium.

The first Norwegian language newspaper, Nordlyset (Northern Lights), was established in the Muskego settlement, near Racine, Wis., in 1847, and shares with Maanedstidende, the religious magazine, established near Orfordville, Wis., in 1851, and published for a time in the old Inman House in the Luther Valley settlement, first honors in this field of endeavor of such inestimable importance.

While the policy of the larger number of Norwegian-American papers had consistently been to maintain a neutral stand as far as purely partisan politics have been concerned, it does not follow that these peoples have done the same.

By virtue of their intelligence and the seriousness with which they assumed the duties and responsibilities of citizenship as well as its privileges, it has been true from the beginning that they have wielded a strong influence in the Nation's political life.

Not from any narrow-minded clannishness but because of the reasons indicated above and because their large property holdings and common interests gave them the incentive for group action, they have elected public officials of their choice in National as well as in State and local offices. Of the large number of public servants—State legislators, judges, governors, Representatives, and Senators—without question the best known is the late Knute Nelson, of Minnesota, that rugged, sincere, determined, faithful figure whom everyone grew to love and admire in his many years of honest service in the House and in the Senate.

ACTIVITIES OF THE CHURCH

And hand in hand with the immigration movement and inseparably interwoven with it do we find the church activities I have earlier referred to.

According to Doctor Norlie:

> * * * About 75 higher schools have been established, such as Augustana, Luther, Augsburg, St. Olaf, Concordia, Red Wing, and many others. These have had at least 3,000 teachers and an enrollment of 150,000 pupils—7,000 at the theological seminaries, 20,000 at the colleges, 120,000 at the academies, and 3,000 at the deaconess homes and Bible schools.

This is only a summary; the facts are uncolored, bare of detail. In connection therewith there must be remembered the sacrifices that these achievements meant to the pioneer men and women, living in cabins of logs and even of earth, toiling early and late, and yet willing and eager to give of their meager, hard-earned savings to provide for the beginnings and the maintenance of these institutions that have been such a blessing to these people and to this Nation. But for the willing sacrifices and the consecrated devotion of these conscientious and sincere folk, the work of these schools could never have been accomplished. Nor could there have been founded the large number of missions, charitable institutions, orphanages, old peoples' homes, and the like, which have done such wonderful work in the localities populated by the Norwegians.

An inspiring thing it is to recall the stories of the lives of the young men, many of them university graduates, who had been ordained to the ministry in Norway, with splendid openings and careers ahead of them there, but who nevertheless, at great sacrifice, were willing to abandon these confident hopes and throw their lot with their countrymen who so sorely needed their services in the New World.

Of these there were many; more than could be enumerated here. But the roster of their names includes, among others, the names of Eielsen, Clausen, Dietrichsen, Anderson, Stub, Preus, Brandt, Ottesen, Koren, Hatlestad, Rasmussen, Larsen, Magelssen, Muus, Hanson, Dahl, Homme, Lysnes, Weenaas, Ylvisaker, Wright, Hoyme, Mohn, Oftedal, Sverdrup. Surely these names are chiseled in adamant by the Recording Angel of God. Their work lives forever in the hearts of their blood brethren, in the history of this Nation.

REFERENCES

I have consulted a great many authors, and of these it is my desire in concluding the extension of my remarks to express my indebtedness and particular thanks to the following:

R. B. Anderson, himself a son of one of the first immigrants, professor at the University of Wisconsin and later United States minister to Denmark, who has spent more than 60 years of a long and busy life and has done more than any other one man in bringing to the attention of the world the record of Norwegian activities in America. He has written a number of books, among them America Not Discovered by Columbus and First Chapter of Norwegian Immigration, 1821–1840.

Knut Gjerset, professor at Luther College, History of the Norwegian People and History of Iceland.

O. M. Norlie, professor at Luther College, History of the Norwegian People in America.

In addition to these, valuable material is included in books and articles by Sofus Larsen, Haakon Shetelig, Julius E. Olson, Gustav Störm, Albert Welles, Andrew Fossum, G. M. Gathorne-Hardy, Hjalmar R. Holand, William H. Babcock, O. N. Nelson, Paul du Chaillu, George T. Flom, Harry Sundby-Hansen, William Hovgaard, H. P. Steensby, and many others, all found in the shelves of the Library of Congress.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield 10 minutes to the gentleman from Oklahoma [Mr. HOWARD].

Mr. HOWARD of Oklahoma. Mr. Chairman and gentlemen: Early in this Congress, the Oklahoma delegation asked for an investigation of the handling of Indian affairs in Oklahoma both by the courts of Oklahoma and the Bureau of Indian Affairs. Their request was made as a result of charges and countercharges concerning both the courts and the departments. The Committee on Indians Affairs of the House was instructed and empowered to make an investigation. Later citizens of Oklahoma filed with the committee direct charges of maladministration on the part of the Commissioner of Indian Affairs. What the delegation wanted was a thorough,

careful investigation seeking the facts, and a basis for remedial legislation where needed. In my opinion they did not get an investigation but instead a "whitewash."

I make this statement predicated upon the fact that while not a member of the subcommittee I heard practically every word of the evidence taken at the hearings held in Washington and observed the procedure, and based further upon the fact that there were other cases of glaring irregularities on the part of the Bureau of Indian Affairs to which I called attention, but which were not investigated.

I refer especially to the Exie Fife divorce case, in which $35,000 of a restricted Indian under the care of and charge of the Bureau of Indian Affairs was dissipated in attorneys' fees through either the negligence or connivance of Shade E. Wallen, Superintendent of the Five Civilized Tribes, a part of which went to a former Member of Congress who was responsible for the appointment of the said Superintendent of the Five Civilized Tribes. Also the case where the Commissioner of Indian Affairs approved contracts with favored attorneys to pay them 10 per cent to collect from the Treasury Department income taxes illegally paid by the Indian Bureau on the incomes of its restricted Indian wards.

This is also evidenced by the fact that the parties making specific charges designated to the committee the names of 32 witnesses by whom they claimed they could and would substantiate every charge made. Of this number only eight, and some of them the least important, were summoned to testify. A few days ago a majority of this committee, but not all of them, signed a report to this House which attempted to place a halo about the heads of all concerned except the American citizen who had the temerity to question the action of the Bureau of Indian Affairs.

There is published in Oklahoma a newspaper. It is the greatest Republican newspaper in the Southwest. It has great facilities for gathering news and obtaining information as to current events and happenings in that country. Its knowledge of conditions is probably greater than could be that of a committee if for weeks it honestly sought information. This newspaper is the Tulsa Daily World, published at Tulsa, Okla. Referring to this investigation and the report of the committee in its issue of Saturday, February 21, 1925, it said editorially:

AS SMOOTH AS SILK

The report of the congressional committee which investigated the conduct of Indian affairs by both the Indian Office at Washington and the probate courts of Oklahoma, is a smooth piece of work. The public is now informed, despite the lurid evidence of a sensational character which the committee heard, that both the Indian Office and the probate courts of Oklahoma are without guile. Smooth? Smooth as silk! But we wonder—nay, marvel—at the intellect of men who in fooling themselves believe they are fooling the public!

Mr. Chairman, I would not call attention to this report in this manner if I did not consider it my duty to the Indians. I will not be a Member of the next Congress, but many of you will. In that Congress you will be called upon to enact some Indian legislation. I am sure that in that Congress the Bureau of Indian Affairs will attempt to exercise its bureaucratic power as it has done in this Congress and before this subcommittee. No doubt the recommendations made by this subcommittee, dominated as it was by this bureaucratic department, will be made the basis for demanded legislation. And in view of the fact that the investigation referred to was not thorough but prejudicial I urge you who are to be Members of the Congress that when the question of Indian legislation shall come before you that you be in no great hurry to take seriously any recommendations made in the report referred to or that shall come from the bureaucracy known as the Bureau of Indian Affairs. [Applause.]

Mr. BYRNS of Tennessee. Mr. Chairman, I yield 10 minutes to the gentleman from Nebraska [Mr. HOWARD].

Mr. HOWARD of Nebraska. Mr. Chairman and gentlemen of the committee, I rise now for the primary purpose of giving notice to my fellows in the House that at the proper time in the consideration of this bill I shall offer an amendment. I have given many Members copies of the amendment. Briefly, it proposes to restore to this appropriation sheet an item which was originally in the sheet, but later reported against by the committee. The story of this legislation might be interesting. I have delved into ancient legislative procedure from the time of Melchisedec down. I have even gone into the annals of the Nebraska Legislature, where they did not know—when I was a member—any more about parliamentary law than a sheep knows about Sunday, but nowhere did I find any procedure that parallels the procedure here. I cast no reflection upon anybody. I would have the distinguished chairman of the Committee on Appropriations understand that I indorse every item that he has in this appropriation bill. I protest against nothing, only that which he has left out, and which I hope to insert. Here is the situation, and I am quite sure that nobody will assert that the legislation to which I refer was put over by any sort of legislative legerdemain, by a professional hypnotic legislator. I come to you without experience in this body. I came down from the prairies, and everybody has been good to me. I presented this bill in behalf of my Omaha Indian people to the House Committee on Indian Affairs and it was favorably recommended. It comes to the House and it goes through without a dissenting vote. It goes over to the Senate, where we have a fine hearing before the committee, and it passes the Senate Committee on Indian Affairs without a dissenting vote, and then it goes to the Senate and passes in the same way. It is passed on to the hands of the President of the United States. He held it a long while, so long I was fearful he would forget it, but finally he signed it and gave it his approval. So it had the approval of this House, of the Senate, and the approval of our Chief Magistrate. It went to the Committee on Appropriations. I want to be ever so careful. I understand that one on a committee must not tell outside anything that happened in the Appropriations Committee. I am not a member of that committee, and so am quite sure I will not be accused of giving out secrets when I tell you how the chairman of the Committee on Appropriations made me magnificently happy one day when I went over there to appear before him in behalf of that little bill.

He told me when he dismissed me finally with that wonderful smile of his, "HOWARD, your troubles are all over. Your item will be on our deficiency appropriation bill." So I rested secure. Why should I not? I have never known that wonderful fellow to fail me in anything. I do not believe he will fail me now. I believe before the day shall have closed his own good heart will assert itself, his own estimate of the right will prevail, and he will assent that my little amendment be adopted. Now, that is the situation, gentlemen. Yesterday, I am told that a meeting of the committee was held, and it reconsidered its action, and instead of looking with favor upon my little item here in behalf of the Omaha Indians, why, the committee reported against the item. At a later time in the committee, at any rate in the procedings as to this appropriation bill, I shall ask your indulgence while I submit something about that wonderful people in whose name I have introduced this bill. They are just a little band, only about a thousand or so of those Indians, all practically pure blood, all Christian Indians. Oh, they are very magnificent. I might tell you a story of how they are so nice that they can teach other folks how to do things properly. Senator SHEPPARD was up in my district last fall. He met some of these Indians up there, and he fell in love with them. Some of them came down here to help me with this legislation, and the Senator gave them a little feed over there in the Senate restaurant, setting before them some shell oysters. My two Indian chiefs sat there and looked at the oysters and did not eat them. The situation was just a little bit embarrassing, and I thought something ought to be done, and so, as diplomatically as possible, I approached the subject and suggested to our host, our Senator, that perhaps he would like to understand why it was that his guests did not eat the food that was placed before them. He said he would be very glad to hear it, and then I asked Mr. Harlan, a magnificent fellow, secretary of the Omaha council of pure-blood Omaha Indians, stating that the Senator perhaps ought to know why his guests could not eat the oysters. Secretary Harlan replied, substantially:

Senator, you will excuse me and my president, Mr. Cline, for failing to eat the food you placed before us, but we can not do that and be true to our obligations. We belong to a band within the Omaha Tribe. Now, you white folks would call it a society; we call it a band. We have a small band, and we pledge ourselves to each other that we will do certain things along the pathway of life, and we will refrain from doing other things. Now, one thing we have pledged each other is that we will not eat an insect or a worm, and we regard a snail and an oyster as of the worm species, and that is why we can not eat the food you place before us.

Now, I am telling you this to show you the high type of these red brothers of ours, in whose behalf I have secured the passage of this bill through the two Houses and had it signed by His Excellency, the President of our common Country. As I said, at the proper time I shall offer an amendment, and I am going to appeal not only to the good heart of you, and I know I will not have appealed in vain when I do that, but I am also going to appeal to your sense of the right in behalf of this legislation.

Mr. Chairman, I yield back all the time I have not used. [Applause.]

The CHAIRMAN. The gentleman yields back two minutes.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield 10 minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Chairman, House Joint Resolution 68, introduced by the gentleman from Tennessee [Mr. GARRETT], proposes to amend the Constitution by substituting for Article V the following:

The Congress, whenever two-thirds of each House shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by three-fourths of the several States, through their legislatures or conventions, as the one or the other mode of ratification may be proposed by the Congress or the convention: *Provided*, That the members of at least one house in each of the legislatures which may ratify shall be elected after such amendments have been proposed; that any State may require that ratification by its legislature be subject to confirmation by popular vote; and that, until three-fourths of the States have ratified or more than one-fourth of the States have rejected or defeated a proposed amendment, any State may change its vote: *And provided further*, That no State, without its consent, shall be deprived of its equal suffrage in the Senate.

The Garrett amendment comes before the House under most auspicious circumstances—for the amendment. It is a bipartisan measure, supported by the leaders in Congress of both party organizations. It was offered in the Senate by a Republican leader in full harmony with the regular organization of his party, and in the House by the official Democratic floor leader. It is the fruit of that bipartisan understanding and harmonious action which furnishes the basis for the charge that there is no fundamental difference between the principles of the leadership of the two great political parties.

Mr. GARRETT is exceptionally fortunate in his authorship of the amendment. He enjoys the distinction of being the only Democrat who has been the author of a measure of substantial importance which has been permitted by the Republican machine to come before the House since March 4, 1921. By collaborating with a Republican Senator he has been able to secure the favorable report of the Judiciary Committee, special action by the Committee on Rules, and, more than all, has induced the Republican steering committee to place his resolution upon the list of the very few "must" measures which are to be adopted during the few remaining days of Congress.

REACTIONARIES SUPPORTING THE AMENDMENT

Powerful interests are arrayed in support of this measure. Apart from the small fraction of its supporters represented by those who regard it as a move toward more democratic methods, the great bulk of its support comes from sources which are recognized as the most reactionary in the country. All of the big financial interests are for it. All of the ultraconservative property interests are for it. The organs of Wall Street are for it. Reactionary elements of every kind and character are for it. In no instance, so far as I can learn, is any decidedly nonprogressive influence opposing the amendment. All who fear the people are for it. All the political influences recognized everywhere as opposed to progress and reform are for the amendment.

I wonder if Mr. GARRETT has considered why these reactionary interests are supporting his measure. Does he feel that the reactionary Republican leadership in Congress is merely showing him a courtesy because he is minority floor leader? On the other hand, does he feel that these elements and the interests which they represent in Congress are advocating a fuller measure of democracy? To me the conclusion is inescapable that the reactionary interests are helping Mr. GARRETT because he is doing a work that they want done. He is making it harder to amend the Constitution.

WHY NOT LET THE PEOPLE VOTE ON AMENDMENTS

I do not question the sincerity of the gentleman from Tennessee [Mr. GARRETT], who states that his purpose in offering the amendment is to make it more certain that changes in the Constitution shall be more truly representative of the wishes of the majority of the people of the States. Indeed, a faint and feeble gesture toward democracy may be found in his measure. It requires that at least one branch of the State legislature shall be elected after the proposal of an amendment, and that a State may require that *ratification* by its legislature shall be subject to confirmation by popular vote. His assumption is that candidates for the legislature will be elected upon the issue of ratification.

But I do not fail to mark the omission to provide for a popular vote upon the *rejection* of an amendment. His slender thread of democracy runs to allowing a popular vote on ratification, but not upon rejection. He allows an appeal to the people from the action of a legislature approving an amendment, but allows no appeal from a rejection. Why does he discriminate?

If Mr. GARRETT desires a really democratic measure, why did he not propose that the issue of ratification or rejection should be directly submitted to a popular vote without the intervention of a legislature? I have myself drawn a provision which requires that an amendment must be submitted to a popular vote in all cases, and will offer it as a substitute for the Garrett amendment at the proper time. It is as follows:

The Congress, whenever two-thirds of each House shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes as part of this Constitution when ratified by three-fourths of the several States by a majority of the participating electors at an election which shall be held at the time and place for the election of Representatives in Congress next held after the action of Congress proposing the amendments: *Provided*, That no State, without its consent, shall be deprived of its equal suffrage in the Senate.

THE "CONSTITUTION WORSHIPERS"

We have a new cult in the land—the cult of "Constitution worship." To its members the Constitution is the most perfect work of human hands—to it nothing should be added nor from it should anything be taken away. Members of this cult, however, worship merely the letter of the Constitution, not its spirit, for the latter they do not hesitate to evade and to subvert. Their worship even of the letter is largely confined to the clauses which protect their business interests and suit their social habits. Other provisions are conveniently ignored. It is among its leaders and the financial supporters of this cult that we find the least support for the prohibition amendment and for the guarantees of civil liberty.

The Constitution worshipers are desperately afraid of all change. Lacking a king they seek to command the loyalty of the people for a mere paper document as the embodiment of all that is fine and true in government. They have built their altars to the Constitution, haloed it and veiled its awful face in the mist of extravagant praise. They have financed a nationwide propaganda in opposition to all amendments. Seizing on the young life of the country, they have set schoolboys to competing in declaiming upon the Constitution. They have drawn a pretty picture of themselves as the only defenders of our institutions. They ignore the Declaration of Independence, the fundamental charter of our liberties; they have no words of praise for it. It is from such sources that the bulk of the support for the proposed amendment comes.

During 135 years only 19 amendments to the Constitution have been adopted. These include the first 10, which were promised as a condition for the ratification of the original document by the States and should not be counted. Of the remaining 9, three were adopted under the stress of the Civil War, and the adoption of 2 others was hastened by the World War. The eleventh amendment was necessary to prevent a dissolution of the Union at the very outset. The twelfth amendment was made necessary by a tie in the Electoral College. The remaining 2 are the sixteenth, the income-tax amendment, and the seventeenth, providing for the popular election of Senators.

MANY FRUITLESS EFFORTS TO AMEND

During the 130 years after the adoption of the first 10 amendments, 2,988 proposals to amend the Constitution have been offered, and during this time only 9 have been adopted. Yet the supporters of the Garrett amendment say that the Constitution is too easy to change, and they want to amend it so as to make changes yet more difficult.

The truth is that amendment is already too difficult. During the Virginia debates on the Constitution, Patrick Henry charged that its provisions for amendment are so illiberal that it could never be amended. The lapse of years and the multitude of futile efforts to amend have vindicated his judgment. What the Constitution really needs is some easier method of amendment, some method whereby a substantial majority of the people of the country can initiate amendments and cause them to be adopted.

The psychology of those who would make amendment more difficult is easy to understand. They are like the old farmer,

whose parting advice to his son, as the latter went out to make his own way, was—

If you want to succeed you must have no confidence in anybody else and but little in yourself.

They fear the people. They fear their representatives in Congress. They fear themselves. Subconsciously feeling that they enjoy advantages above their fellows, they fear any change whatsoever. They do not trust the people. They call them "the mob." They cower in their easy chairs and shudder when a murmur rises from the street, "It is the people; they come." So far from democratizing the method for changing the Constitution, they would raise up every possible barrier against change.

WHO WERE THE CONSTITUTION BUILDERS?

Typical of the frame of mind of the Constitution worshipers is the statement made by the gentleman from Tennessee [Mr. GARRETT] in his able speech in support of his amendment. Speaking of the Constitutional Convention, he said:

That convention was composed of much of the intellectual and moral aristocracy of America.

He might well have added "and also of its social and financial aristocracy." Not a delegate to the convention was a representative of the masses. There was not a member of the mechanic or small-farmer classes among them. It was a property-owners' convention, composed wholly of land speculators, landed gentry, owners of public debts, and of professional men. All the delegates were selected by legislatures. Not a single delegate was elected by a popular vote.

I am far from the desire to belittle the work of the Constitutional Convention. Madison, who wrote most of the Constition, was a fine democrat, and much of the democracy in it is attributable to him. He wrote a great Constitution, not perfect and not the last word, but great and fine. My regard for its work does not forbid a statement of the truth concerning the composition of the convention and what it did.

The convention was called to amend the Articles of Confederation under their amendatory provision. In violation of this purpose and exceeding its authority, the convention drafted an entirely new instrument. That instrument was submitted for ratification to the States in clear and plain violation of the Articles of Confederation. The work of the Constitution builders was of itself revolutionary.

Of the total of 72 delegates to the convention, not more than 55 were in attendance at any one time. The work being completed, 16 of these delegates refused to sign, so that there were only 39 signers, a scant majority of the total delegates. The ratification of the Constitution was secured with the greatest difficulty and after tedious delays. It was ratified at all only because the disturbed conditions imperatively pressed for quieting influences.

The Constitution had omitted the Bill of Rights, and several of the States declined to ratify until they had received the solemn assurances of the advocates of ratification that the Bill should be included by amendment. Virginia demanded 17 amendments as a condition of ratification, and the promise was made that they should be adopted, a promise which was subsequently broken by the omission of a number of the promised changes from the first 10 amendments adopted. These changes have never been made to this day.

In what I have said I do but state the facts as they plainly appear from history, so that it may be understood what form of instrument it is which the reactionaries bid us to hold inviolable and above change.

WILL MAKE CONSTITUTION HARDER TO AMEND

The net result of the Garrett amendment will be to make it more difficult to amend the Constitution. The reactionaries who are helping him know this. Their organs and spokesmen know it. They are not supporting what they regard as an advance toward democracy, for they are the antidemocrats and are marching the other way. Whatever may be thought of their principles, it can not be said that they are lacking in brains. They know what they want. They are striving for it in pushing for the amendment. Friends of democracy should beware of them.

During 130 years, despite the multitude of efforts to amend the Constitution, only nine amendments have been adopted. Those who assert that the Constitution is too easy to amend are called upon to point to an objectionable amendment which has been adopted. In this they do not agree. The great financial interests object to the sixteenth amendment, which authorizes income taxes. The antidemocrats object to the seventeenth, which gives the people the right to elect their Senators. The "wet" element objects to the prohibition amendment. The antisuffragists object to the nineteenth, which grants votes to women. It is obvious that the objectors can not get together for the repeal of either of the amendments, for they have made no attempt to do so.

But assuming that some one of the amendments which have been adopted is objectionable and should be repealed, those who advocate making it harder to amend the Constitution take an illogical position. They advocate making it harder to repeal an objectionable amendment than it was to secure its adoption.

Members of the cult of Constitution-worship assert that the instrument is perfect. They seek to protect it against all future changes. Again they take an illogical position, for they are seeking to change the Constitution which they assert is perfect. By its original provisions the Constitution carries a clause providing for amendment. This clause they who profess to regard the Constitution as an "Ark of the Covenant" now would violate with their profane hands.

REACTIONARIES AND EXPERIMENTALISTS EQUALLY BAD

If America is to survive, it must be as the scene of a developing civilization and our governmental institutions must change and adjust themselves to the times. It is as bad to turn this country over to the extreme conservatives, always gazing on the setting sun and constantly moved to turn back the hour hand of time, as it would be to turn it over to irresponsible experimentalists who lightly hasten from one change to another. The latter would destroy us with their political experiments, the success of the former would mean stagnation and death or their failure a riot of disorder and revolution.

Our country belongs to its people. The majority have the right to govern it as they will, and to allow an over-fearful minority to thwart the deliberate and considered will of the majority must bring disaster in the end. Checks and balances in government have no legitimate function beyond insuring that the action of the majority shall be carefully considered and taken only after due deliberation. When thereby a minority is enabled to dominate, checks and balances become mere instrumentalities of tyranny and oppression.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. WINGO. Mr. Chairman, I make the point of order that no quorum is present.

Mr. GARRETT of Tennessee. I hope the gentleman will withhold that.

Mr. WINGO. I have withheld it for two hours.

Mr. GARRETT of Tennessee. Will not the gentleman give me an opportunity to speak?

Mr. WINGO. I will withhold it, so that the gentleman may have an opportunity.

Mr. GARRETT of Tennessee. Mr. Chairman, there is only one phase of the criticism made by the gentleman from Alabama [Mr. HUDDLESTON] to which I wish to refer in this five minutes, and that is the criticism, largely inferential, but nevertheless plain to be understood, that this amendment should not have been presented by me, because I happen to be in the position of floor leader for the time being on the minority side of the House.

Mr. HUDDLESTON. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. HUDDLESTON. I disclaim any such idea. I think the gentleman was entirely free to offer it, if he thought well of it.

Mr. GARRETT of Tennessee. It seems to me that it is impossible to escape the thought that the gentleman was seeking before the Congress and before the country to make a criticism because I happened to hold the place of minority leader at the time of the introduction of the resolution reported by the Judiciary Committee.

I have just this to say: This is the first time within my recollection that any gentleman has ever in this body raised a partisan question concerning an amendment to the Constitution of the United States. Within the time I have been a Member of the Congress five amendments have been submitted to the Constitution and there was never any division along party lines in the consideration of those measures. There was the amendment providing for the direct election of Senators; there was the amendment providing for the income tax; the prohibition amendment; the woman's suffrage amendment; and the child labor amendment. All these have been submitted during the period of my service as a Member of the House of Representatives and never, so far as I can recall in the discussion of them at any time, has there been a partisan question raised. So far as I am concerned I do not believe there ever should be a partisan question raised

in considering the fundamental law of the Republic. [Applause.]

I have given already the reasons why I think the amendment should prevail. I had the courtesy of a very nice hearing when I attempted to discuss it. I am not going to introduce those reasons again now. I can not in five minutes. If the measure shall come before the House for consideration, either at this session or at the next Congress, I shall attempt once again to give what I conceive to be the principles involved in the amendment and the reasons which induce me to support it.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. GARRETT of Tennessee. Yes; certainly.

Mr. HUDDLESTON. My criticism is not based upon the fact that the gentleman introduced it, but that the measure is not a democratic measure, and that it does not speak the traditions of democracy.

Mr. GARRETT of Tennessee. Then why did the gentleman in his remarks dwell so much upon me as minority leader?

Mr. HUDDLESTON. Because I assumed that the gentleman may have considered that some of the courtesies which have been extended him by the opposition might have come to him as minority leader, and with that point of view I did not agree.

Mr. GARRETT of Tennessee. I have no right to so assume, and I have not so assumed. As a matter of fact, at the time I first introduced the resolution I did not happen to be the elected minority leader in the House of Representatives. [Applause.]

Mr. HUDDLESTON. That was in some preceding Congress. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

Mr. WINGO. Mr. Chairman, I renew my point of order that there is no quorum present.

The CHAIRMAN (Mr. ELLIOTT). The Chair will count. [After counting.] One hundred and ten Members are present, a quorum.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield seven minutes to the gentleman from California [Mr. LEA].

Mr. LEA of California. Mr. Chairman, the passage of the transportation act of 1920 and the policies it inaugurated, including the purpose to meet increasing charges against the railroads, labor, and material costs, and to secure the "fair return," led to the freight and fare increases of August 26, 1920. These increases provided the railroads with about four of each five dollars of net operating return for 1923.

Among the increases granted was the surcharge, which is an additional charge for Pullman transportation, of an annual value of about $37,000,000 to the passenger carriers. This surcharge was imposed by the Interstate Commerce Commission in attempting to carry out the policy established by the transportation act. It is now proposed to eliminate this part of the earnings of the railroads by congressional action.

Criticism of the method of imposing the charge is not fundamental. The Pullman passenger buys transportation, plus the accommodations afforded by the Pullman car. Part of the burden of this increased service received by the Pullman passenger is borne by the Pullman Co. and part by the railroad company. It might have been more logical to have raised the two old charges, one for transportation and the other for the Pullman service, so as to produce an equivalent revenue. The injection of the surcharge as a third charge tends to confuse consideration of the issue, but it is a confusion of terms rather than substance.

The term "surcharge" smacks of taxes and war impositions in the mind of the traveling public. It is neither. The surcharge was imposed for the purpose of supplying revenue to the roads, contributing to the fund for their maintenance and the production of the "fair return" provided by the transportation act.

The only substantial question involved on a basis of merit is whether or not the Pullman surcharge is a necessary and reasonable charge against the Pullman passengers. For the purpose of argument let us assume the charge is unreasonably high. Does that justify congressional interference to change the rate? If we adopt the policy of interposing Congress to eliminate unreasonable rates, we will make Congress an appellate court above the Interstate Commerce Commission to pass on the reasonableness of individual rates and all rates. Congress should not do this for two fundamental reasons. In the first place, it is a large nontechnical body, having neither the time nor disposition to deal judiciously with the details of rate-making questions. In the second place, the very essence of our rate-making policy is to leave administration to the rate-making body, the Interstate Commerce Commission. It is the only experienced, skilled body adequately equipped to deal with rate-making administration.

If the assumption that a rate established by the commission is erroneous or unreasonably high shall be accepted as a sufficient reason for congressional supervision or veto, then every shipper or passenger dissatisfied with rates may regard Congress as his open forum. It is the function of Congress to establish railroad policies, including regulatory rate making. It is the function of the commission to execute the policies established by Congress.

The country is committed to the theory of regulatory control of railroads. If regulation fails, Government ownership is the next alternative. The Interstate Commerce Commission must be permitted to exercise a broad, discretionary power. Like even the Supreme Court of the United States, it may make mistakes, but its power must be exercised if we are to have successful regulation. It must not be hampered in the performance of its functions, either by arbitrary limitations set up at the whim of Congress or by making Congress the appellate court above the Interstate Commerce Commission. Such a policy would be an invitation to all dissatisfied groups of passengers and shippers to resort to Congress with increasing frequency and persistence.

Whether or not the Pullman surcharge is maintained or eliminated is not of primary importance. It is of fundamental importance to maintain the functioning of our rate-making body; it is of fundamental importance to the solution of the railroad problem that vitally concerns the agricultural, economic, and industrial life of America.

The members of the Interstate Commerce Commission have a very important and a very burdensome task. It requires ability, patience, and great skill. The commission is a nonpolitical body. It must be kept so. Congress is a political body. Appeals for its participation in rate making are largely appeals to political motives. The political body must not be made the appellate court of the nonpolitical body. [Applause.]

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. MADDEN. Mr. Chairman, I yield one minute to the gentleman from North Dakota [Mr. BURTNESS].

Mr. BURTNESS. Mr. Chairman, I simply desire this time to read a wire sent me by several soldiers in my district, which they asked me to read to the House and which, omitting the formal parts, reads as follows:

> We think the Bursum bill should pass at this session of Congress if this is the best that we can do now. All of our ex-soldiers pray that help be extended to all honorably discharged ones. Spanish War veterans especially are entitled to more consideration than in past legislation. After you have read this message to your branch you will kindly forward to the Senate.
>
> W. H. MCDERMOTT
> (And other ex-soldiers)
> R. H. SHAMP.
> W. R. TUCKER.
> OKA C. AYLDFE.

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. MADDEN. Mr. Chairman, I yield nine minutes to the gentleman from Nebraska [Mr. MCLAUGHLIN].

Mr. MCLAUGHLIN of Nebraska. Mr. Chairman and gentlemen of the House, we heard several Members yesterday and we have heard to-day the gentleman who just left the floor [Mr. LEA] state their opposition to the repeal of the Pullman surcharge. The opposition that has been expressed thus far is from two angles. In the first place, those who oppose its repeal say that it should not be repealed because Congress is not a rate-making body and should not go into the business of rate making. With that I agree. The second question they raise is: If you take away this $37,000,000 annually received by the carriers as a surcharge on Pullman tickets, where are you going to get the $37,000,000? And if you do not make that up somewhere, the poor farmer will never get his freight rates reduced and probably he will have to pay more freight than he has to pay now in order to make up this $37,000,000 loss.

Now, gentlemen, this surcharge idea was first introduced by the Director General of Railroads in June, 1918. The surcharge was 16⅔ per cent, and the purpose of it, as announced at the time, was to discourage railroad travel, so as to be able to take care of the military. It was set aside after the war on November 30, 1918, so that it was only in effect from June to November 30, 1918. In 1920, when the Interstate Commerce Commission, under the transportation act, was look-

ing around for revenue for the railroads, they found this old surcharge idea, instituted by the Director General of Railroads. They said, "That is a pretty good way to get some increased revenues." There were no hearings at that time; there are no statistics and no evidence on file anywhere to show that the Interstate Commerce Commission in a scientific manner decided that Pullman traffic costs so much and that in order to give it the cost of service and a reasonable profit they should have tacked on this 50 per cent surcharge. There is nothing of that kind. It was not gone into in a scientific way at all.

Now, those of us who advocate the repeal of this do not say but that the Interstate Commerce Commission, if it finds that the cost of Pullman traffic is a certain amount and that they are entitled to a certain amount in addition, under the transportation act, in the way of profits, could go ahead and do that. But what we do say is that when they did not arrive at the cost at all when they instituted it, but simply tacked this surcharge onto the Pullman ticket in order to give more money to the railroad companies, that they did not act in a way which resulted in scientific rate making. [Applause.] We do not object to their going ahead and making rates, but we do insist that those rates should be made in a scientific manner.

I submit to you, gentlemen, that if the Interstate Commerce Commission can, without a determination of the facts, take from one part of the property or from one part of the service and tack it onto another, without reason, in order to make up a certain amount of revenue, that then, on the same principle, the Interstate Commerce Commission could say to those who are asking for a reduction in freight rates on perishable products, without determining what it costs to handle them, "We will give you a little reduction and we will tack it as a surcharge onto nonperishable products," or vice versa.

There is absolutely nothing scientific about it, and every man who has had occasion to follow the history of this action all the way through and to make a study of it, knows that is the fact. Nobody is asking Congress to go into the business of rate making at all.

Mr. MAPES. Will the gentleman yield?

Mr. McLAUGHLIN of Nebraska. I will not yield. I have yielded every time I have spoken on this subject and my time has been taken up by others. I have certain things I want to say and therefore I regret I can not yield.

I want to submit to you, gentlemen, that at the time the Interstate Commerce Commission authorized this 50 per cent surcharge, and when they were deriving revenues for the railroads on the basis of the transportation act, the cost of the service and a profit of not to exceed 5.75 per cent, they figured then that the increase in wages under the transportation act would be $618,000,000 a year, and the rates were established on that basis. The first year the increase in rates was $52,500,000 less than that amount, and since that time the wages have been decreased a total of more than $600,000,000, or more than one-half billion dollars, and yet the rates are exactly the same, and this amount the railroad companies have been getting as pure velvet.

In spite of all this, our friends come in and say, "If you take away this $37,000,000, where in the world is the farmer going to get a reduction in rates?" My friends, there has been more demagoguery spilled around here in the last five or six years over the poor farmer than I ever heard of before in all my life. [Laughter and applause.] There is no Member of this House who has voted and worked more earnestly in the interest of the farmer than I have, but whenever any subject arises, some one comes up here and raises his hands and says, "If you do this you are going to injure the farmer." Gentlemen, you are not putting much over on the farmer, I can tell you that. [Laughter.] I am one of them myself.

My friends, I want to submit to you some statistics that were introduced in the records of the Interstate Commerce Commission in the recent hearing, which are matters of record. These statistics were prepared by Dr. Frank J. Warne, of the Mills Building, chief statistician for the Railway Brotherhood.

Mr. WINSLOW. Will the gentleman yield for just one question?

Mr. McLAUGHLIN of Nebraska I am sorry I can not yield.

Mr. WINSLOW. I think the gentleman would really want to yield. What are those figures based on?

Mr. McLAUGHLIN of Nebraska. Mr. Chairman, as I was stating before being interrupted, I wish to submit to my colleagues a table of statistics prepared by Dr. Frank J. Warne, Mills Building, Washington, D. C., chief statistician for the Railway Brotherhood. These statistics were prepared for the National Council of Traveling Salesmen's Associations and were presented in the hearings before the Interstate Commerce Commission in consideration of the repeal of the Pullman surcharge. And I may say there have been no tables presented either to the commission or to the Interstate and Foreign Commerce Committee of the House, so far as I am able to ascertain, which question these statistics. These statistics are compiled for Class I roads and switching and terminal companies, and are from monthly reports of the Bureau of Statistics, Interstate Commerce Commission, ciphers being substituted for hundreds.

Exhibit 1 shows that the railway operating revenues in 1920 were $6,175,417.00, while for 1923 revenues were $6,356,891.00, showing an increase in revenues for 1923 over 1920.

Exhibit 2 shows that the railway operating expenses were, in round numbers, $1,000,000,000.00 less in 1923 than in 1920, which is a clear saving to the carriers.

Exhibit 3 shows the number of railway employees to be 200,000 less in 1923 than in 1920, and yet the same railroad rates were charged in 1923 as in 1920.

Exhibit 4 shows that the compensation paid employees in 1923 is $700,000,000.00 less than in 1920, when the present rates were established.

Exhibit 5 shows the same results as Exhibit 4, except it is computed by the month instead of by the quarter.

Exhibit 6 shows that taking 1913 as equaling 100 per cent, the wholesale price index numbers show 1920 to be 233, while June, 1924, is 145, making a drop of 90 per cent on general wholesale prices. All other commodities have dropped 35 per cent since 1920, but the railroad rates remain the same.

Exhibit 7 shows that the cost per net ton of coal consumed in road service was 4.20 for 1920 and 3.19 for 1924, showing a decrease of 25 per cent in the cost per net ton of coal.

Exhibit 8 shows that the ratio of operating expenses to revenues in 1920 were 94.41 and that in 1924, 79.89. You will observe that the revenues are increasing in inverse ratio to the expenses.

Exhibit 9 shows that the net railway operating income in 1923 was $969,000,000.00 more than in 1920.

Exhibit 10 shows that the cost of enginemen per passenger train-mile in 1920 was 0.136, while in 1924 it was 0.129.

Exhibit 11 shows that the cost per passenger train-mile for trainmen in 1920 was 0.157, while in 1924 it was 0.145.

Exhibit 12 shows that the cost per passenger train-mile for fuel in 1920 was 0.291, while in 1923 it was 0.224. In other words, a 30 per cent decrease in the expense of fuel since 1920.

Exhibit 13 shows the cost per passenger train-mile—other locomotive and train supplies—in 1920 was 0.120, while in 1924 it was 0.1086, showing a 25 per cent decrease in supply cost.

Exhibit 14 shows a 12½ per cent decrease in the cost of locomotive repairs.

Exhibit 15 shows a decrease of 25 per cent in engine-house repairs.

Exhibit 16 shows a decrease of 23 per cent in all operating expenses.

Exhibit 17 shows that the revenues per passenger-mile have substantially increased, but yet in spite of all these decreases in operating expenses and increases in the total revenues received, the railroads have not passed on the benefit to the public either in reduction of passenger or freight rates.

Exhibit 18 shows that the passenger revenues for 1920 were $1,276,915,000, while in 1923 they were $1,110,237,000. Attention should be called here to the fact that the commission in submitting these passenger revenues did not include the $37,000,000 annually derived from the surcharge, which would total for the four years $148,000,000 to be added to the passenger revenues of 1923.

Exhibit 19 shows that the revenue passengers carried in 1920 were 1,232,846,000 and revenue passengers carried in 1923 were only 985,908,000, showing a decrease in revenue passengers carried of 246,938,000. Let me remind you of the fact that while the revenue passengers carried by the railroads were in round numbers 250,000,000 less in 1923 than they were in 1920, yet the revenues received by the roads for carrying the lesser number of passengers were greater.

Exhibit 20 shows that the total revenue passengers carried 1 mile in 1923 were 20 per cent less than the number carried in 1920. Yet the revenues of the roads are greater notwithstanding the loss of all of this patronage.

At this junction I wish to submit a letter received from Francis M. Pate, of Chicago, on this subject, which I believe is worthy of the consideration of every Member of this House. I am positively convinced in my own mind that if the Pull-

man surcharge should be removed that the increased passenger travel would far more than make up the loss that it is claimed would be sustained by the carriers by the removal of this $37,000,000, and everyone will agree that the Pullman Co. is thoroughly justified in its demand that the surcharge be removed.

FRANCIS M. CASE & CO.,
Chicago, February 23, 1925.

Mr. M. O. MCLAUGHLIN,
House of Representatives.

HONORABLE SIR: A large number of the stockholders of the Pullman Co. have become thoroughly disgusted with the game that has been played against that company in the guise of law in the form of a 50 per cent surcharge which has been assessed on every Pullman ticket sold during the World War as a war measure, and continued under the guise of law up to the present time.

Under what stretch of the human imagination the Pullman Co. could legally be made to hold a club over the traveling public of the United States in the interest of the railroads and act as a compulsory agent in pulling chesnuts out of the fire for the railroads in the form of a 50 per cent surcharge on every Pullman ticket sold in this country simply to hand something to the railroads and force every man, woman, and child who is compelled to sleep in a Pullman berth at nighttime in traveling through our States to pay an extra 50 per cent surcharge before they can lay their heads on a pillow to go to sleep is little short of a crime and a holdup.

The railroads themselves consider this the greatest joke that was ever played on the public and are really ashamed to take the money that has been collected in this way.

The Pullman Co. is ashamed of this whole procedure that has been forced upon them, and are determined to get rid of such high-handed methods of extracting money from the traveling public.

Certain stockholders of the Pullman Co. may, unless protected by our legislators at Washington, carry a suit to the Supreme Court of the United States against the railroads and the Interstate Commerce Commission to remove the Pullman Co. from any jurisdiction by the Interstate Commerce Commission through any powers conferred under the transportation act.

If George M. Pullman was alive to-day he would settle this whole business in short order, for he would push this matter through the courts of our country and to the United States Supreme Court in the shortest possible time and remove the Pullman Co. from under the jurisdiction of the transportation act and remove this surcharge from the tickets of the traveling public. The Pullman Co. places a charge for the use of berths in its sleeping cars about equal to rates charged at any first-rate hotel, and it considers these rates as a fair amount that the public should be charged without any surcharge, and it does not make as much profits in offering these accommodations to the public as are made by most of our hotel companies throughout the country. The Pullman Co.'s capital stock would be a much more valuable asset if it was invested in hotel buildings and central property holdings in the large cities of our country.

Have you ever considered that the Pullman Co. does not own a single mile of railroad track or siding or right of way, nor does it own a single steam engine, nor does it propel a single car over a single mile of track during the year. The value of a railroad lies in its right of way, and the Pullman Co. has no such asset, it simply operates a series of flop houses or lodging houses, which for the convenience of the traveling public are placed on wheels and are drawn along in a railroad train which saves the public valuable time, which would be required to leave the train and put up at a hotel or lodging house, for the night, while traveling on the road.

You will clearly see that the Pullman Co. is not in the transportation business, as it simply leases these cars for lodgings to the railroad and the railroads sell these lodgings to the patrons of their roads, you will therefore see that the Pullman Co. is not a railroad, and has not the rights of a common carrier.

The Pullman Co. serves the traveling public in a way that no railroad company can afford to do. It supplies sleeping cars for the use of the railroads at all seasons of the year when required for travel, north, south, east, or west. It fills all requirements at all times, in all seasons, for all roads, and takes care of the traveling public to their satisfaction. No railroad can afford to buy or to own such equipment, for the use of any one road, and if all the railroads owned and operated their sleeping cars, the capital investment to the railroads would amount to five times the present capital investment of the Pullman Co. and would make sleeping berth rates prohibitive to the traveling public.

No other body of men in this country would ever put $150,000,000.00 capital together to operate a sleeping-car business, as the whole business is too precarious.

Therefore let us protect what we now have, for if we drive the Pullman Co. to the wall the whole country will suffer in consequence.

If you would care to take the time to look up the names of the directors of the Pullman Co. you will find that many of them are associated in the management of the large railroad systems of the country.

The purpose of this letter is to show you the attitude of certain of the stockholders of the Pullman Co. toward the imposition of this entirely unfair and unwarranted surcharge upon the traveling public, which not only injures the business of the Pullman Co. by cutting down the amount of travel in Pullman berths, but also prevents a very large amount of travel to the railroads, as the traveling charges are too expensive and people will stay at home and do their business by catalogues, letters, and long-distance telephones, and both the Pullman and railroad equipment may lie idle.

I am going to ask the Members of the House to give this matter their very serious immediate concentration and ask and vote to have this entire surcharge matter taken out of the hands of the House Committee on Interstate and Foreign Commerce and be brought to the floor of the House to be passed upon, on the floor of the House where it belongs.

Respectfully yours,

FRANCIS W. PATE.

WARNE EXHIBIT 1.—*Railway operating revenues*

Dr. Frank J. Warne, Mills Building, chief statistician for railway brotherhoods, for the National Council of Traveling Salesmen's Associations, before Interstate Commerce Commission]

	1920	1921	1922	1923	1924
January	[1] $450,839,000	$470,389,000	$395,777,000	$502,542,000	$468,977,000
February	424,591,000	406,496,000	401,577,000	446,949,000	478,914,000
March	460,187,000	459,048,000	475,247,000	535,826,000	505,125,000
April	402,282,000	433,398,000	417,140,000	523,304,000	474,822,000
May	457,559,000	444,860,000	449,443,000	548,113,000	477,438,000
June	494,714,000	461,585,000	474,034,000	541,266,000	----------
July	529,150,000	462,940,000	443,840,000	535,814,000	----------
August	555,522,000	505,732,000	474,087,000	564,559,000	----------
September	618,926,000	498,348,000	500,883,000	545,503,000	----------
October	641,827,000	536,723,000	550,280,000	587,867,000	----------
November	592,054,000	465,933,000	523,608,000	531,508,000	----------
December	550,580,000	425,275,000	513,564,000	494,464,000	----------
Total	6,175,417,000	5,573,153,000	5,620,402,000	6,356,891,000	----------

[1] Excludes $50,000,000 back railway mail pay.

Statistics are for Class I roads and switching and terminal companies, and are from monthly reports of Bureau of Statistics, Interstate Commerce Commission, ciphers being substituted for hundreds.

WARNE EXHIBIT 2.—*Railway operating expenses*

	1920	1921	1922	1923	1924
January	$416,418,000	$442,196,000	$337,632,000	$408,978,000	$384,984,000
February	416,458,000	384,646,000	324,572,000	376,007,000	374,700,000
March	420,450,000	400,111,000	361,163,000	417,927,000	390,274,000
April	400,419,000	375,697,000	336,425,000	404,148,000	377,692,000
May	437,830,000	379,865,000	355,509,000	421,391,000	381,402,000
June	480,500,000	380,856,000	364,279,000	417,011,000	----------
July	514,254,000	362,756,000	341,081,000	414,520,000	----------
August	682,315,000	382,106,000	387,370,000	427,783,000	----------
September	509,720,000	377,767,000	408,913,000	415,983,000	----------
October	526,544,000	397,959,000	429,078,000	445,865,000	----------
November	513,614,000	368,087,000	405,845,000	406,582,000	----------
December	510,769,000	351,450,000	405,033,000	388,149,000	----------
Total	[1] 5,830,327,000	4,603,807,000	4,457,622,000	[1] 4,943,928,000	----------

[1] $1,000,000,000 decrease in railway operating expenses.

Statistics are for Class I roads and switching and terminal companies, and are from monthly reports of Bureau of Statistics, Interstate Commerce Commission, ciphers being substituted for hundreds.

WARNE EXHIBIT 3.—*Number of railway employees*

	1920	1921	1922	1923	1924
January	2,000,105	1,804,822	1,552,014	1,779,516	1,749,927
February	1,970,525	1,676,543	1,545,040	1,783,555	1,753,289
March	2,009,948	1,593,068	1,570,158	1,816,479	1,760,268
April	1,952,446	1,542,716	1,578,133	1,843,652	1,787,217
May	2,005,483	1,575,599	1,628,228	1,896,219	1,792,504
June	2,056,381	1,586,143	1,685,414	1,933,929	----------
July	2,111,280	1,634,872	1,467,824	1,954,687	----------
August	2,197,824	1,679,927	1,594,074	1,973,505	----------
September	2,164,880	1,718,330	1,708,591	1,945,917	----------
October	2,136,259	1,754,136	1,804,315	1,936,494	----------
November	2,068,454	1,732,353	1,820,463	1,899,545	----------
December	1,976,429	1,637,151	1,788,590	1,793,779	----------
12 months	[1] 2,054,168	1,661,305	1,645,237	[1] 1,879,770	----------

[1] 200,000 employees less than when increased rates (1920) were allowed.

Statistics are for Class I roads and switching and terminal companies, and are from reports of Bureau of Statistics, Interstate Commerce Commission.

WARNE EXHIBIT 4.—*Total compensation to employees by quarters*

	1920	1921	1922	1923	1924
January, February, March	$796, 616, 000	$757, 325, 000	$616, 406, 000	$735, 917, 000	$711, 872, 000
April, May, June	[1] 903, 484, 000	699, 685, 000	643, 018, 000	764, 681, 000	----------
July, August, September	1, 052, 109, 000	666, 058, 000	657, 283, 000	787, 211, 000	----------
October, November, December	982, 607, 000	677, 828, 000	752, 474, 000	755, 354, 000	----------
Total	[1] [2] 3, 733, 816, 000	2, 800, 896, 000	2, 669, 181, 000	[2] 3, 043, 163, 000	----------

[1] Includes $102,420,000 back pay for May and June under Railroad Labor Board's award of July 20, 1920.

[2] $700,000,000 decreased expenses in reduced compensation to employees alone.

Statistics are for Class I roads, including switching and terminal companies, and are compiled from reports of Bureau of Statistics, Interstate Commerce Commission. Ciphers are substituted for hundreds.

WARNE EXHIBIT 5.—*Total compensation to railway employees by months*

	1920	1921	1922	1923	1924
January	$266, 074, 000	$269, 352, 000	$205, 179, 000	$250, 052, 000	$239, 550, 000
February	262, 139, 000	250, 207, 000	194, 523, 000	230, 417, 000	230, 915, 000
March	267, 383, 000	237, 749, 000	216, 704, 000	255, 448, 000	241, 407, 000
April	260, 046, 000	229, 433, 000	203, 413, 000	245, 874, 000	236, 909, 000
May	[1] 318, 320, 000	234, 323, 000	216, 672, 000	259, 679, 000	[2] 240, 029, 000
June	[1] 325, 099, 000	235, 891, 000	222, 933, 000	259, 128, 000	----------
July	343, 104, 000	214, 339, 000	193, 571, 000	261, 806, 000	----------
August	357, 168, 000	227, 746, 000	224, 977, 000	270, 188, 000	----------
September	351, 815, 000	223, 973, 000	238, 735, 000	255, 217, 000	----------
October	339, 601, 000	237, 603, 000	255, 514, 000	271, 006, 000	----------
November	328, 822, 000	225, 304, 000	249, 287, 000	249, 686, 000	----------
December	314, 193, 000	214, 921, 000	247, 673, 000	234, 662, 000	----------
Total	[2] [3] 3, 733, 764, 000	2, 800, 897, 000	2, 669, 181, 000	[3] 3, 043, 163, 000	----------

[1] Includes one-half of $102,419,680 back pay for May and June.

[2] Includes $102,419,680 back pay for May and June.

[3] Same result as Exhibit No. 4 except computed by months.

Statistics are for Class I roads and switching and terminal companies and are from reports of Bureau of Statistics, Interstate Commerce Commission. Compensation from January, 1920, to July, 1921, is reported only quarterly by the bureau and the above monthly statistics for this period have been compiled from these quarterly reports by multiplying the average monthly compensation per employee by the average number of employees reported for each month. Ciphers are substituted for hundreds.

WARNE EXHIBIT 6.—*Wholesale price index numbers (1913 equals 100)*

	All commodities
Year 1913	100
January, 1916	113
1917	153
1918	184
1919	199
1920	[1] 233
1921	170
1922	138
1923	156
1924	151
June, 1924	[1] 145

[1] 90 drop.

Statistics are from Bureau of Labor Statistics, United States Department of Labor. All other commodities have dropped 35 per cent since 1920 but railway rates.

WARNE EXHIBIT 7.—*Cost per net ton of coal consumed in road service*

	1920	1921	1922	1923	1924
January	$3. 71	$4. 60	$3. 61	$3. 73	$3. 25
February	3. 58	4. 60	3. 56	3. 71	3. 23
March	3. 45	4. 55	3. 49	3. 69	3. 24
April	3. 72	4. 38	3. 46	3. 56	[1] 3. 19
May	3. 89	4. 27	3. 55	3. 47	----------
June	4. 03	4. 09	3. 83	3. 42	----------
July	4. 20	3. 99	4. 32	3. 37	----------
August	4. 55	3. 86	4. 87	3. 34	----------
September	4. 55	3. 81	4. 85	3. 31	----------
October	4. 82	3. 71	4. 27	3. 30	----------
November	4. 92	3. 64	3. 88	3. 27	----------
December	4. 77	3. 61	3. 76	3. 27	----------
12 months	[1] 4. 20	4. 10	3. 94	3. 46	----------

[1] 25 per cent decrease in cost per net ton of coal.

Statistics are for Class I roads and are from reports of Bureau of Statistics, Interstate Commerce Commission.

WARNE EXHIBIT 8.—*Ratio of operating expenses to revenues*

	1920	1921	1922	1923	1924
January	[1] 92. 36	95. 01	85. 31	81. 38	82. 09
February	98. 08	94. 62	80. 82	84. 13	78. 24
March	91. 37	87. 16	75. 99	78. 00	77. 26
April	99. 54	86. 69	80. 65	77. 23	79. 54
May	95. 69	85. 39	79. 10	76. 88	[2] 79. 89
June	97. 13	82. 51	76. 85	77. 04	----------
July	97. 18	78. 36	76. 85	77. 36	----------
August	122. 82	75. 55	81. 71	75. 77	----------
September	82. 36	75. 80	81. 64	76. 26	----------
October	82. 04	74. 15	77. 97	75. 84	----------
November	86. 75	79. 00	77. 51	76. 50	----------
December	92. 77	82. 64	78. 87	78. 50	----------
12 months	[2] 94. 41	82. 61	79. 31	77. 77	----------

[1] The commission's report gives the ratio 83.14 for January. But this is calculated on the inclusion in operating revenues of $50,000,000 back mail pay, the exclusion of which amount gives the ratio 92.36.

[2] Revenues increasing in inverse ratio to expenses.

Statistics are for Class I roads and switching and terminal companies and are from monthly reports Bureau of Statistics, Interstate Commerce Commission.

WARNE EXHIBIT 9.—*Net railway operating income*

	1920	1921	1922	1923	1924
January	[1] $9, 640, 000	$1, 526, 000	$29, 632, 000	$61, 129, 000	$51, 281, 000
February	[2] 16, 852, 000	[2] 5, 165, 000	47, 702, 000	39, 275, 000	71, 192, 000
March	14, 773, 000	30, 807, 000	83, 483, 000	84, 124, 000	80, 240, 000
April	[2] 23, 744, 000	29, 857, 000	49, 974, 000	83, 515, 000	61, 822, 000
May	[2] 5, 430, 000	36, 943, 000	62, 147, 000	96, 321, 000	[3] 60, 654, 000
June	[2] 15, 240, 000	51, 067, 000	76, 271, 000	87, 624, 000	----------
July	[2] 12, 053, 000	69, 324, 000	69, 321, 000	84, 615, 000	----------
August	[2] 158, 583, 000	90, 160, 000	52, 205, 000	93, 343, 000	----------
September	79, 676, 000	87, 606, 000	58, 678, 000	92, 238, 000	----------
October	86, 641, 000	105, 521, 000	85, 137, 000	102, 934, 000	----------
November	50, 965, 000	66, 868, 000	83, 223, 000	86, 131, 000	----------
December	3, 302, 000	[4] 49, 657, 000	79, 037, 000	69, 695, 000	----------
Total	[1] [2] 8, 152, 000	[2] 615, 946, 000	776, 881, 000	977, 657, 000	----------

[1] Excludes $50,000,000 back mail pay.

[2] Deficit.

[3] Net operating income has increased $969,000,000 yearly.

[4] Includes net credit of approximately $9,266,000 representing adjustments on account of closing out guaranty period reserves. Reports of adjustments not received from 20 roads, including Pennsylvania system.

[5] Includes net credit of approximately $6,857,000 representing adjustments on account of closing out guaranty period reserves.

Statistics are for Class I roads and switching and terminal companies, and are from reports Bureau of Statistics, Interstate Commerce Commission. Ciphers are substituted for hundreds.

WARNE EXHIBIT 10.—*Cost per passenger train-mile, enginemen*

	1920	1921	1922	1923	1924
	Cents	*Cents*	*Cents*	*Cents*	*Cents*
January	0. 125	0. 140	0. 127	0. 129	0. 128
February	. 127	. 140	. 127	. 130	. 129
March	. 124	. 139	. 126	. 129	. 128
April	. 124	. 138	. 125	. 128	[1] . 129
May	. 125	. 137	. 125	. 128	----------
June	. 132	. 138	. 127	. 128	----------
July	. 132	. 127	. 128	. 127	----------
August	. 161	. 127	. 130	. 127	----------
September	. 143	. 127	. 131	. 128	----------
October	. 140	. 127	. 129	. 128	----------
November	. 141	. 127	. 129	. 127	----------
December	. 139	. 126	. 130	. 128	----------
	[1] . 136	. 133	. 128	. 128	----------

[1] Decreased compensation.

Statistics are for Class I roads (excluding switching and terminal companies) and are from monthly reports Bureau of Statistics, Interstste Commerce Commission. A proportion of mixed-train and special-train service is included.

WARNE EXHIBIT 11.—*Cost per passenger train-mile, trainmen*

	1920	1921	1922	1923	1924
	Cents	*Cents*	*Cents*	*Cents*	*Cents*
January	0. 135	0. 162	0. 139	0. 140	0. 139
February	. 145	. 164	. 142	. 144	. 142
March	. 136	. 161	. 138	. 140	. 140
April	. 136	. 160	. 139	. 140	. 144
May	. 141	. 160	. 139	. 139	[1] . 145
June	. 148	. 160	. 140	. 141	----------
July	. 151	. 145	. 142	. 140	----------
August	. 195	. 143	. 144	. 140	----------
September	. 166	. 144	. 144	. 141	----------
October	. 166	. 142	. 142	. 140	----------
November	. 169	. 142	. 142	. 140	----------
December	. 162	. 140	. 141	. 140	----------
	[1] . 157	. 152	. 141	. 140	----------

[1] Decreased compensation.

Statistics are for Class I roads (excluding switching and terminal companies) and are from monthly reports Bureau of Statistics, Interstate Commerce Commission. A proportion of mixed-train and special-train service is included.

WARNE EXHIBIT 12.—*Cost per passenger train-mile, fuel*

	1920	1921	1922	1923	1924
	Cents	*Cents*	*Cents*	*Cents*	*Cents*
January	0.273	0.330	0.246	0.265	0.222
February	.269	.313	.242	.268	.218
March	.254	.293	.227	.258	.215
April	.263	.280	.217	.237	.200
May	.263	.263	.211	.218	[1] .189
June	.271	.248	.223	.208	----------
July	.271	.238	.249	.204	----------
August	.301	.228	.288	.200	----------
September	.298	.229	.296	.202	----------
October	.318	.232	.273	.206	----------
November	.344	.235	.262	.209	----------
December	.349	.236	.265	.215	----------
	[1] .291	.261	.249	.224	----------

[1] 30 per cent decreased expense for fuel.

Statistics are for Class I roads (excluding switching and terminal companies) and are from monthly reports Bureau of Statistics, Interstate Commerce Commission. A proportion of mixed-train and special-train service is included.

WARNE EXHIBIT 13.—*Cost per passenger train-mile, other locomotive, and train supplies*

	1920	1921	1922	1923	1924
	Cents	*Cents*	*Cents*	*Cents*	*Cents*
January	0.120	0.128	0.100	0.100	0.098
February	.135	.130	.107	.102	.098
March	.104	.120	.097	.098	.096
April	.105	.110	.097	.098	.093
May	.104	.103	.090	.091	[1] .086
June	.109	.111	.089	.091	----------
July	.111	.095	.084	.090	----------
August	.146	.092	.095	.090	----------
September	.117	.095	.102	.092	----------
October	.120	.098	.102	.095	----------
November	.127	.101	.097	.095	----------
December	.121	.110	.103	.097	----------
	.120	.107	.097	.095	----------

[1] 25 per cent decrease in supply costs.

Statistics are for Class I roads (excluding switching and terminal companies) and are from monthly reports Bureau of Statistics, Interstate Commerce Commission. A proportion of mixed-train and special-train service is included.

WARNE EXHIBIT 14.—*Cost per passenger train-mile, locomotive repairs*

	1920	1921	1922	1923	1924
	Cents	*Cents*	*Cents*	*Cents*	*Cents*
January	0.284	0.311	0.242	0.305	0.253
February	.305	.304	.247	.313	.256
March	.275	.278	.255	.309	.267
April	.286	.271	.249	.293	[1] .270
May	.279	.263	.250	.295	----------
June	.295	.249	.255	.287	----------
July	.289	.229	.161	.268	----------
August	.373	.249	.239	.285	----------
September	.308	.251	.289	.280	----------
October	.326	.264	.303	.289	----------
November	.332	.256	.305	.268	----------
December	.327	.257	.305	.249	----------
	[1] .311	.265	.258	.286	----------

[1] 12½ per cent decreased cost of locomotive repairs.

Statistics are for Class I roads (excluding switching and terminal companies) and are from monthly reports Bureau of Statistics, Interstate Commerce Commission. A proportion of mixed-train and special-train service is included.

WARNE EXHIBIT 15.—*Cost per passenger train-mile, engine-house expenses*

	1920	1921	1922	1923	1924
	Cents	*Cents*	*Cents*	*Cents*	*Cents*
January	0.075	0.092	0.069	0.068	0.064
February	.080	.090	.068	.070	.063
March	.074	.084	.065	.068	.063
April	.077	.083	.065	.064	.062
May	.074	.080	.061	.062	----------
June	.078	.078	.060	.062	----------
July	.078	.066	.066	.061	----------
August	.104	.065	.082	.060	----------
September	.084	.065	.082	.061	----------
October	.087	.063	.067	.060	----------
November	.091	.066	.069	.061	----------
December	.088	.069	.067	.063	----------
	[1] .083	.075	.068	.063	----------

[1] 25 per cent decrease in engine-house expenses.

Statistics are for Class I roads (excluding switching and terminal companies) and are from monthly reports Bureau of Statistics, Interstate Commerce Commission. A proportion of mixed-train and special-train service is included.

WARNE EXHIBIT 16.—*Cost per passenger train-mile, total Interstate Commerce Commission selected accounts*

	1920	1921	1922	1923	1924
January	$1.012	$1.163	$0.923	$1.007	$0.904
February	1.061	1.141	.933	1.027	.906
March	.967	1.075	.908	1.002	.909
April	.991	1.042	.892	.960	.898
May	.986	1.006	.876	.933	[1] .859
June	1.033	.984	.894	.917	----------
July	1.032	.900	.830	.890	----------
August	1.280	.904	.978	.902	----------
September	1.116	.911	1.044	.904	----------
October	1.157	.926	1.016	.918	----------
November	1.204	.927	1.004	.900	----------
December	1.186	.938	1.011	.892	----------
	[1] 1.098	.993	.941	.936	----------

[1] 23 per cent average decrease in all operating expenses.

Statistics are for Class I roads (excluding switching and terminal companies) and are from monthly reports Bureau of Statistics, Interstate Commerce Commission. A proportion of mixed-train and special-train service is included.

WARNE EXHIBIT 17.—*Revenue per passenger-mile*

	1920	1921	1922	1923	1924
	Cents	*Cents*	*Cents*	*Cents*	*Cents*
January	2.614	3.114	3.096	3.106	3.092
February	2.594	3.081	3.071	3.084	3.083
March	2.613	3.169	3.105	3.121	3.095
April	2.608	3.182	3.088	3.080	[1] 3.066
May	2.614	3.134	3.029	2.999	----------
June	2.575	3.087	2.935	2.931	----------
July	2.561	2.987	2.876	2.865	----------
August	2.643	3.006	2.925	2.908	----------
September	2.989	3.070	3.013	2.980	----------
October	3.014	3.056	3.047	3.045	----------
November	3.024	3.107	3.071	3.076	----------
December	3.147	3.118	3.163	3.141	----------
	[1] 2.744	3.088	3.029	3.019	----------

[1] Net revenue per passenger-mile has increased; despite all decreases railroads have enjoyed but not passed on to public either in passenger or freight rates.

Statistics are for Class I roads (excluding switching and terminal companies) and are from monthly reports Bureau of Statistics, Interstate Commerce Commission. Mixed-train service included.

WARNE EXHIBIT 18.—*Passenger revenues*

	1920	1921	1922	1923	1924
January	$91,874,000	$102,798,000	$81,480,000	$88,350,000	$88,971,000
February	82,571,000	86,157,000	71,505,000	76,594,000	80,759,000
March	92,632,000	94,440,000	77,982,000	85,302,000	84,136,000
April	92,964,000	87,900,000	80,958,000	85,021,000	82,199,000
May	98,901,000	90,783,000	82,896,000	87,123,000	82,682,000
June	107,383,000	96,829,000	93,181,000	99,483,000	----------
July	123,218,000	106,062,000	97,741,000	104,282,000	----------
August	132,904,000	106,259,000	98,278,000	109,552,000	----------
September	127,677,000	97,667,000	94,291,000	102,351,000	----------
October	111,563,000	86,245,000	87,274,000	90,136,000	----------
November	103,636,000	79,964,000	82,156,000	84,065,000	----------
December	111,592,000	86,155,000	95,473,000	97,978,000	----------
Total	1,276,915,000	1,121,259,000	1,043,215,000	1,110,237,000	----------

Statistics are for Class I roads and switching and terminal companies and are compiled from monthly reports Bureau of Statistics, Interstate Commerce Commission. Amount of sleeping and parlor car surcharge excluded beginning September, 1920. Ciphers are substituted for hundreds.

Why exclude $37,000,000 Pullman surcharge in revenue reports if it now is presented to Congress as so necessary to carriers' earnings?

Surcharge of $37,000,000 annually equals $148,000,000 plus $1,110,237,000, or a total of $1,258,237,000.

WARNE EXHIBIT 19.—*Revenue passengers carried*

	1920	1921	1922	1923	1924
January	97,387,000	94,661,000	81,402,000	83,533,000	81,666,000
February	91,673,000	84,331,000	73,595,000	75,348,000	77,904,000
March	103,837,000	91,799,000	80,970,000	84,288,000	82,278,000
April	98,428,000	84,286,000	80,149,000	81,742,000	77,826,000
May	102,384,000	87,826,000	80,062,000	80,437,000	----------
June	102,055,000	84,063,000	79,109,000	80,800,000	----------
July	114,698,000	90,841,000	84,170,000	85,941,000	----------
August	116,458,000	90,006,000	83,810,000	86,960,000	----------
September	104,642,000	84,425,000	81,228,000	84,458,000	----------
October	99,251,000	80,749,000	80,208,000	81,392,000	----------
November	96,921,000	78,164,000	77,247,000	77,166,000	----------
December	99,308,000	82,947,000	84,854,000	83,883,000	----------
Total	[1] 1,232,846,000	1,034,161,000	966,798,000	[1] 985,908,000	----------

[1] Approximately 250,000,000 less revenue passengers per year carried than in 1920, when increased rates went into effect, yet carrier's net revenues are greater.

Statistics are from monthly reports Bureau of Statistics, Interstate Commerce Commission, and exclude switching and terminal companies.

WARNE EXHIBIT 20.—*Revenue passengers carried 1 mile*
[Millions]

	1920	1921	1922	1923	1924
January	3,501	3,379	2,709	2,935	2,966
February	3,174	2,871	2,397	2,567	2,705
March	3,533	3,070	2,594	2,828	2,816
April	3,553	2,847	2,702	2,852	2,780
May	3,770	2,984	2,822	3,000	----------
June	4,158	3,228	3,270	3,506	----------
July	4,801	3,637	3,496	3,749	----------
August	5,004	3,623	3,465	3,883	----------
September	4,315	3,292	2,232	3,552	----------
October	3,775	2,911	2,957	3,080	----------
November	3,527	2,657	2,761	2,833	----------
December	3,649	2,845	3,113	3,220	----------
Total	[1] 46,848	37,339	35,514	[1] 38,006	----------

[1] 20 per cent decrease in number of people traveling yet revenues are greater than before loss of all this patronage.

Statistics are for Class I roads (excluding switching and terminal companies) and are from monthly reports Bureau of Statistics, Interstate Commerce Commission. Mixed-train service is included.

Now, Mr. Chairman and gentlemen of the committee, let me remind you in conclusion that I have shown you from statistics which are a part of the hearings of the Interstate Commerce Commission on the subject under discussion that the number of railway employees now is 200,000 less than it was in 1920; that the railway wages paid in 1923 are $700,000,000 less a year than they were in 1920; that there have been substantial wage reductions all along the line; and that the operating expenses in round numbers was a billion dollars less in 1923 than they were in 1920, while the freight and passenger rates are practically the same now as they were in 1920. The net railway operating income in 1923 was $969,000,000 more than in 1920. Yet, in spite of all this, some of the opponents of this movement immediately adopt the slogan of the attorneys for the railroads and say, "If you take this $37,000,000 away from us, how in the world can we reduce freight rates for the poor farmer?"

Mr. Chairman, this sort of argument is not going to be swallowed hook and sinker by the farmer. The farmer knows that when the railroad companies are receiving these enormous profits and that while the carriers are holding onto every dollar revenue they can and will not let go unless it is extracted from them with a crowbar, the farmer is not going to succeed in his efforts for a reasonable reduction in rates by opposing other portions of the public who are also entitled to a reduction.

The argument also that it is the rich who patronize Pullman service and are therefore able to pay is utterly erroneous, as every man here knows. Every Member of Congress uses Pullman service here frequently as a matter of compulsion, but, outside of a few fortunate and favored Members, who will say that the Members of Congress are rich? The farmer, the merchant, the professional man, and all alike use Pullman service on night trips as a matter of necessity. And even if it were true that only the well-to-do used Pullman service, what farmer is there that would urge that his freight rates be subsidized by tacking onto the Pullman passenger an increased rate which no scientific rate body in the world could justify? The farmer does not believe in the practice of "robbing Peter to pay Paul" any more than you or I do.

The variegated decision of the Interstate and Foreign Commerce Committee on this subject has been analyzed by others and is a matter of record. My personal opinion is that the commission, which costs us more than $4,000,000 a year, needs to get busy immediately in the interest of the general public, and that unless it does the time is not far distant when the public will demand, and justly so, that the interstate commerce act be repealed and the Interstate Commerce Commission be abolished.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman——

Mr. WINSLOW. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. WINSLOW. I would like to ask the gentleman who has just spoken [Mr. McLAUGHLIN of Nebraska] where the figures were taken that he just read and on what they were based?

Mr. McLAUGHLIN of Nebraska. I stated that these figures were prepared by Dr. Frank J. Warne, of the Mills Building, chief statistician of the railway brotherhood.

Mr. WINSLOW. I got that. What were they taken from?

Mr. McLAUGHLIN of Nebraska. They were compiled and filed with the Interstate Commerce Commission, and they are a part of their record in this recent hearing.

Mr. BLANTON. Mr. Chairman, I can not yield further. I desire to use my very limited time to correct some very unjust newspaper reports.

Mr. WINGO. Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The gentleman from Arkansas makes the point of no quorum. The Chair will count. [After counting.] One hundred and thirty-seven Members present, a quorum.

Mr. BLANTON. Mr. Chairman, Austin is the capital of my native State. Mr. Charlie Marsh has bought out every competitor in the newspaper line there and now runs the only daily paper in that city. Citizens of Austin and contiguous territory are dependent upon him for their news. He ought to report events correctly. He ought not to misstate facts.

In his Austin American last Saturday, he intimates, on the Congressional salary increase bill, when it came to a vote here last Friday, that my colleague, the gentleman from Texas, Mr. CONNALLY, and my colleague, the gentleman from Texas, Mr. Box, and myself, were absent sick. [Laughter.] The article goes on to say that never had there been a time when so many Texas men were absent sick.

Mr. UPSHAW. I deny the allegation.

Mr. BLANTON. My friend, the gentleman from Texas, Mr. Box, was sitting right over here at that time, and my friend, the gentleman from Texas, Mr. CONNALLY, was sitting right behind him. And I was right here in this same seat which I have occupied every day this and last Congress, without ever missing any part of any proceeding.

This was a deliberate attempt on the part of the Austin American to mislead its readers. Its Washington correspondent reported that I had fought against the salary raise and had demanded a roll call. His identical report was correctly published at Amarillo and Houston, but it remained for the Austin American to change his report and pursue its deliberate attempt to injure me, for it circulates in several counties in my district.

I have examined the issues of the Dallas News and the Fort Worth Star-Telegram, both of which cover my district, and their files in the House lobby and in the Congressional Library make no mention whatever of the fact that I fought against this bill and tried to defeat it in attempting to get a record vote. Why these two leading Texas papers were not willing to tell the Texas people just what happened, I do not know.

BOYS IN THE PRESS GALLERY

Many of the reporters in the press gallery are citizens of Washington, owning their own homes here, and are personally interested in the many bills continually before Congress to spend millions of dollars out of the Treasury to benefit Washingtonians and to keep the low tax rate of only $1.40 on the $100 from being raised. Some of these reporters have patronage jobs, drawing down Government salaries, for which they do some work in some congressional offices. Any Member of Congress who fights the bills they want passed or who fights the bills of their patrons naturally begets their animosity and is punished by them through adverse items to the press over the country.

CONGRESSMEN MUST CHOOSE WHOM THEY WILL SERVE

I came here to serve the people. The interest of the American taxpayers is the one I have at heart. I have never chosen the path of least resistance. It is the easy and pleasant one. To agree to everything, to oppose nothing, to go along with the gang and merely draw your salary, makes a Congressman popular with his colleagues, and popular with the boys in the press gallery, but he is worth absolutely nothing to the people.

Now, if the Galveston Daily News, published at Galveston, Tex., 500 miles from my home, can publish the facts, why can't the Austin American, the Dallas News, and the Fort Worth Star-Telegram do likewise? I quote the Galveston News as follows:

[From the Galveston Daily News, February 21, 1925]

SALARY RAISES GO BEFORE PRESIDENT—TEXANS OPPOSED TO CONGRESSIONAL AND CABINET MEMBER ADVANCES

(By Associated Press)

WASHINGTON, February 20.—Salary increases for Members of Congress and the President's Cabinet were put up to the Executive to-day with adoption by the House of a Senate amendment to the legislative appropriation bill.

An hour of parliamentary maneuvering preceded the House discussion. Representative BLANTON, Democrat, of Texas, demanded a roll call, but failed to receive a second from one-fifth of the Members

present, and the Senate rider was accepted by a rising vote after an amendment by Representatives BLACK, Democrat, of Texas, to make the effective date two years hence, had been rejected.

ARE ASSOCIATED PRESS REPORTS STABLE?

You will note that the foregoing was sent from this press gallery by the Associated Press. Its report published in the Brownwood Bulletin, the Abilene Reporter, the Sweetwater Reporter, the Ranger Times, and other daily papers published in my district, is entirely different, and mentions in no way my fight against the salary raise. Does the Associated Press send one kind of a report to a Congressman's district, and an entirely different kind of a report to all the balance of the United States? This CONGRESSIONAL RECORD is the only medium through which it is possible to let the American people know about it.

WHAT OTHER BIG NEWSPAPERS REPORTED

I desire to quote just a few of the leading dailies:

[From the Evening Star, Washington, D. C., Friday, February 20, 1925]

The proposal to increase the salaries of Members of Congress, already passed by the Senate, was approved also to-day by the House.

Representative BLACK, Democrat, Texas, proposed that the salary increase be postponed two years, but his amendment was rejected, 278 to 62.

Representative BLANTON, Democrat, Texas, nevertheless, demanded a roll call, but failed to obtain a second from the required one-fifth of the Members *present*. About 50 joined him in the roll call demand, but the minimum required was about 70.

Opposition was expressed by Representative BYRNS, Tennessee; CRISP, Georgia; BLACK, Texas; RANKIN, Mississippi; BLANTON, Texas, Democrats; and MCLAUGHLIN, Republican, Michigan.

I now quote Hearst's Washington paper:

[From the Washington Herald, February 21, 1925]

HOUSE AVOIDS ROLL CALL ON PAY BILL

The people will never know the names of the House Members who voted yesterday to raise their pay from $7,500 to $10,000 a year, for there was no roll call.

The salary increase, inserted in the legislative appropriation bill by the Senate, was adopted on a rising vote of 237 to 93 after an hour of impassioned debate.

The attempt of Representative BLANTON, of Texas, to force Members to go on record failed by 7 votes.

Another Texan, Representative BLACK, tried to kill the increase by an amendment deferring the effective date to the Seventieth Congress.

As a last resort, Representative CANNON, of Missouri, once parliamentarian of the House, made a point of order that Members could not vote on legislation in which they had a financial interest. But Speaker GILLETT overruled it.

[From the New York Herald Tribune, February 21, 1925]

WASHINGTON, February 20.—Salary increases for Members of Congress and the President's Cabinet were put up to the Executive to-day with the adoption by the House of a Senate amendment to the legislative appropriation bill.

The largest attendance of any day during this season had been marshaled for the occasion to guard against the forcing of a roll call through lack of a quorum. Nevertheless, Representative BLANTON, Democrat, of Texas, demanded a roll call, but failed to receive a second from one-fifth of the Members present, and the Senate rider was accepted by a rising vote after an amendment by Representative BLACK, Democrat, of Texas, to make the effective date two years hence, had been rejected, 278 to 62.

Representative MADDEN, Republican, of Illinois, and chairman of the Appropriations Committee; Representative TILSON, of Connecticut, a leading candidate for Republican leader in the next Congress, and Representative OGDEN MILLS, Republican, of New York, were among those who spoke in support of the raise. Representative BYRNS, Democrat, of Tennessee, and Representatice CRISP, Democrat, of Georgia, joined BLANTON in opposing it.

From the greatest newspaper in St. Louis I quote:

[From the St. Louis Post-Dispatch, Friday evening, February 20, 1925]

POST-DISPATCH BUREAU,
20–23 Wyatt Building.

WASHINGTON, February 20.—Without a roll call, the House to-day concurred in the Senate amendment to the legislative expenditure bill for the increase of congressional salaries from $7,500 to $10,000 a year, effective next March 5. Representative THOMAS L. BLANTON, Democrat, of Texas, used every possible legislative rule to force a show-down by roll call, but had to be content with a standing division vote, which showed 237 for the increase and 93 against.

From the press of Baltimore, Md., I quote:

[From the Baltimore Evening Sun, February 20, 1925]

SALARY INCREASE PASSED WITHOUT RECORD VOTE

While there was no record vote, a division disclosed 237 Representatives favoring the measure and 93 against it, most of the opposition coming from the Democratic side.

A motion by Representative BLACK, Democrat, Texas, to make the increase effective July 1, 1927, was defeated on a division by 278 to 62. Representative BLANTON, Texas, requested a roll-call vote, but was able to muster only 61 votes in support of the move, or 7 less than the necessary one-fifth.

I will quote one more New York paper:

[From the New York American, February 21, 1925]

WASHINGTON, February 20.—The people will never know the names of the House Members who to-day voted to raise the pay of Congress Members from $7,500 to $10,000 a year, for there was no roll call.

The salary increase, inserted in the legislative appropriation bill by the Senate, was adopted by a rising vote, 237 to 93, after an hour of impassioned debate for and against it.

The attempt of Representative BLANTON, of Texas, to force Members to go on record failed by a scant 7 votes. To get a roll call required 68 votes, or a fifth of the Members present and voting. The Texan could muster only 61.

Another Texan, Representative BLACK, sought to kill the pay increase by an amendment that would have deferred the effective date until the Seventieth Congress. This was voted down, 278 to 62.

LET THE RECORD SPEAK

The CONGRESSIONAL RECORD shows that just as soon as the gentleman from Iowa [Mr. DICKINSON] called up the bill containing the Senate amendment raising salaries I insisted that he should give the House an opportunity to oppose it. I quote from the RECORD the following:

Mr. BLANTON. Mr. Speaker, reserving the right to object, I want to ask the gentleman from Iowa if the gentleman is going to give us time to be heard on one or two propositions, and especially the salary increase amendment, to which we have objections?

Mr. DICKINSON of Iowa. It is my purpose to present the first 12 amendments in this bill in bloc, if there is no objection on the part of the gentleman from Colorado [Mr. TAYLOR] or any other Member of the House.

Mr. BLANTON. Will the gentleman give us time to be heard on the salary increase amendment before a vote is taken? It will be entirely within his control.

Mr. DICKINSON of Iowa. Oh, yes.

Mr. BLANTON. And the gentleman will give us time to be heard on it?

Mr. DICKINSON of Iowa. Liberal time.

And as soon as the bill was up for consideration the following occurred:

Mr. DICKINSON of Iowa. Mr. Speaker, I ask unanimous consent that the first 12 Senate amendments be considered en bloc.

Mr. BLANTON. I am going to object to that, Mr. Speaker, so that question need not be put. We ought to vote on them separately.

Mr. BRITTEN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BRITTEN. Was not that request submitted as a part of the original request?

The SPEAKER. No.

Mr. BLANTON. Mr. Speaker, if the gentleman would make that request with respect to all the amendments except the proposed salary increase amendment, I would not object.

Mr. DICKINSON of Iowa. That is just what I am doing.

Mr. BLANTON. I did not understand that.

VOTE ON THE SALARY RAISE

And after debate the following occurred:

The SPEAKER. The question is on the motion of the gentleman from Iowa, that the House recede and concur in the Senate amendment.

Mr. BLANTON. On that I demand the yeas and nays.

The SPEAKER. The gentleman from Texas demands the yeas and nays. All those in favor of taking the question by the yeas and nays will rise. [After counting.] Sixty-one Members have arisen, not a sufficient number.

Mr. BLANTON. I ask for the other side.

The SPEAKER. There is not a sufficient number according to the count which the Chair has just made. The yeas and nays are refused.

Mr. BLACK of Texas. Mr. Speaker, I demand a division.

The House divided; and there were 237 ayes and 93 noes.

So the motion of Mr. DICKINSON of Iowa to concur in the Senate amendment was agreed to.

And so the Senate amendment raising salaries was passed. It is interesting to remember back four years ago.

WHAT HAPPENED IN 1921

On this same supply bill the gentleman from Pennsylvania [Mr. CAMPBELL] on January 11, 1921, offered an amendment to raise our salaries to $10,000. I promptly made a point of order against it, which the Chair sustained. To show that the press then gave me credit for blocking it, I quote the following:

[From the Fort Worth Star-Telegram, page 15, Jan. 12, 1921:]

"BLANTON BLOCKS SALARY INCREASE"

WASHINGTON, Jan. 12, 1921.—An effort to increase salaries of Congressmen and Senators from $7,500 to $10,000 was blocked in the House Tuesday by Representative BLANTON. When the item appropriating funds for salaries was reached, Representative CAMPBELL, of Pennsylvania, offered an amendment fixing salaries at $10,000. BLANTON promptly made a point of order. He claimed it was general legislation, having no place on an appropriation bill. Representative LONGWORTH in the chair sustained it.

Then on January 13, 1921, the gentleman from Florida [Mr. CLARK] spoke in favor of raising salaries to $10,000. And on January 22, 1921, the gentleman from Pennsylvania [Mr. CAMPBELL] introduced in the House his bill, H. R. 15856, to raise our salaries to $10,000, from and after March 4, 1921. Then on January 26, 1921, Senator Sherman introduced in the Senate his bill S. 4920 to raise our salaries to $12,000 from and after March 4, 1921. Then on February 3, 1921, Senator MOSES introduced in the Senate an amendment intended to be proposed by Senator Sherman to the legislative appropriation bill No. 15543, to raise our salaries to $12,000 from and after March 4, 1921. And just a short while previous an article appeared in Labor headed "Salary grab coming," which said:

Members of Congress prepare to boost their pay from $7,000 to $10,000.

According to the gossip heard in hotel lobbies of Washington, an effort will be made during the short session to pass a bill increasing the salaries of Representatives and Senators from $7,500 to $10,000.

Salary grabs of this kind are always put through after election and are never discussed, etc.

And there was a similar article carried by the Washington Times indicating that Congress would raise salaries before March 4, 1921, from which I quote:

CONGRESSMEN TALKING OF RAISING THEIR PAY—MANY FAVOR BOOST FROM $7,500 TO $10,000 ANNUALLY

Is Congress going to take advantage of the high cost of living to boost its own pay?

It will do so if a movement now under discussion in congressional circles is not blocked.

Just at the time when the bottom is dropping out of flour prices, when bread promises to decline in price, when clothing reductions are imminent, and when the common enemy, H. C. L., is becoming groggy, the talk of increasing the pay of House Members and Senators to $10,000 a year, or even to $12,500, is becoming serious.

Also, this talk is arising when there is every prospect the number of Members of the House will be increased.

And I quote the following excerpt from an article appearing in the Washington Herald on the morning of January 22, 1921, to wit:

[From the Washington Herald, Saturday, January 22, 1921]

PAY IN CONGRESS

There is at the same time developing an increasingly strong sentiment in favor of raising the pay of Members of both the House and the Senate. Representative Guy E. Campbell, of Pennsylvania, has attempted three times on the floor of the House to obtain an amendment to the legislative, executive, and judicial bill increasing the pay of House Members from $7,500 to $10,000 annually. He is at present drafting a special bill for that purpose.

Senator Lawrence Y. Sherman, of Illinois, announced in the Senate yesterday that before he retired on March 4 he would introduce in the Senate a bill to increase the pay of the national legislators to $12,000.

APPEALED TO PRESS TO STOP IT

Realizing how easy it is to pass legislation in the closing hours of Congress, I knew that unless some drastic action was taken that such salary raise would be passed before Congress adjourned on March 4, 1921. So on February 7, 1921, I addressed a mimeographed letter to the editors of all the Texas newspapers and to others in many States, from which I quote the following:

There is a determined effort now, both in the House and Senate, to pass before adjournment a measure to increase the salary of Congressmen and Senators at least to $10,000, and to $12,000 if possible. The influence greatest of all in controlling congressional action is public sentiment crystallized and quickened by the editor's page of our public press. Won't you help to prevent this wrong?

These newspapers immediately began to attack this proposed raise. And then I was rebuked. One of my colleagues was specially selected to administer the punishment, while those who were particularly disappointed in being deprived of their raises duly applauded. It was asserted that there was no such move on foot to raise salaries and that I had misrepresented the facts. And every newspaper then carried front page headlines that I had maligned my colleagues. I took my medicine, forgave my traducers, and continued to do my duty, according to the dictates of my own conscience. And Congress itself has vindicated my action in 1921. For it has finally done in February, 1925, what I claimed it was trying to do in February, 1921.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. JACOBSTEIN].

Mr. JACOBSTEIN. Mr. Chairman and Members of the House, I desire to address myself for a few moments to a bill which has been characterized by one of my friends as "the politician's alibi, the farmer's lullaby"—the Haugen cooperative marketing bill. [Laughter.]

May I say by way of preface that for several years—four, in fact—I lived in the Northwest, where in a modest way I helped to develop cooperative enterprises among farmers. In my own district in western New York there are at least eight farmer cooperatives. I approach the subject, therefore, sympathetically and with an open mind.

After four hours of debate and much study I am still looking for a substantial argument in support of this measure. As I have analyzed it, it seems to me that the fundamental mistake is in seeking overstimulation of the cooperative movement by outside agencies.

THE PURPOSE OF THE BILL

The primary purpose of the bill H. R. 12348 is to stimulate cooperative movements in the United States. This is a wrong aim for farmer relief. Outside, and especially governmental, stimulation is likely to be a curse and a bane to the cooperative movement rather than a help and a benefit.

LESSONS FROM EXPERIENCE

In my own State of New York a few years ago the Government set up a new bureau of cooperative associations to "stimulate" and speed up the organization of cooperatives. Approximately 100 of these artificially stimulated cooperatives were thus organized, all or most of which are now dead as a doornail. The "walking delegate" in this field of enterprise may do more harm than good.

Mr. WATKINS. Will the gentleman yield?

Mr. JACOBSTEIN. Yes.

Mr. WATKINS. Were they organized on a basis of commodity or cooperative.

Mr. JACOBSTEIN. A man would go into a community and organize a cooperative association, but usually the cooperation was confined to a single commodity.

Mr. WATKINS. Were there different commodities in the same community?

Mr. JACOBSTEIN. Generally speaking, they were specialized.

Denmark is the shining example for the whole world in the cooperative movement. Almost every phase of agricultural activity has been successfully developed in this little country on a cooperation basis. This was accomplished without Government aid. By purely voluntary self-help methods the farmers learned how to do it over a period of 40 years. Cooperation has to come from within; it has to grow spontaneously; it must develop from local sentiment; it can not be artificially forced. It takes time and education to make cooperation permanent and successful. This interesting story of "Agricultural cooperation in Denmark" is thoroughly set forth in the United States Department of Agriculture Bulletin No. 1266, dated August 22, 1924, and written by Chris L. Christensen, agricultural economist, an American who studied the cooperative movement there for more than two years.

The history of cooperation in Germany and Holland bears testimony to the soundness of the principle of self-help. Here, as in Denmark, voluntary effort and not Government aid was largely responsible for the wide scope and the success attained by the farmer cooperative organizations.

In France, on the other hand, cooperation has lagged behind, in spite of generous assistance by the Government.

PRESENT STATUS OF COOPERATION

What is the present status of farm cooperation in the United States? We have at the present time over 10,000 cooperatives

among farmers. These cooperatives are nation-wide and extend into every leading industrial area and function in the marketing of the leading crops of the country. Over 2,000,000 individual members are affiliated with these cooperative organizations. They do a business of over $2,000,000,000 annually, which is about 20 per cent of the total market value of the leading crops. The facts regarding the "Development and present status of farmers' cooperative business organizations" is told in Bulletin No. 1302 of the United States Department of Agriculture, published December 29, 1924.

It appears from these facts that there is no lack of cooperative enterprise among farmers in this country. Why set up a new bureau, with an outlay of $500,000 a year, to "stimulate" further cooperation?

EXISTING PRIVATE COOPERATIVE AGENCIES

That the farmers are on the job and have sufficient initiative to organize themselves for their own protection may be quickly seen by running over the following list of private agencies operated by and in behalf of the farmer:

1. American Farm Bureau Federation; 1,000,000 members. Now organizing all grain, wool, egg, dairy, fruit, and vegetable producers.
2. National Council of Crop Marketing Associations; 600,000 members. Holding schools; organizing producers of cotton, tobacco, wheat, potatoes, etc.
3. Farmers' Union (Bassett group); 200,000 members. Organizing dairy, grain, etc., producers.
4. National Board of Farmers' Organizations (Charles Lyman group). Organizing all sorts of crops in all States.
5. National Milk Producers' Federation (Charles Holman group). Organizing milk producers in all States.
6. Farmer-Consumer League (New York City-Washington group). Organizing all sorts of crops.
7. Farmer-Labor Union of the South. Organizing all sorts of crops.
8. Equity Union Group, Greenville, Ill. Grain and creameries. Strong in the Middle West.
9. Equity Group. Strong in Wisconsin, Minnesota, Iowa, Dakota, Montana, Idaho, Washington, and Oregon. Grain and livestock.
10. Council of Agriculture, Chicago, Ill. Made up of Northwestern groups. Grain.
11. Gleaners. Michigan, Iowa, etc.
12. State groups. Strong in 33 States. All forms of crops.
13. Institute of Cooperation. Recently incorporated.
14. Several more national associations; 45 State farm bureau federations, and several hundred other State associations; 2,000 county farm bureau federations, and several thousand other local agencies; all promoting and stimulating crop marketing.

EXISTING GOVERNMENT AGENCIES

There are five distinct Government departments that look after the interests of the farmer and the cooperative movement in one aspect or another. I shall dwell at length later on the work of the Department of Agriculture. In addition, there is the Department of Commerce, which made a survey and a report of cooperation on the Pacific coast. This was under Mr. Hoover's direction and published in 1922. The Department of Labor issues a monthly bulletin with a section on "cooperation." It issued a special bulletin, No. 134, on "Grain and Bread Marketing," which is considered by authorities a splendid report. The Department of State cooperates with foreign countries through the International Institute of Agriculture, which meets at Rome, attended by American delegates. Then there is the Federal Trade Commission, which issued a report, January, 1925, on "Cooperation in Europe." This same commission issued a report on the "Wholesale Marketing of Food."

Here you have, therefore, at least five separate and distinct departments or commissions now at work stimulating "orderly marketing and farmer cooperation." Why set up another bureau?

PROPOSED FUNCTIONS OF NEW BOARD

Let us analyze more carefully now the functions of this new board and see if there is going to be further duplication.

SURVEYS

One of the functions of the board will be to make surveys. But surveys are now made by the Bureau of Agricultural Economics of the United States Department of Agriculture. This bureau, for instance, made a survey in 1921 for the Vermont maple-sap producers. On the basis of this survey, I am informed, a cooperative organization was there set up. This same bureau made a survey in 1922 of the California Fruit Growers' Cooperative Association, the results of which were published in Bulletin No. 1261 July 22, 1924, and the information thus gathered used in giving practical advice to the fruit growers of California.

AUDITING

Another function of the board created by the Haugen bill is the auditing of the books of such cooperatives as voluntarily register with the board. The Bureau of Agricultural Economics devised a "System of bookkeeping for grain elevators," set forth in Bulletin No. 811, December 5, 1919. This system of bookkeeping has been used in part or in whole by some four thousand grain cooperative elevators.

A financial system was devised by this same bureau for livestock cooperatives. That this system has not been universally installed is due, in part at least, to the lack of funds available to the bureau for this purpose.

INSPECTION AND GRADING

The Haugen bill seeks to assist the cooperatives in the matter of inspection and grading at shipping and terminal points. Anyone familiar with the work of the United States Department of Agriculture will readily admit that one of its outstanding achievements has been in the matter of inspection and grading of agricultural commodities. The cooperatives make use of this inspection and grading work now performed by the Inspection Division of the Department of Agriculture.

ARBITRATION OF DISPUTES

The only disputes of real importance are those which arise between the producers and the dealers; that is, between the buyers and the sellers. This type of dispute is not covered by the Haugen bill. This bill seeks to arbitrate only between members of a registered association or between registered associations. The farmer cooperatives are business organizations and competent to handle these matters themselves. They should not be treated like children or morons. They should be left alone to take care of themselves in these matters.

GUIDANCE

The bill before us would give the board authority to "advise and guide" cooperatives on economic problems. I would like to call your attention to the work now being done by the United States Department of Agriculture in this matter. I have in my hands a copy which has just come off the press of a bulletin entitled "The Agricultural Outlook for 1925." This is a very deliberate effort of an existing Government agency to guide the planter in an effort to secure intelligent coordination between production and distribution.

UNNECESSARY DUPLICATIONS

From this analysis it must be clear that this bill, which would set up new machinery, is unnecessary and wasteful of public funds. It creates a board with five members, each drawing $10,000 a year. Experience shows that such boards are tempted to perpetuate themselves in power, whether they be needed or not. This is no time to be spending $500,000 in the creation of a new board when an additional appropriation of perhaps $150,000 to the United States Department of Agriculture would accomplish the same purpose without the dangers of an experiment.

Mr. GARBER. Does the gentleman's investigation disclose for what length of time the Department of Agriculture has been contributing anything in the way of experiment or investigation to cooperative organizations?

Mr. JACOBSTEIN. For a number of years. I have a very thorough report here dated 1919, a very extensive report. If I make a mistake in numbers, I wish my friend from Illinois [Mr. MADDEN] would correct me. But I think that there are to-day 500 men and women engaged full time in the Bureau of Agricultural Economics in doing this very thing, and spending $4,000,000. What is the necessity for setting up a new bureau when we have one already functioning?

Mr. GARBER. Does the gentleman recall the testimony of Mr. Tenny, Assistant Chief of the Bureau of Economics in the Agricultural Department, wherein he testified that only $25,000 annually was placed at the disposal of the department which could be utilized for the assistance of cooperative organizations?

Mr. JACOBSTEIN. I am not a member of the committee, but I have read the hearings, and I find that what Mr. Tenny said was this: That the Department of Agriculture, his particular bureau, the Bureau of Agricultural Economics, was functioning to-day, but could do better work if they had more money; he said that if Congress would give him $150,000 instead of the $500,000 which will be appropriated under this bill, the Department of Agriculture in his particular bureau could do all of the things that you now seek to do by this new bureau.

FARMERS AGAINST THE BILL

From the letters which are on my desk and from the general debate I am convinced that the farmers are against this Haugen bill and the vicious principles in it. The "cooperatives" resent the idea of a board being set up by the Federal Government which might very readily assume the rôle of a dictator over cooperatives in the matter of policies vital to their very existence. It is not hard to believe that such a board might inject itself right into the heart of the internal administration of cooperatives who want to be let alone. To say that the registration of cooperatives is voluntary is a delusion and a snare, a camouflage. And once the cooperatives are inveigled into Federal registration this Federal board may suspend or revoke a certificate of registration and even penalize them for minor offenses. This is carrying regulation into private business with a vengence, and all under the guise of helping the suffering farmer. There is no doubt that the farmer needs relief, but all he gets from this bill is more police regulation.

On February 24, 1924, the National Board of Farm Organizations went on record as favoring a mild policy of Government assistance, but as being opposed to regulation or policing of agriculture along the lines laid out in this Haugen bill. This National Board of Farm Organizations represents 800,000 farm families. I hold in my hand a communication from the National Cooperative Milk Producers' Federation, Charles W. Holman, secretary, representing 300,000 milk producers, scattered all over the United States from coast to coast. Their membership has an annual turnover of $450,000,000 of dairy products, marketed through their 28 regional cooperative organizations. This gigantic, self-respecting organization of cooperative farmers is opposed to the Haugen cooperative marketing bill.

Among those opposed to the principles of this Haugen bill are the associations affiliated with the National Council of Farmers' Cooperative Associations, operating in the cotton and tobacco area.

The Illinois and the Iowa State farm bureaus, the Pennsylvania State grange, and numerous local farm bureaus and granges and cooperative marketing associations have joined in the protest against this Haugen bill. It amounts to an agrarian revolt against this new policy of governmental interference with and coercion of cooperation.

LAST WORDS OF SECRETARY WALLACE

In his last message Secretary of Agriculture Henry C. Wallace took a stand on the question of State aid and self-help in the following words:

> The relationship of the Government to cooperation should be one of service. It should help farmers market their crops just as it helps them produce crops, not by doing the work but by supplying information which the farmers can not get for themselves. To go further would be to injure rather than to aid the cooperative movement.

PRESIDENT COOLIDGE ON COOPERATION

Finally it is pertinent to quote the words of the Chief Executive used in his address on January 5, 1925, speaking to the National Council of National Marketing Associations, at Washington, D. C.:

> Cooperation must start from the soil. It must have its beginnings in small and modest units. It must train the people who are to use it to think cooperatively. That will be a process requiring time and attended with failures. As the people learn the lesson, their particular projects in cooperation will gain strength, will command increasing confidence, will expand the benefits of their members. The coordination of these local units will follow, bringing them at last with such a working articulation as experience shall prove practicable.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield the remainder of my time to the gentleman from Nevada [Mr. RICHARDS].

Mr. RICHARDS. Mr. Chairman and gentlemen of the House, there is not one within the sound of what I am saying who does not realize the handicap a new Member to this body labors under in so far as accomplishing anything for himself, his people, or his country during a single term. Several of us first-termers sought reelection, prompted by unselfish motives and the desire to further serve to the best of our ability our people and our country—at a sacrifice, I want to say, speaking for myself personally. I, along with some others, in so far as those desires have been concerned, have found them disregarded at home, and we are about to make our departure from this body. I lost my reelection by 227 votes. There were 934 more votes cast for the presidency in my State than were cast for the congressional candidates. Some one failed to vote for the congressional candidates.

The cold fact of defeat carries no sting with it, so far as I am concerned. It was only one more accepted event in my life, that is all. The thought of my home going brings corresponding joys to me, but with it, my friends, I want to say is mingled a feeling of pathos and regret, because of the termination of the most delightful associations I find in this body. No place in life's travels are the ties of newly-made friendships, so thoroughly knotted together with a feeling of real affection. This aisle divides us politically, but not sentimentally. Because of these ties I have asked permission to publicly acknowledge a sentiment of real friendship for the membership of this body that shall remain with me as long as my soul inhabits its present earthly form.

For a first termer and one who was born and reared in an obscure section of the far West, consequently a long way from the scene of action, my congressional career contains coincidences that might be of interest to the membership of this House. Born in the mining camp of Austin, Nev., forces came into my young life that temporarily changed my place of abode. At the age of 12 I visited the good State of Pennsylvania. I lived and went to school in the coal regions of Schuylkill County in the old town of Minersville. There I sat in the same schoolhouse as my friend and colleague GEORGE F. BRUMM, now an honored Member of this Congress from that State. Later I returned to home climes and finished a college career at Stanford University. I find among my associates of my alma mater two more honored Members of this Congress in the personages of my Democratic colleague CARL HAYDEN, of Arizona, and my Republican colleague, ARTHUR FREE of California. Not only is it a satisfaction to meet the friends of your childhood and early life under any conditions, but to have the privilege of enjoying them in a common membership of this body gives one a thrill from every angle of human sympathy and sentiment.

Ten days after I became a full-fledged Congressman when at Las Vegas, Nev., I was invited and became a happy Member of congressional party on tour of the Colorado River, Imperial Valley, part of Arizona, and California. My good wife and I met and learned to love the whole party, consisting of 21 Congressmen and 2 United States Senators, their wives and families, only to renew the delightful relations upon the convening of the subsequent Congress. It was on this tour we all saw first-hand a living menace in the shape of an uncontrolled natural resource that constantly threatens the lives of nearly 100,000 Americans and $200,000,000 in property values. It was my interest in legislation pertaining to the control and development of this river that made me enthuse and forget my private and selfish interests and to seek reelection that my name might be linked with important national legislation concerning the control and development of this great natural resource. That it would be an enduring monument of governmental activity and foresight for the proper protection of the lives and property of our fellow Americans, and the natural colossal development of the Southwest that must flow from it, my State would have been a natural beneficiary. My desire to assist in this character of legislation have been ignored at home, and forces beyond my control have changed the program here. "There is a destiny that shapes our ends, rough hew them as you will." The cause for seeking my reelection having disappeared, the reason for reelection goes with it. I therefore bow to fate.

I visited Washington for the first time in the year 1912 during a recess of Congress. While my good wife and I sojourned within our National Capital, we naturally drifted toward this cherished and sacred building. As we approached from the north side we met a gardener, and there I sought proper information as to the ways and means of viewing and inspecting its interior. He informed me that I would find a ground-floor entrance on the east side, behind the stairway. That, upon entering, I would find an officer, who would conduct me to an elevator. I followed instructions. Here I met an officer whom I never shall forget. As we entered the front door he stepped up, and the following colloquy took place:

> OFFICER. What can I do for you, Mister?
>
> MYSELF. I am anxious to view the interior of this building, if privileged to do so.
>
> OFFICER. Are you an American citizen?
>
> MYSELF. I am.
>
> OFFICER. You are a stockholder; help yourself.

That conversation made me feel I was a part and parcel of my country and Government. I proceeded. The wife and I finally reached the gallery that surrounds this Chamber. As we gazed quiety and thoughtfully into its emptiness, I became possessed with a feeling that caused me to prognosticate

my future membership to this body, and that some day I would occupy a seat on this floor as a Representative from my State. This prophecy came true 11 years later. It is about to become a cherished page in the history of my life. Soon I am to wander westward and homeward. Before doing so, I now tender publicly to the membership of this House a sincere au revoir. At the same time an invitation, collectively and individually, to all to visit me and my district. I go to a section but few of you know much about. I sorrow over this fact, because it results in misunderstanding of and undeserved injury to my people. Mine is the only remaining undeveloped frontier of our country. It is still 90 per cent Government owned. It is yours as well as mine. It is a wonderful State—I say wonderful because of its potentialities—there are more acres and less people, more rivers and less water, more of God's real sunshine and fresh air, and more real living and less suffering, and greater representation in the National Congress than any other district of our Republic. My district is the richest per capita in the United States, and paradoxically the lowest in total taxable wealth.

There are opportunities galore for capital in its fields of undeveloped and undiscovered mineral resources. Last and most important of all its characteristics, there still lingers a sentiment that man is your brother, rather than the dollar is your God. The genius of man and temporary financial assistance on the part of our bounteous Government can change these waste lands into homes for contented citizens, and can fill the rivers with water, and can make the broad spaces of sagebrush a veritable garden for your fellows who will be able to live a life the delight of all who have had the nerve to venture this experience. "All my wishes end where I hope my days will end," not at Monticello, but at my home, known as the "Balm of Gilead," in the Truckee meadows on the banks of the Truckee River, nestled in nature's basin surrounded by the foothills of the snowcapped Sierras. Here too lies my beautiful home city of Reno. It is most picturesque and the "biggest little city in the world," as well as the most misrepresented and misunderstood.

My friends, we are about to celebrate in my home town of Reno, Nev., during 1926, an exposition commemorative of the completion of the last gap in the two continental automobile highways, the Lincoln and the Victory, and we are going——

The CHAIRMAN. The time of the gentleman has expired.

Mr. RICHARDS. I ask unanimous consent for two minutes, until I complete this invitation.

The CHAIRMAN. The Chair can not entertain such a request. The gentleman from Illinois [Mr. MADDEN] has one minute remaining.

Mr. MADDEN. I will yield that to the gentleman. [Applause.]

Mr. RICHARDS. And on that occasion I invite each and every Member collectively and individually, to that celebration, to visit my district and to be my personal guest at my home. [Applause.]

That you seize this opportunity to learn something of parts of your country other than your own. I sought Federal participation in this national exposition through H. J. Res. 340, but the few thousand dollars requested from this source that would be returned manyfold was not in keeping with the financial program of the President and the Budget at present. If our last lap in our desert highways were the last spike in a transcontinental land-subsidized railroad, or the building of a $15,000,000 bridge over the Potomac, or the purchase of a Cape Cod Canal, the story might be different. It is not that we are opposed to such a public-spirited program, but on the contrary, are agreeable to the idea that our Government lends its presence and substantial aid to such public enterprises, but being a part and parcel of the same Government, that other sections be permitted to share in like courtesy. We of Nevada are not discouraged. We do not know what it means. We never get that way. We are going to celebrate and commemorate the completion of these highways and we are still soliciting Federal aid in our endeavors to make it the successful undertaking we desire and deserve it to be. My successor will continue these efforts.

I am about to resume my law practice at Reno and give personal attention to my mining and other business interests. My final good-by to you all and my final invitation to you, jointly and severally, to be my guests, without date as to expiration when you may come and to be without duration as to stay after you get there. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. RICHARDS. In my extension of remarks I include a poem characteristic of my part of the country?

BACKIN' JIM

(By E. Isabelle McClelland Hanson)

I've been listenin' to you wimmin
All a sayin' what you think
Of the good and bad of livin'
Up here on the Carson Sink;
But I know as I've set thinkin'
Of the children and of him,
That to me the place don't matter—
I'm out here a backin' Jim.

For he thinks in this new country
There's a chance to get ahead;
He was sick of having bosses
And of hunting jobs, he said.
So we're out here on a homestead,
Clearing sagebrush with a vim,
And I'm cookin' beans and bacon,
On the desert, backin' Jim.

Sometimes when I look around me
And see miles of brush and sand,
It is hard to think that some day
This will all be fruitful land;
Then I ketch a sight of ditches
Full of water to the brim,
And I think, "Who knows? It may be,"
And I stay, a backin' Jim.

Yes, I'm backin' Jim. The landscape
Ain't no matter, for he sees,
While he's workin' diggin' ditches,
All the valley green with trees;
Miles and miles of fragrant pasture
Stretchin' to the purple rim,
Where the clouds rest on the hilltops,
Bringin' visions to my Jim.

So I try to see with his eyes—
Men can look ahead and plan;
To a woman waitin's harder
For she ain't built like a man.
When the restless sand goes flyin'
On the wind, I smile at Jim,
Sweep it out and don't say nothin',
Hatin' to discourage him.

When I tire of breakin' water,
Or of cookin', or of bills,
I go outdoors in the sunshine,
Where my eyes can see the hills;
For I find a comfort in them
Like the Psalmist in the hymn,
And it cheers me up and rests me,
Keeps my heart up, backin' Jim.

Out of school time, plantin' windbreaks,
Tanned and healthy, blithe of heart,
Both the boys do chores, a whistlin'—
Each one glad to do his part.
When we have these broad fat acres
Planted out in payin' trim,
No more jobs and no more bosses,
In Nevada, backin' Jim.

Yes; it's hard upon us wimmin,
For we are the pioneers,
But I think we'd all feel better
If we could look down the years—
There's a future for this country,
Where men work with faith and vim,
An' I seem to feel it coming,
Workin' here a backin' Jim.

The Clerk read as follows:

Legislative——

Mr. MADDEN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. MADDEN: Page 2, after line 1, insert a new paragraph, as follows:

"The appropriations for the fiscal year 1926 for compensation of the Vice President of the United States, the heads of the executive departments who are members of the President's Cabinet, Senators,

Representatives in Congress, Delegates from Territories, and Resident Commissioners shall be made available upon the approval of the acts containing such appropriation."

Mr. MADDEN. Mr. Chairman, I want to explain what this amendment means. It provides that the 1926 appropriations for salaries of Senators and Members and Cabinet officers shall be immediately available, so that if the new salary law becomes effective on the 4th of March payments can be started out of the 1926 funds without making any new appropriations at this time. If the President should not sign the new salary bill, this provision can do no harm.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For reimbursement of expenses incurred for painting the portrait of Hon. FREDERICK H. GILLETT, Speaker of the House of Representatives, $2,000, to be disbursed by the Clerk of the House upon approval by the Committee on Accounts.

Mr. MADDEN. I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. MADDEN: On page 3, after line 18 insert, "For pay of substitute telephone operator at the rate of $3.30 per day from February 1 to June 30, 1925, inclusive, $635.20.

The question was taken, and the amendment was agreed to.

Mr. GREEN. Mr. Chairman, I offer an amendment, which I have sent to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. GREEN: Page 3, after the amendment just adopted insert a new paragraph, as follows:

"After March 4, 1925, those members of the Committee on Ways and Means who are Members elect of the House of Representatives to the Sixty-ninth Congress, or a majority of them, until the meeting of the first session of the Sixty-ninth Congress, are authorized to employ such expert, clerical, and stenographic services, and to gather such information, through Government agents or otherwise, as to them may seem fit in the preparation of a bill or bills for the revision of the revenue act of 1924 and internal revenue laws, and they are authorized to have such printing and binding done and to incur such other expenses as may be deemed necessary; all the expenses thereunder, except for printing and binding, not exceeding $2,000, to be paid out of the contingent fund of the House on the usual vouchers approved as now provided by law."

Mr. GREEN. Mr. Chairman, this is the usual form of a provision to enable the Ways and Means Committee to sit in the interim between two Congresses and provide for the necessary expenses in preparing a new revenue bill to be presented to the next House.

Mr. MADDEN. It is all right.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Executive office.

Mr. NEWTON of Minnesota. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. NEWTON of Minnesota: Page 4, after line 6, add a new paragraph as follows:

"To make the salary of the Secretary to the President at the rate of $10,000 per annum from March 4, 1925, to June 30, 1926, inclusive, $3,312.50, and after March 4, 1925, said salary is fixed at the rate of $10,000 per annum."

Mr. NEWTON of Minnesota. Mr. Chairman, I do not know that it is necessary——

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For expenses arising in connection with carrying into effect the public resolution entitled "Joint resolution directing the President to institute and prosecute suits to cancel certain leases of oil lands and incidental contracts, and for other purposes," approved February 8, 1924, and for the same purposes authorized in the public resolution entitled "Joint resolution to provide an appropriation for the prosecution of suits to cancel certain leases, and for other purposes," approved February 27, 1924, $100,000 to be expended by the President and to remain available until June 30, 1926.

Mr. MADDEN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 4, after line 17, insert: "not exceeding $275,000 of funds heretofore appropriated for maintenance and improvement of river and harbor work shall be available under the direction of the President for surveys of the St. Lawrence River, and the preparation of plans and estimates by the United States Section of the Joint Board of Engineers on the St. Lawrence project, approved by agreement between the Governments of Canada and the United States.

Mr. DEMPSEY. Mr. Chairman, this amendment is offered on the suggestion of the President. I merely want to discuss the proposed appropriation in a very brief way. It is proposed that the United States shall appropriate $275,000 for the completion of the St. Lawrence survey. The chairman of the committee is Mr. Hoover. At the time that this work was undertaken, as will appear from the various river and harbor acts referring to it, it was the understanding that ocean-going vessels could profitably navigate the St. Lawrence River.

That idea has been wholly dissipated. I do not believe there is anybody who has studied the question who believes that ocean-going vessels will ever profitably navigate inland waters. It may be true that they will go a short distance up some inland rivers, as, for example, up the Hudson River to Albany. But as to a river a thousand miles long, like the St. Lawrence, the idea of ocean-going vessels navigating it profitably has been totally abandoned.

I do not want to oppose this appropriation, but I do want to say that those who have charge of the appropriation do not seem to have been going along with the times. They do not seem to have grown as this project has been exploited. They do not seem to have realized that the idea of ocean-going vessels profitably navigating inland rivers has been abandoned. All you have to do is to consider the relative cost of navigation on the Great Lakes and the connecting waters as compared to navigation on the ocean to put an end at once and for all time to the dream that ocean-going vessels can afford to navigate the St. Lawrence River. The cost of navigation of the Great Lakes has been reduced to 1 mill per ton per mile. The cost of navigation on the ocean is 3 mills per ton per mile. You are never going to be able to substitute 3-mill navigation for 1-mill navigation in the name of economy.

I saw an interview with Mr. Hoover at the time he made his last trip up the St. Lawrence last summer, in which he served notice on the State of New York—which was unnecessary—that we would have to have a depth of 35 feet in the St. Lawrence River. Of course, that was perfectly absurd, and it shows a total want of study of the subject. The controlling depth of the Great Lakes is 21 feet, and they are not going to have a greater depth for some time to come. We have difficulty in holding even that depth. As a matter of fact, although the controlling depth is 21 feet, we have had only 19 feet and a half for some years. You are not going to have a greater depth in the St. Lawrence than in the Great Lakes. There is no possible object in it. There is no reason for having a greater depth in the St. Lawrence than in the Great Lakes, so that there is no excuse in talking about 35 feet. I do not say Canada should not have 21 feet. I do not say that Canada should not have as great depth as in the Great Lakes. I doubt and question the wisdom of the United States joining in or contributing to the improvement of this foreign waterway.

I think that at least at the time obtains a depth of 21 feet in the St. Lawrence we should have a depth of 21 feet connecting the Hudson with the Great Lakes, because a deep waterway connecting the St. Lawrence with the ocean serves only one purpose, Europe; whereas a deep waterway across the State of New York not only serves Europe, but our coastwise trade, and all trade within the United States—and 95 per cent of our trade is home trade—and it serves also all the trade to the south of us, in South and Central America and the West Indies.

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. WAINWRIGHT. How would the cost of reconstructing or deepening the Erie Canal so as to connect the port of New York with the Great Lakes compare with the cost of this channel through the St. Lawrence River?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. DEMPSEY. Mr. Chairman, may I have five minutes more?

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. DEMPSEY. A survey was made some years ago across the State of New York, and according to that survey the cost would be $600,000,000. Hugh Cooper, who is probably as eminent an engineer as there is in the world, says that the improvement of the St. Lawrence will cost anywhere from $1,500,000,000 upward, and he places it, as I recollect, at $3,000,000,000 eventually; so that the cost of the route across the State of New York will be only a fraction of the cost of the improvement of the St. Lawrence.

Congress should make a comparison between these two routes. It will find the route across the State of New York fitted to carry our own commerce. It will enlarge and help the trade with South and Central America. It is evident from our legislation that Congress has regarded the route across the State of New York with favor, because in 1919, when we asked for a report on the St. Lawrence, in the same act and in a preceding and earlier paragraph, we asked also for a report on routes across the State of New York.

It seems to me, therefore, if this amendment is to be adopted, if we are to appropriate $275,000—and I think we should; the President has asked for an appropriation, and I am for it; I am a Republican, and I am ready to support any reasonable request that the President makes—but if we are to appropriate $275,000, as I believe we will, it seems to me that some reasonable expenditure ought to be made by an appropriation for a survey across the State of New York. In 1919 we directed in just the same terms a survey across the State of New York, in which we directed the survey of the St. Lawrence.

The memorandum in the possession of the chairman of this committee does not show just how much we have spent on a survey of the St. Lawrence. I have no doubt we have spent several hundred thousand dollars, because Canada has spent approximately four hundred thousand, as the memorandum shows. Probably we have expended $400,000, and we have not spent a dollar apparently on the survey across the State of New York. Now, if we are going to appropriate, as we should, a reasonable sum, a necessary sum, to complete this survey of the St. Lawrence, why should we not have in mind as well the mandate of Congress in the same act as that referred to by the chairman in his memorandum? Why should we not appropriate a relatively small and insignificant sum for the survey across the State of New York?

Mr. WAINWRIGHT. Will the gentleman give way for one further question?

Mr. DEMPSEY. Yes.

Mr. WAINWRIGHT. How much has the State of New York already expended from the beginning upon the construction of the Erie Canal and the barge canal?

Mr. DEMPSEY. My understanding is that something like $200,000,000 has been expended. Of course, there are two systems of canals. There is the system starting from Buffalo and running clear across the State, and then there is the system starting at Oswego and which joins the other canal down in the Mohawk River.

Mr. WAINWRIGHT. But on the so-called barge-canal system we have spent over $150,000,000 ourselves.

Mr. DEMPSEY. As I understand, we have spent about $200,000,000.

Mr. CLEARY. Will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. CLEARY. And in addition to what the gentleman has described they built a canal into Lake Champlain?

Mr. DEMPSEY. Yes.

Mr. CLEARY. Which is a part of that same expense?

Mr. DEMPSEY. Yes. Mr. Chairman, it seems to me we should grant this request and should pass this appropriation, but it does seem to me that we should heed the mandate of Congress in the 1919 act and should appropriate some small sum for a survey across the State of New York. Not a cent has been expended on that so far, and I have no reasonable question that at least $400,000, an amount equal to what Canada has expended, has already been expended by us on a survey of the St. Lawrence.

Mr. MADDEN. Will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. MADDEN. May I say to the gentleman that I will be very happy to cooperate with him if he will have the Budget send in a request?

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. DEMPSEY. Mr. Chairman, may I have just half a minute in which to ask a question of the chairman of the committee?

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for an additional half minute. Is there objection?

There was no objection.

Mr. DEMPSEY. Would the gentleman feel at liberty to permit me to add an amendment here for such an appropriation?

Mr. MADDEN. The only objection to that is that it would make it above the Budget recommendation. I am suggesting to the gentleman that I shall be glad to do what he wants to do in another way.

Mr. DEMPSEY. It would still be in the same position as to the Budget in the other Chamber that it is here.

Mr. MADDEN. I did not say anything about the other Chamber. I said I would join in helping the gentleman get a Budget recommendation.

The CHAIRMAN. The time of the gentleman from New York has again expired. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

The Clerk read as follows:

For improvement and maintenance of Executive Mansion grounds, fiscal year 1925, $1,300.

Mr. HUDDLESTON. Mr. Chairman, I move to strike out the last word, and I ask to proceed out of order.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to proceed out of order. Is there objection?

There was no objection.

Mr. HUDDLESTON. Mr. Chairman, in discussing the Garrett-Wadsworth amendment it had not been my purpose to give the subject a partisan complex. I should regret very much to see those upon my left, who sometimes call themselves Republicans but who I recognize to hold to genuine democratic principles, voting in behalf of this amendment. My references to "democracy" and to "democrats" was a "lower-case" reference. I should have explained that, so that the gentleman from Tennessee [Mr. GARRETT] might have understood that I am not undertaking to deal with this subject as a partisan question.

But I will say this, since the matter has been discussed, that there are represented in American politics at least two different schools of thought and that their main difference consists in the extent to which they are willing to trust the people of the country. I do not object to those who adhere to the Republican Party claiming that they are the most democratic. I do not think so. I feel that my party has always and by tradition and practice throughout the generations signalized its existence by adhering to the doctrine of "Trust the people. Let the people rule." If the Democratic Party does not stand for that, then I have been imposed upon, and upon finding out my mistake I will not hesitate to hunt a new political home.

I believe that this doctrine of "Trust the people" is as applicable to proposals to amend the Constitution as to anything else, nay, probably more so. For when it comes to amending the Constitution of the United States so as to provide how future amendments may be adopted the sole issue is: "Are you willing to trust the people or are you afraid to trust the people?"

Now, those who are afraid to trust the people and want to make the Constitution harder to amend may call themselves what they will. They may be leaders or they may be followers, but they are not the kind of Democrats I believe the founders of my party to have been.

I come back to my original proposition, that the net result of the amendment which has been proposed by the Senator from New York and the gentleman from Tennessee will be to make the Constitution harder to amend, and to take away from the people some power to amend it which they otherwise would have. If that be Democracy, then I will have none of it. But notwithstanding the minority leader [Mr. GARRETT] subscribes to that doctrine I refuse to believe that it is real Democracy.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

UNITED STATES VETERANS' BUREAU

The appropriation of $3,850,000, and the authority to incur obligations in addition thereto for $3,000,000, for additional hospital

and out-patient dispensary facilities for patients of the United States Veterans' Bureau, contained in the "second deficiency act, fiscal year 1924," are extended until June 30, 1926.

Mr. CONNALLY of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. CONNALLY of Texas: Page 5, line 26, change the period to a comma and add: "And in order to provide sufficient hospital and out-patient dispensary facilities to enable the United States Veterans' Bureau to care for its beneficiaries in Veterans' Bureau hospitals rather than in contract temporary facilities and other institutions, the Director of the United States Veterans' Bureau, subject to the approval of the President, is hereby authorized to provide additional hospital and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, by purchase, replacement, and remodeling or extension of existing plants, and by construction on sites now owned by the Government or on sites to be acquired by purchase, condemnation, gift, or otherwise, such hospitals and out-patient dispensary facilities, to include the necessary buildings and auxiliary structures, mechanical equipment, approach work, roads and trackage facilities leading thereto; vehicles, livestock, furniture, equipment, and accessories, and also to provide accommodations for officers, nurses, and attending personnel; and also to provide proper and suitable recreational centers, and the Director of the United States Veterans' Bureau is authorized to accept gifts or donations for any of the purposes named herein."

Mr. MADDEN. Mr. Chairman, the amendment has been read far enough to show it is subject to a point of order and I make a point of order on it.

Mr. CONNALLY of Texas. What is the gentleman's point of order?

Mr. MADDEN. The point of order is that it is legislation on an appropriation bill in violation of the rules of the House, and is not authorized by law. I want to say in this connection there is already pending a similar bill which will cover the situation and we hope to pass it.

Mr. CONNALLY of Texas. The amendment is that bill.

Mr. MADDEN. That is what I thought.

Mr. CONNALLY of Texas. Is that the only point of order the gentleman makes?

Mr. MADDEN. That is enough.

Mr. CONNALLY of Texas. I submit, if the Chair please, the point of order is not well taken for the reason the paragraph in the bill is legislation itself.

Mr. MADDEN. Oh, no.

Mr. CONNALLY of Texas. The paragraph in the bill is legislation because it carries an authorization forward until July 1, 1926, that was contained in the second deficiency appropriation bill.

Mr. MADDEN. If the gentleman will permit, that authorization was authorized by another law.

Mr. CONNALLY of Texas. I know it, but when this bill carries forward that authorization, it carries forward that other law.

Mr. MADDEN. The other law is still in existence and this does not carry it forward.

Mr. CONNALLY of Texas. Yes; it says until July 1, 1926.

Mr. MADDEN. But the law would still be in existence if we did not do this.

Mr. CONNALLY of Texas. If the Chair please, I would like to outline my view to the Chair.

The CHAIRMAN. The Chair will be glad to hear the gentleman from Texas.

Mr. CONNALLY of Texas. If the Chair will turn to page 5 of the bill and note the language; the language is—

the appropriation of $3,850,000 and—

Not simply the appropriation—

and the authority to incur obligations in addition thereto for $3,000,000 for additional hospital and out-patient dispensary facilities for patients of the United States Veterans' Bureau, contained in the second deficiency act, fiscal year 1924, are extended until June 30, 1926.

What is the effect of that language? The effect of that language is not only to continue the appropriation of $3,850,000 but to carry forward the authorization. An authorization is law and is not an appropriation, and when this particular section undertakes to carry forward an authorization, it takes the form of legislation, and being legislation, it is subject to amendment just as any other part of this bill, and being subject to amendment of a germane character, I have offered this amendment or this bill, which has been reported favorably by the Veterans' Committee and is on the calendar of the House. I am seeking to put it on this bill and pass it while we can pass it rather than let it lie dormant somewhere on the calendars of this House. There is no opposition to this bill, as I understand it. The Director of the Veterans' Bureau wants it. The Veterans' Committee of the House has reported it unanimously, and why not put it on this bill where it belongs and let it go to the Senate and be acted upon.

Mr. MADDEN. Mr. Chairman, I want to be heard on the point of order. The gentleman says that by this provision we are legislating——

Mr. CONNALLY of Texas. If the gentleman will pardon me, I would like to call the attention of the Chair to the authorization in the deficiency act of 1924, which is carried forward in this bill. It is on page 11 of that act and reads in this way:

For additional hospital and out-patient dispensary facilities for patients of the United States Veterans' Bureau and facilities for a permanent national training school—

And then it enumerates several other authorizations and provides for proper and suitable recreational centers and so on, and says—

obligations may be incurred for the purposes set forth in this paragraph not to exceed in the aggregate $3,000,000.

My contention is that since the authorization is carried forward, anything that is pertinent to the authorization may be offered as an amendment.

The CHAIRMAN. Does the gentleman contend that the amendment which the gentleman has offered, which, as the Chair understands it, is the pending bill, H. R. 11633, carries forward or in any way modifies or changes the provisions of the second deficiency act, fiscal year 1924, particularly the authorization of the appropriation therein for hospital facilities and out-patient dispensary facilities for the United States Veterans' Bureau.

Mr. CONNALLY of Texas. I will say to the Chair, it does not change the broad subject matter, but it does go into more detail than the authorization.

The CHAIRMAN. The Chair did not make himself clear. Is it not true that the amendment offered by the gentleman proposes a new authorization?

Mr. CONNALLY of Texas. It is an enlargement of the authorization for practically the same purposes.

The CHAIRMAN. Is it the same authorization as was provided by the second deficiency act for the fiscal year 1924?

Mr. CONNALLY of Texas. No; it is in addition. If it was the same authorization, it would not be an amendment.

Mr. MADDEN. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The Chair would be glad to hear the gentleman from Illinois.

Mr. MADDEN. On June 5, 1924 Congress passed a legislative act—not an appropriation act—which provided that $6,850,000 should be expended or appropriated for the construction of hospitals and the like. In putting that into execution by the deficiency act of December 5, 1924, provision was made for not to exceed $3,850,000 in cash and $3,000,000 for contract obligations. On account of the failure of the appropriation bill last session they were not able to use this money. So we are carrying this forward in order to be able to carry out the purposes of the act of June 5, 1924, which they were unable to carry out before. This committee has the power to report appropriations carrying the entire $6,850,000, but the committee did not see fit to do it. The committee authorized the Veterans' Bureau to enter into contract obligations.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. CONNALLY of Texas. If the Appropriation Committee is authorized to expend $3,000,000, why is it not authorized to expend $13,000,000?

Mr. MADDEN. The $13,000,000 is not authorized by law.

Mr. CONNALLY of Texas. The gentleman is talking about the authorization contained in an appropriation bill.

Mr. MADDEN. No; the provision in the deficiency bill was based on the substantive law of June 5, 1924. We are simply carrying out the law. What the gentleman is trying to do is to enact a law on this bill; quite a different proposition.

Mr. CONNALLY of Texas. The gentleman said that this bill was on the calendar, when does the gentleman think it will be taken up?

Mr. MADDEN. I am not in control of legislation and can not tell when the bill would come up. I am heartily in favor of the bill.

The CHAIRMAN. The Chair has examined the authority cited by the gentleman from Texas [Mr. CONNALLY] in Hinds' Precedents, volume 4, paragraph 3823, the substance of which is that a paragraph which proposes legislation on a general appropriation bill being permitted to remain, it may be perfected by a germane amendment. That, of course, is a familiar rule of procedure in the House and in the committee, but the Chair is of the opinion that the amendment offered by the gentleman from Texas does not relate to the same legislation that is covered in the bill pending before the committee. The gentleman from Texas offers a new authorization with new provisions for carrying out the purposes of the amendment, and in many ways it is broader and more complete than the authorization contained in the second deficiency act for the fiscal year 1924. In other words, the amendment offered by the gentlemen from Texas does not amend, modify, or change the second deficiency act for the fiscal year 1924, but is an entirely new proposal.

Mr. CONNALLY of Texas. May I interrupt the Chair?

The CHAIRMAN. Certainly.

Mr. CONNALLY of Texas. It does not seek to do that; all it seeks to do is to amend what this bill carries. This bill carries an authorization that exists under another law, and to the extent of that authorization it is subject to amendment. That authorization can be restricted or broadened. I am not trying to amend the substantive law but the authorization carried in this bill. But instead of $3,000,000 I want to authorize $13,000,000.

The CHAIRMAN. The gentleman's amendment, which covers practically three pages, contains a large number of provisions which are not contained in the second deficiency act of 1924, besides making a new authorization. The Chair feels constrained to sustain the point of order.

Mr. CONNALLY of Texas. Mr. Chairman, I offer another amendment.

The Clerk read as follows:

Page 5, line 26, strike out the period, insert a comma, and add the following: "To authorize and incur obligations in addition and subject thereto for $10,000,000 is hereby granted."

Mr. MADDEN. Mr. Chairman, I make a point of order against the amendment. It is not authorized by law, and therefore it is new law.

Mr. CONNALLY of Texas. Mr. Chairman, of course it is not authorized by law; if it were I would not offer it as an amendment. But this section of the bill does authorize the expenditure of $3,000,000 under some other act.

Mr. MADDEN. Within the limits and authority granted by substantive law.

Mr. CONNALLY of Texas. Certainly; but that is legislation.

Mr. MADDEN. Oh, no, that is not legislation.

Mr. CONNALLY of Texas. The point I am undertaking to make—and I do not suppose I am making it, for I do not think the Chair has ever grasped what I am trying to do——

The CHAIRMAN. The Chair is very anxious to grasp it.

Mr. CONNALLY of Texas. I am trying to analyze this section. What does this section do? It first appropriates $3,850,000, and if it stopped there there would be nothing to be said against the point of order and the amendment would not be in order at all, but what else does it do? It does not stop at appropriating, but goes on to say—

and the authority to incur obligations in addition thereto for $3,000,000 for additional hospital and out-patient dispensary facilities for patients of the United States Veterans' Bureau, etc., are extended until June 30, 1926.

What does that mean? That is not an appropriation. That means that the law authorizing those appropriations to be made—not making them, but authorizing those appropriations to be made—shall be carried forward in this act, and not anywhere else, until June 30, 1926.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY of Texas. If this House has the power to carry forward an authorization for $3,000,000, it has the power to amend that authorization by carrying forward $13,000,000. I yield to the gentleman.

Mr. MADDEN. Does the gentleman concede that the committee would have the right to report the entire $6,850,000 for appropriation?

Mr. CONNALLY of Texas. If it is authorized so to do.

Mr. MADDEN. It is so authorized.

Mr. CONNALLY of Texas. Then why would it not have the power to report it?

Mr. MADDEN. We contend that we have the power. I thought I would like to have the gentleman concede that we have.

Mr. CONNALLY of Texas. Certainly. I concede anything that is correct.

Mr. MADDEN. That being the case, does the gentleman say that inasmuch as we have the power to appropriate the sum, we have not the power to authorize any part of that sum for contract obligations?

Mr. CONNALLY of Texas. Certainly not, if the point of order had been made to it, but there was no point of order made. The Committee on Appropriations may appropriate, but may not authorize in the face of a point of order. No point of order being made, it remains in the bill, and remaining in the bill it is subject to amendment just as any other section of the bill is. While the Committee on Appropriations has no right to authorize appropriations, yet when it undertakes to do so the authorization is subject to amendment.

Mr. MADDEN. We could have given them the full $6,850,000 in cash.

Mr. CONNALLY of Texas. Why did not you do it?

Mr. MADDEN. Because we did not think they could utilize all of the money at once.

Mr. CONNALLY of Texas. That is the point about this thing exactly. You could have appropriated but you did not, and partly appropriated and partly authorized.

Mr. MADDEN. We will appropriate it all eventually.

Mr. CONNALLY of Texas. The Appropriations Committee, however, assumes only to appropriate except when they want to authorize, but when they do authorize it is within the power of the House to either expand or contract that authorization.

Mr. MADDEN. Oh, I think the gentleman does not do us justice.

Mr. CONNALLY of Texas. I do not want to do the gentleman an injustice.

Mr. MADDEN. I know that, but I think the gentleman unintentionally did us an injustice, because this committee had made no authorization. We are simply carrying out the mandates that are placed upon us in the preceding act of authorization.

Mr. CONNALLY of Texas. Will the gentleman yield for a question?

Mr. MADDEN. Certainly.

Mr. CONNALLY of Texas. If the gentleman did not intend to do anything but appropriate, why did he not simply appropriate $3,850,000 and then stop? Why did he go on and provide that the authority to incur obligations in addition thereto for $3,000,000 is extended.

Mr. MADDEN. If the gentleman will allow me to answer that question I will do so. The situation is this: The gentleman knows that at the end of the last session of Congress we did practically this same thing, because the Director of the Veterans' Bureau said that he could not use all of the money, that he could use the money later, that he wanted to advance the building program that was authorized under the previous act; he did not want it retarded. We gave him all the money he could use, and we gave him all the contract authorizations he needed up to the limit of the amount authorized in the act, so that he was proceeding with the work. That is the reason.

Mr. CONNALLY of Texas. The gentleman having answered that question to his own satisfaction——

Mr. MADDEN. Have I answered it to the satisfaction of the gentleman?

Mr. CONNALLY of Texas. Yes; although the gentleman did not touch the question of the point of order.

Mr. MADDEN. Does the gentleman concede that I answered his question?

Mr. CONNALLY of Texas. Yes; I concede that for the purpose of argument. Will the gentleman yield further?

Mr. MADDEN. Yes.

Mr. CONNALLY of Texas. The authorization that he referred to in this bill was contained in the second deficiency act for 1924?

Mr. MADDEN. It was contained in an act.

Mr. CONNALLY of Texas. Look at the bill and read it.

Mr. MADDEN. Of course we have a similar authorization in the deficiency bill to carry it on under the act.

Mr. CONNALLY of Texas. That authorization contained in that deficiency act will die, because the bill dies on the 1st day of July

Mr. MADDEN. Yes; that is, the appropriation will die.

Mr. CONNALLY of Texas. And everything in the bill will die.

Mr. MADDEN. It is only from year to year.

Mr. CONNALLY of Texas. Consequently, knowing that it would die on the 1st of July, the gentleman and his committee

put this language in the present bill continuing the authorization, and the appropriation for another year.

Mr. MADDEN. And we are still continuing all this under the act by which Congress originally gave authority to the Veterans' Bureau for $6,850,000 worth of hospitals. We did not report the original legislation. We reported only the appropriations and the subsidiary language.

Mr. CONNALLY of Texas. The gentleman did not report, he just adopted it, in this bill, and I call the attention of the Chair to the fact, that the language in this section, when it refers to the second deficiency appropriation act of 1924 and adopts its language, and continues in effect the authorization of that act, makes the authorization and the pertinent provisions of that act a part of the present bill, and continues them in force and effect just as though they were incorporated in full in this act, and, being so incorporated, they are subject to amendment just as though they were written in the bill and had never been a part of any former act.

It carries that act forward so far as this provision is concerned.

The CHAIRMAN. The Chair desires——

Mr. MADDEN. I would like to read the act to the gentleman from Texas.

The CHAIRMAN. The Chair has the act.

Mr. MADDEN. I would like to read it for the information of the gentleman from Texas.

Mr. CONNALLY of Texas. I have read it; I gave it to the Chair.

Mr. MADDEN. Then I will read it to the committee.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled—

Now, this was of the 5th of June 1924—

That the Director of the United States Veterans' Bureau, subject to the approval of the President, is hereby authorized to provide additional hospital and out-patient dispensary facilities for patients of the United States Veterans' Bureau, and facilities for a permanent national training school at a cost of not exceeding $350,000, for the blind who are beneficiaries of the United States Veterans' Bureau, by purchase and remodeling or extension of existing plants, and by construction on sites now owned by the Government, or on sites to be acquired by purchase, condemnation, gift, or otherwise, such hospitals and out-patient dispensary facilities to include the necessary buildings and auxiliary structures, mechanical equipment, approach work, roads, and trackage facilities leading thereto—

And so forth.

It authorized the expenditure of $6,850,000 for that purpose, and we are trying to appropriate the money and the gentleman raises the question that we have not got the authority to appropriate the money under the act. That is all there is to it.

The CHAIRMAN. The Chair has examined the act of June 5, 1924, to which reference has just been made by the chairman of the Committee on Appropriations, and the Chair desires particularly to call attention to the language of section 2 of that act, namely, the act of June 5, 1924:

That for carrying into effect the preceding paragraph relating to additional hospital and out-patient dispensary facilities there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $6,850,000, to be immediately available and to remain available until expended.

The Chair calls particular attention to the last clause, "to be immediately available and to remain available until expended." In the deficiency act of June 5, 1924, $3,850,000 of this authorized appropriation was made available until June 30, 1925, and the remaining $3,000,000 were made available for the other obligations which might be incurred and for which no time limit was set. In the bill now pending the appropriation of $3,850,000, as well as the authority to extend obligations in addition thereto amounting to $3,000,000, are carried forward to June 30, 1926. It seems to the Chair that the deficiency act of 1924 was merely a limitation, so far as the availability of the funds were concerned, upon the substantive law which authorized the appropriation, and that the paragraph now under consideration is a further limitation upon the authorization contained in the act of June 5, 1924; that both the paragraph in the deficiency act of December, 1924, and the paragraph in the pending deficiency act clearly come within the terms of the authorization contained in the act of June 5, 1924, and that neither one is legislation. The fixing of the date in the one case of June 30, 1925, and in the other case of June 30, 1926, seems to the Chair only to be limitations upon the appropriations, but certainly those limitations upon the appropriations can not be said to have repealed the authorization contained in the act of June 5, 1924. Therefore the Chair thinks that the proposed addition of a further authorization and appropriation of $10,000,000 is not germane to the paragraph in question, and sustains the point of order.

Mr. CONNALLY of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CONNALLY of Texas: Page 5, line 22, strike out "$3,000,000" and insert "$13,000,000."

Mr. CONNALLY of Texas. Mr. Chairman, I think I have redrawn the amendment in such a way as to meet the ruling of the Chair.

Mr. MADDEN. Mr. Chairman, I make a point of order against that. It is not authorized by law.

Mr. CONNALLY of Texas. I have debated the amendment, and the gentleman's point of order comes too late.

Mr. MADDEN. The gentleman from Texas was not recognized. It is not authorized by law.

The CHAIRMAN. The Chair sustains the point of order.

Mr. CONNALLY of Texas. On what theory?

The CHAIRMAN. On the same theory as the last one, that it enlarged the scope of the act of June 4, 1924; that it is legislation, because it increases the appropriation beyond the authorization contained in the act of June 5, 1924.

Mr. SANDERS of Indiana. Mr. Chairman, I ask unanimous consent to proceed for three minutes out of order.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to proceed for three minutes out of order. Is there objection?

There was no objection.

Mr. SANDERS of Indiana. Mr. Chairman and my colleagues, since the announcement was carried in the press that I would be designated as the Secretary to the President, I have not had the pleasure of speaking to this body. I have had some hesitancy about making speeches generally on questions pending before Congress. The generous response and kind words which have come to me from my colleagues has been very gratifying to me. I think every man living likes to have the respect of those with whom he is associated, and one of the happy things about congressional life is the pleasure that comes to one on account of the friendships and the associations with his colleagues. [Applause.]

I find myself very much embarrassed this afternoon because of the action which the Committee of the Whole has taken respecting the increase of salary to the office which I shall soon take, and I am coming to you to ask the elimination of the amendment as a personal favor, because the thing that I ask requires unanimous consent, and unless I did put it upon personal grounds some one who thought he was doing me an act of kindness might refuse to grant the request which I shall make.

A few days ago there was voted an increase of salary to the Members of Congress. There was not a record vote, so I think that I can clear up the situation when I say that I enthusiastically supported that measure. [Applause.] So when I ask that we return to the amendment which was adopted a moment ago and that the amendment be stricken out, you will understand that that has no relation whatever to what I regard as a very just increase of salary to the Members of Congress. Perhaps a dozen of my colleagues said to me something about these salaries having been increased without an increase to the Secretary to the President. I treated it in an impersonal way and took no steps to encourage or discourage the amendment which was, without notice, offered and adopted a while ago. However, I had given some thought to the proposition, and a little after noon dictated a letter—or rather I wrote it in longhand—to MARTIN B. MADDEN, and then had it transcribed, asking him to see that such an amendment be not adopted. Then I went down to see my dentist, and when I got back and was ready to sign the letter to Mr. MADDEN I was called over the telephone and informed that such an amendment had been offered to this bill and adopted.

I greatly appreciate the fact that my colleagues in this House felt so kindly toward me, particularly when I know that any one of them by a point of order could have prevented the adoption of the amendment. I desire as a great personal favor, for fear that in some way it shall become an embarrassment, that my colleagues in this House shall acquiesce when I ask unanimous consent to return to the amendment offered by my good friend and colleague [Mr. NEWTON of Minnesota] and that the amendment be rescinded.

Mr. BLANTON. Will the gentleman from Indiana yield?

Mr. SANDERS of Indiana. Yes; I yield.

Mr. BLANTON. If we are worth $10,000, I will say that the distinguished gentleman from Indiana likewise in his new position is worth that much, or more, and I shall object to going back to the item. [Applause.] I vigorously opposed the amendment raising congressional salaries, but since they have been raised, and the position of Secretary to the President is one of very great responsibility and there is in this House no other colleague more able or better qualified to worthily fill this arduous position than our friend from Indiana, his salary should be made the same as Congressmen's.

Mr. SANDERS of Indiana. The gentleman from Texas is very kind in his statement. I am not arguing the merits of the matter, and yet I know the gentleman well enough, having served eight years in the House as a colleague of the industrious gentleman from Texas, to believe that he will respect my personal request.

Mr. GARRETT of Tennessee. Of course, I would not under any circumstances object to a personal appeal on the part of the gentleman of the character which he is making, but if I may venture to do so I would say that this is not wholly personal. If my recollection is not very much amiss, it has always been the policy of the Congress to pay to the Secretary to the President the same salary received by Members of Congress. Unless I am very much mistaken, when the salary of Members of Congress was $5,000 that was the salary of the Secretary to the President; when it was increased to $7,500, immediately, in accordance with custom, the salary of the Secretary to the President was increased to $7,500. So that in doing what was done in this instance we were merely following well-defined precedents, and had the gentleman not been a Member of Congress prior to his appointment I apprehend that the same course would have been taken.

Mr. MADDEN. If the gentleman will permit, I would like to say that it would not make any difference whether the gentleman was a Member of Congress or not, the salary would have been increased to $10,000. The responsibility for the increase in the salary is not the responsibility of the gentleman from Indiana; it is the responsibility of the House and of the Congress. As far as I am concerned I feel that the position which the gentleman is about to honor [applause] is worth what we have fixed in the matter of compensation. The gentleman will honor the position or any other which he may occupy. The position will not add anything to him; he will add a lot to the position; he will make it one of the most dignified places in the gift of the Government, and the gentleman ought not to ask the Congress to reverse its judgment of the value of the services which everybody in the United States knows the gentleman will render. As far as I am concerned, I am opposed to the request. [Applause.]

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. SANDERS of Indiana. I yield to my friend from Minnesota.

Mr. NEWTON of Minnesota. I merely want to say this: That the suggestion which came to my mind was in no wise, directly or indirectly, inspired by our friend the gentleman from Indiana. I talked it over, before I even suggested offering the amendment, on both sides of this aisle with a considerable number of gentlemen, and the sentiment was universal.

It is my recollection that not only has the salary of the Secretary to the President been the same as that of Members of Congress, but that at one time—it seems to me it was during the Sixty-third or Sixty-fourth Congress—it was increased to $10,000, at least legislation was pending increasing it, but some objection was made that that would make it above the salary paid to a Member of Congress, and the result was it was permitted to remain at $7,500. I do not think there is any request the gentleman could make that I would not be willing to grant, but I may say that this is the sentiment of the House; the gentleman knew nothing about this matter; it sprung from the membership of this House, and I do hope the gentleman will not press home his request and compel some of us to refuse to grant it.

Mr. BLANTON. Will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. BLANTON. I want to ask the gentleman if it is not a fact that the new work to which our colleague is now going is one of the most trying and arduous positions one could fill?

Mr. NEWTON of Minnesota. There can be no question about it whatever, and is one of tremendous benefit and service to the Nation.

Mr. BLANTON. And the distinguished gentleman from Indiana [Mr. SANDERS], as one of our colleagues, has always had his way here in the House, and now that he is leaving us he ought to let us have our way. [Laughter and applause.]

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. SANDERS of Indiana. Mr. Chairman, I ask unanimous consent for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. BARKLEY. Mr. Chairman, I have asked the gentleman to yield for just a brief statement. I have served during the entire term of office of the gentleman here in this House and have served with him on the Committee on Interstate and Foreign Commerce, which every one regards as one of the large and most important committees of this House. I have never served with any man as a member of that committee on either side who was more courteous, more attentive to his duties, more conscientious in their performance, and more able in the advocacy of any legislation which he espoused or against any that he opposed. I was not one of those who voted for the increase in the salary of Members of Congress, for reasons which were entirely satisfactory to me, but the House and the Senate having taken that action, and knowing the character and ability of the gentleman, and knowing how he will add distinction and luster to the new position he is about to assume, as a Democrat I desire to join with the other voices which have been raised here in requesting the gentleman from Indiana not to insist upon having this matter changed which has already been acted upon by the House, and I hope somebody will object, and if no one else does object, I shall seriously consider doing so myself.

Mr. UPSHAW. Will the gentleman yield?

Mr. SANDERS of Indiana. Mr. Chairman, I must not delay the further proceedings of the House, but I yield to the gentleman.

Mr. UPSHAW. Let me add to what the gentleman from Kentucky [Mr. BARKLEY] and the other gentlemen have said in high commendation of the gentleman from Indiana [Mr. SANDERS], expressing the hope that he will consider the fact that we are about to make White House history, and will not insist on his request. When I was lecturing in his district, Democrat as I am, I had such loyalty to him and such love for his princely manhood and ability that I actually advised his district to return him to Congress—and he a Republican—and that is "going some." [Laughter and applause.] I said, "If you are determined to send a Republican to Congress, be sure to send a handsome gentleman like EVERETT SANDERS." [Applause.]

Now, listen, gentlemen, to this other word. I believe the position of Secretary to the President entails as much work and more responsibility and perhaps more public service to the Members of Congress and the Nation at large than any Cabinet position; and therefore I think one occupying that high and arduous position should receive as much salary as a Cabinet officer instead of the sum we propose to give him. [Applause.]

Mr. SANDERS of Indiana. Mr. Chairman, of course, I am very grateful to the gentlemen who have spoken so kindly of my services and I did not in any unthoughtful way or by any spur-of-the-moment action get up to make this request. Of course, I knew that if I should get up with a show of modesty and say I was not entitled to the compensation, my colleagues would say that they thought I was entitled to it. That is not the question.

I come back to the original proposition. The Congress has passed a salary bill in which this salary was not included. That bill has passed both Houses and is awaiting the action of the Chief Executive. This is another measure. It proposes by an amendment to increase the salary of the President's secretary, a position to which I have been chosen, and I earnestly ask, as a personal favor—and the gentlemen who have served in the House with me for eight years know that I would not use that language unless I asked it as a personal favor—that we return to the amendment and that the amendment be eliminated. I make that unanimous request.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the committee return to the amendment offered on page 4, at line 6, relative to the compensation to be paid the Secretary to the President.

Mr. SANDERS of Indiana. And that the amendment be eliminated.

Mr. LONGWORTH. Mr. Chairman, I think the question ought to be divided.

Mr. BLANTON. Mr. Chairman, when the gentleman from Indiana [Mr. SANDERS] puts it on personal grounds, nobody on earth can deny him, and, of course, I shall not object.

The CHAIRMAN. The question now is, Will the committee return to the amendment adopted on page 4, line 6, for further consideration?

Is there objection to returning to that amendment?

Mr. BARKLEY. Mr. Chairman, reserving the right to object, I desire to make a statement that will be agreed to by every Member of the House, that the omission of the increase of this salary a few days ago was an oversight. I do not know to whom the oversight may be charged. It was a Senate amendment to the House bill. But there is an impersonal aspect to this thing that does not attach to the gentleman from Indiana. While I appreciate the embarrassment he feels on account of his membership in the House it seems to me that we might look at it from this view. It may be in a few months he will be elevated to a Cabinet position and some one else will be the private secretary who will not have the embarrassment, or the gentleman from Indiana might be called on to fill some other distinguished position. This increase of salary is attached and will be paid to any person who holds the office. I think that aspect ought to be taken into consideration. However, out of deference to my friend and my personal regard for him I shall not object.

Mr. SEARS of Florida. Reserving the right to object, I fail to see where it will embarrass the gentleman from Indiana. I served with him eight years. He is a man of intellect, absolutely fearless, courageous, and to raise his salary will not embarrass him any more than it would be for one of his colleagues who served with him to go to the White House and make a request for a favor. He would know that EVERETT SANDERS would not yield to a friend a thing he was not entitled to, regardless of friendship. I shall not object to returning to this paragraph, but speaking for myself alone, when we return to it I shall again vote for the $10,000, because I think he is entitled to it.

The CHAIRMAN. Is there objection to the request to return to the amendment? [After a pause.] The Chair hears none. For the information of the committee the Clerk will again report the amendment.

The Clerk read as follows:

Page 4, after line 6, add a new paragraph as follows:

"To make the salary of the Secretary to the President at the rate of $10,000 per annum from March 4, 1925, to June 30, 1926, inclusive, $3,312.50, and after March 4, 1925, said salary is fixed at the rate of $10,000 per annum."

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that we take a rising vote on the question as to whether we are going to consent to the request of the gentleman from Indiana or not.

The CHAIRMAN. The Chair will state that there is nothing pending before the committee, except that the committee has agreed to return to the paragraph.

Mr. MADDEN. I ask that the Chair submit to a rising vote the question of whether we are going to agree to it or not.

The CHAIRMAN. The Chair is now advised that the gentleman from Indiana included in his request the proposition that the amendment be eliminated.

Mr. SEARS of Florida. But the request was divided.

Mr. LONGWORTH. Mr. Chairman, it seems to me the proper procedure would be for the gentleman from Indiana to move to strike out the words, and then the question would be whether that should be done.

The CHAIRMAN. The Chair will state that under the precedents, without exception, in the committee no motion to reconsider is in order.

Mr. SANDERS of Indiana. Mr. Chairman, the unanimous-consent request was divided. I asked unanimous consent to return to the amendment and eliminate it from the bill. Some gentleman asked that the question be divided, and the Chair promptly divided it. I think the thing now pending before the Committee of the Whole is the latter part of my unanimous request to eliminate the amendment from the bill.

Mr. MADDEN. It seems to me the procedure is to vacate the proceedings by which we adopted the amendment.

Mr. BLANTON. I make the point of order that we have by unanimous consent returned to this item, and the question reverts as to whether or not the committee will accept this amendment, and that is the vote which the Chair should put to the committee.

The CHAIRMAN. The Chair overrules the point of order.

Mr. MADDEN. I ask that we take a rising vote on whether we will vacate the proceedings or not.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that a rising vote be taken on the question whether the committee will vacate the proceedings by which the amendment on line 4, page 6, was adopted.

Mr. BEGG. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. BEGG. Is the gentleman preferring a unanimous-consent request now?

The CHAIRMAN. It is a unanimous-consent request.

Mr. BEGG. I am going to object to that kind of a request, if only to keep the order of procedure regular. The proper procedure is the unanimous-consent request to vacate the proceedings. If it is submitted and nobody objects it is vacated; otherwise it is not. I do not think we ought to have so many unanimous-consent requests to change the proceedings.

Mr. LONGWORTH. Mr. Chairman, having gone back to this paragraph by unanimous consent, would it not be in order to move to strike those words out?

The CHAIRMAN. The Chair is of opinion that the committee might well go back by unanimous consent to an amendment which has already been adopted for any purpose which might be in the mind of the committee, but which would not be known to the Chair, but that action extends only so far as it is stated in exact words, and that is only to return.

Mr. LONGWORTH. But would it not now be in order to move to strike out the paragraph?

The CHAIRMAN. The Chair thinks that that would be in the nature of a motion to reconsider, and such a motion is not in order under all of the precedents of the committee. The Chair will be very glad to submit any request that is preferred.

Mr. BANKHEAD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BANKHEAD. The committee having granted unanimous consent that it might return to the item, to what status of the item do we return—to the original text of the bill or to the record of the amendment after it has been adopted?

The CHAIRMAN. In the view of the Chair, it would have been out of order to do anything relative to this amendment which has been adopted and long since passed. The raising of a point of order to any further consideration of this amendment was obviated by a unanimous-consent request to return to the amendment. There is now pending, as the Chair understands, the request of the gentleman from Indiana [Mr. SANDERS] that by unanimous consent all of the proceedings relative to the adoption of the amendment in question be vacated.

Mr. MADDEN. And I ask that that be decided by a rising vote.

Mr. BEGG. Oh, no; that is the objection I make. I would object to that.

Mr. HILL of Maryland. Would it not be entirely in order for every Member present on the floor of the House to object to the unanimous-consent request of the gentleman from Indiana and thus express the sentiment of the House?

The CHAIRMAN. In the opinion of the present occupant of the chair, the Committee of the Whole has no authority to reconsider a motion by which action has been taken in the committee. In the opinion of the Chair, a unanimous-consent request of the character submitted now is a proposal for a reconsideration. The Chair does not want it understood that in his opinion such a request may properly be made in Committee of the Whole. The Chair makes a distinction between the Committee of the Whole and the House itself. The House itself may suspend all rules, and may act without reference to its rules, but the Committee of the Whole acts only under the authority of the House, and in putting the request the Chair wishes his own position to be understood and be made a matter of record.

Mr. BLANTON. Mr. Chairman, will the Chair permit a parliamentary inquiry?

The CHAIRMAN. Certainly.

Mr. BLANTON. The Chair wants to keep the proceedings straight. It happens almost in connection with every appropriation bill that a unanimous-consent request is made to return to a certain paragraph to vacate the proceedings as to action taken by the committee.

The CHAIRMAN. The Chair is not aware that this action is taken frequently.

Mr. BLANTON. The parliamentary clerk there can cite the Chair to numerous such instances.

The CHAIRMAN. Not in the Committee of the Whole House. The Chair is merely expressing his own opinion.

Mr. BLANTON. As it would destroy a precedent, I must state that I can not agree with the Chair. There are such precedents where by unanimous consent you do return to a paragraph passed in the committee and vacate the action of the

committee. That has been done frequently here in the Committee of the Whole House on the state of the Union.

Mr. BYRNS of Tennessee. I do not think, if I may be permitted, within my knowledge we ever returned by unanimous consent as we do in this case except for the purpose of offering an amendment, but never for reconsidering the action of the Committee of the Whole House on the state of the Union.

The CHAIRMAN. The Chair's recollection during the brief term of six years he has been here, agrees with the recollection of the gentleman from Tennessee. Having stated his position for the record, the Chair will put the request of the gentleman from Indiana, [Mr. SANDERS] that all proceedings relative to the amendment in question be vacated. Is there objection?

Mr. HILL of Maryland, Mr. NEWTON of Minnesota, Mr. THATCHER, and Mr. HOLADAY objected.

The CHAIRMAN. Several gentlemen have objected.

Mr. STEVENSON. Mr. Chairman, while I do not undertake to advise the House or the Chair, it seems to me that a very simple way would be to let this bill go on into the House and then let the amendment be voted either up or down. If the gentleman from Indiana wants it voted on, and wants it revoked, he has the opportunity to have a separate vote upon it and that will relieve us all of embarrassment.

Several Members demanded the regular order.

The CHAIRMAN. The regular order is demanded and the Clerk will read.

The Clerk read as follows:

For the purchase of a site on which to locate a new school building in the vicinity of the Adams School, to replace the Force and Adams Schools, $160,000.

Mr. WINGO. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. WINGO: Page 12, line 26, after the word "the," strike out the words "Force and Adams Schools" and insert in lieu thereof the following: "Adams School."

Mr. MADDEN. Mr. Chairman, I accept the amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Arkansas.

The amendment was agreed to.

The Clerk read as follows:

CHARITIES AND CORRECTIONS

JAIL

To provide a death chamber and necessary apparatus for inflicting the death penalty by electrocution, as required by the act entitled "An act to prescribe the method of capital punishment in the District of Columbia," approved January 30, 1925, fiscal year 1925, $10,000.

Mr. BOYLAN. Mr. Chairman, I offer the following amendment:

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. BOYLAN: Page 15, strike out lines 12, 13, 14, 15, 16, 17, and 18.

Mr. BOYLAN. Mr. Chairman, I believe that this paragraph should be stricken out. This is a paragraph that provides for the erection of a chamber to inflict the death penalty by electrocution. I regret that at the time this act passed the House I was not here to oppose it, but I think that the infliction of the death penalty by any means is but a relic of barbarism. I believe that the infliction of the death penalty by electrocution is not electrocution so much as it is cooking a man to death, and I think it is high time that something was done in this country about the abolishment of the death penalty, and there could be no better time or place than here now for the Congress to set its seal of disapproval upon the infliction of the death penalty in this country. We can take the initial step by striking out the appropriation providing for the erection of this chamber of horrors. During the last execution in the District of Columbia, judging by the newspaper reports, it was as if a circus had come to town. They are selling peanuts and pink lemonade and hot dogs, and I was rather surprised that somebody did not give an execution lunch.

Mr. BLANTON. Will the gentleman yield?

Mr. BOYLAN. I do.

Mr. BLANTON. I warn the gentleman that just last week a distinguished Senator in another body spoke against the passing of a traffic bill with drastic punishment in it, against punishing a man who would run over another and then not stop and give his name and number, and that distinguished Senator unfortunately last night was run over by a fellow, and the fellow did not stop and give his address.

Mr. BOYLAN. Perhaps that was just retribution.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOYLAN. I ask unanimous consent for two additional minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that debate on this amendment be limited to seven minutes, two to the gentleman from New York and five to the gentleman from South Carolina.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that debate on this section and all amendments thereto close in seven minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. DEMPSEY rose.

The CHAIRMAN. The Chair thinks the gentleman from New York should be allowed to finish.

Mr. BOYLAN. Mr. Chairman and gentlemen, I ask you now in all seriousness to take the initial step in this matter. I believe it will come. This thing has got to come, and we have got to discontinue executions throughout this country. We have got to start here, and we can start here by taking this action at this time.

Mr. BLANTON. Will the gentleman yield for another question?

Mr. BOYLAN. I will.

Mr. BLANTON. Do I understand the gentleman to protest against inflicting the death penalty on such a crime as was committed in Chicago not long ago by two moral perverts and then let their rich families get them out of prison, paroled or otherwise?

Mr. BOYLAN. While I do not profess nor pretend to pass upon any particular instance or case——

Mr. BLANTON. But you would like to see all criminals not hung.

Mr. BOYLAN. I believe that many so-called criminals, instead of being confined in jails should be in hospitals. I think a commission should be created to examine them, and undoubtedly in the greater percentage of cases it would be found that they suffered from some physical defect that impelled or urged them on to a criminal tendency.

Mr. BLANTON. If I were a criminal lawyer defending a prisoner charged with murder I would take you on the jury.

MESSAGE FROM THE SENATE

The committee informally rose; and Mr. SNELL, having taken the chair as Speaker pro tempore, a message from the Senate by Mr. Craven, its Chief Clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 12192. An act to authorize the creation of game refuges on the Ozark National Forest, in the State of Arkansas; and

H. R. 11978. An act granting the consent of Congress to the commissioners of McKean County, Pa., to construct a bridge across the Allegheny River.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 4207) 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.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Senate agrees to the amendment of the Senate amendment No. 24 to the bill (H. R. 11753) making appropriations for the Departments of State and Justice and for the judiciary and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1926, and for other purposes.

The message also announced that the Senate had further insisted upon its amendments to the bill (H. R. 12033) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1926, and for other purposes, disagreed to by the House of Representatives, had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PHIPPS, Mr. BALL, Mr. JONES of Washington, Mr. GLASS, and Mr. SHEPPARD as the conferees on the part of the Senate.

DEFICIENCY APPROPRIATION BILL

The committee resumed its session.

Mr. McSWAIN. Mr. Chairman and gentlemen, I think the sentiments expressed by the gentleman from New York [Mr. BOYLAN] are very commendable, in view of the kindness of his heart and the tenderness of his nature, but it is hardly neces-

sary to take up the time of the committee or of the country to express what, I believe, is still the firm conviction of the practical men and women of this country and of the world generally, that in order to deter some degenerate members of the human race, it is absolutely necessary that they shall be constantly faced with the possibility of the death penalty. [Applause.]

There is but one thing, it seems to me, that will put sufficient fear into the minds of some people, and that is capital punishment, either on the gallows, or the electric chair, or in front of the firing squad; and that whether that dire penalty shall come, deferred and slow by the long tedious process of the law, as we work it out in this country, with appeal after appeal, year after year, or by the swift and sudden, but nevertheless legal process as is found in the old mother country of England, where the penalty comes promptly after the commission of the crime, whatever it may be. Yet certain individuals, made in the image of God, and certainly occupying the ordinary human form, with two legs and two arms and two eyes, but seemingly filled with the spirit of deviltry, have got to be faced with the fear of death. [Applause.]

One of my best friends, a loyal friend for many years, was asked on New Years' eve by a neighbor of his to leave his residence and to go to his little country store in order that he might use the telephone to call a doctor to attend the sick wife of his neighbor, and when he got out beyond the light of the lamp between his residence and the store, some one set upon and killed him. What did they have against him? Nothing but the fact that this friend of mine had done his duty upon a jury. They shot his brains out then and there, leaving a widow and 11 children to mourn the loss of one of the most faithful citizens that this country has ever known.

When men are so depraved as that, so wicked as to take advantage of a fellow man, when they would draw him by a call of mercy from his home for the purpose of taking his life, they deserve to die. To think otherwise is to indulge in soft-hearted sentiment. I know it originates from a sort of mistaken Christian spirit. I know it seems to have a brotherly kindness about it; but we have got to take mankind as we find it, and I submit that for hundreds of years yet, until we have developed for a long time yet, the gallows or the quivering electric chair must face human criminals in order to deter them from executing the deviltry that is in them, and which in them prompts the destruction of the lives of their fellow men.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. BOYLAN].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. BLANTON. Mr. Chairman, I make a point of order. We are going to have a night session from 8 o'clock until 11. We have been working now until nearly 6 o'clock. I make the point of no quorum.

Mr. MADDEN. Will not the gentleman withhold his point of order and let us run until 6 o'clock?

Mr. BLANTON. We are going to have to get back at 8 o'clock and remain until 11.30.

Mr. MADDEN. I am not.

Mr. BLANTON. I am going to be one of those who has to come back.

Mr. MADDEN. I wish the gentleman would permit us to run a little longer, because I am anxious to get this bill passed. I have been working night and day on the bill and would like to run at least 25 minutes longer.

Mr. BLANTON. I am not going to obstruct public business, Mr. Chairman, and I withdraw my point of order.

The Clerk read as follows:

For purification of waters of the beach and improvement, maintenance, and operation of the bathhouse and beach on the west shore of the Tidal Basin, fiscal year 1926, $6,000.

Mr. MADDEN. Mr. Chairman, I offer an amendment. On page 16, strike out lines 23, 24, 25, and 26.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MADDEN: Page 16, beginning in line 23, strike out all of lines 23, 24, 25, and 26.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

The Clerk read as follows:

ROCK CREEK AND POTOMAC PARKWAY COMMISSION

To enable the commission created by section 22 of the public buildings act approved March 4, 1913 (37 Stat. L. p. 885), to continue the acquisition of lands for a connecting parkway between Potomac Park, Zoological Park, and Rock Creek Park, fiscal year 1925, $100,000.

The Clerk read as follows:

BUREAU OF PLANT INDUSTRY

For special sugar-cane breeding investigations, with a view to the production of disease-resistant types of cane, $31,000, to remain available until June 30, 1926: *Provided*, That of this sum not to exceed $8,000 may be used for the construction of a greenhouse at the Arlington Experiment Farm, Virginia, and not to exceed $16,000, may be used for the purchase of land and the construction thereon of necessary farm buildings at Canal Point, Fla.

Mr. MARTIN. Mr. Chairman, this bill carries a small appropriation that is of vital interest to the sugar industry of Louisiana, and the cane and molasses industry of other Southern States. I refer to the item reading as follows:

For special sugar-cane breeding investigations, with a view to the production of disease-resistant types of cane, $31,000, to remain available until June 30, 1926: *Provided*, That of this sum not to exceed $8,000 may be used for the construction of a greenhouse at the Arlington Experiment Farm, Virginia, and not to exceed $16,000 may be used for the purchase of land and the construction thereon of necessary farm buildings at Canal Point, Fla.

The imperative necessity for an appropriation of this kind is due to the fact that within the last few years our native cane has been attacked by a disease generally known as the "mosaic" or sometimes called the "yellow stripe" disease.

It attacks the leaves and through them the stalks of the cane, and not only materially affects its growth and the yield in tons per acre, but lowers the sugar content.

Within the past eight or nine years the disease has made such progress and has become so prevalent that it has been necessary to appeal to the Federal Government to meet and overcome a situation that threatens the sugar and sirup industry in many of the Southern States.

Efforts to check the disease by spraying and cultural practices have met with no success, and the only solution seems to be the introduction and culture of new varieties that are immune to the disease.

Such cane must be sought in other countries and imported, and this presents many difficulties and problems which it is the object of this appropriation to overcome.

It is not an easy matter to find a cane that is resistant to the disease, will fit our climatic conditions, will mature in the length of our growing season, and will contain a sufficient sugar content to warrant its adoption and cultivation.

Any cane imported naturally comes from a tropical country and must first be subjected to rigid inspection and grown in detention for at least a year, for the purpose of ascertaining whether it has any disease that might prove even worse than the mosaic. This being determined, the cane is then sent to Florida, where it will grow to maturity and by polinization, crossed with native varieties, with the hope of producing a cane suitable in every way to meet climatic and other conditions in the Southern States.

To do this work the Department of Agriculture must have a greenhouse at or near Washington, where the cane can be kept and grown in quarantine, and it must have land, farm buildings, and a laboratory at Canal Point, Fla., where the cane can be grown to maturity and crossed on other varieties.

GREENHOUSE AT WASHINGTON

The greenhouse at Arlington Farm, Virginia, is the first step in preventing the introduction of new cane diseases and the eradication of such diseases as are already existent in America. The greenhouse is, in fact, a quarantine station. It is just as important as a protection against sugar-cane disease as is the quarantine stations at our ports of entry against human diseases. There are innumerable cane diseases in foreign countries, some of them worse than anything we have in America. A visit to the quarantine greenhouse at Arlington Farm shows that despite the most careful preliminary investigation, both at the source and the arrival of the canes imported, some serious diseases not already in America have developed in the cane grown from these imported varieties in the quarantine greenhouse.

The Horticultural Board of the Department of Agriculture under the law positively prohibits the importation of seed canes by individual or even Government stations of the States. This is a wise safeguard, but it has the effect of forcing every individual who desires to secure improved or disease-free or disease-resistant canes from foreign countries to forego any individual or cooperative action and rely solely on the Federal Government for his source of supply and for his protection.

The word "greenhouse" is far from expressing the meaning of this quarantine station. It is, in fact, an isolation station wherein must be planted the varieties of cane believed to be best suited to our purposes and where it can be determined whether such canes have diseases of their own, and, if not, whether they will prove immune or resistant to the diseases now prevalent in this country.

FOR THE PURCHASE OF LAND AND CONSTRUCTION THEREON OF THE NECESSARY FARM BUILDINGS AT CANAL POINT, FLA.

After the imported canes have been througl. the quarantine station in Washington, the next step is to carry them to Canal Point, Fla., and plant them in the open there to determine whether or not under the field conditions they show any inherent disease not discovered in the quarantine station at Arlington Farm.

But far more important than this is the necessity of the testing of these canes for their resistance of tolerance to diseases already known to exist in America; to determine their value for sugar and sirup making purposes, which includes the maturity period, the sugar content, the size and texture of the stalk itself, the tonnage yield, and various other points necessary to know before they can be released or recommended to the planters of the several States growing sugar cane for either sirup or sugar.

In the search for disease-resistant plants, it has been well established that not cane alone, but all plants that most nearly approach the wild state are those that are most resistant to diseases; therefore it is necessary to search out in all parts of the world, and often use as the parent plant, one whose almost only recommendation is that through its fight for life it has become immune or tolerant to the diseases.

This plant, and this is particularly true of cane, must then be trained and educated through crossbreeding to retain its virility and take on the qualities necessary to make it of value in the production of sugar and sirup. This requires cross-pollination, with intensive field and laboratory study of succeeding resultant generations. This is a process that requires long, accurate, and tedious research by scientists trained for this identical purpose.

Canal Point, Fla., is the only place in the United States where climatic and soil conditions will permit of this work being carried on. The cane plants must grow there to full maturity, producing flowers and be cross-pollinated at the exact hour that nature demands. Only scientists, knowing the rules of nature and taking advantage of them, can succeed in this work. There is, perhaps, no more far-reaching piece of plant research work being done in America to-day, and its application can, undoubtedly, be carried far in other branches of plant research.

The location of this station at Canal Point, Fla., is remote. There are no conveniences or public utilities of any kind that can be used at the station. For this reason it will be necessary for the Government to provide a dwelling house, and the necessary sanitary conveniences, including water supply, sewerage, and light for the use of the scientist and other employees who will be stationed at Canal Point and be in charge of the experimental work to be conducted both in the field and in the laboratory.

APPROPRIATION

In presenting this matter to the Bureau of the Budget for its consideration, the Senators and Representatives fully realized that they had to comply with the economic policies of this administration, and only asked for such an amount as was absolutely necessary. After due consultation with those in charge of this work in the Department of Agriculture, we submitted the following estimate:

For greenhouse at Arlington	$8,450
For purchase of land and construction of necessary farm building and laboratory at Canal Point, Fla	25,000
For work in connection with sugar plant breeding	10,000
Total	43,450

The Bureau of the Budget cut this estimate to $31,000 and its action has been concurred in by the Committee on Appropriations, notwithstanding my earnest appeal for the adoption of the original estimate.

I realize the futility of now attempting to override both the Bureau of the Budget and the Appropriations Committee, but I do express the hope that the Appropriations Committee of the Senate will see the wisdom of increasing the appropriation to the original estimate, and after favorable action by the Senate the House conferees will concur, thereby permitting this important work to go forward at once without the handicap of an insufficient appropriation.

LOCAL COOPERATION

Mr. Chairman, this work is creating widespread interest throughout the sugar-growing section of the South, especially in that portion of Louisiana which is entirely dependent upon the sugar industry. The ravages of the mosaic disease have brought us face to face with a problem that must be solved if the industry is to thrive and continue.

We are not asking the Government to do it all, but we are only asking for that which we can not do ourselves. We have given and will continue to give our most hearty cooperation, both financially and otherwise, in the furtherance of this important work.

The Department of Agriculture, under the expert supervision of Dr. E. W. Brandies, has already developed a variety of cane which seems resistant to the mosaic disease, and which, while small in diameter, gives promise of further development.

This variety of cane was first grown in Florida and afterwards grown by the Government on land supplied by the estate of H. C. Minor in the parish of Terrebonne, La. During the season just passed some 50 tons of this cane was raised and distributed by the Department of Agriculture.

The planters to whom this cane was distributed in half-ton lots agreed to pay at the rate of $25 per ton, and the amount thus realized will be turned over to the Florida station for further experimentation in sugar-plant breeding.

The same plan of distribution will be followed this year, and some thirty to fifty thousand dollars will thus be subscribed by local interests toward finally developing varieties of cane that will not only resist disease but will materially increase the output of sugar and sirup in the Southern States.

THE EFFECT OF THIS WORK

The influence of this work is inestimable. The mosaic disease affects tomatoes, tobacco, corn, and hay crops, and undoubtedly this work being done on cane will open the way to successfully combating the disease already prevalent and threatening many other valuable crops.

The result of this work will, in my opinion, be as far-reaching in the plant world as the investigation and work done on cattle-tick eradication and the protection of human beings against the yellow fever and malaria, because the disease is transmitted in identically the same way.

The corn aphis and other similar minute insects that are almost if not quite as cosmopolitan as the house fly is the host of this disease, just as the mosquito and the cattle tick are of the diseases that they transmit.

The basic work being done on sugar cane will undoubtedly open the way to overcome the ravages of the diseases in the other plants mentioned.

The corn in Louisiana to-day is affected with the same mosaic disease and it is not certain that it has not also affected the same plant in the great Corn Belt.

The small appropriation asked for now will not only do much to save the sugar industry but may prove of material assistance in combating this same disease in other crops of this country.

The Clerk read as follows:

BUREAU OF ENTOMOLOGY

For special investigation of the alfalfa weevil, including personal services, traveling and other necessary expenses in connection therewith, $10,000, to remain available until June 30, 1926.

Mr. OLIVER of Alabama. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. OLIVER of Alabama: Page 22, line 15, strike out all of lines 15, 16, 17, 18, and 19, and insert in lieu thereof the following:

"BUREAU OF PLANT INDUSTRY

"For special investigation of alfalfa troubles in the Eastern and Southeastern States, including personal services, traveling and other expenses in connection therewith, $10,000, to remain available until June 30, 1926."

Mr. McLAUGHLIN of Michigan. Mr. Chairman, the bill as prepared by the committee does not restrict the expenditure of this money to any limited part of the country.

I doubt the wisdom of limiting this to a particular section. This trouble prevails in other places, giving those who raise alfalfa a great deal of trouble and causing a great deal of loss. And it would seem to me this money should be available for investigation generally throughout the country wherever this crop is grown. For that reason I would suggest that the bill be left as it is, and that the amendment offered by the gentleman from Alabama [Mr. OLIVER] be not adopted.

Mr. OLIVER of Alabama. If the gentleman will permit, if it is left as it is, it would not serve any purpose whatever. This is not the weevil trouble, it is an entirely different trouble. The complaint about it that has come to the department is from the Southern and Eastern States. I have no objection at all to letting it extend to the country at large, and I will ask that it be modified by leaving out the words defining the section of the country.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to modify his amendment. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the modified amendment.

The Clerk read as follows:

Amendment offered by Mr. OLIVER of Alabama: Page 22, line 15, strike out all of lines 15, 16, 17, 18, and 19 and insert in lieu thereof the following:

"Bureau of Plant Industry: For special investigation of alfalfa trouble, including personal services, traveling and other expenses in connection therewith, $10,000, to remain available until June 30, 1926."

The amendment was agreed to.

The Clerk read as follows:

Damage claims: To pay claims adjusted and determined by the Department of Commerce under the provisions of section 4 of the act approved June 17, 1910 (36 Stat. p. 537), on account of damages occasioned to private property by collision with vessels of the Lighthouse Service and for which the vessels of the Lighthouse Service were responsible, certified in House Document No. 565, Sixty-eighth Congress, $387.60.

Mr. MADDEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MADDEN: On page 25, after line 26, insert: "To enable the Secretary of Commerce to acquire by condemnation or otherwise a certain parcel of land described in the act entitled 'An act authorizing the Secretary of Commerce to acquire by condemnation or otherwise a certain tract of land in the District of Columbia for the enlargement of the present site of the Bureau of Standards,' approved February 19, 1925, $173,117, to remain available until June 30, 1926."

The amendment was agreed to.

The Clerk read as follows:

Wichita and affiliated bands of Indians, Oklahoma: Out of the funds now standing to the credit of the Wichita and affiliated bands of Indians in Oklahoma in the Treasury of the United States, a sum not exceeding $3,000 may be used for the employment of counsel for the Caddo Band of said Indians under contract as provided by law to represent said Indians in their claims against the United States, as set forth in article 6 of the agreement of June 4, 1891, ratified by the act approved March 2, 1895 (28 Stats. pp. 876–910).

Mr. MADDEN. Mr. Chairman, we have passed the point where the gentleman from Nebraska [Mr. HOWARD] was going to offer an amendment. I ask unanimous consent that we may be permitted to return to that to-morrow and allow him to offer his amendment at that time. I promised the gentleman we would not take this matter up to-night and we have passed over it. I want it made clear that we will go back to it to-morrow or whenever we take up the bill again.

Mr. HOWARD of Nebraska. Mr. Chairman, I will say for the information of the chairman, that I was informed by one in whom I had wonderful confidence that the proper place for me to come in with this amendment——

Mr. MADDEN. The appropriate place is at line 4, on page 30.

Mr. HOWARD of Nebraska. I yield to the gentleman's superior judgment.

Mr. MADDEN. And may we have the amendment reported now for information so that it will be pending?

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that it be permissible hereafter to return to line 4, on page 30, for the purpose of considering an amendment which the gentleman from Nebraska will offer, and without objection, the amendment will be read for information.

The Clerk read as follows:

Amendment offered by Mr. HOWARD of Nebraska: Page 30, after line 4, insert: "For the relief of the Omaha Tribe of Indians of Nebraska, in accordance with the act of Congress approved February 9, 1925, estimated for by the Budget Bureau and forwarded to the House of Representatives by the President and printed in House Document No. 617, the sum of $317,465.02."

The CHAIRMAN. Without objection the amendment will be pending for consideration hereafter by the committee.

There was no objection.

Mr. MADDEN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CHINDBLOM, Chairman of the Committee of the Whole House on the State of the Union, reported that that committee having had under consideration the bill H. R. 12392, the second deficiency appropriation bill, had come to no resolution thereon.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 11703. An act granting the consent of Congress to G. B. Deans, of St. Charles, Ark., to construct, maintain, and operate a bridge across the White River, at or near the city of St. Charles, in the county of Arkansas, in the State of Arkansas;

H. R. 11737. An act authorizing preliminary examinations and surveys of sundry rivers with a view to the control of their floods;

H. R. 11825. An act to extend the time for the construction of a bridge over the Ohio River near Steubenville, Ohio;

H. R. 11957. An act to authorize the President in certain cases to modify visé fees;

H. R. 12064. An act to recognize and reward the accomplishment of the world flyers;

H. R. 12101. An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1926, and for other purposes;

H. R. 4202. An act to amend section 3186 of the Revised Statutes, as amended;

H. R. 5204. An act to authorize the Secretary of the Interior to adjust disputes or claims by settlers, entrymen, selectors, grantees, and patentees of the United States against the United States and between each other, arising from incomplete or faulty surveys in township 28 south, ranges 26 and 27 east, Tallahassee meridian, Polk County, in the State of Florida, and for other purposes;

H. R. 7190. An act to amend the China trade act, 1922;

H. R. 491. An act for the prevention of venereal diseases in the District of Columbia, and for other purposes;

H. R. 9343. An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims;

H. R. 5726. An act 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'";

H. R. 10533. An act granting the consent of Congress to the State of Washington to construct, maintain, and operate a bridge across the Columbia River; and

H. R. 157. An act to authorize the more complete endowment of agricultural experiment stations, and for other purposes.

DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. DAVIS of Minnesota. Mr. Speaker, I call up from the Speaker's table the bill H. R. 12033, the District of Columbia appropriation bill, and ask unanimous consent to agree to the conference asked for by the Senate.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER appointed the following conferees on the part of the House: Mr. DAVIS of Minnesota, Mr. FUNK, and Mr. AYRES.

Mr. DAVIS of Minnesota. Mr. Speaker, I ask unanimous consent that I may have until midnight to-night to file the conference report for printing under the rules.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that he may have until midnight to-night to file the conference report for printing under the rules. Is there objection?

There was no objection.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill

(H. R. 12033) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1926, and for other purposes, having met, after full and free conference, have been unable to agree.

C. R. DAVIS,
FRANK H. FUNK,
W. A. AYRES,
Managers on the part of the House.

L. C. PHIPPS,
W. L. JONES,
L. HEISLER BALL,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the further conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12033) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1926, and for other purposes, submit the following statement of the effect of the action of the conferees as indicated in the accompanying conference report:

The committee of conference have not agreed to the following amendments of the Senate:

On No. 1, relating to the amount of Federal contribution toward the expenses for which the bill makes provision.

On No. 28, relating to the police court.

On No. 46, relating to the estimates of appropriations in the District of Columbia chapter of the Budget, fiscal year 1927.

C. R. DAVIS,
FRANK H. FUNK,
W. A. AYRES,
Managers on the part of the House.

POSTAL SALARY BILL—CONFERENCE REPORT

Mr. PAIGE. Mr. Speaker, I present a conference report on the bill H. R. 11444, the postal salaries bill, for printing under the rule.

INTERIOR DEPARTMENT APPROPRIATION BILL—CONFERENCE REPORT

Mr. CRAMTON. Mr. Speaker, I offer a conference report on the bill (H. R. 10020) making appropriations for the Department of the Interior for printing under the rule.

LEAVE OF ABSENCE

Mr. JOHNSON of Washington, by unanimous consent, was granted leave of absence for February 25, 1925.

NIGHT SESSION

Mr. MADDEN. Mr. Speaker, I ask unanimous consent that there be a night session to-morrow evening for the further consideration of the bill H. R. 12392, the second deficiency bill.

The SPEAKER. The gentleman from Illinois asks unanimous consent that there be a session to-morrow night for the further consideration of the second deficiency bill. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, without meaning any personal discourtesy to the gentleman from Illinois, I hardly think we have reached the legislative stage where that is necessary, and I object.

RECESS

Mr. MADDEN. Mr. Speaker, I move that the House stand in recess until 8 o'clock.

The motion was agreed to; accordingly (at 6 o'clock and 3 minutes p. m.) the House stood in recess until 8 o'clock this evening.

EVENING SESSION

The recess having expired at 8 o'clock p. m., the House was called to order by the Speaker.

THE PRIVATE CALENDAR

The SPEAKER. By special order the Private Calendar is in order, bills unobjected to to be considered.

Mr. EDMONDS. Mr. Speaker, I ask that the bills be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will call the calendar.

DR. O. H. TITTMANN

The first business on the Private Calendar was the bill (H. R. 1917) for the relief of Dr. O. H. Tittmann, former superintendent of the United States Coast and Geodetic Survey.

The Clerk read the title of the bill.

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

Mr. BLANTON. Mr. Speaker, I object.

JOHN H. BARRETT AND ADA H. BARRETT

The next business on the Private Calendar was the bill (H. R. 912) for the relief of John H. Barrett and wife.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, 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 of the United States not otherwise appropriated, to John H. Barrett and wife, parents of Willett C. Barrett, late lieutenant, United States Army, the sum of $223.25 in full settlement for personal property of said Lieut. Willett C. Barrett, lost in transit in France following this officer's death.

With the following committee amendment:

Line 6, strike out the word "wife" and insert the words "Ada H. Barrett."

The committee amendment was agreed to.

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

The title was amended to read: "A bill for the relief of John H. Barrett and Ada H. Barrett."

RELIEF OF DISBURSING AGENTS, ALASKA ENGINEERING COMMISSION

The next business on the Private Calendar was (H. J. Res. 226) for the relief of special disbursing agents of the Alaskan Engineering Commission, authorizing the payment of certain claims, and for other purposes, affecting the management of the Alaska Railroad.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, as the gentleman from Alaska [Mr. SUTHERLAND] knows, this is a matter that I have gone into at some length with the Comptroller General, and with the managers of the Alaska Railroad, as well as with the gentleman from Alaska. There are certain sections in the joint resolution that are subject to a point of order, but I have no desire to be technical about that. However, there are certain sections that I am not able to agree to. Is it the desire of the gentleman to maintain this bill intact, or would it be agreeable to him to accept the amendments that I have heretofore suggested to him?

Mr. SUTHERLAND. Mr. Speaker, of course, I am here representing the gentleman from California [Mr. CURRY], the author of the joint resolution. I do not feel that I could consent to what the gentleman suggests. The gentleman, of course, is at liberty to amend, and I assumed that that was his intention. I rang the gentleman up at his office about 10 minutes ago and could not locate him. I assumed that he would be here.

Mr. CRAMTON. Let me understand the gentleman from Alaska. The gentleman is prepared to accept the amendments that I have suggested?

Mr. SUTHERLAND. No; I did not say that. I do not think that I am authorized to accept them. I assumed that the gentleman would present them and let them be voted on by the House.

Mr. CRAMTON. I would have to object.

Mr. JOHNSON of Washington. Mr. Speaker, just a minute. There are members of the Committee on Territories who are here. We realize the position of the Delegate from Alaska. He does not feel that he should see any part of the bill stricken, but the members of the Committee on Territories feel that under the circumstances certain paragraphs will have to be passed over if any part of the work of that committee is to be saved. The session of the House to-night is entirely by unanimous consent. All proceedings are by unanimous consent, and where objection is made to certain provisions, we would have to accept the suggestions of the gentleman from Michigan, although the committee has been over and recommends these paragraphs. So, if the gentleman from Michigan desires to object to the paragraphs and will point them out, let us go on with the other paragraphs. The work of the Territories Committee will then be that much ahead.

Mr. CRAMTON. Mr. Speaker, from some things that I have observed, I want to feel certain that the action taken here to-night would be final so far as this bill is concerned. There

are certain sections that are not within the jurisdiction of the Committee on Territories to report. They are subject to a point of order. I would not want to have the bill passed and then have it come back from the Senate in an undesirable form. I would want a very distinct understanding.

Mr. TINCHER. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. TINCHER. As I understand it, the gentleman from California [Mr. CURRY] is sick and wants his bill passed. He can have his bill passed if his friends do not object to the gentleman's amendment. That is the choice that we have. I would think any bill amended would be better than no bill at all.

Mr. CRAMTON. In going over the bill, I would say to the gentleman from Kansas [Mr. TINCHER] and the gentleman from Alaska [Mr. SUTHERLAND], I have endeavored to waive objections as far as I could, but there are certain sections I do not believe ought to be accepted at all.

Mr. SUTHERLAND. The gentleman has discussed these various paragraphs at length with me, but let me make an inquiry. Does the gentleman assume that he can object to paragraphs and have them stricken from the bill?

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. I should want to know that I can before we take up the bill.

Mr. BLANTON. Mr. Speaker, I reserve the right to object.

The SPEAKER. That has already been reserved.

Mr. BLANTON. I do not want to take the chance of having somebody withdraw the reservation.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, I reserve the right to object to ask a question. Has the gentleman from Michigan withdrawn his objection?

Mr. CRAMTON. I have not.

Mr. BLANTON. Is the gentleman from Michigan in favor of maintaining the office of the Comptroller General which Congress created some time ago?

Mr. CRAMTON. Mr. Speaker, I think that is a very important question, and that is what led me to go into this bill.

Mr. BLANTON. And they are seeking by this bill to-day to cut a few more feathers from his wings.

Mr. SUTHERLAND. Will the gentleman from Michigan let me reply to the gentleman from Texas?

Mr. BLANTON. I will permit the gentleman to reply to me.

Mr. SUTHERLAND. The Comptroller General holds that there is no question about the equity of many of these cases. It is merely the legal point that he passed on.

Mr. BLANTON. Mr. Speaker, under my reservation I shall tell the gentleman the situation. We created and appointed a Comptroller General free from politics, who should have certain discretion to say that money was paid out only in accordance with the law of the land.

Now, whenever he stops payment, and he stops the payment of $10,000 a year to a certain Mr. Mears in Alaska, there was no law authorizing it.

Mr. SUTHERLAND. But the gentleman does not hold where a question is absolutely equitable and just simply because the comptroller renders a legal opinion——

Mr. BLANTON. I simply hold this: That when we create a Comptroller General and tell him not to allow any money to be paid out except according to law, and there is no law to pay money out, and when they attempt to pay the money out against the law he stops it, we ought to uphold him instead of pulling him down.

Mr. CRAMTON. If the gentleman will allow me to answer the question. When I called this matter to the attention of the Comptroller General last May I wrote to him:

> I do not object to the House passing bills to permit you to make an equitable adjustment in some cases where the law is too stringent. On the other hand, I do not want to see Congress overriding your decisions regardless of the equities.

Mr. BLANTON. Now, if the gentleman from Michigan can amend this bill so as to meet the requirements of the Comptroller General, I would have no objection, but the gentleman from Michigan knows he can not amend this bill properly.

Mr. CRAMTON. The gentleman from Michigan has in mind——

Mr. BLANTON. The membership is not going to give him proper time to amend it because there are too many other bills on the calendar.

Mr. CRAMTON. What I have in mind to do is this: There are certain minor claims of loss of property to employees which the general manager of the road, Mr. Smith, an experienced railroad man, tells me that if those losses had occurred on a privately owned railroad that those losses would have been paid by the company. Now, I have no objection to those claims, but I do object to the Mears claim, and I object to any further allowance to Doctor Beeson or——

Mr. BLANTON. How are you going to eliminate them?

Mr. CRAMTON. By the gentleman's agreement, at which I think we have arrived.

Mr. BLANTON. If the gentleman thinks they can be eliminated from the bill then there will be no objection to the bill?

Mr. CRAMTON. Well——

Mr. BLANTON. But if you let the bill come up by unanimous consent, then you lose control over it.

Mr. CRAMTON. Not if we have an agreement with these gentlemen.

Mr. SUTHERLAND. I should like to debate the second claim.

Mr. BLANTON. I ask unanimous consent, Mr. Speaker, that this bill be passed to the foot of the calendar without prejudice, to be taken up at the foot of the calendar when we get through.

Mr. CRAMTON. If the gentleman will permit, I would like to make this statement to the House.

I have had this matter up with the gentleman from Alaska, so he is not taken by surprise. I stated in my letter of last December, "I have no objections to sections 1, 2, 4, or 5, as renumbered." The other sections were sections 3, 6, 7, and 8 and should be eliminated. Section 9 I do not know about. If I withhold objection, it will be with the understanding they are to be eliminated, and I take it from the statement of the gentleman from Washington [Mr. JOHNSON] that I can depend upon that.

Mr. JOHNSON of Washington. Yes; under the circumstances.

Mr. BLANTON. Will the committee agree to that?

Mr. JOHNSON of Washington. Yes.

Mr. CRAMTON. Then I withdraw the objection.

Mr. BLANTON. Will the gentleman from Washington agree to that?

Mr. JOHNSON of Washington. Representing the Committee on Territories, I agree.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the General Accounting Office is hereby authorized and directed to credit in the accounts of special disbursing agents of the Alaskan Engineering Commission the several payments made by them to the Swedish Hospital (Seattle, Wash.), Dr. H. V. Wurdemann, A. B. Funk, St. Joseph's Hospital, Fairbanks, Alaska, and Dr. J. R. Bowen, amounting to $1,433.60, heretofore disallowed by the General Accounting Office, covering medical, surgical, and hospital services and subsistence furnished under the hospital regulations of said commission to contractors who were injured or taken sick while engaged in the performance of their work in the construction of the railroads in Alaska, and said payments are hereby validated.

SEC. 2. That the General Accounting Office is hereby authorized and directed to credit in the accounts of R. D. Chase, special disbursing agent of the Alaskan Engineering Commission, the sum of $1,197.10, covering payments made to C. F. Clasen, F. H. Coney, W. A. McDonald, Lief Strand, Tom Tellefsen, Walter Wright, and Soter Chamis, employees of said commission, on account of the destruction of their personal effects by fire October 2, 1920, and March 10, 1922, respectively, said payments having been disallowed by the General Accounting Office, and the said payments are hereby validated.

SEC. 3. That the General Accounting Office is hereby authorized and directed to credit in the account of Frank Doner, formerly a special disbursing agent of the Alaskan Engineering Commission, the sum of $9,937.65, covering remittance in a registered package consigned to him in September, 1921, by the First National Bank of Fairbanks, Alaska, containing, when mailed, $9,900 in paper currency, which was missing from said package when called for at the post office at Nenana, Alaska, and is supposed to have been stolen from the mail, and $37.65 in coin, which is being retained by the Post Office Department, the said sums having been disallowed and suspended, respectively, by the General Accounting Office.

Mr. CRAMTON. Mr. Speaker, what becomes of section 3? The committee amendment struck that out.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

SEC. 4. That the General Accounting Office is hereby authorized and directed to credit in the accounts of R. B. Chase, special disbursing

agent of the Alaskan Engineering Commission, the sum of $3,333.34, heretofore disallowed by that office on account of payments made to Frederick Mears, by Army pay officers, the Acting Comptroller General having decided that the said Frederick Mears, upon accepting the office of chairman and chief engineer of said commission, ceased to be an officer in the Army and vacated his commission as such officer, and the payments made to the said Frederick Mears as an officer of the Army are hereby validated covering the period from July 1, 1921, to February 28, 1922.

With a committee amendment, as follows:

Page 3, line 6, strike out the figure "4" and insert the figure "3."

Mr. CRAMTON. Mr. Speaker, I move that the section number be stricken out.

The SPEAKER. The gentleman from Michigan moves that the section number be stricken out. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

SEC. 5. That the Alaska Railroad is hereby authorized and directed to pay out of the revenues of operation of the railroad to Blanche L. Burns, administratrix of the estate of W. T. Burns, the sum of $597.25, the value of a mess house and other property located at or near El Dorado, Alaska, on the Chatanika Branch of the railroad, destroyed April 18, 1919, by fire resulting from sparks thrown by a locomotive operating on said railroad.

With a committee amendment as follows:

Page 3, line 19, strike out the figure "5" and insert the figure "4."

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that the Clerk may be authorized to make the necessary changes in the numbering of the sections.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the Clerk may be authorized to make the necessary changes in the numbering of the sections. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

SEC. 6. That the Alaska Railroad is hereby authorized and directed to pay out of the revenues of operation of the railroad the 10 existing claims of employees of said railroad amounting to $267.06, for loss of personal effects by fire at the power house at Anchorage, November 14, 1921, and four existing claims of employees of said railroad amounting to $58.75, for loss of clothing and other personal effects at the time of a wreck at mile 277 of said railroad, July 22, 1922; and to pay to C. H. Thompson, formerly employed as a hospital steward by said railroad, the sum of $211.54, and any additional amounts hereafter allowed him by the railroad, as necessary expenses of care and treatment under its hospital regulations.

Mr. CRAMTON. Mr. Speaker, in order to save the time of the committee I ask unanimous consent, without reading, to have stricken out the old section numbers 7, 8, and 9.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the section numbers 7, 8, and 9 be stricken out. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

SEC. 7. That the President is hereby authorized to cause to be paid from hospital receipts or other funds of the Alaska Railroad the amounts heretofore or hereafter accruing to surgeons of the railroad under any agreements relating to fees collected in cases not entitled to free treatment under the hospital regulations of the railroad.

Mr. BLANTON. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The gentleman from Texas moves to strike out the last word.

Mr. BLANTON. Does the gentleman from Washington [Mr. JOHNSON], who is on this committee, believe in mixing up this employees' compensation act in any such way as this paragraph does?

Mr. JOHNSON of Washington. Yes; I think this is necessary. The Government desires to have all treated alike in regard to compensation.

Mr. BLANTON. I know; but why can not that be handled by the commission here in Washington the same as the others?

Mr. JOHNSON of Washington. Because Alaska is at such a great distance that a whole winter is often lost in an exchange of communications with Washington.

Mr. BLANTON. You will have to have a subbureau up there.

Mr. JOHNSON of Washington. Yes; and if Alaska is ever going to amount to anything, you will have to have a strong subgovernment there eventually; it is too far away to be run by rules and regulations from Washington, D. C.

Mr. BLANTON. I agree with the gentleman.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

SEC. 7. That the Alaska Railroad is authorized to decide all questions arising under the rules and regulations governing its medical and hospital service, and to make payments in accordance with such decision.

SEC. 9. That the President may, from time to time, transfer the administration of the injury compensation act of September 7, 1916, so far as employees of the Alaska Railroad are concerned, to the officer designated by him as the successor of the chairman of the Alaskan Engineering Commission, including the powers and duties of the chairman of said commission, provided in section 42 of said act; in which case the payments authorized in said section to be made out of appropriations for the Alaskan Engineering Commission shall be made out of appropriations for the Alaska Railroad, such appropriations to be reimbursed for such payments by the transfer of funds from the employees' compensation fund.

The SPEAKER. The question is on the engrossment and third reading of the House joint resolution.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next bill.

R. E. AMES, UNITED STATES NAVY

The next business on the Private Calendar was the bill (H. R. 1445) to change the retired status of Chief Pay Clerk R. E. Ames, United States Navy, retired.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and empowered to transfer Chief Pay Clerk R. E. Ames, United States Navy, retired, from the furlough pay list to the 75 per cent pay list of the retired officers of the Navy, from the date of his retirement, and the said Pay Clerk R. E. Ames, United States Navy, retired, is hereby granted all the rights, privileges, and benefits now or hereafter provided for an officer retired under section 1453, Revised Statutes of the United States: *Provided*, That the said Chief Pay Clerk R. E. Ames shall not, by the passage of this act, be entitled to any back pay or allowances.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

The SPEAKER. The Clerk will report the next bill.

LUCY B. KNOX

The next business on the Private Calendar was the bill (H. R. 5456) granting six months' pay to Lucy B. Knox.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BLANTON. Mr. Speaker, I reserve the right to object, in order to ask a question of the gentleman from Maryland [Mr. LINTHICUM], also the gentleman from Georgia [Mr. VINSON], who reported this bill. I notice that the Secretary of the Navy has stated that this bill is meritorious, but not being general in character, but merely for an individual, he could not recommend it.

Mr. LINTHICUM. That is very true. He said he could not recommend it because there were other bills of like character, and he wanted general legislation. Yet he would not oppose it. The man who came down from the War Department said it was a meritorious bill. He showed me that six other bills that were passed were identical with this bill.

Mr. BLANTON. If we allow one of them, we ought to allow them all.

Mr. VINSON of Georgia. I will say to the gentleman from Texas that the committee has acted favorably on every bill of this character.

Mr. BLANTON. Yes. I heard a gentleman say the other day that he was going to scrutinize carefully everything that came from the Committee on Naval Affairs, because they reported everything that came to them. [Laughter.]

Mr. VINSON of Georgia. Whatever bills we have reported have been good bills.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That Lucy B. Knox, widow of the late Lieut. Commander Forney Moore Knox, United States Navy, is hereby allowed an amount equal to six months' pay at the rate said Fordney Moore Knox was receiving at the date of his death.

SEC. 2. That the payment of the amount of money hereby allowed and authorized to be paid to said Lucy B. Knox is authorized to be made from the appropriations for beneficiaries of officers who died while in the active service of the United States Navy.

The SPEAKER. The Clerk calls attention to the fact that on line 4 of page 1 the name is "Forney" and on line 6 it is "Fordney." Does the gentleman know which is correct?

Mr. LINTHICUM. I can not say off-hand.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

The SPEAKER. The Clerk will report the next bill.

WILLIAM H. ARMSTRONG

The next business on the Private Calendar was the bill (H. R. 6442) for the relief of William H. Armstrong.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to appoint William H. Armstrong, by and with the advice and consent of the Senate, an officer in the Army of the United States, with such rank as he would have attained had he not been discharged. Such appointment shall carry no back pay or allowances.

With the following committee amendment:

Page 1, line 5, after the word "Senate," strike out the remainder of the line, all of line 6, all of line 7, and the words "carry no back pay or allowances" in line 8, and insert the following: "formerly a captain of Infantry, a captain of Infantry in the Army of the United States, to take rank at the foot of the list of captains of Infantry, and that no back pay or allowances shall accrue as a result of the passage of this act."

The committee amendment was agreed to.

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

NEAR EAST RELIEF

The next business on the Private Calendar was the bill (S. 87) for the relief of the Near East Relief (Inc.).

The Clerk read the title of the bill.

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

Mr. BLANTON. I object, Mr. Speaker.

HERBERT ELLIOTT STEVENS

The next business on the Private Calendar was the bill (H. R. 2921) for the relief of Paymaster Herbert Elliott Stevens, United States Navy.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That hereafter Paymaster Herbert Elliott Stevens, United States Navy, shall be regarded as having been promoted to a pay inspector in the United States Navy on the 11th day of January, 1918, with rank as such immediately after Pay Inspector McGill R. Goldsborough, United States Navy: *Provided*, That the said Paymaster Herbert Elliott Stevens shall establish to the satisfaction of the Secretary of the Navy, by examination, his mental, moral, physical, and professional qualifications to perform all the duties of said grade: *Provided further*, That nothing herein shall be construed to entitle Paymaster Herbert Elliott Stevens, United States Navy, to any back pay, allowance, or other emoluments in this permanent rank.

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

WALTER BAKER

The next business on the Private Calendar was the bill (H. R. 5639) for the relief of Walter Baker.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Walter Baker, a recruit, Fourth Company, Fort Slocum, N. Y., shall hereafter be held and considered to have been honorably discharged from the military service of said company and regiment.

With the following committee amendment:

Page 1, line 8, after the word "regiment" insert: "*Provided*, That no pension, pay, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendment was agreed to.

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

JAMES F. JENKINS

The next business on the Private Calendar was the bill (H. R. 4750) for the relief of James F. Jenkins.

The Clerk read the title of the bill.

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

Mr. BLANTON. Mr. Speaker, I reserve the right to object, and will ask the gentleman from South Carolina to explain the bill.

Mr. STEVENSON. Mr. Speaker, I hope that no one will object to this bill, and I am going to state in a few words the situation the man is in. It is all borne out by the record and confirmed by the War Department.

This man owned 600 bales of linters. In the spring of 1918 the War Industries Board served notice on him to the effect that he must not sell them to anybody but the Du Pont Co. He wrote them and said all right; that they cost him 7 cents and he was willing to sell them at 7 cents and would be glad to do it. The Du Pont Co. sent an agent there and they fiddled around, but the agent did not say whether they would or would not take them. However, they issued a supposed voucher for them.

The matter stood that way until August, when the man began to need his money, because he was a small man, although he is an honest man and always pays his debts. On August 8, they having done nothing, he wrote to the War Industries Board and asked them for permission to sell the linters to the Southern Aseptic Laboratories, which were making material for the Government. He was offered by them 9 cents a pound, whereas the Government was paying 7 cents. They wrote him—and this is all the record I am going to read—

We regret that we can not grant you permission to sell this stock to the Southern Aseptic Laboratories, as all linters must be purchased by Du Pont American Industries Co. for the account of the Government.

From that time until the armistice they held them. They issued a contract voucher for $21,000, 7 cents a pound, for them and held him right there; held his feet on the fire and would not let him sell the linters to anybody else.

Mr. BLANTON. Will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. BLANTON. Inasmuch as the administration inspector, the gentleman from Ohio [Mr. BEGG] saith not to the contrary, I shall not object.

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, I am in a very embarrassing position in this era of good feeling, but the gentleman from Massachusetts [Mr. UNDERHILL], a member of the committee, has had objections to this bill, and I gave him my promise that I would, in his behalf, object to the bill. I have no personal knowledge of the measure, but I feel constrained to keep my promise.

Mr. STEVENSON. I wish the gentleman would hear me through and then see if we can not get the gentleman from Massachusetts to withdraw his objection. We had an opportunity to reach the bill the other evening but we did not reach it, and at that time the gentleman from Massachusetts stated he would not object. Now, this is the situation: If this were an ordinary situation I would not be particularly insistent about it; I would let him go along and take his chances with the balance of the linter fellows. But they held him until the 15th of November, four days after the Armistice, and then they released everything and threw his linters back on him.

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, I am obliged to object.

Mr. BULWINKLE. Will not the gentleman from Michigan withhold his objection?

Mr. STEVENSON. This man is to be sold out next month absolutely, lock, stock, and barrel, on account of this thing. That is what will happen to him if he does not get his money. [Cries of "Regular order!"]

The SPEAKER. The regular order has been demanded.

Mr. BLANTON. Mr. Speaker, I make the point of order that there is no quorum present. If we are not to have an opportunity to discuss these questions we had better get a quorum.

Mr. BULWINKLE. Will not the gentleman from Michigan withold his objection?

Mr. CRAMTON. So far as I am concerned, I am willing to withhold my objection, and I am sorry to have to make the objection.

Mr. BLANTON. Mr. Speaker, for the purpose of allowing the gentleman from North Carolina to ask some questions I withhold my point of no quorum.

Mr. BULWINKLE. I want to say to the gentleman that while I realize the gentleman has made a promise, yet there is another matter behind it, and it is a question that you should have in mind in considering it.

Mr. SPEAKS. Will the gentleman yield a moment?

Mr. BULWINKLE. Yes.

Mr. SPEAKS. I would like to ask the gentleman from Michigan if the gentleman knows of any reason why this claim should not be allowed?

Mr. CRAMTON. One reason is that I have given the gentleman my promise to object.

Mr. SPEAKS. Does the gentleman know personally of any reason why the Government should not pay this claim?

Mr. CRAMTON. I know nothing about it; but I have given my word to the gentleman and that is sufficient for me.

Mr. BULWINKLE. Will the gentleman yield for a moment?

Mr. CRAMTON. Certainly.

Mr. BULWINKLE. The last time this bill was up, as the gentleman from South Carolina [Mr. STEVENSON] has said, the gentleman from Massachusetts [Mr. UNDERHILL] told us he was not going to object to this bill; that he would not be here.

Mr. CRAMTON. I have a high regard for the gentleman from North Carolina [Mr. BULWINKLE]; does the gentleman from North Carolina assure me that he has had the assurance of the gentleman from Massachusetts that he would not object to this measure?

Mr. BULWINKLE. The gentleman from Massachusetts [Mr. UNDERHILL] stated that he would not object to this measure; that while he did not approve of it, yet he was not coming into the House, and he told the gentleman from South Carolina [Mr. STEVENSON] the same thing.

Mr. CRAMTON. Mr. Speaker, I am obliged to accept the statement of these gentlemen, and I withdraw my objection.

The SPEAKER. Is there objection?

There was no objection.

Mr. STEVENSON. Mr. Speaker, I ask unanimous consent that a similar bill (S. 1633) be considered in lieu of the House bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to James F. Jenkins, out of any money in the Treasury not otherwise appropriated, the sum of $21,000, being in payment for 600 bales of cotton linters taken by the United States on or about July 26, 1918, and the storage thereon up to and including December 14, 1920.

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

A similar House bill was laid on the table.

J. B. GLANVILLE AND OTHERS

The next business on the Private Calendar was the bill (S. 1253) to reimburse J. B. Glanville and others for losses and damages sustained by them through the negligent dipping of tick-infested cattle by the Bureau of Animal Industry, Department of Agriculture.

The Clerk read the title of the bill.

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

Mr. McREYNOLDS. Mr. Speaker, I object.

Mr. TINCHER. Will the gentleman withhold his objection?

Mr. McREYNOLDS. Certainly.

Mr. TINCHER. Mr. Speaker, this is a bill that has passed the Senate, after being considered during the last two sessions of Congress, without a dissenting vote. It is a bill that the Secretary of Agriculture not only has indorsed but has written a letter, which is on file with the Finance Committee of the Senate, asking that the money to pay this claim be put on an appropriation bill stating that the department was liable, having incurred the liability of the Government, and stating that these men who lost their livestock should be reimbursed. As a Member of the House of Representatives I have been here through two terms and this is the closing of the third term, and this bill has been passed each time by the Senate but we have never been able to get a vote on it in the House of Representatives. I do not think it is our fault altogether, but is due to the procedure here in the House. Members talk about men being sold out, here are men who have been sold out and are afoot. They have had their property taken from them on account of this mistake and the employee of the Government admits the claim and the administrative officer of the department of the Government involved asks the privilege of paying it, and has even gone to the extent of asking the other body over his signature as a member of the Cabinet to attach it to one of the appropriation bills.

I want to know whether the members of the Claims Committee who are opposed to this bill will agree that if I shall offer an amendment a few moments later to send this matter to the Court of Claims they will withdraw their objection and let us amend the bill in that way and dispose of it?

Mr. McREYNOLDS. I will say to the gentleman from Kansas that there are four of us who filed a minority report in this case. I took up the question of amending the bill so as to refer the matter to the Court of Claims, and I found some opposition on the part of the other gentlemen. They are here to speak for themselves, the gentleman from Texas [Mr. Box] and the gentleman from North Carolina [Mr. BULWINKLE].

Mr. TINCHER. Is there any gentleman who will object to sending this matter to the Court of Claims and letting these men have their day in court? They can not get a vote in Congress.

Mr. BOX. Will the gentleman yield?

Mr. TINCHER. Certainly.

Mr. BOX. The gentleman from Texas would have no objection to this claim going to the Court of Claims, provided the act referring it to the Court of Claims protected the interests of the Government as to its liability for damages because of imperfections in the quarantine, which is the question involved. The question is whether the Government of the United States shall be held liable for damages because a quarantine has not been 100 per cent perfect. The gentleman from Texas would not agree to a general reference unless the bill were so protected by a statement of the liability as would leave the question of liability just as the law would leave it; in other words, the gentleman from Texas is willing for the Government's immunity to be waived but would not have Congress waive the legal question involved.

Mr. TINCHER. Inasmuch as the officer charged with the responsibility of administering the law admits the liability and has asked the Congress to pay it, I will agree now that if you will pass the bill over until later in the evening I will accept that kind of an amendment, because anything is better than nothing.

Mr. BOX. I doubt very seriously whether this bill could be so amended in haste this evening so that the gentleman from Texas would feel that the rights of the Government had been carefully safeguarded.

Mr. BULWINKLE. Will the gentleman yield?

Mr. BOX. Yes.

Mr. BULWINKLE. I suggest that three or four of us see if we can not do that and in the meantime just pass over the bill.

Mr. BOX. We will have other business here to attend to.

Mr. McREYNOLDS. I would like to ask the gentleman from Kansas if he has not an amendment already prepared?

Mr. TINCHER. I have.

Mr. McREYNOLDS. I had an amendment of that kind, but gentlemen would not agree to it.

Mr. TINCHER. Would the gentleman agree to the same kind of amendment that you put on the bill the other day where you sent it to the Court of Claims?

Mr. BOX. Yes; if it is so restricted as to protect what the gentleman from Texas believes are the present rights of the Government.

Mr. TINCHER. I want the Government to have every right, and I want to fix the bill so that the cattleman can have a part of his rights anyway. I ask unanimous consent that the bill may be passed over without prejudice and returned to again.

The SPEAKER. The gentleman from Kansas asks unanimous consent that the bill be passed without prejudice. Is there objection?

There was no objection.

SAMUEL S. WEAVER

The next business on the Private Calendar was the bill (S. 1573) for the relief of Samuel S. Weaver.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, 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 $720 to Samuel S. Weaver, as full compensation for wounds received by him on board the United States steam launch *Capron*, at Delaware, on or about January 17, 1900.

The following committee amendment was read:

Page 1, line 5, strike out "$2,000" and insert "$720."

The committee amendment was agreed to.

The bill was ordered to be read the third time, was read the third time, and passed.

CONVEYING LAND ON MILITARY RESERVATION, SANTA ROSA ISLAND, FLA.

The next business on the Private Calendar was the bill (S. 2676) authorizing the Secretary of War to lease, or, in his discretion, to convey by quitclaim deed, a certain tract of land in the military reservation of Santa Rosa Island, Fla.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. BLANTON. Reserving the right to object, who has charge of this bill? I ask that it be passed over without prejudice.

Mr. WAINWRIGHT. I object.

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

Mr. BLANTON. I am going to object.

The SPEAKER. The gentleman from Texas objects.

EDWARD N. MOORE

The next business on the Private Calendar was the bill (H. R. 5278) for the relief of Edward N. Moore.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any law conferring rights, privileges, or benefits upon honorably discharged soldiers Edward N. Moore shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company A, Fifty-first Regiment New York Volunteer Infantry, and Battery A, Fifth Regiment United States Artillery, on the 19th day of August, 1865: *Provided*, That no pension shall accrue prior to the passage of this act.

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

PLEASANT P. W. HARRIS

The next business on the Private Calendar was the bill (H. R. 7131) for the relief of Pleasant P. W. Harris.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Pleasant P. W. Harris shall hereafter be held and considered to have been in the military service of the United States as a private in Company K, Second Regiment Arkansas Volunteer Cavalry, from the 18th day of December, 1863, to the 18th day of December, 1864, and to have been discharged honorably as such on the latter date.

The following committee amendments were read:

Line 5, strike out the letter "P" and insert in lieu thereof the letter "R."

Line 10, change the period to a colon and add the following: "*Provided*, That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendments were agreed to.

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

The title was amended.

JAMES SHOOK

The next business on the Private Calendar was the bill (H. R. 7133) for the relief of James Shook.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BLANTON. Reserving the right to object, the record in this case shows that this man deserted January 1, 1865, and was absent from the company during eight months. The company was not mustered out until August, 1865. I think his excuse is rather slim. He waited years after the war was over before ever trying to correct his record, and he is now 77 years old. He could have filed proof of his being sick with rheumatism, which is his only excuse for not going to his company many years ago. Now he wants a pension from 1865 down to 1925, and comes here and wants us to correct his record, to remove the charge of desertion, and give him a pension. Is not that so?

Mr. RAGON. No.

Mr. BLANTON. What are the facts?

Mr. RAGON. If those were the facts, I would object to it myself.

Mr. BLANTON. That is what the report shows.

Mr. RAGON. No; the report does not show that. If the gentleman will let me explain it, I think I can satisfy him.

Mr. BLANTON. I have no objection to the gentleman's explaining it.

Mr. RAGON. Some features of the gentleman's statement are correct.

Mr. BLANTON. I have read the report, and then I have read between the lines.

Mr. RAGON. There is no "between the lines" to it. If the gentleman will reserve his objection, I shall explain to him as best I can, and shall explain from the standpoint of a partial personal investigation of the case. In the first place, the amendment here cuts off any back pension.

Mr. BLANTON. Oh, yes; that is in all the bills. The committee requires you to put that in.

Mr. RAGON. They did not require me to do anything of the kind. They just wrote it in themselves.

Mr. BLANTON. That is the way they require it.

Mr. RAGON. The fact is that this old gentleman had served from 1863—I believe it was in November—up until some time about January 12——

Mr. BLANTON. He served 13 months exactly.

Mr. RAGON. Somewhere around that.

Mr. BLANTON. From December 1——

Mr. RAGON. Is the gentleman going to let me make the statement or is he going to make it?

Mr. BLANTON. Oh, I want to help the gentleman.

Mr. RAGON. Let me make the statement. The last time the bill was up the gentleman from New York objected to it, and I meant to bring over the affidavits in the case, which I am sure would convince the gentleman beyond any question of doubt that this is a meritorious claim; but the gentleman from Texas [Mr. WURZBACH], as the gentleman knows, is seriously ill at his hotel, and I could not see him and get these affidavits from him. This old man lived about 12 miles out from the county seat of Franklin County, which is Ozark. The gentleman will understand that the location of the Federal soldiers and the company to which he belonged at that time was at Fort Smith. The place where he was confined with illness was within the Federal lines. He was not over 20 miles from his company. He was sent home for some reason or other, I have forgotten what, but it was a legitimate reason. He had been suffering with rheumatism, and while there he was confined to his bed and remained in bed something over a year and a half with rheumatism. He was doctored by Doctor Borland, and that is one of the reasons for the delay in this case, for, as the gentleman from Arkansas [Mr. WINGO] well knows, Doctor Borland was an aged man and suffered a nervous breakdown, and in his last days was not in possession of his best mental faculties. This bill has been in Congress for some 10 or 15 years to my own knowledge.

Mr. BLANTON. Will the gentleman answer one question?

Mr. RAGON. Yes.

Mr. BLANTON. Is it not a fact that this man enlisted in December, 1863, and served to the 1st of January, 1865, which was 13 months?

Mr. RAGON. I think it was in November that he enlisted.

Mr. BLANTON. Then, 14 months.

Mr. RAGON. Something like that.

Mr. BLANTON. Then he was absent from his company from the 1st of January, 1865, until the company was mustered out, in the latter part of August, 1865.

Mr. RAGON. I can not state the dates between which he was absent from his company, but he was confined to his bed with this rheumatism beginning on the 12th of November.

Mr. BLANTON. Let me state this: As was said a while ago, in view of the fact that the administration inspector, the gentleman from Ohio [Mr. BEGG], saith not to the contrary, I shall not object.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, James Shook shall be hereafter held and considered to have been honorably discharged on November 18, 1864, from the service of the United States as a private of Company C, Second Regiment Arkansas Volunteer Infantry.

With the following committee amendment:

At the end of the bill insert: "*Provided*, That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendment was agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

TENNESSEE M'CLOUD

The next business on the Private Calendar was the bill (H. R. 8749) to correct the military record of Tennessee McCloud.

The Clerk read the title of the bill.

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

Mr. VESTAL. Mr. Speaker, I object.

JESSIE M. WHITE

The next business on the Private Calendar was the bill (S. 827) for the relief of Jessie M. White.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Jessie M. White, widow of Mark White, out of any money in the Treasury not otherwise appropriated, the sum of $2,500, in compensation for injuries sustained in the discharge of his duties while employed in the Canal Zone, and which resulted in his death.

With the following committee amendment:

Page 1, after line 9, insert: "*Provided*, That no part of the amount of any item appropriated in this bill in excess of 10 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*, 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 10 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 exceeding $1,000."

Mr. VESTAL. Mr. Speaker, a parliamentary inquiry. Is this bill now being reported No. 237 on the calendar?

The SPEAKER. It is No. 241 on the calendar. The gentleman objected to No. 237.

Mr. VESTAL. Mr. Speaker, I desire to withdraw my objection to 237. I misunderstood the call of the Clerk on this bill. I desired to object to the bill that is now under consideration.

The SPEAKER. The gentleman is too late.

Mr. VESTAL. I misunderstood the number of the bill.

Mr. SEARS of Florida. Mr. Speaker, I accept the committee amendment, but I understand there is no attorney in this case. This is a meritorious case and I sincerely trust the Senate will agree to the amendment in order that the bill may be finally disposed of at this session.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to and the bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. SEARS of Florida, a moton to reconsider the vote by which the bill was passed was laid on the table.

Mr. VESTAL. Mr. Speaker, I desire to withdraw my objection to Calendar No. 237.

TENNESSEE M'CLOUD

The SPEAKER. The Clerk will again report the bill.

The Clerk read as follows:

A bill (H. R. 8749) to correct the military record of Tennessee McCloud.

The SPEAKER. Is there objection?

Mr. McKEOWN. Mr. Speaker, reserving the right to object, I notice the bill is reported by the author of the bill. I think that is a bad practice, and I object to it.

The SPEAKER. The gentleman from Oklahoma objects.

GEORGE M. APPLE

The next business on the Private Calendar was the bill (S. 1763) to validate certain payments made to George M. Apple and to authorize the General Accounting Office to allow credit to certain disbursing officers for payments of salaries made on properly certified and approved vouchers.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BLANTON. Reserving the right to object.

Mr. VESTAL. Mr. Speaker, I object.

Mr. VAILE. Mr. Speaker, the gentleman from Ohio [Mr. BEGG], who occupied the place now held by the gentleman from Indiana, was satisfied the other night——

Mr. BLANTON. I will reserve the right to object.

I do not understand the point the gentleman from Colorado is making.

Mr. VAILE. I think I could satisfy the gentleman's objection.

Mr. BLANTON. Will the gentleman yield for a question?

Mr. VAILE. Certainly.

Mr. BLANTON. This is another bill to get around the Comptroller General.

Mr. VAILE. Oh, no; not at all. That has been accomplished long ago. [Laughter.]

Mr. BLANTON. I agree with the gentleman; it has. Congress has just about done away with that office.

Mr. VAILE. Here is the point. The question is as to whether the Comptroller General was ruling correctly under the statute. This man got an opinion from the Civil Service Commission that he was allowed by law to take this place. He got his status established on his request from the Civil Service Commission and he acted in full faith in what he did, and because of a dispute between the Civil Service Commission and the Comptroller General he is deprived of salary and——

Mr. BLANTON. I will state to the gentleman from Colorado that he has performed such a wonderful service for the old maids of the country that I will withdraw the objection.

Mr. VAILE. I thank the gentleman.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That payments of salaries or compensation made to George M. Apple as an employee of the Federal Board for Vocational Education, the War Risk Insurance Bureau, the United States Veterans' Bureau, and the United States Veterans' Bureau regional office in Denver, Colo., in the period from November 20, 1920, to August 17, 1922, on properly certified and approved vouchers, be, and the same are hereby, validated, notwithstanding the provisions of section 2 of the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," approved July 31, 1894, and that the General Accounting Office be, and is hereby, authorized and directed to allow credit in the settlement of the accounts of disbursing officers making such payments to the extent that credit for the payments has not already been given: *Provided*, That any amount heretofore collected from said George M. Apple on account of payments so validated shall be refunded to him from appropriation or appropriations credited with the refundments.

The bill was ordered to be read the third time, was read the third time, and passed.

TENNESSEE M'CLOUD

Mr. McKEOWN. Mr. Speaker, I desire to withdraw my objection to the bill H. R. 8749

The SPEAKER. The Clerk will report the bill once more.

The Clerk read as follows:

A bill (H. R. 8749) to correct the military record of Tennessee McCloud.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Tennessee McCloud, who was a private in Company I, Thirteenth Regiment Tennessee Volunteer Cavalry, shall be held and considered to have been discharged honorably from the military service of the United

States as a private of said company and regiment on September 6, 1865: *Provided*, That no bounty, pay, or allowances shall be held as accrued prior to the passage of this act.

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

ANNE C. SHYMER

The next business on the Private Calendar was the bill (H. R. 1824) for relief of the estate of Anne C. Shymer.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BOX. Mr. Speaker, I object.

Mr. MILLS. May I ask the gentleman——

Mr. BOX. I will withhold it if the gentleman cares to make a statement, but I think I am fairly familiar with the facts of the case.

Mr. MILLS. I think the gentleman is; but the gentleman remembers this bill passed the House during the last Congress and failed in the Senate. It has now passed the Senate and is pending before the House once more. The last time the bill was up the gentleman from Texas [Mr. BLACK] objected to it and stated he would look into the matter further, and he did look into it and tells me, as far as he is concerned, he thought he was satisfied.

Mr. BOX. I should like very much to withdraw the objection, but I will be compelled to object.

DE KIMPKE CONSTRUCTION CO.

The next business on the Private Calendar was the bill (S. 970) for the relief of the De Kimpke Construction Co., of West Hoboken, N. J.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, I object.

Mr. McKEOWN. I object.

Mr. WILLIAMS of Michigan. Mr. Speaker, this claim is one which has been reported favorably by the Secretary of the Navy and in the closing statement upon this claim it says:

The department feels that the De Kimpke Construction Co. should be reimbursed——

Mr. BLANTON. Mr. Speaker, I withdraw my objection.

Mr. McKEOWN. I object.

Mr. STRONG of Kansas. Will the gentleman withhold his objection?

Mr. McKEOWN. Mr. Speaker, this is a case where a contract failed to be carried out. When the war was over the Government stopped the contract.

Mr. WILLIAMS of Michigan. The contract had been entered into by this company with the Navy Department, but the terms of the contract had not been reduced to writing. The concern had gone on and expended considerable money in the carrying out of its contract, and at the request of the Navy Department, of course, the matter was dropped——

Mr. McKEOWN. If they had a contract made and had expended money on it, I have no objection——

Mr. BLANTON. If the gentleman will yield, the committee has reduced the amount down to the amount the department recommended.

Mr. McKEOWN. Well, I have no objection, after a man honestly went into a contract and spent his money. I will withdraw my objection.

The SPEAKER. The objection is withdrawn. The Clerk will report the bill.

The Clerk 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 De Kimpke Construction Co., of West Hoboken, N. J., the sum of $5,655.69 in full settlement of damages suffered by reason of the withdrawal by the Navy Department in November, 1918, of the award of contract to said company for the construction of an oxidation absorption building at the naval proving grounds, Indianhead, Md.

The SPEAKER. The question is on the third reading of the bill.

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

The SPEAKER. The Clerk will report the next bill.

MURRAY A. COBB

The next business on the Private Calendar was the bill (S. 1815) for the relief of Capt. Murray A. Cobb.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BLANTON. I reserve the right to object.

Mr. Speaker, this is a bill that seeks to reimburse a captain in the United States Army to the extent of $4,331.20, alleged to have been paid out for medical and hospital treatment for tuberculosis.

There are several thousand men who served in the Army during the war, not as captains but as privates, who are now suffering from tuberculosis, and they have had their cases turned down by the Veterans' Bureau. They have had to expend as much money as they could raise to keep alive. We ought to treat them all alike. On the 1st of January the time for connecting tuberculosis up with service origin expired. Since the 1st of January a man now afflicted with tuberculosis is not able to prove it to be of service origin, when as a matter of fact he might have been gassed during the war, and that in itself could have caused tuberculosis.

Mr. WILLIAMS of Michigan. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. In a moment. We ought to pass general legislation extending the time when the mere fact of a man having tuberculosis can be assumed to be of service origin without his proving it if he served in France. If we give this $4,331.20 to a captain we ought to see that the privates, hundreds and thousands of whom in the United States are now suffering from this very grave disease, are cared for.

Mr. TYDINGS. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. TYDINGS. This man was in my division. I knew the case very well.

Mr. BLANTON. I am not speaking of the merits.

Mr. TYDINGS. He was not a captain in the Regular Army at all.

Mr. BLANTON. I am speaking of these poor privates who are dying without help.

Mr. TYDINGS. This man was in a terrible condition, and he did not know what was taking place with him, and he was ordered to be sent to another place to save his life.

Mr. BLANTON. I know the gentleman from Maryland wants to help this captain out.

Mr. TYDINGS. I have not seen him since the war. If a man is delirious and at the lowest stage physically possible, and his doctors order him away without his consent, and he is taken away and can not be moved afterwards, does the gentleman think that that man, after serving his country, should be penalized for obeying his superior officer's orders? The case was badly handled, I admit, but it was not the captain's fault.

Mr. BLANTON. We ought to pass a provision requiring the Veterans' Bureau to consider tuberculosis as of service origin when a man who had service on the battle front of France contracts it.

Mr. WILLIAMS of Michigan. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. WILLIAMS of Michigan. This man was not suffering from tuberculosis. This man was suffering from Pott's disease, a very serious affection of the spine.

Mr. BLANTON. Will the gentleman object to my offering, at the end of the bill, a proviso to the effect that the Veterans' Bureau, where it is shown that men are suffering from tuberculosis of any kind prior to January 21, 1926, shall consider such disease to be of service origin? You can put all sorts of riders on in another body.

The SPEAKER. Is there objection?

Mr. VESTAL. I object.

The SPEAKER. Objection is made. The Clerk will report the next bill.

PAYMENT OF CLAIMS FOR DAMAGES TO AND LOSS OF PRIVATE PROPERTY

The next business on the Private Calendar was the bill (S. 2527) for the payment of claims for damages to and loss of private property incident to the training, practice, operation, or maintenance of the Army.

The Clerk read the title of the bill.

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

Mr. McKEOWN. I object, Mr. Speaker.

Mr. LINEBERGER. I hope the gentleman will withhold his objection.

Mr. McKEOWN. I will withhold the objection.

Mr. LINEBERGER. This bill contains some particularly meritorious items. There is one item in the bill of which I happen to have personal knowledge. It is an omnibus bill, and among the items carried in it is the Mary Bauman claim. It is the claim of a poor, old woman who had a ranch out in the

dry farming country in the Antelope Valley of California; an Army balloon, during the war, came over her little ranch and exploded and burned up everything she had. She is practically in the poorhouse to-day. The claim has been reduced from over $2,500, which was the actual amount of the damage she suffered, to a little over $1,000.

I simply want to read to the House the statement on the Mary Bauman claim alone.

Mr. McKEOWN. I want to ask the gentleman from California this question——

Mr. LINEBERGER. Has the gentleman the report?

Mr. McKEOWN. Yes. The Secretary of War refused to recommend a portion of this bill on the ground that the proof was unsatisfactory. What has the gentleman to say about that?

Mr. LINEBERGER. All necessary proof has been submitted and the Secretary of War has given his full indorsement to the Mary Bauman claim, as it is carried in this bill. If the gentleman will look on page 2, under the head of "Summary of Claims," he will find a statement with regard to the Mary Bauman claim.

Mr. McKEOWN. There are many claims involved in this bill. Why were they put in one bill?

Mr. LINEBERGER. Under the circumstances, it appears that is the only way we can pass the bill, and I understand all the claims included in the bill have been approved by the War Department.

Mr. STRONG of Kansas. That is not quite true; and let me make this statement: I introduced this bill at the request of the Secretary of War and referred it to a subcommittee. The Secretary of War has approved every claim in the bill. The language the gentleman refers to is a claim that is not included in the bill. That has been stricken out.

Mr. McKEOWN. I want to ask the gentleman whether it is the usual practice to put various claims into one bill and blanket them in one bill?

Mr. STRONG of Kansas. No; but the Secretary of War had a lot of claims that the War Department had approved; he sent them to the War Claims Committee and asked that a bill be introduced; I introduced it, referred it to a subcommittee, and it was acted upon. Only those claims approved by the War Department are included in the bill.

Mr. McKEOWN. I do not want to be captious about it, but my main objection is because the Secretary of War said he could not recommend a portion of the bill, but here are a number of different claims blanketed in one bill, and I think that is not good practice.

Mr. STRONG of Kansas. Every one of them was approved by the Secretary of War, examined by the subcommittee very carefully. The gentleman from Michigan [Mr. WILLIAMS] was the chairman of that subcommittee, and he can assure you that every claim is a just claim.

Mr. McKEOWN. If that practice can be followed you could blanket all these claims in one bill. I am not going to object if the gentleman will say that the future practice will be not to come in here and blanket a lot of claims in one bill.

Mr. WILLIAMS of Michigan. I can say to the gentleman that I understand this has been done in previous Congresses.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, 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 claimants named in this act the several sums appropriated herein, for the payment of claims for damages to and loss of private property incident to the training, practice, operation, or maintenance of the Army, namely:

To Mary Bauman, Lancaster, Calif., $1,048.75; to R. W. Eubanks, Atlanta, Ga., $842.28; to William R. Midgley, Oceanport, N. J., $538; to Standard Shipbuilding Corporation, New York City, $3,921.59; to Lord Dry Dock Corporation, Weehawken, N. J., $1,034.55; to Fred E. Jones, New York City, $13,457.64; to Stephenson & Bills, Lakewood, N. J., $2,211.90; to B. F. Jones estate, Pittsburgh, Pa., $596.06; to W. S. Lloyds (Inc.), New York City, $890.33; to Firemen's Fund Insurance Co., New York City, $890.33; to St. Paul Fire & Marine Insurance Co., of New York City, $890.33; to Mrs. W. D. Holman (estate of Moses Samuels), Lakewood, N. J., $13,368.18; to Dominion of Canada, Ottawa, Canada, $1,200; to James R. Sutton, Kempton, Ill., $850; to Arabella D. Huntington, New York City, $524.27; to Porto Rico Coal Co., San Juan, Porto Rico, $1,000; to the New York State Fair Commission, Syracuse, N. Y., $12,098.25; to Riverside Contracting Co., Brooklyn, N. Y., $8,893.01; to Charles Jensen, Omaha, Nebr., $1,038.50; to Cornell Steamboat Co., New York City $1,235; to Southern Transportation Co., Philadelphia, Pa., $651; to Joe A. Ottman, Mercedes, Tex., $512.20; to Silver Lake Park Co., Atlanta, Ga., $18,000; to Lee C. Davis, Wrightstown, N. J., $1,807.61.

With the following committee amendment:

On page 2, line 2, strike out "to R. W. Eubanks, Atlanta, Ga., $842.28; to William R. Midgley, Oceanport, N. J., $538."

In line 8, strike out "to B. F. Jones estate, Pittsburgh, Pa., $596.06."

In lines 15, 16, 17, and 18, strike out "James R. Sutton, Kempton, Ill., $850; to Arabella D. Huntington, New York City, $524.27; to Porto Rico Coal Co., San Juan, Porto Rico, $1,000; to the New York State Fair Commission, Syracuse, N Y., $12,098.25."

In lines 22, 23, 24, and 25, strike out "to Southern Transportation Co., Philadelphia, Pa., $651; to Joe A. Ottman, Mercedes, Tex., $512.20. to Lee C. Davis, Wrightstown, N. J."

Page 3, line 1, strike out "$1,807.61," and insert "to R. B. MacCallum and Dr. E. E. Wagner, Wilkes-Barre, Pa., $2,232.75; to Kinsey-Davidson Electric Welding Co., Milwaukee, Wis., $3,500."

The committee amendments were agreed to.

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

WILLIAM A. GLASSON

The next business on the Private Calendar was the bill (H. R. 1307) for the relief of William A. Glasson.

The Clerk read the title of the bill.

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

Mr. BLANTON. Mr. Speaker, reserving the right to object, I want to call attention to what the Acting Adjutant General says about this matter:

These men appear to have deserted while on duty with their troop. Nothing is found of record to show that they were on detached service at the time.

Mr. FRENCH. Will the gentleman withhold his objection?

Mr. BLANTON. Yes; I withhold it.

Mr. FRENCH. I want to say very frankly that I do not believe it is possible for proof to be brought forward to substantiate the contention of this claimant, William A. Glasson. William A. Glasson was a private in the company, and according to the affidavits he has submitted he was one of four or five who were sent out, as he supposed, under a man who had been acting sergeant of the company. Next morning, after this group had proceeded on the mission, William A. Glasson recognized that the little party was completely separated from the company. He was not aware even then that a desertion program was being engineered. However, he did desire to return to the command and insisted that he be permitted to do so. The acting sergeant refused to permit him to leave and insisted that conditions in the country were so hazardous that the little band should hold together for their mutual protection. Some days later the acting sergeant and the other associates deserted Mr. Glasson. Mr. Glasson worked his way to Denver, Colo., where he surrendered to the chief of police and undertook to get in touch with the commanding officer from whose command he had become separated. The chief of police, according to Mr. Glasson's affidavit, wired the commanding officer of the surrender of Glasson and received the reply that Glasson was no longer needed, as on account of an injury he was to be discharged.

From that time on Mr. Glasson has tried to obtain an honorable discharge. More than that, it appears that the said William A. Glasson enlisted as a member of the National Guard of Colorado in September, 1879, and that he was a member of the expedition under command of General Cook and Captain Hawley against the Ute Indians in 1879 and 1880; that he enlisted as a member of the Denver Zouaves, which in 1883 became Company D, First Infantry, Colorado National Guard, and that he was discharged with honorable record from said organization June 20, 1889, and, following further service, honorably discharged July 2, 1890, after having served seven years with the National Guard of Colorado.

It also appears that under the military law which existed from 1877 to 1890 Glasson was subject to court-martial as a deserter had the department desired to proceed against him.

The acting sergeant of the company and the four or five other members of the detachment have not been heard of since and have never made application for discharge. But so far as Glasson is concerned, while he can not prove the statements that he swears to, I submit that the whole record of the case supports strongly the contention of his right to an honorable discharge.

Mr. BLANTON. Will the gentleman yield?

Mr. FRENCH. I will be glad to yield.

Mr. BLANTON. In view of the fact that the administration has no one on the watchtower to oppose these bills, I shall not oppose the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, William A. Glasson shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Troop B, Seventh Regiment United States Cavalry: *Provided*, That no pension shall accrue prior to the passage of this act.

Mr. VESTAL. Mr. Speaker, I desire to offer an amendment.

The SPEAKER. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. VESTAL: On page 1, strike out all of lines 9 and 10 after the word "*Provided*," in line 9, and insert: "That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The amendment was agreed to.

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

ORRIN F. STRICKLAND

The next business on the Private Calendar was the bill (H. R. 2107) for the relief of Orrin F. Strickland.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Orrin F. Strickland, late of Company D, One hundred and eleventh Regiment Pennsylvania Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 26th day of December, 1864.

With the following committee amendment:

Page 1, line 10, after the figures "1864," insert: "*Provided*, That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The amendment was agreed to.

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

ROBERT W. CALDWELL

The next business on the Private Calendar was the bill (H. R. 8672) for the relief of Robert W. Caldwell.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to revoke the order dismissing Robert W. Caldwell from the military service of the United States as a major of the First Regiment Ohio Volunteer Heavy Artillery, and to issue to him an honorable discharge as of the date of said order: *Provided*, That nothing in the terms of this act shall be so construed as to entitle the said Caldwell to any or all allowances in addition to those which he has already received.

With the following committee amendments:

Page 1, line 3, strike out the words "that the Secretary of War be, and he is hereby, authorized and directed to revoke the order dismissing" and insert in lieu thereof the words "that in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers," and in line 7, after the word "Caldwell," insert "shall be held and considered to have been honorably discharged"; and in lines 10 and 11 strike out the words "and to issue to him an honorable discharge as of the date of said order."

The committee amendments were agreed to.

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

AUTHORIZING DOMINIC I. MURPHY, CONSUL GENERAL OF THE UNITED STATES, TO ACCEPT A SILVER FRUIT BOWL PRESENTED TO HIM BY THE BRITISH GOVERNMENT

The next business on the Private Calendar was the bill (S. 1699) authorizing Dominic I. Murphy, consul general of the United States of America, to accept a silver fruit bowl presented to him by the British Government.

The Clerk read the title of the bill.

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

Mr. BLANTON. I object.

JAMES MADISON BROWN

The next business on the Private Calendar was the bill (H. R. 3544) for the relief of James Madison Brown.

The Clerk read the title of the bill.

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

Mr. VESTAL. Mr. Speaker, reserving the right to object, as no one here seems to have this bill in charge, I ask that the bill may be passed over.

The SPEAKER. Is there objection?

There was no objection.

MRS. G. A. GUENTHER

The next business on the Private Calendar was the bill (H. R. 8997) for the relief of Mrs. G. A. Guenther, mother of the late Gordon Guenther, ensign, United States Naval Air Corps.

The Clerk read the title of the bill.

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

Mr. VESTAL. I object, Mr. Speaker.

JOSEPH A. CHOATE

The next business on the Private Calendar was the bill (H. R. 6824) for the relief of Joseph A. Choate.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Joseph A. Choate, who served under the name of Alexander Choat as a private of Company K, Fourth Regiment Tennessee Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of said company and regiment on the 25th day of November, 1864.

The following committee amendment was read:

Page 1, line 10, after the figures "1864," insert "*Provided*, That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendment was agreed to.

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

FREDERICK MARSHALL

The next business on the Private Calendar was the bill (H. R. 811) for the relief of Frederick Marshall.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. VESTAL. Reserving the right to object.

Mr. BARBOUR. Does the gentleman wish some information in regard to this bill?

Mr. VESTAL. I shall be glad to hear the gentleman.

Mr. BARBOUR. This is a case to correct the naval record of a man who enlisted in the Navy in 1862, served for some time on the west coast of South America, until the vessel went up to Magdalena Bay for gun practice. There he was made deaf through the concussion of the guns during the practice. They left Magdalena Bay and went on to San Francisco. There he was shanghaied, taken to Germany, and then went to Austria. He was recorded by the Navy Department as a deserter. This man has been living in what is now my district in California for many years. He is highly recommended by many reputable citizens in his community, including the recent national commander of the American Legion, John R. Quinn.

Mr. VESTAL. What evidence has the gentleman that he was shanghaied?

Mr. BARBOUR. No evidence except his own testimony given under oath, that he was shanghaied and taken to Germany and afterwards came back to San Francisco and reported to the naval station there.

Mr. VESTAL. What is his age?

Mr. BARBOUR. He is 80 years old.

Mr. VESTAL. I withdraw my objection.

Mr. BLANTON. Mr. Speaker, I renew the reservation of objection. The gentleman withdraws so easily. I want the country to know, as well as the membership of the House, just why the whip of the administration has objected. He had a good reason for it; it was the recommendation of the Secretary of the Navy, and here is what the Secretary of the Navy says:

I have the honor to inform you as follows: The record of the department shows that Frederick Marshall deserted from the Navy on November 24, 1863, at a time during the Civil War when his services were specially in demand.

At a time when his services were specially in demand.

Mr. RAKER. Will the gentleman yield?

Mr. BLANTON. No; I want you to understand this case. The Secretary of the Navy, Edwin Denby, recommends that the bill be not passed. Is it because you do not have confidence in the recommendation of this particular Secretary of the Navy that you withdrew your objection, or is it because of something else?

Mr. VESTAL. I will say that the records in the War Department in all cases show desertion.

Mr. BLANTON. This is not in the War Department, it is in the Navy Department.

Mr. VESTAL. The Navy shows the same thing. But if evidence can be submitted to show that it was not desertion, if the man was shanghaied and did not desert and he has lived to be 80 years old and is a good citizen, I think we can not do better than to correct the record. I make the assertion on the statement of the gentleman from California.

Mr. BLANTON. What transpired in a minute and a half to convince the whip of the great Republican Party that this man was shanghaied. I will state that it is a sad day when the administration whip and leader is not here. His duty devolves on somebody else across the aisle.

Mr. VESTAL. The gentleman understands that when a person is shanghaied it is impossible to get any evidence of that fact except the evidence of the man himself.

Mr. BARBOUR. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. BARBOUR. I want to say to the gentleman that the letter of the Secretary of the Navy does show technical desertion, but he was given shore leave and shanghaied while off duty.

Mr. BLANTON. I will tell you why it is technical; it is because the years have passed from 1863 until 1925, the deserter has become an old man who knew that his services were badly needed at the time he left the Government service. Congress now comes in and feels good because we are going to adjourn very shortly and is willing to remove this charge.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. But this is an old man, and if the administration is not going to keep somebody here who can stand up, I am not going to object to these bills.

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

Mr. CHINDBLOM. Mr. Speaker, I shall not object, but I want to ask the gentleman to add the usual proviso, that no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

Mr. BARBOUR. That is quite agreeable.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged sailors, Frederick Marshall, who enlisted in the United States Navy October 22, 1862, and served on the *Cyane* and the *Lancaster* as an ordinary seaman, shall hereafter be held and considered to have been discharged honorably from the naval service of the United States on the 21st day of October, 1865.

Mr. CHINDBLOM. Mr. Speaker, I offer the amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. CHINDBLOM: After line 9 insert "*Provided*, That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

JOHN CLARENCE SHEA

The next business on the Private Calendar was the bill (H. R. 3771) for the relief of John Clarence Shea.

The Clerk read the title of the bill.

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

Mr. VESTAL. Mr. Speaker, I object.

Mr. STEPHENS. Mr. Speaker, will the gentleman reserve his objection for a moment?

Mr. VINSON of Georgia. Mr. Speaker, I ask the gentleman to withhold his objection for a moment.

Mr. VESTAL. Mr. Speaker, I reserve the objection.

Mr. VINSON of Georgia. Mr. Speaker, this case is far more meritorious than the case to which the gentleman a moment ago withdrew his objection. I am satisfied that if the gentleman will read the report in this case he will see that this man's record should be corrected. Here is a man who enlisted in the Army and was honorably discharged. Then he enlisted in the Navy, and while his ship was at Yokohama he failed to report one morning, because he drank a little too much, and he was marked up as a deserter. When the World War came on, being a great many years over the draft age, he offered his services and served in the Navy and was honorably discharged. In view of his two previous honorable discharges, one from the Navy and one from the Army, we think his record should be corrected. The case to which the gentleman just withdrew his objection was an exceedingly weak case.

Mr. VESTAL. In one case the man was shanghaied and in the other he voluntarily got drunk.

Mr. VINSON of Georgia. It is doubtful as to whether he was ever shanghaied. If the gentleman will read the report in this case, I think he would not object.

Mr. STEPHENS. Mr. Speaker, I call the gentleman's attention to the fact that this boy served in the Spanish-American War and was honorably discharged. He then enlisted in the Navy, and while in Japan, accidentally he drank too much, and the ship went off and left him. When the World War came on, he enlisted and served 21 months in France, and if he is not entitled to have his record cleared, when he was left on shore in time of peace, I can not see the reason for it.

Mr. VINSON of Georgia. It was the ship's fault that produced the desertion.

Mr. STEPHENS. He served in two wars and the ship went off and left him.

Mr. VESTAL. Mr. Speaker, the gentleman has shown that this man was such a wonderful soldier that I withdraw the objection.

Mr. BLANTON. Mr. Speaker, I renew the objection, or reserve it. I want to show what an easy mark the whip is. I shall read from the report of the Secretary of the Navy, who says:

The enactment of this proposed law would furnish an undesirable precedent, and as the department regards the case as not meritorious, it being legislation for the benefit of an individual and not for that of the naval service, it is recommended, in accordance with the department's consistent practice, that the bill (H. R. 3771) be not enacted.

This is the recommendation of the Secretary of the Navy, and if you gentlemen do not care about passing such bills as this then I shall not object.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the compensation laws and laws conferring rights and privileges upon honorably discharged soldiers, sailors, marines, etc., their widows and dependent relatives, John Clarence Shea shall hereafter be held and considered to have been discharged honorably from the United States Navy as coal passer: *Provided*, That no back pay or allowance of any kind accrue because of the passage of this act.

Mr. CHINDBLOM. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. CHINDBLOM: Page 1, line 8, after the word "passer," strike out the remainder of the paragraph and insert: "*Provided*, That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

KATHERINE MACDONALD

The next business on the Private Calendar was the bill (H. R. 5812) for the relief of Katherine Macdonald.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. VESTAL. Mr. Speaker, reserving the right to object, I would like to ask about this bill. What evidence was submitted that this money was absolutely owing to this woman? Can the gentleman give us some information?

Mr. EVANS of Montana. Yes. The Government entered into a contract to build a tunnel on a reclamation project and the contractors defaulted. The Government sued them on their bond and collected by compromise some $42,000. The contractors had left a lot of unpaid claims for work, for lumber, and for material in doing this work and these unpaid claims amounted to about $55,000—$42,000 was appropriated by the Government to pay the claims and there are some $9,000 of them unpaid. This woman was at that time running a boarding house and boarded these people. She took their checks, took their due bills for labor, and she also took a lot of assigned claims for labor and material, and in turn asked the Government to pay those claims. The Government appropriated $42,000 and paid as far as it would go, and she is now asking reimbursement in the amount of money of about $9,000.

Mr. BLANTON. This bill will appropriate $9,819?

Mr. EVANS of Montana. Yes.

Mr. BLANTON. In the report of a committee usually the committee gives some basis for paying out $9,000. There is not a single thing shown in the committee report substantiating this case at all. We just take the ipse dixit of the committee. I think the committee at least ought to give to the House evidence to show that there is some reason to pay somebody $9,000 out of the Public Treasury.

Mr. EVANS of Montana. I will say the bill on two occasions passed the United States Senate.

Mr. BLANTON. Anything on earth can pass somewhere else.

Mr. EVANS of Montana. I hold in my hand a report showing the claims, contracts, estimates, and so forth.

Mr. BLANTON. Does not the gentleman think that the gentleman from Idaho who reported this bill ought to have given us the benefit of this evidence?

Mr. EVANS of Montana. The gentleman from Idaho is here and can speak for himself.

Mr. SMITH. Mr. Speaker, the report is made by Mr. LEAVITT, who comes from the State of Montana, where this lady lives, and Mr. LEAVITT——

Mr. BLANTON. I thought it was made by the gentleman from Idaho.

Mr. SMITH. The Secretary of the Interior in his report gives the particulars.

Mr. BLANTON. That does not substantiate the claim at all. That is merely a letter to say there were claims outstanding and this woman kept in touch with the department from time to time, but that does not substantiate the claim at all.

Mr. SMITH. The evidence is all on file in the department upon which this report of the Secretary of the Interior was based.

Mr. BLANTON. I notice that it is not in discord with the President's financial program of paying out money, so let it be paid.

Mr. EVANS of Montana. I thank the gentleman.

Mr. VESTAL. Mr. Speaker, I will have to object.

Mr. EVANS of Montana. Will the gentleman withhold his objection?

Mr. RAKER. Will the gentleman withhold his objection? [Cries of "Regular order!"]

The SPEAKER. The regular order is demanded.

Mr. VESTAL. I have to object.

CLAUDE S. BETTS

The next business on the Private Calendar was the bill (H. R. 8566) for the relief of Claude S. Betts, late ensign (pilot) Naval Air Service.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. VESTAL. Mr. Speaker, I object.

Mr. MONTAGUE. Will the gentleman reserve the right to object?

Mr. VESTAL. Yes, I will reserve it.

Mr. MONTAGUE. Mr. Speaker, if the gentleman will permit me, I will state this is a very, I do not like to use the word "meritorious" though I may use it, but it is a very distressing case. This man is permanently injured. He is one of the most acute and constant sufferers from rectal trouble, too distressing for me to mention upon the floor of this House. He is perfectly unable to perform any work and his disabilities were incurred in the line of duty, and I hope very much the gentleman will not insist upon his objection.

The SPEAKER. Is there objection?

Mr. VESTAL. The passage of this legislation would be a precedent that we ought not to establish, I should think.

Mr. MONTAGUE. Well, to be candid with you, I do not think to rectify a wrong is ever a precedent that should not be followed.

Mr. EDMONDS. I would like to say that the Committee on Claims have several times passed claims for those doctors who were killed in line of service, or who contracted disease in line of duty. We have paid them a certain amount of compensation. It would not be a precedent to be established by the passage of this bill.

Mr. SIMMONS. What wrong is going to be rectified? What wrong has the Government done this man?

Mr. MONTAGUE. He has a disease which was incurred while he was in the Government service. All I ask is that he be retired as an ensign with retired back pay. He enlisted in 1918, and he finally went out in 1919. He has been under treatment by two or three of the most eminent surgeons in America, and his rectal trouble is beyond any cure. It is of the most distressing nature. He is utterly unable to perform any work.

Mr. VESTAL. Upon the gentleman's statement, I withdraw my objection.

Mr. MONTAGUE. I appreciate the gentleman's humanity.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That Claude S. Betts, late ensign (pilot) Naval Air Service, be made a lieutenant on the retired list of the United States Navy: *Provided*, That nothing herein shall be construed to entitle said Claude S. Betts to any back pay or allowances.

With a committee amendment, as follows:

Line 4, strike out the words "a lieutenant" and insert "an ensign."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CHINDBLOM. Mr. Speaker, I move to amend the proviso to conform to the usual language.

The SPEAKER. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CHINDBLOM: Line 5, after the word "Navy," strike out the proviso and insert in lieu thereof "That no back pay, pension, or allowance shall be held accrued prior to the passage of this act."

Mr. MONTAGUE. I have no objection to that.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

The SPEAKER. The Clerk will report the next bill.

LEONARD R. COATES

The next business on the Private Calendar was the bill (H. R. 5135) for the relief of Leonard R. Coates.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BLANTON. I reserve the right to object, Mr. Speaker.

Mr. TINCHER. I hope the gentleman will not object to this bill for two reasons: First, because it is meritorious; and, second, because I hope it will not be back in the Committee on Agriculture in the next Congress.

This is a case, Mr. Speaker, where the Federal Government was called upon to look after some cows that proved to be tuberculous.

Mr. BLANTON. If we could have any reasonable assurance that this bill would be held down to the amount reported by the committee, to wit, $4,750, I would have no objection. But I know enough about the way these bills are handled; I have found it out by experience. I know that when we pass this bill it is going to another body, and the original amount, $12,039.22, is going to be put back into the bill, and it will come back here and be agreed to in conference, and it will be passed here in two minutes' time without anybody knowing what is

in it. The gentleman from Kansas knows that happens here all the time.

Mr. TINCHER. This bill was reported out unanimously by the Committee on Agriculture, as I recall it, and it was after a careful hearing that we decided to report it.

Mr. BLANTON. Will the gentleman be a conferee on this bill?

Mr. TINCHER. I think not. I am one degree below that grade. But I know that the gentleman from Iowa [Mr. HAUGEN] will not agree to an increase of the amount. From the hearings we have had and from the opinions expressed in committee I know he will not agree to any amount more than is mentioned in the bill.

Mr. BLANTON. The only way to keep this thing down is to object to them now. I object.

The SPEAKER. Objection is made. The Clerk will report the next bill.

DISPOSITION OF CERTAIN LANDS IN MINNESOTA

The next business on the Private Calendar was the bill (H. R. 1579) authorizing the disposition of certain lands in Minnesota.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to convey by patent in the usual form to Mary Snetsinger lot 7 of section 30, township 50 north, range 23 west, fourth principal meridian, with a reservation to the United States of all flowage rights in connection with the Sandy Lake Reservoir, upon the payment of $1.25 per acre for said land.

With committee amendments, as follows:

Page 1, line 7, after the word "flowage," insert the words "and overflow."

On page 1, line 8, after the word "Reservoir," insert the words "or any other Government works."

Page 1, line 10, insert "*Provided*, That said patentee, her heirs or assigns, shall never recover any damages on account of said flowage or overflow: *Provided further*, That said reservations and provisos shall be set forth in the patent."

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

The SPEAKER. The Clerk will report the next bill.

HENRY T. HILL

The next business on the Private Calendar was the bill (H. R. 9471) for the relief of Henry T. Hill.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. STRONG of Kansas. Reserving the right to object, Mr. Speaker, this is a very meritorious bill. The gentleman concerned was erroneously and wrongfully convicted of sleeping at his post, and was dishonorably discharged from the Army. On the last page of the committee's report you will find copied a finding made by the Committee on Military Affairs of this House after an investigation by that committee, in which they say:

The committee that has had this case under investigation feels that a great injustice has been done Private Hill; that Congress ought to immediately grant him the relief asked; and we respectfully submit that this bill should pass Congress at the very earliest possible date, because this is the most outrageous and inexcusable verdict that has ever come to the notice of the membership of this committee. It assaults every honest instinct of all who read this record. It is entirely out of harmony with truth and right. This verdict brings disgrace and disrepute upon the military system of our country. This verdict ought not to stand longer as a glaring wrong done an innocent private soldier and citizen of the United States.

Mr. BLACK of Texas. Mr. Speaker, will the gentleman yield?

Mr. STRONG of Kansas. Yes.

Mr. BLACK of Texas. If nobody objects to the bill, why is the gentleman taking up time?

Mr. STRONG of Kansas. If the gentleman will let me finish my statement I will explain my purpose. The bill clearing this soldier's record was passed in the Sixty-seventh Congress, but the usual clause was added in the House providing "that no back pay should be allowed," and so forth. I feel that as chairman of the War Claims Committee I should so advise the House of this fact and also to state that regardless of such fact I think this bill should pass.

The SPEAKER. The Clerk will report the bill.

The Clerk 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 Henry T. Hill, late of Company D, Sixteenth United States Infantry, the sum of $961, in full compensation for 35 months' back pay, 2 months' extra pay, 3 years, clothing allowance, mileage or travel pay as per special act of Congress, 1901, and reimbursement for transportation and subsistence money expended for travel from San Francisco, Calif., to Detroit, Mich., said amounts accrued to the above Pvt. Henry T. Hill for services rendered in the military service of the United States in the Philippine Islands during the late insurrection, 1899–1900.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

The SPEAKER. The Clerk will report the next bill.

NEW YORK SHIPBUILDING CORPORATION

The next business on the Private Calendar was the bill (H. R. 9969) for the relief of the New York Shipbuilding Corporation for losses incurred by reason of Government orders in the construction of battleship *No. 42*.

The Clerk read the title of the bill.

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

Mr. McKEOWN. Mr. Speaker, I object.

Mr. VINSON of Georgia. I wish the gentleman from Oklahoma would withhold his objection.

Mr. McKEOWN. I will withhold it.

Mr. BLACK of Texas. All I have had in mind in connection with this bill has been to arrive at a correct solution of the matter. One that will be sure to be fair to the Government. I will say that I objected to the bill when it was before the House at the last night session, held about two weeks ago. There are three things involved. One is retroactive wage increases that were made necessary by reason of a decision of the Government Wage Board, another is a wage increase granted from the time of the award, and a third is overtime payments. The bill covers all three.

Inasmuch as I objected on a previous occasion I consulted with members of the Naval Affairs Committee and they have agreed to amendments that will make the bill apply only to such retroactive wage increases as the corporation had to pay by reason of the Government decision and overtime payments which were occasioned by reason of an agreement with the Secretary of the Navy to speed up construction. The amendments that have been agreed upon at my suggestion and which I will offer will eliminate $814,000 from the bill. In other words, the amendments which I will offer will save the Government $814,000. I believe that if the gentleman from Oklahoma would consider it as I have he would arrive at the same conclusion. I am sure he is just as anxious to save the Government as I am.

Mr. McKEOWN. My objection is based on this proposition: I object to the Navy Department making its own settlements. I have no objection to going to the Court of Claims, but I object to the Navy Department making its own settlements.

Mr. BLACK of Texas. I will say this in all frankness: I believe that if we pass the bill with the amendments which I have prepared and which have been agreed upon with members of the Naval Affairs Committee, the Government will come out a good deal better than if the matter should be sent to the Court of Claims.

Mr. McKEOWN. I am willing to withdraw my objection if the gentleman assures me that amendments will be adopted protecting the Government. But I do not believe the practice of filing claims and failing to go to the Court of Claims is right.

Mr. BLACK of Texas. I agree with the gentleman, and I will say that the proponents of the bill proposed to send it to the Court of Claims, but I would not agree to the submission of the issue involving the $814,000. I am convinced that the Government is not liable for any part of that item and therefore I would not agree that it go to the Court of Claims.

Mr. McKEOWN. Will they agree to accept the amendments the gentleman has mentioned?

Mr. BLACK of Texas. The members of the Naval Affairs Committee have agreed to accept them; yes.

Mr. VINSON of Georgia. As it is the best we can do, we must accept the amendments.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and is hereby, authorized and directed to ascertain and determine the amount of loss caused to the New York Shipbuilding Corporation in the performance of the fixed-price contract for the construction of battleship *No. 42*, dated November 9, 1914, on account of increases in wages paid by said corporation to its employees in accordance with the decisions and awards of the Shipbuilding Labor Adjustment Board and on account of payments to employees made by said corporation in excess of regular time rates for overtime work under said contract in accordance with the direction, authorization, and approval of Government authority, and in so far as the amount or amounts so ascertained and determined shall increase the cost of such battleship *No. 42* over the limit of cost thereof heretofore authorized as to such vessel such limit of cost is hereby increased accordingly.

Mr. BLACK of Texas. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Texas offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK of Texas: Page 1, line 8, after the word "wages," insert "in so far as they were made retroactive."

On page 2, line 4, after the word "amounts," insert the language "of such retroactive wage increases and overtime payments."

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

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

FRED F. ROGERS

The next business on the Private Calendar was the bill (H. R. 9375) granting permission to Fred F. Rogers, commander, United States Navy, to accept certain decorations bestowed upon him by the Venezuelan Government.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. Without objection, an identical Senate joint resolution will be substituted and the House bill laid on the table.

There was no objection.

The Clerk read the Senate joint resolution, as follows:

Resolved, etc., That Fred F. Rogers, commander, United States Navy, be authorized to accept diploma and decoration of the Order of the Bust of Bolivar conferred upon him by the Venezuelan Government, on the occasion of the visit of the American Ambassador Extraordinary and Minister Plenipotentiary Buchanan, who was sent to Venezuela in the *Dolphin* in 1908 to negotiate the settlement of Venezuela's foreign loans; said decoration issued to "Ensign Fred F. Rogers, United States Navy, U. S. S. *Dolphin*."

The joint resolution was ordered read a third time, was read the third time, and passed.

JOSEPH F. BECKER

The next business on the Private Calendar was the bill (S. 747) for the relief of Joseph F. Becker.

The Clerk read the title of the bill.

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

Mr. BLANTON. Mr. Speaker, I reserve the right to object. There is no report from the department; there is merely a statement of the claimant himself in the committee report.

Mr. VINSON of Georgia. The gentleman is mistaken. Here is a long report from the department that was filed with the bill.

Mr. BLANTON. Where?

Mr. VINSON of Georgia. I will give it to the gentleman and he can refresh his mind on it. I will state to the gentleman the history of this bill. This man has served 20 years in the Navy. He served 10 years in the regular Navy. In 1917 Secretary Daniels issued a special order, while this man was serving with a ship off the coast of Ireland, transferring him into the Naval Reserve, and he served in the Naval Reserve until 1921.

Mr. BLANTON. Mr. Speaker, under my reservation I am not going to let the gentleman from Georgia [Mr. VINSON] interpolate something in the report that is not in the report. I stated that the committee report made by the gentleman from Georgia [Mr. VINSON] had nothing in it but a statement from the claimant. That is true. There is not a thing in this committee report that was filed here, Report No. 1129, filed January 10, 1925, made by the gentleman from Georgia, except the statement from the claimant. The gentleman brings in another document here, an extraneous document——

Mr. VINSON of Georgia. No; it relates to this case.

Mr. BLANTON. It is an extraneous document. It is not available to the Members of the House. There is not a Member here who has the report on this bill that has seen this document. Why did they not put this document in the committee report?

Mr. VINSON of Georgia. I am sorry it was not included, if it would shed any light on this deserving case.

Mr. BLANTON. Mr. Speaker, the committees owe it to the Members of Congress to bring all the information they have before us and not pull it out of their hip pockets at the last minute and submit such matters when we have not time to even read them.

Mr. MOREHEAD. Mr. Speaker, I object.

Mr. VINSON of Georgia. I would like to ask the gentleman who made the objection to reserve his objection, in order that I may make an explanation.

Mr. MOREHEAD. I made the objection and will reserve it.

Mr. VINSON of Georgia. I will say to the gentleman that this is a very deserving case. This man served for 20 years his country, and he was so unfortunate as to be injured while he was commanding a ship; and now he comes to Congress and asks Congress to do what it has done for all other officers who happened to have an accident prior to March 21, 1921. This man was taken out of the Navy by order of Secretary Daniels and put in the naval reserve. If he had stayed in his rank where he had enlisted and had served for 10 years, the law would have given him this right, and he would not have to come to Congress; but following the recommendation of a Democratic Secretary of the Navy he was put in this position, and I think the gentleman should not object unless he is thoroughly familiar with the facts in the case.

Mr. BLANTON. I would like to ask the gentleman a question. In the letter that was submitted to the committee by the Secretary of the Navy, Mr. Wilbur, dated July 22, 1924, Mr. Wilbur suggests 10 different amendments that should go into this bill. Have all those amendments been placed in the bill by the committee?

Mr. VINSON of Georgia. I think we drafted a new bill.

Mr. BLANTON. Does the gentleman know?

Mr. VINSON of Georgia. There are no amendments in this bill; and if not, then we have drafted a new bill.

Mr. BLANTON. Mr. Speaker, in the letter that the Secretary of the Navy sent to the committee he sets forth 10 different amendments that should go in this bill to protect the interests of the Government. He sets them forth in detail. He shows just exactly on what page and in what line the amendment should go and just what each amendment is.

Mr. VINSON of Georgia. We have drafted a new bill, because there are no amendments in this bill, and in drafting the new bill we have followed the recommendations of the department.

Mr. MOREHEAD. Mr. Speaker, I object.

Mr. BLANTON. I object for the present, Mr. Speaker.

BERWIND-WHITE COAL MINING CO.

The next business on the Private Calendar was the bill (S. 2992) for the relief of the Berwind-White Coal Mining Co.

The Clerk read the title of the bill.

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

Mr. McKEOWN. Mr. Speaker, I object.

Mr. EDMONDS. Mr. Speaker, will the gentleman reserve his objection?

Mr. McKEOWN. Yes; I reserve it.

Mr. EDMONDS. I would like to ask the gentleman why he objects to this bill?

Mr. McKEOWN. Because the Secretary of the Navy says there is no liability on the part of the Government.

Mr. EDMONDS. This simply refers the matter to the court. The gentleman spoke just a few moments ago in favor of sending these matters to the court, and this matter is simply referred to the court.

Mr. McKEOWN. Can the gentleman state upon what grounds there is thought to be any liability at all on the part of the Government?

Mr. EDMONDS. Does the gentleman want to object to this man having an opportunity in court to prove whether there is any liability or not on the Government?

Mr. McKEOWN. I do not object if he has any claim on the Government.

Mr. EDMONDS. He thinks he has, and I think it is only just that we should give him his day in court so that can be determined. We have passed 20 or 30 other bills of a similar character.

Mr. McKEOWN. I have no objection to it going to the court if there is any merit at all in the claim.

Mr. EDMONDS. It is going to the district court where all these admiralty matters are referred.

Mr. McKEOWN. I have no objection to his having his day in court if he has any claim at all.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the claim of the Berwind-White Coal Mining Co., a corporation organized under the laws of the State of Pennsylvania, with its principal place of business located in the city of New York, owner of the barge *Eureka No. 82*, against the United States for damages alleged to have been caused by the sinking of said barge in the North River, N. Y., on or about December 14, 1917, while said barge was in possession and under the control of the Department of the Navy of the United States, may be sued for by the said Berwind-White Coal Mining Co. in the United States District Court 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 cost, if any, as shall be found to be due against the United States in favor of the Berwind-White Coal Mining Co., or against the Berwind-White Coal Mining Co. in favor of the United States 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 the 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 ordered to be read a third time, was read the third time, and passed.

WILLARD THOMPSON

The next business on the Private Calendar was the bill (H. R. 1960) for the relief of Willard Thompson.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. CHINDBLOM). Is there objection?

Mr. BLANTON. Reserving the right to object, Mr. Speaker, the committee report on this bill shows that before the war was over an officer attempted to arrest this man and others who were drunk. He resisted arrest, he was tried, convicted, and given a year in the penitentiary. Does the committee want to remove this charge against such a man and pension him? Who has charge of this bill? I ask that it be passed over.

The SPEAKER pro tempore. The gentleman from Texas asks that the bill be passed. Is there objection?

There was no objection.

THORNTON JACKSON

The next business on the Private Calendar was the bill (H. R. 2225) to correct the military record of Thornton Jackson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws governing Civil War soldiers Thornton Jackson, now a resident of Indiana, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company K, One hundred and forty-ninth Regiment Indiana Volunteer Infantry, on the 27th day of September, 1865.

The following committee amendment was read:

Strike out the period after the number "1865," in line 9, and insert a colon, and add: "*Provided*, That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

HENRY SHULL

The next business on the Private Calendar was the bill (H. R. 3541) for the relief of Henry Shull.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Reserving the right to object, I would like to ask the gentleman from Illinois [Mr. McKENZIE] about this bill. Mr. Speaker, I ask that the bill be passed without prejudice.

The SPEAKER pro tempore. The gentleman from Texas asks that the bill be passed without prejudice. Is there objection?

There was no objection.

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent to return to bill S. 744.

Mr. BLANTON. I object.

ANDREW CULLIN

The next business on the Private Calendar was the bill (H. R. 3727) for the relief of Andrew Cullin.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws Andrew Cullin, alias Daniel J. Doyle, alias Daniel Harney, shall be hereafter held and considered to have been honorably discharged from the military service of the United States as a private of Troop K, Second Regiment United States Cavalry, as private, Company B, Fourteenth Regiment, and Company A, Thirteenth Regiment, United States Infantry: *Provided*, That no back pension, back pay, or back allowance shall accrue by virtue of the passage of this act.

The bill was ordered to be engrossed and read the third time; was read the third time, and passed.

BENJAMIN F. YOUNGS

The next business on the Private Calendar was the bill (H. R. 7934) for the relief of Benjamin F. Youngs.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection.

Mr. CROWTHER. Reserving the right to object, I ask unanimous consent to extend my remarks in the RECORD on the prevention of railroad accidents.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection?

Mr. CROWTHER. Mr. Speaker and gentlemen of the House, I want to call your attention to H. R. 9773, a bill introduced by Hon. H. P. SNYDER, which amends section 26 of the interstate commerce act as amended.

The following editorial so admirably represents my views on this subject that I might well let it be the sum total of my remarks on this important question:

[From the Washington Post, Monday, December 8, 1924]

NEEDLESS DANGER IN TRAVEL

Another rear-end collision occurred recently in which human life was lost and many persons injured. The "accident" occurred near Englewood Station, Chicago. It was preventable; and if the railroad had been equipped with train-control apparatus, the blunder of the train crew could not have resulted in a crash. A Pennsylvania passenger train from Cincinnati ran into the rear end of a special train from Columbus. One person was killed and 25 injured, some of them seriously. Two cars of the special were crushed, and the engine of the Cincinnati train was derailed. The special train was picking up speed upon leaving the station and the regular train was slowing down when the collision occurred.

The law requires the railroads of the United States to equip themselves with train-control apparatus. Three years' notice has been given for the first installation, and the time limit will expire January 1 next. The railroads that have failed and refused to install equipment are asking the Interstate Commerce Commission to grant them further time, on one pretext or another.

The time has come for decisive action by the Government. There is no excuse for further delay. The railroads that have failed to install equipment are trifling with human life for the sake of saving money. It is an intolerable affront to the public, and a terrible calamity may occur at any time to stir the people to the danger to which they are unnecessarily subjected.

The Interstate Commerce Commission will not be doing its duty if it overlooks the public safety and interest and extends favors to the railroads that have flagrantly failed to obey the law. Let the law be applied!

The prevention of railroad collisions has been a matter of experiment and discussion for more than 40 years. In 1906 the commission was directed by a joint resolution of the Congress to investigate and report in regard to the use of, and necessity for block signal systems and appliances for the automatic control of railway trains. For five years, from 1907 to

1912, this work was conducted by a board of engineers known as "The Block Signal and Train Control Board." Since 1913 it has been done by the "Bureau of Safety."

During the intervening period 2,500 proposed safety devices and systems have been examined, including many forms of devices intended for use in construction and operation of railroads. Other devices, principally automatic train control, automatic couplers, and brake devices, have been tested under service-operating conditions.

Block-signal statistics are compiled and published annually, and indicate that the block system was in use in 1906 on 48,743 miles of road, while on January 1, 1923, there had been an increase of 54,401 miles; the January 1, 1923, total being 103,144 miles. This increase is over a hundred per cent in 17 years, but much remains to be done for the safety of the traveling public.

AUTOMATIC TRAIN CONTROL

Under a provision of the interstate commerce act, as amended by the transportation act of 1920, the commission has prescribed specifications for automatic control devices, and has ordered installations of devices conforming to these specifications to be made on portions of 49 railroad lines. Many of these installations are now in progress; the order requires them to be completed on or before January 1, 1925.

Some people who have not given the great loss of life much consideration will say that we are sufficiently protected by the automatic block signal system. Let me give you the figures from statistics prepared by the commission. They show that between July, 1911, and March, 1924, there were 111 collisions caused by failure of the engineers to observe and be guided by signal indications, in which there were 510 human lives destroyed and 2,458 injured and a property loss of $1,539,074.

On page 12, annual report of the commission of 1924, the following statement appears: In connection with a table of accident statistics, namely, that fifty out of the hundred accidents investigated by their forces for the year ending June 30, 1924, would have been prevented if an adequate system of automatic train control had been in use. On this same page the record shows that there were 113 persons killed and 780 injured in preventable accidents. With this record before us are we not justified in demanding that prompt and speedy action be taken by the commission in enforcing the law?

On June 13, 1922, the commission made its order permanent, under the terms of which 49 railroads specified by name, were required to install on or before January 1, 1925, an automatic stop or train control device applicable to or to be operated in connection with all road engines running on or over at least one full passenger engine division. The order described the general requirements covering design and construction of such system, and provided for inspection by the commission when completed.

The following statement was made by the commission in connection with the issuance of this order:

> We do not desire to force any carrier to adopt a particular type which it believes is not entirely suitable to its peculiar needs if there are others available which, within a reasonable time, may be shown to be more suitable. In view, however, of the investigations which have already been made and the time which has elapsed we are of the opinion that a six months' period will give sufficient time for any road to decide upon the device it should select. Within this time, provided a sufficient installation is made and intensive tests of the device are conducted, it can be determined whether or not the device will be suitable.

From the above it would seem that a marked degree of freedom has been extended to the railroads as to choice of type of apparatus to be installed.

The commission reports that during the year 1924 plans and specifications of 34 train-stop and train-control devices were submitted for examination and report. "Of this number 24 were found to be impracticable or unworthy of further consideration in the form presented, and 10 were of sufficient merit to warrant consideration.

The commission is aware, of course, that the following devices have been installed and have proven to be efficient:

(a) Miller automatic stop, in service since November 1, 1914, on 105.4 miles of double track—Chicago and Eastern Illinois Railroad, including 85 locomotives.

(b) American automatic stop, in service since June, 1919, on 21 miles of single track—Chesapeake & Ohio Railway, including 37 locomotives.

(c) The Regan automatic train-control system in service since March, 1920, on 22.4 miles of double track—Chicago, Rock Island & Pacific Railway, including 20 locomotives.

Safety devices dependent upon human control have materially reduced the accident death rate on the railroads. The system of automatic train control is, however, a great step in advance, for it eliminates very largely the human element of failure at a critical moment. The traveling public realize the sterling worth and integrity and the ceaseless vigilance of the men who hold the throttle in our engine cabs. But in storms and sleet, rain, and snow, and fog, tired eyes and fatigued muscles and racked nervous systems will, in a percentage of cases, spell failure when the train control depends on permissive control.

"Safety first" has become a national slogan; the genius of the country diligently applies itself to the invention of new automatic appliances for every conceivable purpose. It may be that radio will solve the problem for already the experts have given some remarkable demonstrations of control of airplanes, and sea craft, by this miracle invention. While we are waiting for these improvements to develop let us have the best apparatus in existence for automatic train control installed as soon as it can be done in fairness to the railroads. I have consistently supported legislation that I felt was for the benefit of the great carriers, and have voted against such measures that I felt were for the sole purpose of hamstringing and destroying their value to their stockholders. However, there is involved in this question a great loss of human life increasing constantly.

I hope that the commission will exercise its best judgment; that it will not extend too great a measure of leniency by extensions of time; in fact, that they will so enforce the provisions of the law that our citizens may feel an added degree of security in railroad travel.

Let us have the best automatic train control device in existence put into service without delay, and American genius will see to it that eventually we shall have the most perfect system in the world.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. BLANTON. Reserving the right to object, I would like to have the gentleman from California explain the bill.

Mr. LINEBERGER. I am very glad to explain it, because it is one of the most meritorious bills that ever came before the House.

Mr. TREADWAY. That is going some.

Mr. LINEBERGER. It is going some, but it is so. Here was a young boy, under age, who enlisted in the Army and served three years, during which time he was cited for bravery and received the congressional medal of honor. Any man who has ever been in the military service or was a member of that service during the World War knows that the congressional medal of honor is only given to a man for military duty above and beyond the ordinary call of duty.

Mr. BLANTON. I want to ask the gentleman a question. Robert C. Davis, the present Adjutant General of the United States Army, who belongs to the gentleman's party, is an administration man, and the gentleman has confidence in him, has he not?

Mr. LINEBERGER. I want to explain the merits of this bill.

Mr. BLANTON. Will the gentleman answer me that question?

Adjutant General Davis says:

> The application for the desired relief was denied and now stands denied on the ground that the soldier did not serve until May 1, 1865.

Mr. LINEBERGER. That is what I want to explain to the gentleman.

Mr. BLANTON. And, further, that according to his own statement he was not prevented from completing the term of enlistment by reason of physical disability incurred in the line of duty and because the case does not come under any of the other provisions of the act of Congress approved March 2, 1889, the relief was denied.

Mr. LINEBERGER. If the gentleman will permit, I think I can explain this to his entire satisfaction.

Mr. BLANTON. Does the gentleman question that statement made by The Adjutant General?

Mr. LINEBERGER. Bluntly as it is put, no; but there are certain extenuating circumstances which are contained in the report, which the War Department recognizes as true, to wit, that the man went home to Canada, having been wounded only a few weeks before the war ended.

Mr. BLANTON. Has the gentleman convinced the distinguished whip of his party organization that this bill ought to pass?

Mr. LINEBERGER. I have. I convinced him long ago.

Mr. BLANTON. Mr. Speaker, he is so very hard to convince, and yet it is so easy to get things by him, that I shall not object.

The SPEAKER pro tempore (Mr. CHINDBLOM). Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Benjamin F. Youngs, formerly a sergeant in the First Michigan Sharpshooters, shall hereafter be held and considered to have been discharged honorably from the military service of the United States in his final service as a sergeant in the First Michigan Sharpshooters: *Provided*, That no pension, bounty, pay, or other emoluments shall accrue prior to the passage of this act.

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

WILLIAM LENTZ

The next business on the Private Calendar was the bill (H. R. 10763) for the relief of William Lentz.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws conferring rights, privileges, and benefits upon honorably discharged soldiers, William Lentz, formerly a member of Company E, One hundred and fifty-eighth Regiment Indiana Volunteer Infantry, war with Spain; Company M, Nineteenth Regiment United States Infantry; and who served honorably in the World War, shall be held and considered to have been honorably discharged from the military service of the United States as a member of Company M, Nineteenth Regiment United States Infantry.

SEC. 2. No back pay, bounty, or other emoluments shall accrue prior to the passage of this act.

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

ROBERT E. A. LANDAUER

The next business on the Private Calendar was the bill (H. R. 2415) to correct the military record of Robert E. A. Landauer.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion now appearing on the records on file in the War Department against Robert E. A. Landauer, late of Company I, Twelfth Regiment New York Infantry, and grant him an honorable discharge as of September 17, 1898.

With the following committee amendment:

Strike out all after the enacting clause and insert: "That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Robert E. A. Landauer, who was a private of Company I, Twelfth Regiment New York Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on September 17, 1898: *Provided*, That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read: "A bill for the relief of Robert E. A. Landauer.

WALTER L. WATKINS, ALIAS HARRY AUSTIN

The next business on the Private Calendar was the bill (H. R. 7713) for the relief of Walter L. Watkins, alias Harry Austin.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, reserving the right to object, the report shows that this man was marked as a deserter in June, after he had enlisted in February. He did not serve very long. Who is in charge of the bill?

Mr. McREYNOLDS. Mr. Speaker, I took about five minutes the other night explaining this bill, as the gentleman will remember, to the minority leader.

Mr. BLANTON. And this is the bill that the minority leader objected to?

Mr. McREYNOLDS. No; he did not object to it.

Mr. BLANTON. Why did not the bill pass?

Mr. McREYNOLDS. Mr. BEGG was sitting over there, and Mr. REECE came over here——

Mr. BLANTON. Oh, the opposition having all disappeared from the other side, I shall not object.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws and all other laws conferring rights, privileges, and benefits upon persons honorably discharged from the military service of the United States, Walter L. Watkins, alias Harry Austin, late of Battery I, First Regiment United States Artillery; Company A, Thirteenth Regiment United States Infantry; and Company I, Twentieth Regiment United States Infantry, shall be held and considered not to have deserted and not to have been dishonorably discharged from such military service.

With the following committee amendment:

At the end of the bill insert: "*Provided*, That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

SYLVESTER DE FOREST

The next business on the Private Calendar was the bill (H. R. 11425) to correct the military record of Sylvester De Forest.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. VESTAL. Mr. Speaker, there does not seem to be any report upon this bill at all.

Mr. BLANTON. Oh, yes, there is. I reserve the right to object. Mr. Speaker, with the proper amendment, the usual amendment, I shall not object. Will the gentleman from Michigan consent to an amendment to the effect that no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act?

Mr. KETCHAM. I should be very glad to agree to that.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension and homestead laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Sylvester De Forest shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company E, First Regiment Michigan Volunteer Cavalry, on the 1st day of May, 1865: *Provided*, That no pension shall accrue prior to the passage of this act.

Mr. BLANTON. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 1, line 10, after the word "pension" insert "back pay or allowance."

The amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time; was read the third time, and passed.

HOFFMAN PHILIP

The next business on the Private Calendar was the bill (H. R. 10869) to authorize Hoffman Philip, minister plenipotentiary and envoy extraordinary of the United States to Uruguay, to accept certain gifts from the French and British Governments.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Mr. Speaker, I object.

Mr. MOORES of Indiana. Will the gentleman withhold that objection for a moment. The gentleman made no objection——

Mr. BLANTON. Not to the decoration made by the Venezuelan Government.

Mr. MOORES of Indiana. To a man who went on a junketing expedition, and I want to explain to the House——

Mr. BLANTON. Is the gentleman from Indiana in a position to assure the House that the French Republic, besides making gifts to citizens and bestowing orders and decorations

on American citizens, is willing to fund its debt due this Government?

Mr. MOORES of Indiana. I do not care to discuss that——

Mr. BLANTON. When the French Government is willing to talk about funding its honest debts due our Government, then there is plenty of time to make decorations on American citizens, and I object.

Mr. MOORES of Indiana. I will ask the Member from Texas to withhold his objection for a moment——

Mr. BLANTON. And I will tell the Member from Indiana I will not do it.

Mr. MOORES of Indiana. I am justified in using the word "Member."

Mr. BLANTON. And I am justified in using the same term because the "Member from Indiana" will soon not be here any longer after March 4.

The SPEAKER pro tempore. The gentleman from Texas objects.

CLAIM OF THE NEAR EAST RELIEF

The next business on the Private Calendar was (H. J. Res. 262) to authorize the United States Shipping Board to adjust the claim of the Near East Relief.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there any objection?

Mr. BLANTON. I object.

Mr. BLAND. Will the gentleman withhold that?

Mr. BLANTON. Yes.

Mr. BLAND. I would like to ask the gentleman if he understands if this bill passes that no money will go to the Near East Relief, that the amount mentioned in the bill would simply be used in paying freight on ships of the Shipping Board and only space in those ships not taken by others will be used. That is my information.

Mr. BLANTON. I spent a little while in investigating the Near East Relief Association and there is no fact about it that appeals to me at all. The situation is one that is very regrettable so far as the Government of the United States is concerned.

Mr. BLAND. Well, I have no personal concern in it.

Mr. BLANTON. I regret I have to object.

HON. HENRY D. CLAYTON

The next business on the Private Calendar was the bill (H. R. 11418) authorizing the Department of State to deliver to the Hon. Henry D. Clayton, district judge of the United States for the middle and northern districts of Alabama, and permitting him to accept the decoration and diploma presented by the Government of France.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. I object, Mr. Speaker.

HANNAH PARKER

The next business on the Private Calendar was the bill (H. R. 2528) for the relief of Hannah Parker.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws conferring rights and privileges upon honorably discharged soldiers of the Volunteer Army, their widows and dependent children, Leander Parker, deceased, shall be held and considered to have been honorably discharged from the military service of the United States as a member of Company C, Seventieth Regiment Ohio Volunteer Infantry, on the 19th day of May, 1864: *Provided*, That no back pay, bounty, pension, or other emolument shall accrue prior to the passage of this act.

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

LANDS IN L'ANSE AND VIEUX DESERT INDIAN RESERVATION, MICH.

The next business on the Private Calendar was the bill (S. 1237) for the relief of settlers and claimants to section 16, lands in the L'Anse and Vieux Desert Indian Reservation, in Michigan, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Michigan a question. The Indian Department has approved of this bill?

Mr. HUDSON. Yes. We insert a provision in the bill to protect the Government, "said amounts to be reimbursed under such rules and regulations as the Secretary of the Interior may prescribe."

Mr. BLANTON. Is there any chance of their being reimbursed?

Mr. HUDSON. Yes.

Mr. BLANTON. What chance?

Mr. HUDSON. This is property they will produce from. All this does is to pay for the improvements; they have their land.

Mr. BLANTON. How much of the $9,788 does the gentleman expect to be reimbursed?

Mr. HUDSON. I presume the gentleman from Texas is as good a guesser on that as I am.

Mr. BLANTON. What does the gentleman think about it?

Mr. HUDSON. I think in time it will be.

Mr. BLANTON. In what time; in our lifetime?

Mr. HUDSON. If we live righteously; yes. [Laughter.] And I am sure the gentleman will.

Mr. BLANTON. We will be sure to get it reimbursed, so that I will not object.

The SPEAKER pro tempore (Mr. CHINDBLOM). The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated the sum of $9,788, from any money in the Treasury not otherwise appropriated, for the purpose of reimbursing the following-named purchasers or holders of title from the State of Michigan of certain lands within the L'Anse and Vieux Desert Indian Reservation in the amounts herein set forth: To the estate of Simon Denomie, $2,113; to John Terhort, $4,180; to Bernard Tangen, $3,495: *Provided*, That in consideration of the payment of said amounts said claimants, their heirs and assigns, shall execute and deliver to the officer in charge of the Mackinac Indian Agency, at Baraga, Mich., properly executed quitclaim deeds covering the lands occupied or claimed by them to the United States, together with evidence showing an unencumbered title, in trust for the Indians of the L'Anse and Vieux Desert Indian Reservation: *And provided further*, That said claimants, upon the execution and delivery of said quitclaim deeds, shall remove from said lands upon demand of the Secretary of the Interior or one of his accredited representatives.

With a committee amendment as follows:

On page 2, line 2, after the figures "$3,495," insert "said amounts to be reimbursed under such rules and regulations as the Secretary of the Interior may prescribe."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the bill.

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

The SPEAKER pro tempore. The Clerk will report the next bill.

JACOB F. WEBB

The next business on the Private Calendar was the bill (H. R. 4932) for the relief of Jacob F. Webb.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. VESTAL. Reserving the right to object, Mr. Speaker, I see in the report on this bill that there is no report from the War Department.

Mr. BLANTON. Yes; there is in report No. 1223.

Mr. VESTAL. What recommendation did the department make with reference to this bill?

Mr. ROMJUE. No recommendation except as to the form in which the bill should be drawn.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Jacob F. Webb, late of Company H, Eleventh Regiment, and Company L, Second Regiment, Missouri State Militia Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of the latter company and regiment on the 1st day of January, 1863: *Provided*, That no bounty, pay, or allowances shall be held as accrued prior to the passage of this act.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

The SPEAKER pro tempore. The Clerk will report the next bill.

ESTLE DAVID

The next business on the Private Calendar was the bill (H. R. 10611) to correct the military record of Estle David.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. VESTAL. I object.

The SPEAKER pro tempore. Objection is made. The Clerk will report the next bill.

W. H. KING

The next business on the Private Calendar was the bill (S. 2503) for the relief of W. H. King.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk 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. H. King, former United States marshal for the district of South Dakota, the sum of $421.33 for reimbursement on account of the payment of a judgment rendered against him or an act done under color of his office.

Mr. BLANTON. Mr. Speaker, there ought to be an opportunity to correct this bill. On page 1, line 8, after the word "him," the word "or" ought to be changed to "for," "for an act done under color of his office." That ought to be corrected.

Mr. EDMONDS. Mr. Speaker, we accept that amendment.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the bill.

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

The SPEAKER pro tempore. The Clerk will report the next bill.

ESTATE OF ANNE C. SHYMER

Mr. MILLS. Mr. Speaker, I ask unanimous consent to return to Private Calendar No. 252, the bill H. R. 1824.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to return to Calendar 252, the bill H. R. 1824. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to the legal representatives of the estate of Anne C. Shymer, out of any money in the Treasury not otherwise appropriated, the sum of $3,900, as full compensation for the loss of jewelry, the property of the aforesaid Anne C. Shymer, who was lost in the sinking of the *Lusitania*, which jewelry was transmitted to the State Department and was lost in transit.

Mr. MILLS. Mr. Speaker, I ask unanimous consent to substitute Senate bill 2793, which is identical.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to substitute Senate bill 2793 for the House bill 1824, of similar import. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to the legal representatives of the estate of Anne C. Shymer, out of any money in the Treasury not otherwise appropriated, the sum of $3,900, as full compensation for the loss of jewelry, the property of the aforesaid Anne C. Shymer, who was lost in the sinking of the *Lusitania*, which jewelry was transmitted to the State Department and was lost in transit.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

Mr. BLANTON. Mr. Speaker, I move to strike out the last word.

The SPEAKER pro tempore. The gentleman from Texas moves to strike out the last word.

Mr. BLANTON. If this bill had concerned the loss of jewelry from any district other than that of the gentleman from New York [Mr. MILLS], the amount lost would be suspicious; but it being a constituent of the gentleman from New York, I am satisfied that she had $3,900 worth of jewelry. [Laughter.]

The SPEAKER pro tempore. The question is on the third reading of the bill.

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

The SPEAKER pro tempore. Without objection, the House bill of similar tenor will be laid on the table.

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next bill.

J. E. SAUCIER

The next business on the Private Calendar was the bill (S. 2534) for the relief of J. E. Saucier.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to J. E. Saucier, out of any money in the Treasury not otherwise appropriated, the sum of $288, in full satisfaction of all claims against the United States on account of expenditures made by him for services and materials during the period from July 1, 1918, to July 1, 1921, in connection with the discharge of his duties as postmaster at Bay St. Louis, Miss.

Mr. BLANTON. Mr. Speaker, there is an amendment.

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Line 5, strike out the sum "$288" and insert in lieu thereof "$150."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the bill.

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

The SPEAKER pro tempore. The Clerk will report the next bill.

JOHN F. MALLEY

The next business on the Private Calendar was the bill (S. 2714) for the relief of John F. Malley.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to credit to John F. Malley, former collector of internal revenue of the State of Massachusetts, and his accounts with the sums of $1,200 and $683.34, respectively, being the value of internal-revenue stamps charged to him, stolen, lost, or accidentally destroyed at Boston, Mass., in the spring and summer of 1918.

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

G. FERLITA

The next business on the Private Calendar was the bill (S. 2774) for the relief of G. Ferlita.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the claim of G. Ferlita, owner of the schooner *Rosa Ferlita*, against the United States for damages alleged to have been caused by collision between the said schooner while lying at anchor off Cape Henry, Va., and the United States ship *Toucey* on the 12th day of November, 1923, may be sued for by the said G. Ferlita in the District Court of the United States for the Eastern District of Virginia, sitting as a court of admiralty and acting under the rules governing such court, and the said damages and costs, if any, as shall be found to be due against the United States in favor of said G. Ferlita, or against the said G. Ferlita 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 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 ordered to be read a third time, was read the third time, and passed.

WESLEY T. EASTEP

The next business on the Private Calendar was the bill (H. R. 7744) for the relief of Wesley T. Eastep.

The Clerk read the title of the bill.

The SPEAPER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. My Speaker, I reserve the right to object merely for one purpose. I want to call the attention of the House to the careful work that is being done now by the Budget Bureau. This is a claim for $41, and concerning this little $41 claim the Secretary of the Interior certifies as follows:

The foregoing was submitted to the Bureau of the Budget, and on April 2, 1924, the director advised that the proposed report is not in conflict with the financial program of the President.

[Laughter.]

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $41.72 to Wesley T. Eastep, of Homer, La., on account of the erroneous payment by him on claim by the Government for trespass to timber on the northwest quarter of the southeast quarter of section 29, township 20 north, range 7 west, Louisiana meridian, to which land the Government had no title.

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

FRANK A. FORSLAND

The next business on the Private Calendar was the bill (H. R. 8538) for the relief of Frank A. Forsland.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, I object.

Mr. TREADWAY. Will the gentleman reserve his objection?

Mr. BLACK of Texas. I will just say this to the gentleman: I have read this case, and it shows very clearly that a prohibition agent borrowed a Cadillac automobile, got drunk, was driving the automobile at an excessive rate of speed, killed a man, and ruined the automobile. The Secretary of the Treasury, of course, recommends that the claim be disallowed, and the mystery to me is how the Committee on Claims would report such a bill to the House.

Mr. TREADWAY. Will the gentleman reserve his objection and allow an explanation?

Mr. BLACK of Texas. I certainly will.

Mr. TREADWAY. The statement which the gentleman from Texas makes is, in very large measure, borne out by the report. There is no question as to those facts, but the question of the rental of the car is the one that is directly of interest. A young man in the city of North Adams, who is an ex-service man and is receiving compensation because he was incapacitated in the service, put every dollar he had into procuring an automobile for the purpose of renting it. A prohibition agent went to this man for the purpose of renting the car to make a prohibition raid about 5 miles from the city, up a mountain side. The owner of the car, this ex-service man, objected to renting the car without going with it himself. The prohibition agent represented that he was the agent of the Government and should be recognized as such.

Mr. BLACK of Texas. Will the gentleman yield on that point?

Mr. TREADWAY. Yes.

Mr. BLACK of Texas. I am not going to dispute for a moment the accuracy of what the gentleman states, but does not the gentleman recognize that Congress could never afford to put itself in the attitude of making good torts of this kind?

Mr. TREADWAY. Let me say in that connection——

Mr. BLACK of Texas. I do not see how the gentleman could for a moment believe that the Congress could afford to do that.

Mr. TREADWAY. Is not an individual responsible for the acts of his agent?

Mr. BLACK of Texas. No; not for torts of that kind.

Mr. TREADWAY. My friend is a lawyer while I am not; I am simply a country hotel keeper. I own a hotel truck which is operated over the roads about 10 or 12 miles to bring supplies back to the hotel. I am down here in Washington; that truck has an accident; somebody is injured or something happens in connection with it, and I am just as responsible for the action of my agent in running that automobile as though I were in the car myself, am I not?

Mr. BLACK of Texas. It would depend upon whether he was using the car in the course of his employment.

Mr. TREADWAY. There is no question about that.

Mr. BLACK of Texas. The testimony in this case shows that this agent went out, bought a lot of whisky, and got drunk himself.

Mr. TREADWAY. No; he represented to the owner of the automobile that he was going as a prohibition agent.

Mr. BLACK of Texas. He may have represented that.

Mr. TREADWAY. And that is why the man rented his car to him.

Mr. BLACK of Texas. We have other bills on the calendar, and while I understand the gentleman's viewpoint, I shall have to press my objection in justice to the other gentlemen who have bills on the calendar.

Mr. TREADWAY. There is no object in my trying to argue with the gentleman if he is going to press his objection anyway.

Mr. BLACK of Texas. I think not.

The SPEAKER pro tempore. Objection is made.

MALLORY STEAMSHIP CO.

The next business on the Private Calendar was the bill (H. R. 8037) for the relief of the Mallory Steamship Co.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the claim of the Mallory Steamship Co., owner of the American steamship *Nueces*, against the United States of America, for damages alleged to have been caused by collision between said vessel and the United States Army tug *Vigilant* in the harbor of New York on June 12, 1908, may be sued for by the said Mallory Steamship 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 judgment or decree for the amount of such damages, including interest and costs, if any, as shall be found due against the United States in favor of the owner of the said American steamship *Nueces*, or against the owner of the said American steamship *Nueces* 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 ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SEARS of Florida, a motion to reconsider the vote by which the bill was passed was laid on the table.

JOEL C. CLORE

The next business on the Private Calendar was the bill (H. R. 2292) for the relief of Joel C. Clore.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, reserving the right to object, this bill as originally introduced claimed only $7,965.27. The committee thought the claimant was not asking enough, and they raised the ante and now propose to give him $8,783.57. That is a little unusual.

Mr. STEPHENS. I can explain that to the gentleman. When I drew this bill I had the statement of $7,965.27, which did not include $793.75 for thrift stamps. When they asked for a report from the Post Office Department, the department gave a detailed statement as to all that was lost, and the total

amount of that loss was $8,783.57. It was merely an omission in the original bill of $793.75 of thrift stamps that were lost.

Mr. BLANTON. Is the gentleman in favor of making these losses good for postmasters all over the country that have these shortages?

Mr. STEPHENS. I am in favor of compensating postmasters when their places are robbed, when they have done everything they can to give safety to Government property. We have been doing that since I have been in the House.

Mr. BLANTON. Has the gentleman made any personal investigation of this alleged robbery?

Mr. STEPHENS. I have made a personal investigation.

Mr. BLANTON. Will the gentleman give us the facts in the case?

Mr. STEPHENS. I have known the postmaster, Joel C. Clore, ever since he was a young man and taught school in Kentucky. He was a country school-teacher and later was graduated in law and then came to Cincinnati to practice law. He advanced in his profession and was one of the leading Democrats in Hamilton County.

Mr. BLANTON. And yet a Republican Postmaster General investigated his case and turned his case down.

Mr. STEPHENS. He has not turned it down; he has referred it to Congress for its consideration.

Mr. BLANTON. Here is what Mr. Harry New says about it:

The regulations governing the protection to be given to public funds and property as contained in section 361, Postal Laws and Regulations, read, in part, as follows: "Postmasters must exercise all possible care for the protection of public funds and property in their custody."

Then he goes on to state that after investigation this claim was disallowed and he says that following the disallowance of the postmaster's claim formal demand was made on the Fidelity & Guaranty Co., and so on. In other words, the Postmaster General tells us that this postmaster did not exercise all possible care for the protection of the public funds and property in his custody.

Mr. STEPHENS. He does not say that.

Mr. EDMONDS. Will the gentleman read what is on the next page, at the top of page 4?

Mr. BLANTON. I want to ask the gentleman this question: Why is it that the committee report left out paragraphs Nos. 2 and 3 of Postmaster General New's letter to the committee? You will notice on March 22, 1924, Postmaster General New addressed a letter to the gentleman from Pennsylvania [Mr. EDMONDS], chairman of the committee, and he had four paragraphs, numbered 1, 2, 3, and 4. When the committee made a report on this bill they left out paragraphs 2 and 3. If you will put those paragraphs in, you will see that the Postmaster General did disallow this claim.

Mr. EDMONDS. Has the gentleman got the letter from the Postmaster General?

Mr. BLANTON. No; but I know what is in it. I object, Mr. Speaker.

Mr. STEPHENS. I will ask the gentleman to withhold his objection. I would like to explain to the gentleman who this postmaster is and how this robbery took place.

Mr. BLANTON. Personally I would be glad to accommodate the gentleman, but there are too many of these robberies going on. There are too many postmasters coming up short. There are too many of them asking for their accounts to be credited by the Congress, and there is too much stealing from the Government of the United States and they have got to stop it, and the only way for us to make them stop it is for Congress to be a little careful about these cases.

Mr. STEPHENS. Will the gentleman allow me to call his attention to the fact that there are more than 1,000 employees in the Cincinnati post office, and the postmaster at this particular time was attending to his duties? He was out visiting the outlying stations and the place that was robbed was in the corridor, and that particular part of the building was selected by their inspectors and by the Postmaster General.

Mr. BLANTON. I will state to my friend that I would like to show him my file on this case if he would just let the matter be passed for a while.

Mr. STEPHENS. I know about the case. I can tell the gentleman how this office was established in the corridor and that it was done by the Postmaster General and the postmaster himself surely can not be wholly responsible.

Mr. BLANTON. I object, Mr. Speaker.

JAMES E. JENKINS

The next business on the Private Calendar was the bill (S. 2879) for the relief of James E. Jenkins.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to James E. Jenkins, Reno, Nev., out of any money in the Treasury not otherwise appropriated, the sum of $75.55, to reimburse him for money expended for excise tax on automobile purchased by authority of the Bureau of Indian Affairs, and tax on freight upon automobile, and for money expended for necessary clerical assistance.

With the following committee amendments:

Page 1, line 6, strike out "$75.55" and insert in lieu thereof "$30.55," and in line 9, after the word "automobile," add a period and strike out the remainder of the paragraph.

Mr. RICHARDS. Mr. Speaker, I rise in opposition to the committee amendment.

Mr. BLANTON. Will the gentleman yield? If the gentleman wants his bill passed, he had better let the committee amendment pass with it.

Mr. RICHARDS. I would just as lief have the bill not pass as to have it pass with this committee amendment.

Mr. BLANTON. I am sure the gentleman is not going to get his bill passed without the committee amendment.

Mr. RICHARDS. If I can be given two minutes, I can show the committee that with the same degree of reasoning, so far as leaving the $30.55 in, if it was followed out to a logical conclusion there would not be anything left.

Mr. BLANTON. If we can not expect the committee amendment to be adopted, I would have objected to the bill. The committee passes on these bills and they have some reason for cutting them down, and we all expect the committee amendments to prevail.

I think the Member acting for the Government to-night ought to stand up and demand that the committee amendment be passed.

Mr. RICHARDS. I want to say that in so far as my personal interest is concerned, I have none. Jenkins is an agent at the Reno agency and occupies a Republican berth. As usual, the bulk of my incumbency has been occupied here in recommending good Republicans for office and putting their bills on the Private Calendar and doing what I could to help them. The proposition is this: Take the report of the Secretary of the Interior. The bill is divided into two items. One is $30.55 from a war tax in buying an automobile that was disallowed and afterwards recommended for payment. Mr. Jenkins paid it, and they made him refund it. That has been allowed. The second item of $45 was created by an excessive payment of $2.50 per day instead of $2 a day to a clerk. He paid $15 a month for three months. In order to adjust that, Mr. Jenkins paid it. The Comptroller General found a discrepancy and disallowed it. Now, the $30.55 has been disallowed by the Comptroller General and allowed in the bill. Forty-five dollars has been disallowed by the Comptroller General. If the same reasoning had applied to the $30.55 that applied to the $45, we would not have any bill.

I want to read a line from Mr. Jenkins's letter. Before that I want to take the report of Mr. Finney, Assistant Secretary of the Interior, who says that both of these bills ought to be paid. Mr. Finney says also:

The foregoing report was submitted to the Bureau of the Budget, and on April 14 the director advised that the report was not in conflict with the financial program of the President.

Mr. EDMONDS. Mr. Speaker, I want to say a few words. Undoubtedly the man did spend the money. I do not think there is any question about that and that he probably did it in good faith. The committee felt that if you are going to start allowing every Government head of an office all over the country to advance the pay voluntarily of men in his employ that it would place the Government in a ridiculous position and it would be impossible for us to know how much men were being paid or anything about it. If we begin to recognize that principle, there is nothing to prevent a man in the post office in Idaho advancing the clerks' pay or in any other Government position heads of bureaus in Washington could advance the clerks' pay. It is a matter of judgment on the part of you gentlemen here as to how you are going to vote on this bill. If you are going to recognize that the head of an office under the Government can advance his men's pay, the committee has nothing further to say.

Mr. BLANTON. I understand from this report, and it is an able report, that so far as the $30.55 is concerned, the Budget

has reported that that does not conflict with the President's financial program. [Laughter.]

Mr. EDMONDS. I think the man is entitled to that amount.

The SPEAKER pro tempore. The question is on the committee amendment.

The question was being taken.

Mr. BLANTON. Mr. Speaker, before that vote is taken, I ask for a quorum. We ought to keep these committee amendments in the bill.

Mr. EDMONDS. I hope the gentleman will not do that.

Mr. BLANTON. If the gentleman had heard what I have heard——

Mr. EDMONDS. Let us adopt the committee amendment.

Mr. BLANTON. But I have heard Members sitting around me saying, "Let us vote down the committee amendment." Mr. Speaker, I withdraw the point of no quorum.

The SPEAKER pro tempore. Does the gentleman from Nevada demand a division?

Mr. RICHARDS. I do.

The question was taken; and there were 43 ayes and 11 noes.

So the committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

MAJ. HARRY WALTER STEPHENSON

The next business on the Private Calendar was the bill (H. R. 5064) 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.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, I note that on February 15, 1924, the Secretary of War disapproved of this legislation, and set forth in a two-page letter the reasons for his objection. It appears that the committee had recommended that it be allowed for passage, owing to the so-called efficient service of the former officer. They do not take into consideration the injustice which will be done other officers below the rank of major if this man should be placed on the list as an active officer, and many of those officers who will be discriminated against have served the country and in the battle line, and I can not see how the committee could overrule the decision and the recommendation of a member of the President's Cabinet. I do not agree with that member on all questions, but I heartily agree with him on this question, and he has set forth valid reasons why the bill should not be passed.

Mr. TAYLOR of Tennessee. Mr. Speaker, I hope the gentleman will not insist upon his objection.

Mr. SCHAFER. If the gentleman could show me any reason why the Secretary's recommendations should not be carried out, and why the committee should deliberately report the bill against his recommendations, I would be very glad to withdraw my objection.

Mr. TAYLOR of Tennessee. The gentleman would not expect the Secretary of War to recommend otherwise in a case of this kind. As a matter of fact, this is a meritorious case. Major Stephenson served in the Regular Army for 17 years. He served through the World War in a manner very meritoriously. He is in good health, and is now on duty at Knoxville, Tenn., with the Reserve Officers' Training Corps, with 17 years of active service.

Mr. SCHAFER. Does the gentleman think it is fair to single out one officer and run him around all these other men below the rank of major?

Mr. TAYLOR of Tennessee. But the gentleman overlooks the fact that this man has served the Government for 17 years, going through West Point, serving in the Regular Army prior to the World War, and then serving through the World War. He is in splendid health.

Mr. SCHAFER. Does not the gentleman realize that if that argument is a valid argument, then we should reinstate every officer that was cut off the pay roll of the Government?

Mr. TAYLOR of Tennessee. I am not objecting to that, but this is an individual case, and it is considered on its own merits.

Mr. HILL of Alabama. And it is a fact that ever since the man got out of the Army the Army has been using him in the regular service, is it not?

Mr. TAYLOR of Tennessee. Yes.

Mr. HILL of Alabama. And they are using him so to-day?

Mr. TAYLOR of Tennessee. Yes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. I object.

IDA FEY

The next business on the Private Calendar was the bill (H. R. 2646) for the relief of Ida Fey.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay to Ida Fey, of San Antonio, Tex., out of any money not otherwise appropriated, the sum of $5,000, as compensation for the death of her husband, Valentine Fey, a civilian employee of the War Department, who was killed as the result of an accident at Fort Clark, Tex., on July 17, 1919.

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

RUBIE M. MOSLEY

The next business on the Private Calendar was the bill (S. 1725) for the relief of Rubie M. Mosley.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Rubie M. Mosley, of San Antonio, Tex., out of any money in the Treasury not otherwise appropriated, the sum of $5,000 in full settlement of her claim against the Government of the United States for injuries received by her by being run over and seriously injured by an automobile driven by an enlisted man of the United States Army, the automobile being in the use of Colonel Morton, the commander of the Government arsenal at San Antonio, Tex., on November 17, 1917.

With the following committee amendment:

Page 1, line 9, after the word "injured" insert "and for the death of her mother, Emma H. Mosley, who was killed."

The committee amendment was agreed to, and the bill as amended was ordered to be read a third time, was read the third time, and passed.

M. CASTANOLA & SON

The next business on the Private Calendar was the bill (H. R. 3839) for the relief of M. Castanola & Son.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WOODRUFF. Mr. Speaker, reserving the right to object, I would like to know something about the bill. There is nothing to indicate that there is any merit in it aside from the fact that the committee has reported it.

Mr. WINTER. Mr. Speaker, it is a straight case of furnishing goods, wares, and merchandise to a company of the Army of the United States—Company A of Engineers—down on the Mexican border at a time when there was a post exchange there for the benefit of these soldiers. Under the letter of the Secretary of War the gentleman will find that he states that he is convinced that the goods were delivered and were used by part of the Army organization.

Mr. WOODRUFF. The bill has the approval of the Secretary of War?

Mr. WINTER. Yes.

Mr. WOODRUFF. I have no objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to pay to M. Castanola & Son, of San Antonio, Tex., the sum of $734.22, being equitably due for merchandise furnished to Company A, Virginia Engineers, at Camp Wilson (now Camp Travis) during 1916 and 1917, while on duty on the Mexican border in the Federal service.

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

JAMES M. CONNER

The next business on the Private Calendar was the bill (H. R. 11009) for the relief of James M. Conner.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. SIMMONS. Reserving the right to object I would like to ask the gentleman from Mississippi [Mr. LOWREY] if the companion bill for the relief of Mrs. Adams passed?

Mr. LOWREY. Yes.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk 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 James M. Conner, of the county of Tippah and the State of Mississippi, the sum of $4,000, in full compensation for the injury which he as a civilian in the service of the United States received in a fight with Army deserters in Tippah County, Miss., in 1918.

Mr. LOWREY. Mr. Speaker, there is a clerical error in the bill which I wish to rectify.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. LOWREY: On page 1, line 5, and in the title of the bill after the word "James" strike out the letter "M" and insert the letter "T."

The amendment was agreed to.

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

The title was amended.

CAPT. NORMAN D. COTA

The next business on the Private Calendar was the bill (H. R. 8505) for the relief of Capt. Norman D. Cota.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Mr. Speaker, I reserve the right to object. Is this where they took an officer with the pay roll out and tied him to a tree?

Mr. EDMONDS. That is the fellow.

Mr. BLANTON. I think it is the most ridiculous state of facts I ever heard of.

Mr. EDMONDS. Of course, they could not defend themselves with weapons, because if they attempted that they would have killed some civilians on the street. It was a crowded thoroughfare.

Mr. BLAND. If the gentleman will yield further, I know the personal conditions as to where the robbery occurred. There is no doubt, in my opinion, that if Captain Cota and his guards had undertaken to use their firearms they would have shot down civilians.

Mr. BLANTON. Are not these the facts, that he, with two guards, went after this pay roll of $42,000, and two other fellows who were part under his command held them up and took them out on the side of the road and tied them to a tree?

Mr. BLAND. That in part is the fact, but not all the facts.

Mr. BLANTON. What else should be added to that statement?

Mr. BLAND. This Captain Cota was accompanied by a chauffeur and by three guards——

Mr. BLANTON. He had two more guards than I gave him credit for.

Mr. BLAND. If the gentleman will permit me to make the statement——

Mr. BLANTON. I will be glad to do so.

Mr. BLAND. It was a closed car located close to the intersection of two of the principal streets of the town of Hampton, three banks on three corners, during business hours, and Captain Cota and the two guards went in the bank to get the money. They came out. The chauffeur and one guard occupied the front seat. One of the guards entered the rear seat. Captain Cota followed and another guard followed. As they were taking their seats in the rear of the car they were confronted by two men who had pushed themselves under the curtain, each man being armed with two revolvers and they commanded them to hold up their hands. If they had trained their guns and attempted to use them then there is no doubt, in my opinion, that civilians would have been killed. The evidence shows there were two civilians within a few feet of the car at the time, and they thought that the men, did not know that they were officers in the car, but thought the robbers were men from Langley Field who were arresting men who had run away with the car.

On leaving Hampton these men were deprived of their guns. They were helpless, but all of the time they were on their journey after reaching the point of intersection with the Richmond road they were practically on their return to Langley Field. Their capture was practically certain within a short time after they left Langley.

Mr. BLANTON. Mr. Speaker, the gentleman's statement shows that a captain in the United States Army, with a chauffeur and three guards, making five men in one command, permitted two men to hold them up with a pay roll of $42,000; and it is a disgrace to the United States Army and the splendid, brave men who serve in it; and I object.

Mr. BLAND. Will the gentleman just withhold his objection for one minute?

Mr. BLANTON. Yes.

Mr. BLAND. I want to say that the statement of the gentleman from Texas shows that he places dollars above human life——

Mr. BLANTON. I want an officer of the Army to show some resistance under such a state of facts——

Mr. BLAND. And the danger that lies to the people around him.

Mr. BLANTON. I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

GEORGE PENROD

The next business on the Private Calendar was the bill (H. R. 1226) for the relief of George Penrod.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, George Penrod, late of Company H, One hundred and fourteenth Regiment Ohio Volunteer Infantry, shall hereafter be held and considered to have been mustered into Company H, One hundred and fourteenth Regiment Ohio Volunteer Infantry, December 19, 1862, and to have been honorably discharged therefrom August 14, 1863.

With a committee amendment, as follows:

Page 10, after the figures "1863," insert "*Provided*, That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

The SPEAKER pro tempore. The Clerk will report the next bill.

A. R. BOWDRE

The next business on the Private Calendar was the bill (H. R. 9687) permitting the sale of the northeast quarter section 5, township 6 north, range 15 west, 160 acres in Conway County, Ark., to A. R. Bowdre.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, after the cancellation of military bounty land warrant No. 9084, for 160 acres, to sell to A. R. Bowdre the northeast quarter section 6, township 6 north, range 15 west, 160 acres, in Conway County, Ark., at the rate of $1.25 per acre.

With a committee amendment as follows:

That upon the payment therefor at the rate of $1.25 per acre, the Secretary of the Interior be, and he is hereby, authorized to issue a patent, as hereinafter limited, to A. R. Bowdre, for the following-described land: East half of the northeast quarter of section 5, in township 6 north, range 15 west, Conway County, Ark.: *Provided*, That there shall be reserved to the United States all oil, gas, or other minerals in the land, together with the right to prospect for, mine, and remove the same.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

The SPEAKER pro tempore. The Clerk will report the bill.

NORA B. SHERRIER JOHNSON

The next business on the Private Calendar was the bill (H. R. 3618) for the relief of Nora B. Sherrier Johnson.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER pro tempore. Without objection, the Clerk will report the amendment in lieu of the bill. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Be it enacted, etc., That upon the payment therefor at the rate of $1.25 per acre, the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue a patent, as hereinafter limited, to Nora B. Sherrier Johnson, for the following-described lands: Lots 2, 3, and 4, section 24, township 4 north, range 6 east, Boise meridian, Idaho, containing 73.03 acres, withdrawn in connection with the Boise irrigation project, Idaho: *Provided*, That there be reserved to the United States all oil, coal, or other minerals in the land, and the right to prospect for, mine, and remove the same: *Provided further*, That the mineral deposits so reserved shall not be subject to prospecting, location, or patent unless and until restored to disposition under the mining laws by express order of the Secretary of the Interior.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

The SPEAKER pro tempore. The Clerk will report the next bill.

PUBLIC LANDS AT BOULDER LAKE, WIS.

The next business on the Private Calendar was the bill (H. R. 11922) providing for the sale and disposal of public lands within the area heretofore surveyed as Boulder Lake, in the State of Wisconsin.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to consider in lieu of this bill an identical Senate bill, S. 3379.

The SPEAKER pro tempore. Without objection, the Committee on the Public Lands will be discharged from the further consideration of House bill 11922, and the Senate bill will be substituted for the House bill. The Chair is advised that the Senate bill is identical. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That on the survey of any public lands found to exist within the area heretofore surveyed as Boulder Lake, in section 18, township 42 north of range 7 east, fourth principal meridian, in the State of Wisconsin, the State Young Men's Christian Association of Wisconsin, owner of lots 6 and 8, said section 18, shall have a preference right to purchase such lands so surveyed adjacent to and lying between said lots 6 and 8 and the shore line of the lake as now established for a period of 60 days after the filing of the official plats of such survey, at $1.25 per acre: *Provided*, That such privilege shall not extend to any lands so surveyed inuring to the State of Wisconsin under the act of September 28, 1850 (9 Stat. 519): *Provided further*, That nothing herein contained shall have the effect of defeating the rights of any other person or persons which may have attached to such lands or any part thereof.

SEC. 2. That the Secretary of the Interior is authorized to make all necessary rules and regulations to carry this act into effect.

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

The SPEAKER pro tempore. Without objection, a similar House bill will be laid on the table.

There was no objection.

FRANK NORTON

The next business on the Private Calendar was the bill (H. R. 919) for the relief of Frank Norton.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be issued to Frank Norton, of Madison, Ohio, a patent in fee to certain land known as the Old Lighthouse Reservation, situated at Cunningham Creek, in Lake County, Ohio.

With following committee amendment:

Page 1, line 5, after the word "land" strike out the words "known as the Old Lighthouse Reservation, situated at Cunningham Creek, in Lake County, Ohio," and insert: "situated in the township of Madison, county of Lake and the State of Ohio, and being in tract 1, and a part of lot numbered 15 in said township, and bounded and described as follows: Known as the United States Government lighthouse lot, and commencing in the center of the Dock Road and at an iron monument in the center of said road three chains and nine links south of the low water mark of Lake Erie; thence east four chains to a stone monument; thence south two and one-half chains to an iron monument; thence west four chains to an iron monument; thence north two and one-half chains to an iron monument and the place of beginning, containing one acre of land."

The committee amendment was agreed to.

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

ROBERT B. SANFORD

The next business on the Private Calendar was the bill (H. R. 10347) for the relief of Robert B. Sanford.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. SIMMONS. Mr. Speaker, reserving the right to object, I would like to have somebody tell me why this sort of a bill should pass?

Mr. WOODRUM. This man Sanford, I will say to the gentleman, enlisted in the Navy in 1904; he rose to the temporary rank of lieutenant; on May 15, 1921, he took the professional examination for the permanent rank of lieutenant and was found to be physically unfit. He was sent to the Naval Hospital, in New York, in August, 1921, and was held under observation there by the physicians. On September 1, 1921, he applied for retirement while he was holding the temporary rank of lieutenant in the Navy; the board took his application under advisement, and on January 1, by operation of law, his temporary rank ended and he reverted to his previous rank, which was a lower rank. Subsequently, the medical examining board found that the man was permanently disabled and had been when he reported to them in May, 1921, and that his condition had continued. Had the examining board diagnosed his case, or, rather, had they recognized his disability as being permanent, he would have been retired with the rank of lieutenant in the Navy.

Mr. SIMMONS. I note that the Secretary of the Navy says:

In view of the fact that section 9 of the department's omnibus bill (H. R. 4086), if enacted, would insure to Mr. Sanford, as well as to all other similarly situated, an opportunity for retirement as a lieutenant, provided the facts disclosed in his case warranted such action, the department can not consistently recommend approval of the bill H. R. 10347.

Here is the situation we are up against: The Committee on War Claims and other committees are flooded with bills to bring some certain solder or sailor within certain retirement acts instead of getting behind general legislation that will allow other men, similarly situated, the benefits of the law. I have objected to a number of those bills and I see no reason why I should not object to this, in fairness to these other men.

Mr. WOODRUM. I quite agree with what the gentleman says, but I want the gentleman to catch this view of the situation: I will say that I think there are 10 or 12 men who are affected by the peculiar situation of having had their cases held under observation when their temporary rank ceased. There are only 10 or 12 men affected.

Mr. SIMMONS. If we pass this bill there will be some 9 or 11 men who will be discriminated against.

Mr. WOODRUM. No. If the gentleman will permit me to finish my statement, the Naval Affairs Committee embodied this legislation in an omnibus naval bill, but if it went through

in that form there would be no opportunity for the committee or the House to determine the real merits of each case, so the Naval Affairs Committee decided that each case should come before the House in the form of a separate bill. I think that if the gentleman will consider the matter he will see the force of that position. I will say further that when this matter was heard before the Naval Affairs Committee the distinguished chairman of that committee [Mr. BUTLER], the gentleman from Georgia [Mr. VINSON], the ranking Democratic member, the gentleman from Ohio [Mr. STEPHENS], and other members of the subcommittee went into the matter very thoroughly.

Mr. STEPHENS. I will say to the gentleman, as chairman of the subcommittee, that that subcommittee, as well as the whole committee, determined that, rather than have a bill including 11 or 12 cases, a general bill, it would be better for the committee and better for the House to bring in these individual cases and consider each one on its merits. There are about 11 or 12 of them that are meritorious.

Mr. SIMMONS. I have made up my mind that this class of legislation, which should be cared for by general bills, ought not to be passed in special bills, in fairness to other men similarly situated, and I object.

Mr. SWING. I hope the gentleman will reserve his objection for a moment.

Mr. SIMMONS. I will reserve my objection.

Mr. STEPHENS. We have already passed some of these bills.

Mr. SWING. The result of the gentleman's objection will be that none of these men will get any justice, because the Naval Affairs Committee has decided it would not take them up as a blanket proposition but consider each case on its merits.

Now, the question is whether you would rather have these cases passed upon in some dark, back room by some naval officer whom we do not know, or whether you would rather have them considered in the open before the Members of Congress upon their merits. The fact in this case is that this man under the act of July 12, 1921, passed by this Congress, was legally entitled to be retired. He made his application, brought himself within the provisions of that act, and he had a lawful and legal right to be retired under the act of July 12, 1921. Simply because the medical officers of the Navy did not know as much about his case then as they did later, they arrived at the temporary conclusion that he might get well. Subsequently they found out he would not get well and decided it was a permanent instead of a temporary disability.

Mr. SIMMONS. Mr. Speaker, on the statement of the gentleman from Ohio that other bills similar to this one have been passed, I am going to withdraw my objection, but will serve notice now that it will be my purpose in the next Congress to object to these bills.

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, we might just as well be plain about this whole situation. The emergency officers of the Army, many of whom were badly wounded, have been contending for four or five years that they ought to have the right to retire, and they cite to us the fact that Congress has retired emergency officers of the Navy and the Marine Corps, which it did not permit under a general law. That law has expired. The Naval Affairs Committee is coming in here at every session we have to consider bills on this calendar with bills taking up emergency naval officers that were not retired under the general law and retiring them under a special law. This man whom we are now considering has been retired as a machinist, which is the rank he held.

Mr. SWING. He made application under that law and he was disqualified.

Mr. BLACK of Texas. I am going to object to this bill, and I serve notice that until a general law is brought in putting all these men on the same basis and giving them all the same right, I am going to object to each and every one of them.

The SPEAKER pro tempore. The gentleman from Texas objects.

Mr. WOODRUM. Mr. Speaker, I did not understand that the gentleman from Texas objected.

Mr. BLACK of Texas. Yes; I objected. I hate to do it, but it seems to me that is the only fair thing to do.

Mr. WOODRUM. Will the gentleman permit me to make a further statement?

Mr. BLACK of Texas. I will be glad to.

Mr. WOODRUM. Congress passed a law permitting these men to retire under certain circumstances, and the gentleman certainly would not be so unjust to this man as to say that after Congress had passed that law——

Mr. BLACK of Texas. This man was retired.

Mr. WOODRUM. I will say to the gentleman he was retired, but everything happened that he could possibly make happen and every condition precedent was met that would entitle this man to retire as a lieutenant, but because of the failure of the medical authority to properly diagnose his case and properly recognize it he was retired at a lower rank.

Mr. BLACK of Texas. I regret to have to object, but the emergency Army officers are continually citing the fact that at every session of Congress that we have had to take up the Private Calendar we are retiring naval and Marine Corps officers and refusing them an apportunity to even make an attempt at doing the same thing.

Mr. WOODRUM. I hope the gentleman will not do an injustice to one man on account of an injustice to some others. I will help the gentleman to correct that situation just as far as I can.

Mr. BLACK of Texas. I do not think we ought to show favoritism to one. The Congress of the United States ought to pass a general law on the subject and not make any special exceptions at all.

Mr. LEA of California. Did the gentleman notice the fact that the emergency officers' bill has passed the Senate?

Mr. WOODRUM. Yes; that bill has just passed the Senate, I will say to the gentleman from Texas.

Mr. BLACK of Texas. I know; but it has not passed the House.

Mr. WOODRUM. We will try to pass it in the House, and I will help the gentleman. I hope the gentleman will not object. This is a very small matter.

Mr. BLACK of Texas. We will have another session to consider bills on the Private Calendar.

Mr. WOODRUM. I will say to the gentleman that this is a very small matter.

Mr. BLACK of Texas. I shall have to object to this bill or any similar bill.

Mr. TAYLOR of Tennessee. Mr. Speaker, I ask unanimous consent to return to Calendar No. 384, H. R. 5064.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent to return to Calendar No. 384, H. R. 5064. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, what bill is that?

Mr. TAYLOR of Tennessee. That is the bill that the gentleman from Wisconsin objected to a moment ago, but after considering the matter, decided to withdraw his objection.

Mr. BLANTON. In that case, Mr. Weeks, the Secretary of War, specifically recommended that that bill be not approved by Congress and stated it should not be passed.

Mr. TAYLOR of Tennessee. Of course, you did not expect him to do otherwise.

Mr. BLANTON. I object, Mr. Speaker.

AUGUSTA REITER

The next business on the Private Calendar was the bill (S. 1016) for the relief of Augusta Reiter.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. VESTAL. Reserving the right to object, I would like to have the gentleman make some statement.

Mr. EDMONDS. This is a case where a post office mail truck was left in the street with the engine running while the driver went back to examine some trouble with the rear wheel. The truck started up, caught this woman, pushed her against the wall, and unfortunately left her so disabled that she has no use of one of her arms.

Mr. BLANTON. I have only one objection to this bill. The Postmaster General, Mr. New, is now claiming the right for all of his drivers to leave their trucks standing in the streets in the City of Washington, leaving the engines running while the drivers collect the mail. He is claiming that right now against the law of the land. He says, in effect, "I will not pay any attention to the law; I am going to let my drivers do as they please."

Mr. EDMONDS. The gentleman knows when he and I were on the Claims Committee I took that matter up with the department, and the department issued orders to their drivers to obey the different regulations of the cities in which the trucks were operating.

Mr. BLANTON. That is the only reason I rose. I wanted to protest against any such action. The Post Office Department should make the men stop allowing their engines to run while they are unattended in the street. I am not going to object to this bill.

The SPEAKER pro tempore. Is there objection? There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Augusta Reiter, who was seriously injured by being run over in the city of San Francisco, Calif., on the 6th day of December, 1913, by a postal automobile truck while in charge of an employee of the United States Post Office Department in the discharge of his duties, the sum of $3,288.75 in full compensation and satisfaction for said injuries.

The bill was ordered to be read the third time, was read the third time, and passed.

ROBERT B. SANFORD

Mr. WOODRUM. Mr. Speaker, I ask unanimous consent to return to Calendar No. 395, H. R. 10347, for the relief of Robert B. Sanford.

The SPEAKER pro tempore. The gentleman from Virginia asks unanimous consent to return to Calendar No. 395. Is there objection?

There was no objection.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President is authorized to appoint Robert B. Sanford, formerly lieutenant in the United States Navy, a lieutenant in the United States Navy and place him upon the retired list of the Navy with the retired pay and allowance of that grade.

The committee amendment was read, as follows:

In line 7, after the word "grade," strike out the period, insert a colon, and add the following: "*Provided*, That a duly constituted naval retiring board finds that the said Robert B. Sanford incurred physical disability incident to the service in time of war: *Provided further*, That no back pay, allowances, or emoluments shall become due as a result of the passage of this act."

The committee amendment was agreed to.

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

EUGENE K. STOUDEMIRE

The next business on the Private Calendar was the bill (S. 1323) for the relief of Eugene K. Stoudemire.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER pro tempore. Without objection the Clerk will read the committee amendment in lieu of the bill.

There was no objection.

The Clerk read as follows:

Strike out all after the enacting clause and insert in lieu thereof as follows:

"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 Eugene K. Stoudemire the sum of $1,500 as compensation and in full settlement against the Government for the loss of an eye on August 3, 1915, while in the discharge of his duty as an engineer on the towboat *Alabama*, in the river and harbor service of the Government."

The committee amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

ARTHUR L. HECYKELL

The next business on the Private Calendar was the bill (H. R. 4410) for the relief of Arthur L. Hecykell.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Reserving the right to object, I notice the Secretary of the Navy says that the department recommends that the bill be not enacted.

Mr. SWING. If the gentleman from Texas will yield, that is the same recommendation that he has made in each case, for the reason that they have sent up what they call paragraph 9, which the committee thought ought to be superseded by each individual case.

Mr. BLANTON. The gentleman pays no attention to the recommendation of the Secretary of the Navy.

Mr. SWING. After consultation——

Mr. BLANTON. It does not make any difference whether the Secretary is Mr. Wilbur or Mr. Denby?

Mr. SWING. After consultation with all of the members of the committee and discussion, it was thought that the House ought to consider each case upon its own merit, and not refer it down to some back office, to be decided by some Navy officer.

Mr. BLANTON. But this was decided by the Secretary of the Navy.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. I object.

Mr. SWING. Oh, I hope the gentleman will not discriminate against me in this case. This is identically the same case as that which was just passed on.

Mr. BLANTON. I know, but the gentleman then talked my colleague out of his objection.

Mr. SWING. I hope the gentleman will not make a discrimination in this case. There are only a few of these cases.

Mr. BLANTON. I want to be able to stand by the Secretary of the Navy.

Mr. EDMONDS. Mr. Speaker, I demand the regular order.

Mr. BLANTON. Mr. Speaker, I object, and I suggest that the hour of 11.30 has arrived.

On motion of Mr. EDMONDS, a motion to reconsider the several votes by which the several bills were passed was laid on the table.

Mr. O'CONNELL of New York. Mr. Speaker, a parliamentary inquiry. Is it the understanding now at the close of this session that if we have another consideration of the Private Calendar we are to start at the place where we now leave off?

The SPEAKER pro tempore. There can be no such understanding at this time.

Mr. O'CONNELL of New York. Then I serve notice that unless we begin where we left off I shall object to any further consideration of the Private Calendar.

ADJOURNMENT

Mr. VESTAL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 11.30 o'clock p. m.) the House adjourned, in accordance with the order heretofore made, until to-morrow, Wednesday, February 25, 1925, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

906. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the War Department for the fiscal year ending June 30, 1926, for acquisition of land adjoining Fort Bliss, Tex., $366,000 (H. Doc. No. 651); to the Committee on Appropriations and ordered to be printed.

907. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Treasury Department for the fiscal year ending June 30, 1925, pertaining to the Office of the Supervising Architect, $200,000 (H. Doc. No. 652); to the Committee on Appropriations and ordered to be printed.

908. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of State for the fiscal year ending June 30, 1925, to remain available until June 30, 1926, for the diplomatic and consular establishments of the United States in Tokyo, Japan, $280,000 (H. Doc. No. 653); to the Committee on Appropriations and ordered to be printed.

909. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the War Department for the fiscal year ending June 30, 1925, to remain available until June 30, 1926, for the care, maintenance, and improvement of Zachary Taylor Memorial Grounds, $10,000 (H. Doc. No. 654); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. BURTON: Committee on Foreign Affairs. H. Res. 426. A resolution favoring membership of the United States in the Permanent Court of International Justice; without amendment (Rept. No. 1569). Referred to the House Calendar.

Mr. BARKLEY: Committee on Interstate and Foreign Commerce. H. R. 12301. A bill to extend the time for constructing a bridge across the Ohio River between Vanderburg County, Ind., and Henderson County, Ky.; with an amendment (Rept. No. 1570). Referred to the House Calendar.

Mr. SIMMONS. Committee on War Claims. H. R. 10474. A bill to authorize reimbursement of the government of the Philippine Islands for maintaining alien crews prior to April 6, 1917; without amendment (Rept. No. 1571). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEHLBACH: Committee on Civil Service. H. R. 12334. A bill to amend the act entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," approved March 4, 1923, and the act amendatory thereof and supplementary thereto; without amendment (Rept. No. 1572). Referred to the Committee of the Whole House on the state of the Union.

Mr. FITZGERALD: Committee on Revision of the Laws. S. J. Res. 141. A joint resolution providing for the appointment of a commission to consolidate, codify, revise, and reenact the general and permanent laws of the United States in force December 2, 1923; with amendments (Rept. No. 1573). Referred to the Committee of the Whole House on the state of the Union.

Mr. KIESS: Committee on Printing. S. 2935. An act to authorize the collection and editing of official papers of the Territories of the United States now in the national archives; without amendment (Rept. No. 1574). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on the Public Lands. H. R. 11540. A bill making a grant of land for school purposes, Fort Shaw division, Sun River project, Montana; with amendments (Rept. No. 1577). Referred to the Committee of the Whole House on the state of the Union.

Mr. MORROW: Committee on the Public Lands. S. 1660. An act to amend an act entitled "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States"; with an amendment (Rept. No. 1578). Referred to the Committee of the Whole House on the state of the Union.

Mr. MORROW: Committee on the Public Lands. S. 3883. An act providing for the acquirement by the United States of privately owned lands in San Miguel, Mora, and Taos Counties, N. Mex., within the Mora grant, and adjoining one or more national forests, by exchanging therefor timber, within the exterior boundaries of any national forest situated within the State of New Mexico or the State of Arizona; with amendments (Rept. No. 1579). Referred to the Committeee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. S. 4156. An act to authorize the establishment and maintenance of a forest experiment station in California and the surrounding States; without amendment (Rept. No. 1581). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. S. 4224. An act to amend section 2 of the act of June 7, 1924 (Public, 270), entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes," in order to promote the continuous production of timber on lands chiefly suitable therefor; without amendment (Rept. No. 1582). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SIMMONS: Committee on War Claims. H. R. 9988. A bill for the payment of claims for damages to and loss of property, personal injuries, and for other purposes incident to the operation of the Army; with amendments (Rept. No. 1575). Referred to the Committee of the Whole House.

Mr. WINTER: Committee on Public Lands. S. 4254. An act for the relief of Ishmael J. Barnes; without amendment (Rept. No. 1576). Referred to the Committee of the Whole House.

Mr. TEMPLE: Committee on Foreign Affairs. H. R. 12257. A bill to authorize Dr. L. O. Howard, Chief of the Bureau of Entomology, Department of Agriculture, to accept certain decorations from the French Government; without amendment (Rept. No. 1580). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

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

By Mr. FULLER: A bill (H. R. 12405) granting the consent of Congress to the city of Rockford, in the county of Winnebago and State of Illinois, to construct, maintain, and operate a bridge and approaches thereto across the Rock River; to the Committee on Interstate and Foreign Commerce.

By Mr. SEGER: A bill (H. R. 12406) to provide for the erection of a new public building at Passaic, N. J.; to the Committee on Public Buildings and Grounds.

By Mr. McKEOWN: A bill (H. R. 12407) providing for the erection of a public building in the city of Okemah, Okla.; to the Committee on Public Buildings and Grounds.

By Mr. RAKER: A bill (H. R. 12408) to establish the Mount Shasta National Park in the State of California; to the Committee on the Public Lands.

Also, a bill (H. R. 12409) to authorize the Secretary of War to erect a monument on the site of the battle with the Modoc Indians in which the commanding officer, General Canby, was engaged and lost his life; to the Committee on the Library.

By Mr. ACKERMAN: Joint resolution (H. J. Res. 371) to facilitate the payment of personal income taxes and further relieve said taxpayers by authorizing an additional 25 per cent allowance as a deduction on all personal incomes; to the Committee on Ways and Means.

By Mr. TINKHAM: Joint resolution (H. J. Res. 373) to provide for the expenses of delegates of the United States to the Ninth International Prison Congress; to the Committee on Foreign Affairs.

By Mr. McFADDEN: Joint resolution (H. J. Res. 374) extending the time for the investigation of Government bonds and other securities; to the Committee on Rules.

By Mr. VAILE: Joint resolution (H. J. Res. 375) authorizing and directing the Secretary of Agriculture to waive one-half of the grazing fees for the use of the national forests during the calendar year 1925; to the Committee on Agriculture.

By Mr. FITZGERALD: Resolution (H. Res. 454) for the consideration of S. J. Res. 141; to the Committee on Rules.

By the SPEAKER (by request): Memorial of the Legislature of the State of South Dakota, petitioning Congress to enact truth-in-fabric legislation at the earliest possible moment; to the Committee on Interstate and Foreign Commerce.

Also (by request), memorial of the Legislature of the State of Minnesota, relative to the creating of an additional judgeship in the State of Minnesota and providing filling the vacancy caused therein by the death of the late Federal Judge John F. McGee; to the Committee on the Judiciary.

Also (by request), memorial of the Legislature of the State of Idaho, favoring legislation that will require commission merchants and brokers engaged in buying and selling agricultural products, handled in interstate commerce, to procure a license; to the Committee on Interstate and Foreign Commerce.

Also (by request), memorial of the Legislature of the State of Oregon, asking Congress to pass the Colton bill, H. R. 6133; to the Committee on Roads.

Also (by request), memorial of the Legislature of the State of Montana, asking Congress to amend the interstate commerce act so as to protect shippers of livestock in their contracts with carriers; to the Committee on Interstate and Foreign Commerce.

By Mr. EVANS of Montana: Memorial of the Legislature of the State of Montana, urging the immediate enactment of pending legislation to provide adequate compensation for postal employees; to the Committee on the Post Office and Post Roads.

By Mr. RAKER: Memorial of the Legislature of the State of Pennsylvania, relative to Chicago Drainage Canal; to the Committee on Rivers and Harbors.

Also, memorial of the Legislature of the State of Oregon, indorsing and urging passage of S. 3779; to the Committee on Irrigation and Reclamation.

By Mr. LEAVITT: Memorial of the Legislature of the State of Montana, urging the passage of H. R. 11444, the postal salary bill; to the Committee on the Post Office and Post Roads.

By Mr. GRAHAM: Memorial of the Legislature of the State of Minnesota, relative to creating an additional Federal judgeship in the State of Minnesota and providing for filling the vacancy caused there by the death of the late Federal Judge John F. McGee; to the Committee on the Judiciary.

By Mr. RICHARDS: Memorial of the Legislature of the State or Nevada, recommending that the present land office be maintained at Elko; to the Committee on the Public Lands.

Also, memorial of the Legislature of the State of Nevada, recommending increased rate for mail transportation by Eureka-Nevada Railway Co. in conformity with other western short-line railroads under Interstate Commerce Commission Order No. 9200; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. DOWELL: A bill (H. R. 12410) granting a pension to Clara J. Cunningham; to the Committee on Invalid Pensions.

By Mr. GARDNER of Indiana: A bill (H. R. 12411) granting an increase of pension to Ophelia Shoemaker; to the Committee on Invalid Pensions.

By Mr. JACOBSTEIN: A bill (H. R. 12412) granting an increase of pension to Alice L. Briggs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12413) granting an increase of pension to Elizabeth Crosson; to the Committee on Pensions.

Also, a bill (H. R. 12414) granting an increase of pension to Rachel Walters; to the Committee on Pensions.

Also, a bill (H. R. 12415) granting an increase of pension to Caroline Whitney; to the Committee on Pensions.

By Mr. KENT: A bill (H. R. 12416) granting an increase of pension to Hannah S. Link; to the Committee on Invalid Pensions.

By Mr. RANKIN: A bill (H. R. 12417) granting a patent to W. M. McLeod and Mary Pearson McLeod Hambrick; to the Committee on Public Lands.

By Mr. BURDICK: Joint resolution (H. J. Res. 372) granting permission to Walter Stanley Haas, lieutenant commander, United States Navy, to accept a decoration bestowed upon him by the Government of Ecuador; to the Committee on Naval Affairs.

PETITIONS, ETC.

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

3889. By Mr. ABERNETHY: Petition of the American Legion, Department of North Carolina, through its commander, Wade H. Phillips, urging Congress to pass the Lineberger bill for the retirement of emergency disabled officers of the World War; to the Committee on World War Veterans' Legislation.

3890. Also, petition of Leon L. Daughtry Post, No. 22, American Legion, Clinton, N. C., through its commander, A. S. Bethune, favoring the passage of the bill to retire emergency disabled officers of the World War; to the Committee on World War Veterans' Legislation.

3891. By Mr. CULLEN: Petition of the Maritime Association of the Port of New York, favoring Senate bill 3927 (the Butler bill), which aims to correct discrimination by placing all ports on the Atlantic seaboard on a parity so far as inland-rail rates are concerned; to the Committee on Interstate and Foreign Commerce.

3892. By Mr. GRAHAM: Petition of C. V. Gregory, editor of Prairie Farmer, opposing amendment to Capper-Haugen cooperative bill to legalize operations of grain marketing bill; to the Committee on Agriculture.

3893. By Mr. LEAVITT: Petition of the Poplar (Mont.) Woman's Club, urging entrance of the United States into the World Court on the basis of the Harding-Hughes reservations; to the Committee on Foreign Affairs.

3894. By Mr. MEAD: Petition of the Maritime Association of the Port of New York, expressing unqualified approval of S. 3927; to the Committee on Interstate and Foreign Commerce.

3895. Also, petition of the Buffalo Chamber of Commerce, favoring legislation that will discontinue printing by Post Office Department of stamped envelopes with the name of sender; to the Committee on the Post Office and Post Roads.

3896. By Mr. MORROW: Petition of the Southern New Mexico Association, favoring congressional appropriations for the development of Carlsbad Caverns National Monument, New Mexico; to the Committee on Appropriations.

3897. By Mr. RAKER: Petition of the Purchasing Agents Association of Los Angeles, Calif., indorsing H. R. 9629, the reorganization bill; to the Joint Committee on Reorganization of Executive Departments.

3898. Also, petition of the American Farm Bureau Federation, protesting against removal of Pullman surcharge rates; also, letter from F. Pottle, of Rescue, Calif., protesting against the passage of the antifirearms bill; to the Committee on Interstate and Foreign Commerce.

3899. Also, petition of Josephine E. Washburn, California State chairman of legislation, urging passage of H. R. 9095, to incorporate the American War Mothers; to the Committee on the Judiciary.

3900. Also, telegram from William E. Johnson, of Oakland, Calif., indorsing and urging passage of H. R. 6484, for retirement of emergency disabled officers of World War; also, letter from Josephine E. Washburn, of Richmond, Calif., favoring legislative recommendations of National Reserve Officers Association; to the Committee on Military Affairs.

3901. Also, letter from the National Council of Farmers' Cooperative Marketing Associations, Washington, D. C., protesting against any legislation which will bring cooperative marketing associations under jurisdiction of a governmental board with power to license, audit, and otherwise control them; also, telegram from the California Forest Protective Association, of San Francisco, Calif., urging passage of Senate bill 4156, to establish a forest experiment station in California; to the Committee on Agriculture.

3902. Also, petition of C. C. Thomas Navy Post, No. 244, American Legion, of San Francisco, Calif., urging passage of McSwain resolution relative to universal draft; to the Committee on Military Affairs.

3903. Also, letter from the Oakland Chamber of Commerce, Oakland, Calif., relative to the pending treaty between the United States and Germany; also, letter from the General Motors Corporation, of New York City, N. Y., indorsing and urging passage of the Temple resolution (H. Res. 336); to the Committee on Foreign Affairs.

3904. Also, petition of the San Francisco Chapter of the American Institute of Architects, urging support of the King bill (S. 4253); to the Committee on Public Buildings and Grounds.

3905. By Mr. SITES: Petition of sundry residents of Dauphin County, Pa., protesting against the passage of the compulsory Sunday observance bill (S. 3218); to the Committee on the District of Columbia.

3906. By Mr. SWING: Petition of sundry residents of Escondido, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

3907. By Mr. WILLIAMS of Michigan: Petition of Edward King and 15 other residents of Battle Creek, Mich., protesting against the passage of the bill S. 3218, the Sunday observance bill, so called; to the Committee on the District of Columbia.

3908. By Mr. WYANT: Petition of Sergeant P. C. Grace Camp, No. 265, Sons of Veterans, United States Army, Division of Pennsylvania, indorsing the Fuller bill (H. R. 9807); to the Committee on Invalid Pensions.

SENATE

WEDNESDAY, *February 25, 1925*

The Senate met at 11 o'clock a. m.

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

Gracious and ever-living God, we approach Thy throne of grace this morning thanking Thee for the mercies vouchsafed and seeking from Thee further evidence of Thy care. Be with us constantly, we beseech of Thee, and in the varied administrations of duty may there be had by us the realization that wisdom must come from Thee, that only as the Nation is exalted in righteousness shall it truly prosper. Be very near and present, and guide all our deliberations to Thy glory. For Christ's sake. Amen.

The reading clerk proceeded to read the Journal of the proceedings of the legislative day of Tuesday, February 17, 1925, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL

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

The PRESIDENT pro tempore. The clerk will call the roll.

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

Ashurst	Dial	Heflin	Metcalf
Ball	Dill	Howell	Moses
Bayard	Edge	Johnson, Calif.	Neely
Bingham	Edwards	Johnson, Minn.	Norbeck
Borah	Ernst	Jones, N. Mex.	Norris
Brookhart	Fernald	Jones, Wash.	Oddie
Broussard	Ferris	Kendrick	Overman
Bruce	Fess	Keyes	Pepper
Bursum	Fletcher	King	Phipps
Butler	Frazier	Ladd	Pittman
Cameron	George	Lenroot	Ralston
Capper	Gerry	McKellar	Ransdell
Caraway	Glass	McKinley	Reed, Pa.
Copeland	Gooding	McLean	Robinson
Cummins	Greene	McNary	Sheppard
Curtis	Hale	Mayfield	Shipstead
Dale	Harris	Means	Shortridge