3218, and any other national religious legislation which may be pending; to the Committee on the District of Columbia.

3921. By Mr. McLAUGHLIN of Michigan: Petition of 700 residents of the State of Michigan protesting against the passage of the compulsory observance bill (S. 3218) or any other religious legislation; to the Committee on the District of Columbia.

3922. By Mr. MANLOVE: Petition of L. E. Davenport, 2335 Bird Avenue, Joplin, Mo., and 165 others, protesting against the passage of Senate bill 3218, the Sunday observance bill, so-called; to the Committee on the District of Columbia.

3923. By Mr. PATTERSON: Petition of Mrs. Louise M. Mundy, of Merchantville, N. J., indorsing legislation in the interest of veterans of Indian wars, their widows and minor children (H. R. 11798 and S. 3920); to the Committee on Pensions.

SENATE

FRIDAY, *February 27, 1925*

(Legislative day of Thursday, February 26, 1925)

The Senate met at 11 o'clock a. m., 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—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills and a joint resolution, and they were thereupon signed by the President pro tempore:

S. 970. An act for the relief of the De Kimpke Construction Co., of West Hoboken, N. J.;

S. 1016. An act for the relief of Augusta Reiter;

S. 1633. An act for the relief of James F. Jenkins;

S. 1763. An act 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;

S. 2714. An act for the relief of John F. Malley;

S. 2774. An act for the relief of G. Ferlita;

S. 2793. An act for relief of estate of Anne C. Shyner;

S. 2992. An act for the relief of the Berwind-White Coal Mining Co.;

S. 3379. An act providing for the sale and disposal of public lands within the area heretofore surveyed as Boulder Lake, in the State of Wisconsin;

S. 3760. An act to amend in certain particulars the national defense act of June 3, 1916, as amended, and for other purposes;

H. R. 11009. An act for the relief of James T. Conner; and

S. J. Res. 125. Joint resolution granting permission to Fred F. Rogers, commander, United States Navy, to accept certain decorations bestowed upon him by the Venezuelan Government.

PETITIONS AND MEMORIALS

The PRESIDENT pro tempore. The Chair lays before the Senate a joint resolution adopted by the Legislature of the State of Minnesota, requesting the authorization by Congress of an additional judge for the district of Minnesota, which will be printed in the RECORD. It will not be referred to the Committee on the Judiciary, because that committee has already reported a bill of this character and it has passed the Senate.

The joint resolution was ordered to lie on the table, as follows:

Resolution

A concurrent resolution memorializing the Congress of the United States to create an additional Federal district judgeship, and providing for filling the vacancy therein caused by the death of Federal Judge John F. McGee.

Whereas by the death of Federal Judge John F. McGee the State of Minnesota is left with only two Federal judges to handle the heavy and ever-increasing business of that court; and

Whereas the act of Congress under which Judge John F. McGee was appointed as a United States district judge for the district of Minnesota does not permit of the appointment of a successor without further action by the Congress; and

Whereas three Federal judges working overtime were unable to adequately dispose of the accumulation of business in the Federal courts in Minnesota, and unless action is taken by the Congress authorizing the appointment of an additional Federal judge for the State of Minnesota to fill said vacancy before the adjournment of this Congress the administration of justice in the Federal courts of the State of Minnesota will be delayed and hampered, to the great detriment of the public interest and of the interests of those whose causes are there pending: Now, therefore, be it

Resolved by the Senate of the State of Minnesota (the House of Representatives concurring), That we hereby call the attention of the Congress of the United States to the conditions heretofore referred to, and respectfully but urgently request that such action be promptly taken by the Congress before its adjournment, so that a third Federal district judge may be appointed to the end that the public and private business pending and accumulating in said court may receive a measure of that prompt attention to which public and private interests are entitled.

The PRESIDENT pro tempore laid before the Senate a joint memorial adopted by the Legislature of the State of Idaho, favoring the passage of legislation requiring commission merchants and brokers engaged in buying and selling horticultural and agricultural products, handled or to be handled in interstate commerce, to procure a license and give bond for the faithful discharge of their duties and the performance of their contracts, etc., which was referred to the Committee on Interstate Commerce. (See duplicate joint memorial printed in full when presented on the 25th instant by Mr. BORAH, page 4627, CONGRESSIONAL RECORD.)

The PRESIDENT pro tempore also laid before the Senate a telegram embodying a joint memorial adopted by the Legislature of the State of Utah, relative to the Great Salt Lake Basin irrigation project, which was referred to the Committee on Appropriations and ordered to be printed in the RECORD, as follows:

[Western Union telegram]

SALT LAKE CITY, UTAH, *February 26, 1925.*

Hon. A. B. CUMMINS,
President of Senate, Washington, D. C.:

Following is copy of Senate joint memorial No. 3, passed by the Legislature of State of Utah, February 25: Copy memorial resolution memorializing Congress of the United States for the proposed appropriation of $900,000 for the Great Salt Lake Basin reclamation project.

"Your memorialists, the Governor and Legislature of the State of Utah, respectfully represents:

"Whereas the Congress of the United States has heretofore appropriated $375,000 for the Great Salt Lake Basin project; and

"Whereas the Congress of the United States at this session has appropriated an additional $900,000 for the Great Salt Lake Basin project, which amount is sufficient to begin construction work on said project; and

"Whereas this appropriation is now threatened with defeat through lack of immediate action on the part of the conference committee of the House and Senate; and

"Whereas a similar appropriation of $1,000,000 was defeated in the closing days of the last session of Congress, which has retarded the beginning of the construction of this project in Utah; and

"Whereas the development of said project is of inestimable value to the citizens of the State of Utah and the development of the intermountain country; and

"Whereas the people of the State of Utah are prepared and willing to give ample security for the return of this money to the Government of the United States:

"Now, therefore, your memorialists hereby most earnestly implore and petition the Congress of the United States to make said appropriation at the present session and make said sum available immediately. Be it further

"*Resolved*, That a copy of this resolution be immediately transmitted to the Senate and House of Representatives of the United States and to each of the United States Senators and Congressmen from the State of Utah."

H. E. CROCKETT, *Secretary of State.*

Mr. LADD presented the memorials of Frank Whelan and 32 other citizens of Woodworth, and of A. J. McCarty and 45 other citizens of Carrington, in the State of North Dakota, remonstrating against the passage of the so-called compulsory Sunday observance bill for the District, which were referred to the Committee on the District of Columbia.

He also presented resolutions adopted by the Book and Thimble Club, of Williston, and of the Fortnightly Club, of Wahpeton, both in the State of North Dakota, favoring the adherence of the United States to the World Court upon the terms of the so-called Harding-Hughes reservations, which were referred to the Committee on Foreign Relations.

Mr. WILLIS presented a petition of sundry citizens of Ashtabula County, in the State of Ohio, praying for the prompt passage of the so-called deportation bill, which was referred to the Committee on Immigration.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Mr. SMITH presented a petition of sundry citizens of South Carolina, residing in the eastern district of that State, who have just completed a period of service as petit jurors at a term of the District Court of South Carolina, sitting at Columbia, S. C., praying that the compensation allowed jurors under Federal statutes be increased to such sum as will reasonably cover actual expenses of such jurors in attendance upon United States Courts, which was referred to the Committee on the Judiciary.

Mr. FRAZIER presented telegrams in the nature of memorials from Bishop Tyler, of Fargo, N. Dak.; and Bishop Ethelbert Talbot, presiding bishop of the Episcopal Church, and Thomas F. Gailor, president of the national council, of New York, N. Y., remonstrating against the ratification of Lausanne treaty with Turkey, which were referred to the Committee on Foreign Relations.

Mr. WARREN presented a petition of sundry citizens and taxpayers of Hot Springs County, Wyo., praying for the repeal or modification of the prohibition enforcement law, which was referred to the Committee on the Judiciary.

RELIEF FOR LIVESTOCK INDUSTRY

Mr. CAMERON. Mr. President, I sent to the desk and ask to have read a telegram and an extract from a letter relative to relief needed for the livestock industry.

The PRESIDENT pro tempore. Without objection, the clerk will read as requested.

The Chief Clerk (Mr. Crockett) read as follows:

PRESCOTT, ARIZ., *February 25, 1925.*

HON. RALPH CAMERON,
United States Senate, Washington, D. C.:

Very important that some relief be granted stockmen. In asking this we do not feel that the stock industry is being subsidized or special privilege granted as there has been real scarcity of feed due to drought conditions for years and the stockmen have already paid large sums for forage which has not been available. Might not justice suggest that a waiver for 1925 be granted as some compensation for payments already made? Banks simply can not advance further on cattle paper, but are making every effort to carry the situation along, hoping for rains and return of values and consideration at hands of Government. The situation is very serious.

M. B. HAZELTINE.

* * * * * * *

I might add our cattle in Gila County are on the forest and I am very anxious to see your action toward the cancellation of grazing fees for 1925 pushed to a successful conclusion. We have had no rain and our prospects for spring have the darkest possible appearance. If rain does not come within the next 30 days I think I am safe in saying the loss will not be less than 40 per cent in the lower altitudes. Cattle are dying right now by the hundreds. I make this statement from a knowledge of the facts gained by conversations with cattlemen at our recent meeting of the Arizona Cattle Growers' Association, of which I happen to be the first vice president, and from observation and knowledge of the situation on my own account. From this and the other situation you can easily see my position.

Kindly give this your immediate attention and wire me Globe, Ariz.

Yours very truly,

A. C. WEBB.

REPORTS OF COMMITTEES

Mr. SWANSON, from the Committee on Naval Affairs, to which was referred the bill (H. R. 10347) for the relief of Robert B. Sanford, reported it without amendment and submitted a report (No. 1238) thereon.

Mr. LADD, from the Committee on Commerce, to which was referred the bill (S. 4350) to extend the time to the Valley Transfer Railway Co. for commencement and completion of bridge across the Mississippi River, reported it with amendments and submitted a report (No. 1239) thereon.

Mr. CAPPER, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon.

A bill (H. R. 1699) for the relief of B. G. Oosterbaan (Rept. No. 1240);

A bill (H. R. 7744) for the relief of Wesley T. Eastep (Rept. No. 1241); and

A bill (H. R. 912) for the relief of John H. Barrett and Ada H. Barrett (Rept. No. 1243).

Mr. BALL, from the Committee on the District of Columbia, to which was 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, reported it without amendment.

TRAVEL EXPENSES OF CERTAIN SENATE CLERKS

Mr. STERLING submitted the following resolution (S. Res. 349), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That, effective March 4, 1925, the Secretary of the Senate is hereby authorized and directed to reimburse, from the contingent fund of the Senate, one clerk or one assistant clerk to each Senator, or to one clerk or assistant clerk to each committee of the Senate, such amounts as may be necessarily paid by said clerk or assistant clerk for transportation, Pullman charges, and meals en route from Washington, D. C., to the place of residence in the State of the Senator by whom employed, at the time such trip is made, and return therefrom; said reimbursement being hereby expressly limited to one round trip for each regular, extra, or special session of Congress or of the Senate to and from said place of residence, for not to exceed one said clerk or assistant clerk, by the most direct route of travel, on vouchers to be certified by their respective Senators that such travel has been performed, and approved by the chairman of the Committee to Audit and Control the Contingent Expenses of the Senate.

COLUMBIA RIVER WATERS

Mr. DILL. Mr. President, I ask unanimous consent for the present consideration of the bill (S. 4377) to permit a compact or agreement between the States of Washington, Idaho, Oregon, and Montana respecting the disposition and apportionment of the waters of the Columbia River and its tributaries, and for other purposes.

Mr. CURTIS. May I ask the Senator if the bill is approved by the Senators from the four States named?

Mr. DILL. It is, and is approved by the Secretaries of both departments. It is practically the same bill that was passed regarding the Colorado River compact. It carries no appropriation.

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, and it was read, as follows:

A bill (S. 4377) to permit a compact or agreement between the States of Washington, Idaho, Oregon, and Montana respecting the disposition and apportionment of the waters of the Columbia River and its tributaries, and for other purposes

Whereas the Columbia River and its tributaries are interstate streams having their sources in a drainage area of approximately 250,000 square miles, said streams flowing through the States of Montana, Idaho, Washington, and the Columbia River forming the boundary between the States of Washington and Oregon; and

Whereas the above-named States are vitally interested in the possible development of the Columbia River and its tributaries for irrigation, power, domestic, and navigation uses; and

Whereas the Secretary of the Interior, in a letter to the President dated December 11, 1924, has pointed out that plans for future reclamation development must take into consideration the needs of the States and the water-right problems of interstate streams and stated that efforts to reach an agreement for the economic apportionment of water of interstate streams by the States concerned "have the cordial approval and support of this department"; and

Whereas it is desirable that a compact for the economic apportionment of the water of the Columbia River and its tributaries for irrigation, power, domestic, and navigation purposes, entered into by and between the said States of Montana, Idaho, Oregon, and Washington, and that the interests of the United States be considered in the drawing of said compact, by authorized representatives of each of said States and of the United States: Now, therefore,

Be it enacted, etc., That consent of Congress is hereby given to the States of Washington, Idaho, Oregon, and Montana to negotiate and enter into a compact or agreement not later than January 1, 1927, providing for an equitable division and apportionment among said States of the water supply of the Columbia River and of the streams tributary thereto, upon condition that two suitable persons, who shall be appointed by the President of the United States, one from the Department of the Interior and one from the War Department, shall participate in said negotiations as the representatives of the United States and shall make report to Congress of the proceedings and of any compact or agreement entered into: *Provided,* That any such compact or agreement shall not be binding or obligatory upon any of the parties thereto unless and until the same shall have been approved by the legislature of each of said States and by the Congress of the United States.

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

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

The preamble was agreed to.

INVESTIGATION OF PUBLIC DOMAIN

Mr. JONES of New Mexico. Mr. President, I ask unanimous consent for the present consideration of Senate concurrent resolution 34. It will be necessary, of course, for the concurrent resolution to pass the House. It has been unanimously agreed upon by the Committee on Public Lands and Surveys. It creates, as proposed to be amended, a joint commission of five Members from the Senate and five Members from the House to make a study of the public land situation. I ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. The clerk will report the concurrent resolution for the information of the Senate.

The Chief Clerk read the concurrent resolution (S. Con. Res. 34), which had been reported from the Committee on Public Lands and Surveys with amendments.

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

Mr. BORAH. I do not desire to object to the consideration of it, but, reserving the right to object, I would like to have a little further statement as to just what the commission is expected to do.

Mr. JONES of New Mexico. We have various bills pending before the Public Lands Committee for the leasing of the public domain, for the enlargement of the stock raising homestead law, for turning the remaining public lands over to the States, and various other proposals regarding the public domain, as the extent of the forest reserves, whether a considerable quantity of lands are in forest reserves which should be turned back to the public domain, and various problems. The purpose of the joint commission is to make a study of the entire public-land problem and report recommendations to the Congress.

Mr. KING. Mr. President, will the Senator from New Mexico accept an amendment?

The PRESIDENT pro tempore. The resolution is not yet before the Senate. Is there objection to the present consideration of the concurrent resolution? The Chair hears none, and the concurrent resolution is before the Senate.

Mr. KING. I wish to ask the Senator to accept an amendment. He has stated that one of the objects of the commission is to investigate the wisdom or propriety of a cession of the public lands to the respective States in which the public lands were situated. I did not know that such a concurrent resolution was pending. I am very much interested in the proposition, and I want to be sure that the commission, if it shall be appointed, shall investigate that subject, because I think the public lands should be ceded to the States. I have a bill pending for that purpose. I desire to know if the Senator will accept the following amendment: On page 1, after the word "including," insert the words "the cession of the public lands to the State"?

Mr. JONES of New Mexico. That is the general purpose, and, if the Senator thinks that amendment should go in, I have no objection to it.

The PRESIDENT pro tempore. The clerk will state the amendment proposed by the Senator from Utah.

The CHIEF CLERK. On page 1, line 10, after the word "including," insert the words "the cession of the public lands to the States," so as to read:

The commission is authorized and directed to investigate all matters relating to the public domain and its administration, including the cession of the public lands to the States, grazing lands, forest reserves, etc.

Mr. BORAH. All the commission has to do with that is simply to investigate the feasibility or advisability of it and report?

Mr. JONES of New Mexico. That is all.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Utah.

The amendment was agreed to.

The PRESIDENT pro tempore. The clerk will state the amendments proposed by the committee.

The CHIEF CLERK. On page 2, line 20, strike out "to be" and insert "properly" and, in the same line, strike out the words "by the chairman of the commission," so as to read:

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 properly approved.

The amendments were agreed to.

Mr. JONES of New Mexico. After consultation with various members of the Public Lands Committee it has been thought advisable to increase the commission to five members from each of the Houses. Therefore, where the word "three" occurs in the resolution, I move that it be changed to "five."

The amendment was agreed to.

The concurrent resolution as amended was agreed to, as follows:

Resolved, etc., 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 five Senators appointed by the President of the Senate, and five 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 the cession of the public lands to the States—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 filed 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 by 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 properly approved. 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.

MRS. PATRICK H. BODKIN

Mr. JOHNSON of California. Mr. President, I ask unanimous consent for the immediate consideration of the bill (S. 1999) conferring jurisdiction upon the Court of Claims to hear and determine the claim of Mrs. Patrick H. Bodkin. It is a bill which permits a widow of advanced years to present her claim to the Court of Claims, and nothing more. It was reported favorably by the Committee on Claims and approved by the department.

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

Mr. BRUCE. I am bound to object. I regret it very much.

Mr. JOHNSON of California. Mr. President, I want to explain that if the bill is not passed now it will work a great hardship. It is a bill merely giving a widow the right to go to the Court of Claims. It gives nothing else at all and everybody is agreed upon it. I hope the Senator will withdraw his objection.

Mr. BRUCE. Very well; I withdraw my objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That within six months from the date of the passage of this act a petition may be filed with the Court of Claims by or on behalf of Mrs. Patrick H. Bodkin, of Blythe, Riverside County, Calif., for a hearing of a claim for reimbursement for all loss, liability, damage, and expense incurred by her in any manner in connection with a quarter section of land described as northeast quarter section 11, township 7 south, range 22 east, San Bernardino meridian, in the State of California, for which land she had been issued a patent and which she now holds as trustee for William B. Edwards in accordance with the decision of the United States Supreme Court in the case of Bodkin *v.* Edwards (255 U. S. p. 221), and the Court of Claims is given jurisdiction to hear and determine such claim.

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

SAMUEL FRIEDMAN AND HENRY MILLS

Mr. HEFLIN. Mr. President, I ask unanimous consent for the present consideration of House bill 1948. It is a bill which authorizes the Secretary of the Interior to issue a patent to some people in my State who have lived on the land for fifty-odd years.

Mr. SMOOT. From what committee does the bill come?

Mr. HEFLIN. From the Committee on Claims.

The PRESIDENT pro tempore. The Senator from Alabama asks unanimous consent for the present consideration of the bill (H. R. 1948) for the relief of Samuel Friedman, as trustee for the heirs and devisees of B. Friedman, deceased, and Henry Mills, as trustee for the heirs and devisees of Emanuel Loveman, deceased.

Mr. KING. It is a very brief bill. Let it be read.

The reading clerk read the bill.

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

Mr. BORAH. Mr. President, I understand that is a bill quieting title to a piece of land in the State of Alabama.

The PRESIDENT pro tempore. That seems to be the purpose of the bill.

Mr. HEFLIN. I will state to the Senator from Idaho that this course has to be pursued. My understanding is that the department here has informed Representative OLIVER that it would be necessary for Congress to enact this legislation.

Mr. SMOOT. It is the only way to clear title to the land which the man has held for over 50 years.

Mr. HEFLIN. The people interested have held the land in question for over 50 years.

Mr. BORAH. I am not objecting, but I understand the Senator from Utah to say that this is the only way to clear title to the land. What are the courts for?

Mr. SMOOT. The land involved belonged to the United States.

Mr. HEFLIN. Under the bill the Secretary of the Interior is directed to issue patent for the land.

Mr. KING. I desire to ask the Senator from Alabama, is he sure, from reports and investigations which have been made, that there are no other claimants and that the Government has not conveyed title to this land to somebody else.

Mr. HEFLIN. There is no doubt as to that matter.

Mr. SMOOT. And that there is no contest or there may not be a contest as to who are the rightful owners?

Mr. HEFLIN. The rightful owners have been living on the land for over 50 years and have paid taxes on it during all of that time.

Mr. KING. And it is necessary that they should receive title from the Government?

Mr. SMOOT. There is no objection on the part of the Government officials to the passage of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent for the relief of Samuel Friedman, as trustee for the heirs and devisees of B. Friedman, deceased, and Henry Mills, as trustee for the heirs and devisees of Emanuel Loveman, deceased, conveying the northwest quarter of the northwest quarter, the east half of the northwest quarter, the northwest quarter of the northeast quarter, and the southwest quarter of section 9, in township 19 south, of range 8 west of the Huntsville meridian, Alabama, containing 319.72 acres, which lands they and their grantors and legal representatives have occupied under claim and color of title, and open and notorious possession for upward of 50 years: *Provided,* That the title conveyed shall inure to the benefit of the true owners of the land under the laws of Alabama as though patent had issued during the lifetime of said Friedman and Loveman: *And provided further,* That application and payment of $1.25 per acre be made for the use and benefit of all persons in interest within six months from the passage of this act.

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

AMENDMENT OF REVENUE ACT OF 1924

Mr. SMOOT. From the Committee on Finance I report back favorably without amendment the bill (H. R. 12300) to amend section 281 of the revenue act of 1924. I ask unanimous consent for the immediate consideration of the bill.

The PRESIDENT pro tempore. The Secretary will read the bill, for the information of the Senate.

Mr. SMOOT. Mr. President, I can explain the bill in a word. The revenue act of 1921 was amended so as to provide that where a taxpayer had filed a waiver of the statute of limitations running in his favor in respect of the additional assessment of taxes for 1917, the waiver running for five years from the time the 1917 return was due. The next revenue act made similar provision as to the taxes for 1918, and this bill is to apply to the taxes for 1919. In other words, it places the man who gave to the Government a waiver as to the Government bringing suit in respect of taxes for 1919 in the same position as the taxpayer who gave such waiver in 1918 or in 1917.

Mr. ROBINSON. Similar action has been taken heretofore as to the other years?

Mr. SMOOT. Similar action has been taken as to the preceding years. The bill comes from the committee with a unanimous report and it has passed the other House. I ask for its present consideration.

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 (H. R. 12300) to amend section 281 of the revenue act of 1924, which was read, 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."

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

FORT M'HENRY

Mr. BRUCE. Mr. President, if there is no objection, I should like to call up for immediate consideration House bill 5261, which is a bill to designate Fort McHenry, in the State of Maryland, a national monument. The bill does not carry any appropriation; the expense of restoration is to be borne entirely by the proceeds of the sale of material which is now in existence on the ground. The bill was passed unanimously by the House of Representatives and it has been favorably reported by the Senate Committee on Military Affairs. I trust the Senate will let the bill be considered and that it may be passed.

The PRESIDENT pro tempore. The Senator from Maryland asks unanimous consent for the present consideration of the bill named by him, the title of which will be read by the Secretary.

The CHIEF CLERK. A bill (H. R. 5261) to repeal and reenact chapter 100, 1914, Public, No. 108, to provide for the restoration of Fort McHenry, in the State of Maryland, and its permanent preservation as a national park and perpetual national memorial shrine as the birthplace of the immortal Star-Spangled Banner, written by Francis Scott Key, for the appropriation of the necessary funds, and for other purposes.

Mr. BORAH. Mr. President, I am not going to object to the consideration of this bill, but in view of the fact that we are going to have a time set apart this afternoon for the purpose of taking up unobjected bills on the calendar, I hope that we shall go ahead with the regular business.

The PRESIDENT pro tempore. The Chair hears no objection to the request of the Senator from Maryland.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That an act authorizing the Secretary of War to grant the use of the Fort McHenry Military Reservation in the State of Maryland to the mayor and city council of Baltimore, a municipal corporation of the State of Maryland, making certain provisions in connection therewith, providing access to and from the site of the new immigration station heretofore set aside, be, and hereby is, repealed and reenacted to read as follows:

"That the Secretary of War be, and he is hereby, authorized and directed so soon as it may no longer be needed for uses and needs growing out of the late war, to begin the restoration of Fort McHenry, in the State of Maryland, now occupied and used as a military reservation, including the restoration of the old Fort McHenry proper to such a condition as would make it suitable for preservation permanently as a national park and perpetual national memorial shrine as the birthplace of the immortal Star-Spangled Banner written by Francis Scott Key, and that the Secretary of War be, and he is hereby, further authorized and directed, as are his successors, to hold the said Fort McHenry in perpetuity as a military reservation, national park, and memorial, and to maintain it as such, except that part mentioned in section 3 hereof, and that part now in use by the Department of Com-

merce for a light and fog-signal station under revokable license from the War Department, with the maintenance of the electric lines thereto and such portion of the reservation, including improvement, as may be reserved by the Secretary of War for the use of the Chief of Engineers, the said reservation to be maintained as a national public-park, subject to such regulations as may from time to time be issued by the Secretary of War.

"That any and all repairs, improvements, changes, and alterations in the grounds, buildings, and other appurtenances to the reservation shall be made only according to detailed plans, which shall be approved by the Secretary of War; and all such repairs, improvements, or alterations shall be made at the expense of the United States, and all such improvements, together with the reservation itself, shall become and remain permanently the property of the United States: *Provided*, That permission is hereby granted the Secretary of the Treasury to use permanently a strip of land 60 feet wide belonging to said fort grounds, beginning at the north corner of the present grounds of the fort and extending south 63 degrees 30 minutes east, 650 feet to the south corner of the site set aside for the immigration station at Baltimore, said strip of land being located along the northwest boundary of the land ceded to the Baltimore Dry Dock Co. and the land of the said immigration station, the same to be used, if so desired, in lieu of acquiring, by purchase or condemnation, any of the lands of the dry dock company, so that the Secretary of the Treasury may, in connection with land acquired from the Baltimore & Ohio Railroad Co., have access to and from said immigration station and grounds over the right of way so acquired to the city streets and railroads beyond, the Secretary of the Treasury to have the same power to construct, contract for, and arrange for railroad and other facilities upon said outlet as fully as provided in the act approved March 4, 1913, setting aside a site for an immigration station and providing for an outlet therefrom: *Provided, however*, That if the Secretary of the Treasury accepts and makes use of said strip of land for the purposes aforesaid, the War Department shall have equal use of the railroad track and other roads constructed over which to reach the city streets and railroads beyond from the other parts of the fort grounds: *Provided further*, That the Secretary of War may, in case of a national emergency, close the said military reservation and use it for any and all military purposes during the period of the emergency, and for such period of time thereafter as the public needs may require: *And provided further*, That the Secretary of War is hereby authorized and directed to dispose of the useless temporary buildings and contents constructed during the recent war, and from the proceeds thereof there is hereby authorized to be appropriated such sum as may be necessary, not exceeding $50,000, for use by the Secretary of War in the restoration of said Fort McHenry reservation, and for other purposes consistent with this act.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the House had passed a 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, in which it requested the concurrence of the Senate.

ORDER FOR EXECUTIVE SESSION AND CONSIDERATION OF CALENDAR

Mr. CURTIS. I ask unanimous consent that at 5.30 o'clock this afternoon the Senate shall proceed to the consideration of executive business, and that at the conclusion of the executive session, the Senate shall resume the consideration of legislative business and consider unobjected bills on the calendar only, beginning where we left off at the last call of the calendar.

The PRESIDENT pro tempore. The Senator from Kansas asks unanimous consent that at 5.30 o'clock this afternoon the Senate enter an executive session, and at the conclusion of such session it resume legislative session and then consider the calendar at the point which was reached when the calendar was last under consideration, being Order of Business 1180, for the consideration of unobjected bills only. Is there objection?

Mr. HEFLIN. Does that mean that after concluding the calendar from the point indicated, we shall go back and begin at the first bill on the calendar?

Mr. CURTIS. I was going to suggest that when we had concluded with the consideration of unobjected bills on the calendar from the point indicated the Senate then return to the beginning of the calendar for the consideration of unobjected bills and that at the conclusion, when the Senate finishes its business, it take a recess until 11 o'clock to-morrow.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Kansas?

Mr. ROBINSON. As I understand the unanimous-consent agreement sought, it is not contemplated that there shall be any recess to-day?

Mr. CURTIS. No.

Mr. ROBINSON. But that the business of the Senate shall proceed continuously until the time of the recess at the conclusion of its business?

Mr. CURTIS. That is correct.

Mr. ROBINSON. I have no objection to that agreement.

Mr. FLETCHER. May I ask the Senator from Kansas, if it is expected that the executive session will continue for a long time?

Mr. CURTIS. I think the executive session will not last over 15 minutes.

Mr. KING. Does the Senator contemplate holding a session later than 11 o'clock to-night?

Mr. CURTIS. No; I do not. I hope it will not last so long as that.

Mr. KING. Will the Senator not ask that the Senate shall take a recess at not later than 11 o'clock to-night?

Mr. ROBINSON. Mr. President——

Mr. CURTIS. I hope the Senator will not make that request. I think we can arrange that matter satisfactorily.

Mr. ROBINSON. I do not think we should do that at this time, because by so doing we might prevent the disposition of some matter which was ready to be concluded and which otherwise would have to go over.

Mr. CURTIS. I will promise the Senator we will not remain in session for any unreasonable time to-night.

Mr. STERLING. It is the understanding, then, that the Senate shall take a recess at the conclusion of the consideration of the calendar?

Mr. CURTIS. When we get through with the evening's business we will do so. We might get to such a point we could not complete the calendar and we would have to take a recess before it was concluded. We hope, however, to complete the calendar.

Mr. JONES of Washington. Mr. President, what I want to have made clear is this: Does the Senator intend to resume the consideration of other business after the completion of the consideration of the calendar? In other words, is it the intention to take up any other business except the unobjected bills on the calendar?

Mr. CURTIS. It is not expected to consider any other business except unobjected bills on the calendar.

Mr. JONES of Washington. That is what I wanted to understand.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Kansas? The Chair hears none, and it is so ordered.

HOUSE BILL REFERRED

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, was read twice by its title and referred to the Committee on Appropriations.

RIVER AND HARBOR BILL

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11472) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The PRESIDENT pro tempore. The Secretary will state the next amendment reported by the committee.

The next amendment of the Committee on Commerce was, on page 9, line 25, after the figures "1922" to insert "That funds for the prosecution of this work may be allotted from appropriations heretofore or hereafter made by Congress for the improvement, preservation, and maintenance of rivers and harbors," so as to make the paragraph read:

Tennessee River and tributaries, North Carolina, Tennessee, Alabama, and Kentucky: The completion of the survey recommended in House Document No. 319, Sixty-seventh Congress, second session, is hereby authorized at a cost not to exceed $315,800 in addition to the amount authorized in the river and harbor act approved September 22, 1922. That funds for the prosecution of this work may be allotted from appropriations heretofore or hereafter made by Congress for the improvement, preservation, and maintenance of rivers and harbors.

The amendment was agreed to.

The next amendment was, on page 10, line 10, after the word "session," to insert the following proviso: "*Provided*, That before entering upon the prosecution of the said project the Secretary of War shall require local interests to con-

tribute toward the cost of said work the sum of $286,000, which amount shall be deposited in the Treasury and be applied toward the prosecution of the work of improvement herein adopted," so as to make the paragraph read:

Muskegon Harbor, Mich., in accordance with the report submitted in House Document No. 494, Sixty-seventh Congress, fourth session: *Provided*, That before entering upon the prosecution of the said project the Secretary of War shall require local interests to contribute toward the cost of said work the sum of $286,000, which amount shall be deposited in the Treasury and be applied toward the prosecution of the work of improvement herein adopted.

Mr. JONES of Washington. I am directed by the committee to ask the Senate to disagree to that amendment.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment reported by the committee.

Mr. KING. Mr. President, I should like to ask the Senator why a disagreement is requested in respect to that amendment?

Mr. JONES of Washington. For the general reason, as explained last night, with reference to other similar amendments. The committee did not deem it wise under all the circumstances to require contributions from these localities. I think that in the particular locality referred to in the amendment the business is largely through business; it is not of a peculiarly local character, as is the case in a good many other places. Both of these projects are on the Great Lakes where there is largely a ferriage business of through commerce.

Mr. KING. Obviously the committee must have had some reason to justify recommending this amendment to the House bill.

Mr. JONES of Washington. I think, Mr. President, that I was probably more responsible for it than anybody else, because it embodies a principle or policy, as I said last night, of which I am in favor, and it was thought perhaps, because of that, that the amendments should be put on; but subsequently it was felt that under the circumstances that developed that it would be wiser at this time not to insist upon these amendments.

I want to say to the Senator, as I think I have already said on the floor, and as I announced in the committee, that when we have another bill I shall do all I can, so far as I am personally concerned, to have this principle of contribution recognized specifically with reference to river and harbor projects.

Mr. KING. The Senator will see that even with that conversion just suggested to the rightfulness of that policy, and even with a similar conversion on the part of the Senate and the House, it probably could not be made retroactive, and all of the projects so authorized would escape making any local contributions.

Mr. JONES of Washington. I appreciate that.

Mr. KING. As to many of the projects, I am sure that if the Senator had examined them carefully, as he must have done, he must realize that they are essentially local in character, and if the policy is to be applied at all of having local contributions made, that policy ought to be applied to many other projects that are provided for in this bill.

Mr. JONES of Washington. That is true, as I said last night; but I will say to the Senator, in justice, these two projects are not peculiarly local; they are projects designed largely to benefit through commerce, and I think there is much more reason for not requiring contributions in these cases than in a great many other cases.

Mr. KING. When the Senator says "these cases" he refers to the item now under consideration?

Mr. JONES of Washington. I mean the item now pending and the one immediately following.

Mr. KING. Does the Senator mean that in none of the projects provided for in this bill are local contributions required?

Mr. JONES of Washington. Oh, no; there are several projects in which local contributions are required; not by Senate committee amendments, however, but by the provisions adopted by the House. There are several of them on the Pacific coast, where 50 per cent is required to be contributed by the local communities, and there are several others in the House bill where cooperation to a certain extent is required.

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

The amendment was rejected.

The next amendment of the Committee on Commerce was, on page 10, line 19, after the word "director," to insert the following proviso: "*Provided*, That before entering upon the prosecution of the said project the Secretary of War shall require local interests to contribute toward the cost of said work the sum of $246,750, which amount shall be deposited in the Treasury and be applied toward the prosecution of the work of improvement herein adopted," so as to make the paragraph read:

Frankfort Harbor, Mich., in accordance with the report submitted in House Document No. 208, Sixty-eighth Congress, first session, and subject to the conditions set forth in said document: *Provided*, That before entering upon the prosecution of the said project the Secretary of War shall require local interests to contribute toward the cost of said work the sum of $246,750, which amount shall be deposited in the Treasury and be applied toward the prosecution of the work of improvement herein adopted.

Mr. JONES of Washington. I ask that the Senate disagree to that amendment.

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

The amendment was rejected.

The next amendment was, on page 10, after line 24, to insert:

That the Secretary of War is authorized to modify the project adopted in the river and harbor act of March 2, 1919, for the improvement of Indiana Harbor, Ind., so far as the same relates to the length and alignment of breakwaters, and he is further authorized to sell to the Youngstown Sheet & Tube Co. approximately 1,180 linear feet of the shoreward end of the existing north breakwater for the sum of $90,000 and apply the said sum to the extension of the east breakwater.

The amendment was agreed to.

The next amendment was, on page 11, after line 15, to insert:

That the President is hereby authorized, through such agency as he may designate, to cause a survey of the St. Lawrence River to be made, plans and estimates to be prepared, and a further examination and study to be made, as recommended by the International Joint Commission in its report submitted in compliance with section 9 of an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works of rivers and harbors, and for other purposes," approved March 2, 1919, and to report to Congress thereon with such recommendations as he may deem advisable. In order to carry out the provisions of this act, there is hereby authorized to be appropriated, or to be made available from other appropriations, the sum of $275,000, or so much thereof as may be necessary, to be expended in accordance with the laws and regulations applicable to the expenditure of appropriations for the preservation and maintenance of river and harbor works.

Mr. JONES of Washington. Mr. President, I ask that that amendment may be rejected, because this appropriation is carried in the deficiency bill which passed the House yesterday.

Mr. KING. May I ask the Senator whether the bill which passed the House yesterday has been before the Senate yet, or the item, other than in this bill?

Mr. JONES of Washington. No; it has not been before the Senate yet, but it is included in the deficiency bill, which I think is now before the Appropriations Committee.

Mr. KING. So that the Senate will have full opportunity to discuss the wisdom of this St. Lawrence project?

Mr. JONES of Washington. Oh, yes.

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

The amendment was rejected.

Mr. EDGE. Mr. President, following the suggestion made by the Senator from Utah [Mr. KING], in order to be perfectly clear, is it not true that in the case of a large proportion of these projects where there is no amendment suggesting local cooperation and help, the report of the engineers indorsing the project has provided for very large expenditures on the part of the neighborhoods affected, and that where we see in italics amendments from the committee adding such provisions, those are simply cases where the engineers have not in their report suggested such local cooperation?

Mr. JONES of Washington. That is true.

Mr. EDGE. In other words, this is in addition to many items of local cooperation?

Mr. JONES of Washington. That is true, as I said a while ago. There are several of these propositions involved in the bill as it passed the House where contribution is required. It is not specifically mentioned in the language but is embraced within the description of the report adopting the project.

Mr. FESS. Mr. President, will the Senator yield for a question in regard to this St. Lawrence item?

Mr. JONES of Washington. Certainly; but it went out.

Mr. FESS. It went out on the ground that it is in the deficiency bill?

Mr. JONES of Washington. Yes.

Mr. FESS. How could it be put in the deficiency bill? It is legislation.

Mr. JONES of Washington. It is in the bill.

Mr. FESS. There is no doubt about it?

Mr. JONES of Washington. No.

The next amendment was, on page 12, line 14 after the figures "$6,500,000," to insert the following additional proviso: "*Provided further*, That the Secretary of War is hereby authorized to allow credit, in such amount as may be determined as equitable by the Chief of Engineers, to local interests for such work as they may do in the construction of the breakwater if such work has been approved by the Chief of Engineers prior to its commencement and is in accordance with this project," so as to make the paragraph read:

Los Angeles and Long Beach Harbors, Calif., in accordance with the report submitted in House Document No. 349, Sixty-eighth Congress, first session, and subject to the conditions set forth in said document: *Provided*, That the amount hereby authorized to be expended shall not exceed the sum of $6,500,000: *Provided further*, That the Secretary of War is hereby authorized to allow credit, in such amount as may be determined as equitable by the Chief of Engineers, to local interests for such work as they may do in the construction of the breakwater if such work has been approved by the Chief of Engineers prior to its commencement and is in accordance with this project.

Mr. KING. Mr. President, before this amendment is adopted I should like to have a little explanation from the Senator. Recently I visited the harbor at Long Beach, and discovered there that many oil companies and corporations of various kinds had constructed warehouses and wharves and docks, and so forth, which were of great advantage to them—indeed, indispensable to the business in which they are engaged.

The Government has spent a large sum of money in constructing this harbor. Undoubtedly some of these private corporations and individuals, in the construction of the docks and wharves to which I have referred, did some dredging necessary for their own use. That probably would be embraced within the project. I see no reason why the Government should refund to them the money they expended; and yet, as I interpret this amendment, it would permit a return to them of moneys which they had expended in improving their own properties and making them available for use. If that is the purpose of this amendment, I am opposed to it.

Mr. JONES of Washington. No; the Senator is mistaken in that. My recollection now is that the project that is recommended here will cost about $17,000,000, and about $14,000,000 of that is in a breakwater, I think. The local interests are contributing something like $7,000,000 toward this improvement. They want to go on and do it without waiting for the appropriation, and this amendment simply authorizes them to receive credit on the amount of contribution required for the expenditures that they advance. That is the purpose of this amendment.

Mr. KING. Is it all in futuro?

Mr. JONES of Washington. Yes.

Mr. KING. It is not to be retrospective and to cover expenditures which they have heretofore made for their own advantage?

Mr. JONES of Washington. No; not at all.

Mr. KING. The language is not quite clear as to that.

Mr. JONES of Washington. That is according to the report of the engineers. They are not to get credit for anything that is not expended in line with the project adopted and pursuant to it, and that must be to the satisfaction of the engineers, and there is to be no reimbursement of them in any way.

Mr. EDGE. Mr. President, I draw attention to the language of the amendment, which specifies very clearly "such work as they may do." It is all in the future.

Mr. JONES of Washington. The language is:

Such work as they may do in the construction of the breakwater if such work has been approved by the Chief of Engineers prior to its commencement and is in accordance with this project.

Mr. KING. Yes. Even with the language to which the Senator has called attention, however, it does not change the proposition, because, as I stated, considerable work has already been done, and I was advised that it was done pursuant to the general plan which had been adopted; that is, work has been done by private individuals anterior to this date.

Mr. JONES of Washington. I do not think any of that comes in this proposition; but they are to contribute a very large amount, and they want to go on and do it without waiting.

Mr. KING. There can be no objection to that.

Mr. JONES of Washington. That is all that this is intended to cover.

Mr. KING. What I had in mind was that I think this is susceptible of the construction which I placed upon it, because if the proposition heretofore has been adopted and work heretofore has been done upon it, then it would, in my opinion, come under this language.

Mr. JONES of Washington. This project has not heretofore been adopted. If it had been, it would not be necessary to adopt it in this bill. This is a new project.

Mr. KING. I am sure the plans for the project have been outlined and possibly agreed upon heretofore.

Mr. JONES of Washington. Not by Congress. This is the first adoption of this project. I am satisfied that it does not relate to work heretofore done on this breakwater, because the breakwater provided for in this project has not been commenced. There may be a breakwater there, but the part of this project which relates to a breakwater is new construction.

Mr. KING. It is the same project.

Mr. REED of Missouri. Mr. President, if there is any doubt about it, it can be removed by inserting in line 17, after the word "may" and before the word "do," the word "hereafter," so that that clause would read:

to local interests for such work as they may hereafter do.

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

Mr. KING. That is all right.

The PRESIDENT pro tempore. The Senator from Missouri offers an amendment to the amendment, which will be stated.

The CHIEF CLERK. On page 12, line 17, after the word "may," it is proposed to insert the word "hereafter," so that, if amended, it will read:

work as they may hereafter do.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The next amendment of the Committee on Commerce was, on page 12, after line 24, to insert:

Oakland Harbor, Calif.: The second proviso of the item contained in the river and harbor act approved September 22, 1922, adopting a new project for the improvement of Oakland Harbor, Calif., is hereby amended to read as follows:

"*Provided further*, That no work shall be done above the Webster Street and Harrison Street Bridges until the Secretary of War and the Chief of Engineers shall have received satisfactory guarantees that those bridges will be removed or so altered, in accordance with plans approved by them, as to provide suitable facilities for navigation."

The amendment was agreed to.

The next amendment was, on page 13, after line 16, to insert:

Tillamook Bay and Bar, Oreg., in accordance with report submitted in House Document No. 562, Sixty-eighth Congress, second session, and subject to the conditions set forth in said document, except as to the conditions requiring local interests to contribute toward the first cost of said project.

The amendment was agreed to.

The next amendment was, on page 14, line 14, after the word "document," to insert the following proviso: "*Provided*, That the Secretary of War is hereby authorized to allow credit to local interests for such work as they may have done upon this project subsequent to June 27, 1922, in so far as the same shall be approved by the Chief of Engineers and found to have been done in accordance with the project hereby adopted," so as to make the paragraph read:

Seattle Harbor, Wash.: Duwamish waterway, in accordance with the report submitted in House Document No. 108, Sixty-eighth Congress, first session, and subject to the conditions set forth in said document: *Provided*, That the Secretary of War is hereby authorized to allow credit to local interests for such work as they may have done upon this project subsequent to June 27, 1922, in so far as the same shall be approved by the Chief of Engineers and found to have been done in accordance with the project hereby adopted.

Mr. KING. Mr. President, this clearly comes within the point that I had in view a moment ago when I interrogated the Senator from Washington.

Mr. JONES of Washington. Yes; and I think I can explain that satisfactorily to the Senator.

Mr. KING. All right.

Mr. JONES of Washington. This project, according to the report, will cost, I think, $364,000. The local engineer's report came in on June 27, 1922, laying out the recommendation that he thought ought to be made. The local interests, without waiting for the formal adoption of the project, went on and expended money in line with that recommendation of the engineer; and the recommendation of the engineer was adopted; and that is the project here. The recommendation of the report is that these people shall contribute 50 per cent of the cost of the project. It seemed to the committee perfectly fair that a credit should be allowed on that 50 per cent for the money that they had actually spent on the project in line with the recommendation of the engineers. In other words, if they had not spent anything, and then, after its adoption, they had to spend this money, they would get credit for it; but without waiting for the formal adoption of the report they went on and spent the money along the line of the report, just the same as they would do hereafter, and the committee felt that they were entitled to have credit for that on the 50 per cent contribution that they had to make.

Mr. KING. The amount for which they are seeking credit does not exceed the aggregate amount which, under the arrangement, they were to pay?

Mr. JONES of Washington. I am not sure as to that. They may do that; but they do not get credit for more than 50 per cent, even though they spend more.

Mr. KING. That is what I wanted to know.

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

The amendment was agreed to.

The next amendment of the Committee on Commerce was, on page 14, after line 23, to insert:

Wrangell Narrows, Alaska, in accordance with the report submitted in House Document No. 179, Sixty-seventh Congress, second session, and subject to the conditions set forth in said document. It is understood and provided that no greater sum than $500,000 shall be expended on this project until specifically authorized by law.

The amendment was agreed to.

The next amendment was, on page 15, after line 11, to strike out section 2, in the following words:

SEC. 1. It is hereby declared to be the policy of Congress that all river and harbor projects heretofore, herein, and hereafter adopted shall be completed within five years from the passage of this act or of subsequent acts adopting such projects, if physically practicable: *Provided*, That in any case of such impracticability the Chief of Engineers shall clearly set forth the reasons therefor in his annual report.

The amendment was agreed to.

The next amendment was, on page 15, after line 19, to insert a new section, as follows:

SEC. 2. That the provisions of river and harbor acts heretofore passed providing for the prosecution of work upon the construction of a lock and dam at Grand Rapids, on the Wabash River, Illinois and Indiana, are hereby repealed: *Provided*, That sufficient funds may be allotted from appropriations heretofore or hereafter made by Congress for the improvement, preservation, and maintenance of rivers and harbors, for the removal of a section of the dam, as recommended in House Document No. 427, Sixty-fourth Congress, first session.

The amendment was agreed to.

The next amendment was, on page 16, after line 4, to strike out section 3 in the following words:

SEC. 3. The Secretary of War is hereby authorized and directed to cause to be made by the Corps of Engineers, United States Army, such investigations as may be necessary for the preparation of a general plan for the most effective navigation improvement in combination with the most efficient development of the potential water power on those navigable streams of the United States and their tributaries where such power development appears feasible and practicable, together with an estimate and report of the cost of conducting such investigations as to all such streams and tributaries, at a cost not to exceed $500,000, with recommendation that $250,000 be immediately appropriated.

The amendment was agreed to.

The next amendment was, on page 16, after line 16, to insert a new section, as follows:

SEC. 3. The Secretary of War and the Water Power Commission are jointly hereby authorized and directed to prepare and submit to Congress an estimate of the cost of making such examinations, surveys, or other investigations as, in their opinion, may be required of those navigable streams of the United States, and their tributaries, whereon power development appears feasible and practicable, with a view to the formulation of general plans for the most effective improvement of such streams for the purposes of navigation and the prosecution of such improvement in combination with the most efficient development of the potential water power, the control of floods, and the needs of irrigation.

Mr. UNDERWOOD. Mr. President, I desire to call to the attention of the Senate and of the chairman of the committee a proposition with reference to the Senate amendment. The House has passed the bill containing section 3, which provides for a general survey looking to the development of navigation and the development of water power. The Senate has amended the proposition in many material respects, but the general language of the Senate amendment I do not object to. The House language provided a limit on the appropriation, and the Senate amendment provides none.

I think this is a very important item. For a long time in the history of the country we developed our streams for navigation alone. The entire cost of the development of navigation in this country was chargeable to the Treasury of the United States. To-day we have reached a point in the development of hydroelectric power where it may be entirely possible that the development of navigation on many of the rivers of this country may be accomplished without a charge against the Treasury, if we are informed in advance of legislation, if the Congress, before it legislates and makes its plans, thoroughly understands the possibility of developing hydroelectric power at the same time that navigation is developed. So I regard this section as one of the most important sections in the bill.

What I object to about the Senate amendment is this—and I say this to get a response from the chairman of the committee, because I may not be thoroughly informed. The chairman of the committee may advise me about the situation from a viewpoint I am not advised about. The language of the House provided that this work of surveying should be carried on by the Secretary of War, through the Corps of Engineers. It reads this way: "The Secretary of War is hereby authorized and directed to cause to be made by the Corps of Engineers of the United States Army," and so forth. That is, the power to accomplish the result is in the hands, practically, of the Corps of Engineers, where it has always been. The Senate amendment provides, "The Secretary of War and the Water Power Commission are jointly hereby authorized and directed to prepare and submit to Congress," and then proceeds to provide for a survey for navigation, water power, and other development.

The question in my mind is, What does this mean? The Secretary of War is the head of the Water Power Commission. It might be construed to mean that we were taking this entirely away from the Corps of Engineers. I do not think that is the purpose of the Senator who has charge of the bill. Nevertheless, as the Secretary of War is the head of the Water Power Commission, it might be construed that we are transferring the right of surveying the navigable streams of this country to the Water Power Commission instead of leaving it in the Corps of Engineers.

There might be warrant for that, because in the act creating the Water Power Commission they are given the authority to make this class of surveys. The law warrants their making this class of survey. I rather think it was ill advised to put that provision in the law, but it is in the law, and therefore it might be construed, when considered by the Comptroller General, that this power was vested in the Water Power Commission under the Secretary of War instead of in the Corps of Engineers under the Secretary of War.

Mr. President, what I am coming to is this: The Corps of Engineers is organized and appropriations are made for them to do this class of work. They are organized for that purpose. We have a number of capable and competent engineers in the United States Army who constitute the Corps of Engineers. They are on the salary roll. They must be maintained, if not for the survey of rivers in the future, then for any contingency which may arise in the event of war. We must have capable engineers attached to the Army. In time of peace we have economized by using them for the development of our river and harbor system.

If we are also going to set up a surveying bureau to handle river and harbor work under the Water Power Commission, we are going to maintain in the future two great bureaus of this Government charged with the same responsibility, undoubtedly not in the interest of economy.

Mr. JONES of Washington. Mr. President, there is no intention of doing that, and any language the Senator can suggest that would avoid that we would be glad to accept. If the Senator will permit me to state why we suggested this amendment, I will be glad to do so. I am responsible for

having those words "Water Power Commission" put in, and I will tell the Senator why.

Mr. UNDERWOOD. I have no objection, before any report is made and before we act on it, to the Water Power Commission being consulted or to their making a report to us as to the advisability of any proposition, but I have a serious objection to the Water Power Commission interfering with the making of the surveys. They are not equipped to do that; they are not organized for that purpose.

Mr. JONES of Washington. Mr. President, I think the Senator overlooks one thing about this amendment. This amendment does not provide for a survey at all. This amendment differs from the House provision in that important respect. It simply provides for the submission to Congress of an estimate of the cost of a survey.

Our reason for making that provision was this, that the House provides for beginning surveys without any preliminary estimate of what the total cost will be. The survey of the headwaters of one river in this country, I may say to the Senator, is costing over $500,000. When it comes to the matter of a survey of all the river systems of the United States it seemed to the committee that it would be wise to have an estimate of what it would cost before we actually undertook such a thing, and that is the sole purpose of this amendment.

Mr. UNDERWOOD. I have no criticism of the position of the Senator or of the committee in regard to that matter. As I said a moment ago, I think we can afford to spend a great deal of money in obtaining knowledge as to how hydroelectric development may cooperate with navigation development. We might spend several million dollars for that purpose, and it would be well spent. I have no objection whatever to an estimate being made in advance, but I do know that no matter how able the Water Power Commission may be, how well informed they may be in reference to particular projects, where application has been made to them for actual development, they do not know anything about making surveys.

Mr. JONES of Washington. Let me make this clear to the Senator. It was not the intention of the committee in framing this amendment to have the surveys made by the Water Power Commission. It was not the intention of the committee to take the Engineer Corps away from that work or to sever their connection with it. We want them to act with the Water Power Commission, and if we can modify this language so as to make that perfectly clear, I want to have that done.

Mr. UNDERWOOD. My idea is this, that the Army Engineers have always made these estimates. There is no charge that their estimates are not proper estimates. If they make an estimate at all, the only criticism is that they estimate too much and not too little. We will have an estimate from them that will be too large. But even on the question of an estimate, if cooperation is what is sought—the language is not clear on that, but I assume that was the Senator's idea——

Mr. JONES of Washington. That is what we want.

Mr. UNDERWOOD. If cooperation between the Engineer Corps and the Water Power Commission is what is desired, there will be a compromise verdict. I would a great deal rather have a report from the Chief of Engineers, and then, if the Senator desires to leave it to the Water Power Commission, have them check up and give their opinion. We would thus get two opinions. It would be very much like calling doctors in for consultation. You get a compromise verdict, which does not mean anything.

I think this is the most important item the Senator has in his bill for the future of the American people, and I would like to have it clearly understood that we are going to have this estimate from the Army Engineers, and then, when it comes in, if the Senate desires to have it checked up by the Water Power Commission, let that be done.

I rose for the purpose of asking the Senator if he will not consent to strike out the words "and the Water Power Commission are jointly," and let it provide, "The Secretary of War is hereby authorized."

The Secretary of War is the head of both these organizations. He is the head of the engineers and he is the head of the Water Power Commission, and if it is left to him I will be satisfied, and there can be no doubt about what was meant. I rose for the purpose of asking the Senator if he would not agree to that amendment.

Mr. WILLIS. Mr. President——

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

Mr. UNDERWOOD. I yield.

Mr. WILLIS. If the Senator will permit me, I do not know what the view of the chairman of the committee may be upon that point, but I should hope that he would not accept that suggestion. The information upon which these estimates would be based is already in the possession of the Board of Army Engineers and the Water Power Commission. I can not see any good reason why we should not have access to that information, and why there should not be cooperation. We are not starting a survey; we are trying to find out what the cost of a survey will be. The intention was to use the services of the Army Engineers, of course, but any information which may be in the possession of the Water Power Commission, it seems to me, ought to be used, and that was the idea of the committee in so drafting this amendment.

Mr. UNDERWOOD. What is the objection to striking out the words "the Water Power Commission," allowing it to rest with the Secretary of War, who has command of both of these organizations? Then there would be no doubt about what this language would mean.

Mr. JONES of Washington. Let me suggest that the Secretary of War is not in command of the Water Power Commission. He is one member of the Water Power Commission.

Mr. UNDERWOOD. He is the head of it.

Mr. JONES of Washington. No more than any other Cabinet officer. That Water Power Commission is composed of three Cabinet officers and he is a minority of the commission. I think the language clearly conveys that the Secretary of War as Secretary of War shall act. He can act through and we would expect him to act through his Chief of Engineers jointly with the Water Power Commission as a commission. That is the intention of the committee.

Mr. UNDERWOOD. I will say to the Senator that I am anxious to see the bill passed, and I am not going to raise an issue about it here, because I know perfectly well the issue will be raised in conference. When the bill goes to conference the House conferees will contend for their language and the Senate conferees will probably contend for theirs. If it is not worked out satisfactorily in conference there may be an issue raised when the bill comes back. I wanted to give the Senator my viewpoint, and I hope the Senator will consider it and see if the language can not be satisfactorily worked out, so there may not be the conflict that I think may arise under the language his committee proposes.

Mr. LENROOT. May I suggest to the chairman, if there is any doubt about the language, that it possibly could be cured by providing that the Secretary of War through the Chief of Engineers shall act?

Mr. FLETCHER. One point could be cured by that suggestion.

Mr. UNDERWOOD. That would be far more satisfactory to me than the other, because that is exactly our contention anyway.

Mr. HEFLIN. Mr. President, I would much prefer to have the language of the House text remain in the bill. If the suggestion made by the Senator from Florida is adopted, providing that the Secretary of War, together with the Water Power Commission, shall do this work jointly under the direction of the Secretary of War, I am satisfied that the power commission will do it.

The power companies of the country are trying to get hold of the power commission in Washington. They are moving heaven and earth to control it. Anybody who can see anything can see that. They do not want these power sites discovered by the people in the various States. They want them to lie hidden away until they can send their agents in and buy them for practically nothing, and after they have bought them and have them in their own name they do not mind the public and the world knowing that such power sites exist. The Nation is rich in power resources. The Nation ought to know where these power sites are. We ought not to have a makeshift arrangement put upon the Senate or put upon the country.

The engineers of the War Department are already in the service of the Government. They are already being paid. They are in every State in the Union, and at less expense than in any other way we could have that work done by them. I think the House is right in the position it has taken. I believe that the matter ought to be turned over to the Chief of Engineers, under the direction of the Secretary of War. While I think the suggestion made by the Senator from Washington is good—that they can do this work jointly and that that would be better than the way it now stands—yet I fear if that arrangement is made that the power forces in the Government are going to have complete control of the work. I think that the engineers of the War Department should do it.

Mr. FLETCHER. After the word "War," in line 17, I move to insert the words "through the Corps of Engineers of the United States Army," so as to read:

The Secretary of War, through the Corps of Engineers of the United States Army, and the Water Power Commission are jointly hereby authorized and directed—

And so forth.

The PRESIDENT pro tempore. The clerk will state the amendment proposed by the Senator from Florida.

The CHIEF CLERK. On page 16, line 17, after the word "War," insert "through the Corps of Engineers, United States Army," so it would read:

The Secretary of War, through the Corps of Engineers of the United States Army, and the Water Power Commission are jointly hereby authorized and directed—

And so forth.

Mr. SHORTRIDGE. I suggest to the Senator from Florida that he strike out the word "Water" and insert the word "Federal." I have observed in the bill as it is proposed in the amendment, that it speaks of the Water Power Commission.

Mr. JONES of Washington. The Senator from California is right. The correct name is Federal Power Commission.

Mr. FLETCHER. We want to use the correct name. I ask that my amendment be modified by striking out the word "Water" and inserting the word "Federal."

The PRESIDENT pro tempore. The Senator has the right to modify his amendment to the amendment of the committee.

Mr. STERLING. Mr. President, I do not speak in opposition to the amendment offered by the Senator from Florida [Mr. FLETCHER]. On the contrary, I agree with the amendment, but the hope has been expressed here this morning that section 3 may be adopted as it left the House. In the Senate amendment there are at least two very important elements that are not contained in the House provision, and these relate to control of floods and the needs of irrigation. I think they are two of the most important features of the amendment and of the bill itself.

The Missouri River covers a distance of about 500 miles in coursing through my State and along its boundaries. We know that in flood time the silt and the sediment caused by erosion of the river are carried down into the Mississippi River and add to the expense, of course, of keeping that river navigable. The matter of flood control is one of the most important things to be considered and studied by the authorities named in section 3. If we control the floods in the tributaries of the great waterways, we dispense then with a great part of the expense of dredging and keeping these waterways open for navigation.

In the West, too, is the further problem of irrigation, and a great purpose will be served, I think, in having the Secretary of War through the Board of Engineers and the Water Power Commission investigate the possibilities of the use of the water for irrigation purposes. So for these reasons I hope the conferees will not return to the House text of section 3, but will keep the language of the amendment as proposed by the committee.

Mr. ASHURST. Mr. President, I agree with the Senator from Alabama [Mr. UNDERWOOD] that this is one of the important sections of the bill. I also agree with the Senator from South Dakota [Mr. STERLING] that an efficient method of controlling floods and of keeping our rivers open for navigation would be to control the streams beginning at their uppermost reaches. Out of courtesy and deference to a Senator temporarily absent I ought to suggest the absence of a quorum.

Mr. JONES of Washington. Does the Senator refer to the Senator from California [Mr. JOHNSON]?

Mr. ASHURST. Yes.

Mr. JONES of Washington. I talked to him this morning, and I do not think he needs to be called.

Mr. NORRIS. Mr. President——

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

Mr. ASHURST. Yes.

Mr. NORRIS. I have had my attention called to this provision by a Member of the House. I have examined it. This is what he was afraid of and what seems to me is going to be the result if the Senate committee amendment is agreed to. I am thinking particularly of the Colorado River, in which the Senator from Arizona is definitely interested——

Mr. ASHURST. I shall be pleased to listen——

Mr. NORRIS. And the damage that is done in the Imperial Valley in California as a result of the floods in that river. There has been a bill pending before the Irrigation Committee all during the present session of Congress on which quite extensive hearings have been had. That river and the works there that are contemplated to be built in order to protect the Imperial Valley from overflow, to increase irrigation, and to develop power—the prime object being flood control and the others being incidental—present a question, of course, to which some very powerful interests are opposed, and anything that will bring about a delay will be to their interest.

The Irrigation Bureau, through their engineers, have made very complete surveys and are in favor of the development that is contemplated to-day. If we adopt the amendment, will it not follow that all these other activities of the Government will themselves have to go in, make surveys, and commence the work all over again, with the result that years will pass by before any definite conclusion is reached? That, it seems to me, would be the result out there.

Mr. JONES of Washington. May I make a suggestion? Of course, it was not the intention of the committee in offering the amendment to deal with any particular project or interfere with any particular project in any way, shape, or form, and much less with the Colorado River project, in which I know the Senators are very much interested. In the first place, all that this language does anyhow is simply to provide for the securing of an estimate of the cost for the making of these surveys throughout the country. However, I am perfectly willing, if the Senators desire, to have an express provision excluding consideration of the Colorado River.

Mr. ASHURST. I, of course, desire an early approach to an utilization of the Colorado River.

Mr. JONES of Washington. What I had in mind was that I did not want to interfere in any way with the activities under way in connection with it.

Mr. ASHURST. The fact that this amendment was drawn by the able and industrious Senator from Washington [Mr. JONES] saves it from any suspicion that the power interests suggested it. I do not like obscure phrases, and some appear in this substitute. Hydroelectric power is sought now in the Nation more than gold is sought. Hydroelectric power and petroleum gasoline are the great horses of God that are always on the road and that never grow weary. I will not sit here and permit laws to pass, with my consent, which would deprive the people or the States of their natural inherent and lawful right to utilize these great potentialities that mean the benefit and the enlargement of the life of the people. The man, the corporation, or the interest which a quarter of a century hence dominates hydroelectric power may dominate the Nation. We must be extremely cautious now as to what language we use in laws and policies. The War Department has been honest; it has been fearless.

Mr. JONES of Washington. Mr. President, will the Senator from Arizona permit me to interrupt him?

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Washington?

Mr. ASHURST. Certainly.

Mr. JONES of Washington. We are not proposing to interfere with the War Department at all. As a matter of fact, whatever water-power investigations the War Department has made in the past have been subordinate or incidental to its investigations concerning navigation. We have expressly placed, however, in the Federal Power Commission the authority and duty of investigating water-power questions, and I wish to say that the words "Federal Power Commission" were put in here solely on my insistence.

Mr. ASHURST. And that convinces me that they were inserted with an honest intention.

Mr. JONES of Washington. And it was done without any suggestion from anybody outside.

Mr. ASHURST. I believe that to be true.

Mr. JONES of Washington. But I want to tell the Senator why I asked that they be put in. We have provided by specific legislation that the Federal Power Commission shall deal with the power situation and make these investigations. I do not want in a river and harbor bill to take away that power or to throw any suspicion of doubt on the advisability of that legislation. So I wished these words inserted.

Mr. ASHURST. Various bureaus of the Government began years ago to investigate an irrigation project in Arizona, the San Carlos project. On the very day that the World War flamed forth, viz, August 1, 1914, I secured an appropriation of $50,000 to enable the War Department to make an investigation as to the feasibility and practicability of this project. The War Department investigated and reported that the dam could be and should be built, although some other agencies of the Gov-

ernment opposed its construction. The Congress last June acted upon the report of the War Department, and that project will soon be commenced.

I do not wish to delay this bill; in fact, I am in favor of this bill. I announced a year ago that I had for years been in error; that I had been voting against river and harbor bills; and I think I am entitled to some credit for coming forward manfully and saying that I have been mistaken. I am going to vote for the river and harbor bill hereafter. I agree with the speech which the able Senator from Missouri [Mr. REED] made last night, in which he stated that it is not good business to starve to death a horse that can earn a thousand times his keep in one year.

I am of opinion that a sensible development of our waterways would assist in reducing high freight rates.

One of the surest ways to aid the farmer is to make highways of commerce available so that he may reach the markets.

Mr. JONES of Washington. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Washington?

Mr. ASHURST. I yield.

Mr. JONES of Washington. The Senator from California spoke to me on yesterday; he also told me this morning that he would have to leave, and I told him that I would make the statement that I made to him on yesterday with reference to this subject.

It seems that the people who are interested in the Colorado project are fearful that in some way this proposed legislation will interfere with that. I can not see how it can do so. It is not the intention, of course, that it should in any way do so.

Mr. President, in connection with that sentence, I desire to say that if the provision is doing anything of that kind, it is transferring power and responsibility from the Federal Power Commission to the Army Engineers, because under the water-power act the commission is "authorized and empowered"—

(a) To make investigations and to collect and record data concerning the utilization of the water resources of any region to be developed, the water power industry and its relation to other industries and to interstate or foreign commerce, and concerning the location, capacity, development costs, and relation to markets of power sites, and whether the power from Government dams can be advantageously used by the United States for its public purposes, and what is a fair value of such power, to the extent the commission may deem necessary or useful for the purposes of this act.

We have given the Federal Power Commission jurisdiction of these very questions; and it seems to me, unless we want to take away that power of the Federal Power Commission, we should recognize them and have them cooperate in this work.

Mr. ASHURST. I perceive no objection to the amendment proposed by the Senator from Florida.

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

With reference to the Colorado River project, I wish to say that I can not see how under any language in this provision there can be any interference in any way with that project. I want to make that plain so that those interested may read it in the RECORD if they have any doubt about it, and so that if anybody tries to make such a contention it can be shown to be without foundation. This language really provides for an estimate of the cost of the work, and when that comes here, if we see fit to adopt the proposition, then we can take care of the situation as it needs to be taken care of at the time. It is not the intention in any way to interfere with the Colorado River project, and I do not believe there is any language in the provision that could be construed as interfering with it in any way.

Mr. SHORTRIDGE. Mr. President——

Mr. JONES of Washington. I yield to the Senator from California.

Mr. SHORTRIDGE. Of course, California is very deeply and directly interested in the Colorado River, as, indeed, all the States are indirectly interested in it. I do not wish to delay the matter by words, but the statement of the chairman of the committee and the observations made by the Senator from Arizona reassure me that there is no hidden, sinister purpose in this suggested amendment. I impute no such purpose to anyone; but I am gratified to have it stated upon the floor that this provision will not work any delay or interfere with or frustrate or defeat any other legitimate purpose which many have in mind. So I am well content.

Mr. JONES of Washington. If there is anything in the provision that may be construed as an excuse for doing anything of that kind, I will be glad to cut it out or to modify it in any way, because it certainly is not the intention in any way, shape, or form to interfere with that project. I am not going to take any more time, because I feel we should act on this measure as soon as possible.

Mr. SMITH. Mr. President, I should like to ask the Senator from Washington a question. The War Department, of course, is charged with the duty of ascertaining what is necessary to improve the navigability of streams, and incidentally it also will come into possession of knowledge of the potential water power. Under this provision, however, it is proposed to give additional power to the Federal Power Commission to make them coequal in authority in determining the site or sites where probably dams may be built and also to enable them to cooperate with the War Department in matters affecting the navigability of streams. It is sought to confer indirectly but effectively upon the Water Power Commission the duty and responsibility that now rests upon the War Department, namely, to make investigations as to the navigability of streams as well as concerning water-power sites.

Mr. JONES of Washington. I hardly think that is so in a practical way.

Mr. SMITH. The language so indicates.

Mr. JONES of Washington. Not in any practical way. I can not imagine that the Water Power Commission is going to obtrude itself into studying problems of navigation in connection with this item any more than the War Department will try to take all the power of the Federal Power Commission in studying the question of water power. As the Senator said, we have not given the Army engineers the authority to investigate water-power questions, except in connection with navigable streams. If we should eliminate the provision in regard to the Federal Power Commission here it would result in usurping the power of that commission and giving it over to the Army engineers. Under this provision we want not only the investigation of water power on navigable streams, but we want the investigation of water-power resources on nonnavigable streams.

Mr. SMITH. Exactly; but the bill gives the full power to the Federal Power Commission to investigate wherever it pleases with the specific object of the development of power, and we can not avoid the conclusion that the War Department engineers in improving navigation incidentally will do the very thing that the Power Commission is doing. What is the use of hooking them up and combining the work when the field of each is absolutely distinct?

Mr. JONES of Washington. No. If we should strike out the reference to the Federal Power Commission, then we would put the engineers into the field of the Federal Power Commission, because their field embraces especially water power on nonnavigable streams—not entirely so, but especially on nonnavigable streams. We want this to cover nonnavigable streams, and unless we have the provision relative to the Federal Power Commission in here we would be extending the authority of the Chief of Engineers of the War Department over those. But at any rate, Mr. President, it simply provides for the submission to Congress of an estimate of cost, and then, when it comes to our actually authorizing and directing surveys, we can direct that the Federal Power Commission shall have something to do with it or that it shall have nothing to do with it, or that the engineers shall do it, or that some other agency shall do it. It seems to me that we are using these two agencies of the Government which are acquainted with certain fields to bring in estimates to Congress to enable a great work to be carried forward.

Mr. SHORTRIDGE. That is just what I was going to ask the Senator.

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from California?

Mr. JONES of Washington. I yield to the Senator.

Mr. SHORTRIDGE. You are really employing these agencies to prepare and submit to Congress an estimate of the cost of certain things?

Mr. JONES of Washington. That is all.

Mr. NORRIS. Mr. President, I do not want to be misunderstood. Of course, I am not casting any reflection upon the committee or even insinuating that they are incorporating in this amendment anything that is intended to delay or interfere with the development of any irrigation project, or anything of that kind. Nevertheless, I can not get away from the fact that the very language of the amendment will seriously interfere with the development of such irrigation projects as that known as the Colorado Imperial Valley project.

Mr. JONES of Washington. Let me ask the Senator a question. If the irrigation language were left off would the Senator see any objection to it?

Mr. NORRIS. Yes; I would not like it then. I would not like it even if that river were specifically named as an exception to the rule, because in the irrigation system that we have they are continually developing—more and more every year—water power as an incident to irrigation. Irrigation is the main object. We did not think much about it when we passed the irrigation law; but work after work has been developed, and project after project has been developed, and as they proceed with it the engineers find that here is a lot of water power; and there have been several irrigation projects where the water power, although just an incident to irrigation, has developed into a very important item.

The senior Senator from California [Mr. JOHNSON] several weeks ago called attention, in a very able speech that he made here, to the list of water-power projects that were connected with irrigation, showing how cheaply the energy was supplied. It belongs, when it becomes an incident to irrigation, to the farmers who own the project. I think there are 21 of them in operation now, some of them supplying hydroelectric energy to the farm homes so cheaply that they use it for all possible purposes connected with the farm and with the house.

The Senator says—and that is true; he states it correctly—that this amendment simply provides for an estimate, and that Congress then can act, and can decide what instrumentality it will use to bring about a survey if we decide to have it made. Let me call your attention now to the condition that exists down in the Imperial Valley in southern California.

Mr. REED of Missouri. Mr. President, I do not want to interrupt the Senator, but I have an amendment to suggest which I should like to suggest now. It may meet with the approval of the chairman, and it may meet with the approval of the Senator. I would not interrupt him, except that the time is getting short; and of course if this will obviate the matter, if I should be so fortunate as to have struck it——

Mr. NORRIS. I am not going to keep the floor very long.

Mr. REED of Missouri. I was going to suggest it now, while the Senator had the floor, so that he might discuss it.

Mr. NORRIS. All right.

Mr. REED of Missouri. I make the suggestion that we keep the House section, and that we insert in the House section the words "including the control of floods, and the needs of irrigation"; that is, that we transfer that sentence from the language employed in the committee amendment, and that at the end of the House section we insert this language:

Provided, That the Secretary of War shall, so far as practicable, utilize such information as may have been gathered by the Water Power Commission, and said commission shall upon request furnish said information to the Secretary of War.

Mr. JONES of Washington. I want to say to the Senator that I am very much opposed to the House provision. It is starting on a new project when we do not know what it will cost, without any estimate of the cost.

Mr. REED of Missouri. It does provide for the appropriation and that is the very reason why I am for it; but I thought the suggestion might be acceptable. If it is not I will not further interrupt the Senator at this time, but will offer the amendment later.

Mr. NORRIS. Mr. President, I was about to call the attention of the Senate to the condition of the Imperial Valley—a valley as fertile as that of the Nile; a valley which, through the millions of years that have passed, has been made out of the silt that has come down the Colorado River.

The Colorado River, through depositing its silt, has built up its bed. At various times in the ages that have gone by, when it would get its bed built up, it would break its banks and make a new channel, and carry away to deposit somewhere else the silt it brought down. Now, however, since we have been working with it, since a system of irrigation has been inaugurated in the Imperial Valley, although trouble has occurred and it has broken out several times, and once when it broke out it did several million dollars of damage, it is on an elevation. The Colorado River, coming down from the mountains, has built itself up, so that its channel is elevated.

The Imperial Valley is below the sea level, much of it. I think some of it is over 200 feet below the sea level; and, as I said, it is one of the most fertile valleys in the world. This soil and this silt is hundreds of feet deep, easy to farm, easy to work. All that it needs is water; and so a system of irrigation has been developed there, and within that valley there is an empire. As I remember—I am speaking entirely from memory—there are over 60,000 American citizens living there below the sea level. They have whole counties, county seats, with modern buildings of all kinds, just as modern as there are anywhere in the world in cities of the same size. They have roads laid out. They have the land under the most intensive system of cultivation. We are getting on our tables here in the city of Washington, as they are everywhere else, the products of those farms, shipped all over the United States. It is a veritable empire, made by the toil and the brawn of American citizens.

Let us see what they have to contend with. This irrigation system that supplies the Imperial Valley—and there is but one ditch there, as I remember—is taken out of the Colorado River on American soil. On account of the topography of the country the irrigation ditch runs first into Mexico. It runs through Mexico for a good many miles, through a beautiful country there, the same as the Imperial Valley, made in the same way, excepting that it is higher. The lowest point in the Imperial Valley is on American soil. It is around that point that this system of irrigation has taken place. The land looks level, to look at it.

This system of irrigation after going into Mexico, into a foreign country, comes back into the United States. The only way that those people in the Imperial Valley have of irrigating their farms is from this irrigation system that passes through Mexico for many, many miles, subject to use there by almost as large a tract of country as is on the American side, incidentally owned almost entirely by American citizens; and they are the ones, according to my understanding, who are opposed to having Congress do anything with the Colorado River that will bring about a change in this condition.

The American farmers and the American citizens in all the cities and towns in the Imperial Valley are absolutely dependent for their very existence upon this water. I understand that there are no wells there. They can not get water in any other way, and this water is filtered and used for all purposes. If you should go into Mexico, a foreign territory, and destroy that ditch, it would mean that every farm, every home in the entire Imperial Valley would become a desert waste. Every human being, every head of livestock, would have to be taken out. There would not be any relief for them if the banks of the river were broken, even over in Mexico, and the channel changed. It would in time fill up the Imperial Valley, and these homes and these cities would be many feet under the sea.

That is the condition in the Imperial Valley. The means by which this ditch is kept up is a farmers' irrigation company. These farmers own the irrigation ditch. They have to maintain and do maintain an army of men to keep the Colorado within its banks, not on American soil only, but on Mexican soil. Mexico gets the first opportunity to use the water. The facts are that while millions and millions of dollars have been expended to maintain that river in its banks so that it will not drown out everybody and destroy the irrigation works, the American farmer has had to pay for all the improvements, and has footed all the expenses, most of the money having been expended on Mexican soil.

For instance, a few years ago, quite a number of years ago, I think we will remember that there was a million dollars appropriated here to help out on that. The Colorado River broke its banks. It was on Mexican soil where it broke them. Instead of going out to the sea, when the banks were broken, it came back the other way and came back into the Imperial Valley, and the entire river was pouring the contents of its flood waters into the Imperial Valley. It was only a question of time until it would fill up that valley to sea level.

What they did on this new branch of the river that went through as fine farms and localities as existed anywhere, and tore them all to pieces, and destroyed many millions of dollars' worth of property, was this: They went down into Mexico. The Americans had to do that. They built a pile bridge across that new stream. They dug a new channel for it to go out to the sea; and after they had built this bridge they ran railroad trains over it, filled with stone and rocks that was hauled from a quarry that they owned upon American soil, and dumped it into the river, and kept on dumping and dumping and dumping until they had dammed the river, and the water commenced to flow out of the new channel and washed its own way to a great extent; and it is going there now, and has been ever since. These farmers in the Imperial Valley keep in readiness a body of men and a railroad train; they have several engines; they have a good many miles of railroad on American soil following this river clear down into Mexico, and a good many miles into Mexico. At a moment's notice, night or day, that train from the quarry that these farmers own on the American side can be started with a trainload of soil and rock—it is always kept loaded, night and day—to fill up any break that may be taking place anywhere on American soil or on Mexican soil;

and they have built embankments, hundreds of miles of them, on American soil. At one time—I do not think they have to do that now—at one time they had to pay the Mexican Government a tariff on the rock that they carried down there to protect Mexicans and Americans alike from overflow. It comes out of the pockets of American citizens. They have to keep that up all the time, to be in readiness at any time. They have expended many millions of dollars in order to protect their homes and this great valley.

It was conceived quite a number of years ago that what we ought to have was an American canal, an irrigation canal that would take the water out of the river, not only on American soil, but one that would not go into Mexico. On account of the topography of the country, there are some difficulties connected with that kind of a proposition. Another thing that is important to know is that this ditch, coming out of the American side and going over to Mexico, and coming around and around, and then coming around this big valley, can not be made high enough to irrigate all of the valley which ought to be irrigated. If we had an American canal running on American soil, the amount of land that could be irrigated would be practically doubled, because this valley would be struck higher up.

That has been the dream of these farmers, that has been the dream of those living in the Imperial Valley, and they have been knocking at the doors of Congress for years to have a canal built upon the Colorado River. Incidentally, it has developed that if that dam is built up there to hold back the flood waters of this river, and thus save the people from this danger, a large amount of water power would be developed; that it would be equal to the largest water-power development in the United States. The Colorado River has potential water power of between five and seven million horsepower if the entire river is taken into consideration. This dam would develop an immense amount of water power. There has been an attempt for years to have that dam built.

The first object is to control the flood waters, to save the homes and to save the Imperial Valley. The second object is irrigation, because the people there can not live without irrigation. Incidentally, when they get this dam, if it is built, the plan is to take the irrigation ditch out at a different place and make the people independent of the control of a foreign country. First, there is the control of the flood waters of the Colorado River so that there will be no overflow. Then there is the desire to irrigate twice as much land, and, third, although a very important item, comes the power development, which will come along in connection with the others.

That kind of a proposition has been pending before a committee of the House and a committee of the Senate for two or three years. What is the opposition? The opposition comes mostly from power interests. As I am told and understand it, the opposition is mostly from American citizens who own that land in Mexico. They do not want this improvement to take place. So there is a combination, and so far they have been sufficiently powerful to prevent any action being taken.

I concede to those who have offered this amendment the very best and most honorable of intentions, but I fear that it means more delay. That has been the cry before the committee—delay, delay. The survey is made, as I understand it. I have not been following this closely and I can speak only in a general way about it. I have not been on the committee that has had charge of the matter and have not heard the evidence; but, as I understand it, the survey and the estimates and everything that has been done in regard to the Imperial Valley project have been handled by the Reclamation Bureau. As with other irrigation projects, it has developed that incidentally a tremendous horsepower would be developed here. Incidentally the question of flood control comes in. If I am correctly informed, it has been developed that all these things which I have outlined can be brought about if we will construct the right kind of a dam upon the Colorado River to control the flood waters, and if we want to we can pay for the whole thing out of the sale of power.

I may be wrong, but I think I am right in saying that complete surveys have been made in regard to this, and that it is known definitely what the dam will cost. I have been told that while there is some question about this power, and some people believe it could not be sold away out there in the desert, it has been said that some of the power would find a ready market in Arizona, but that Arizona could not take nearly all of it. I have been told that officials of Los Angeles have made a proposition, and are ready to take it up, to take every kilowatt of power that does not find another market and carry it to Los Angeles. They are not demanding this power. They realize that Arizona, Nevada, and perhaps Colorado ought to have what they want of it; but they are very anxious to get it.

Senators can see at once that the power interests with which this might compete would very likely be against any such development. Landed interests in Mexico would be very much against it, and it happens that all this land is owned by American citizens.

It seems to me that if this amendment, or anything like it, were adopted, it would be said, "Oh, we have not any objection to this development whatever, but the law requires that we shall survey and investigate. We have not done that yet. The Reclamation Bureau, it is true, has taken that action, and now comes the War Department, but we must investigate it." Not that they would do it dishonestly. I am not charging that by any means. I think it would be their duty. I would be doing it myself if I were at the head of that bureau in the War Department that had charge of the matter. They would say, "We are directed to do this." And the Federal Power Commission, in the same way, would say, "We have a direct command from Congress to do this. You can not provide for this dam in the Colorado River now. We want to investigate it." Hence, it means more and more delay.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER (Mr. LENROOT in the chair). Does the Senator from Nebraska yield to the Senator from South Dakota?

Mr. NORRIS. I yield to the Senator.

Mr. STERLING. The question in my mind is whether or not the Secretary of War, the commission, or the Board of Army Engineers would interfere in any way with any existing project? The Senator has referred to the project in the Imperial Valley. Finding that project developed and under way, would they do anything, could they, under this act, do anything, to interfere with it?

Mr. NORRIS. The Senator must remember that while that project which I have outlined as being desired by these farmers and citizens of the Imperial Valley is developed, it is the same as a new project. They are building a dam upon the Colorado River to control the flood waters of the stream. There is no such dam there now. The ditch, instead of going around through Mexico, would take some other course and would not go through Mexico. I do not want the Senator to think that I am charging the War Department or any of its officials with trying to delay this or anything of the kind, but would they not say, "It is our duty to look into this. We ought to survey this. We ought to estimate for it. We ought to calculate it and see what it would cost." Would not the power commission use the same language?

Mr. STERLING. Let me say simply this, that that would not interfere in any way with any existing project, but they would only look to the watercourse and see what was feasible and what was practicable at this or that site.

Mr. NORRIS. Very well. They would see what was possible, but in order to see what was possible they would have to send their engineers out and make a survey, and that would probably take two or three years.

Mr. JONES of Washington. Mr. President, I want to ask the Senator a question to see whether I understand his position. I take it that the Senator is opposed to both the House provision and the amendment suggested by the Senate committee.

Mr. NORRIS. I am sorry to say to the Senator that I can not answer his question, because my time has been so taken up that I have not followed the hearings or the discussion that has been going on.

Mr. JONES of Washington. The House provision actually provides for the making of surveys all over the country, and I take it the Senator would think that would probably interfere with the Imperial Valley.

Mr. NORRIS. I might be just as much opposed to that as I am to this, if I examined it.

Mr. JONES of Washington. I might say that the substantial difference between the two provisions is this, that the House provision provides for the beginning of a survey of all the streams of the country, water power, and so forth, without any preliminary examination or estimate or anything of the sort, and authorizes $500,000 to start with. The Senate committee proposal is that there shall first be an estimate of the cost of such a survey, to see what it is going to lead to. It does not authorize the survey at all, but simply provides for the submission to Congress of an estimate of the cost of such a survey. I take it from the argument of the Senator that he would be opposed to the other provision.

Mr. NORRIS. Maybe I would.

Mr. JONES of Washington. I want to say this with reference to irrigation, that I take the responsibility for having those words put in that provision. I suggested them coming, of course, from a State where there is irrigation. This was the reason for it: In ascertaining the power resources of a stream, especially in the arid country, where I think the question of irrigation is really superior to that of power——

Mr. NORRIS. I do, too. I agree with the Senator.

Mr. JONES of Washington. Before they would pass on the power possibilities they would take into account the interests of irrigation.

Mr. NORRIS. Yes.

Mr. JONES of Washington. That is the reason I had those words put in. Perhaps the Senator from Nebraska and I would be in accord on that.

Mr. NORRIS. I do not doubt but that if we should both investigate the same project we would come out at the same place.

Mr. WILLIS. Mr. President, I want to ask a question of the Senator from Washington.

Mr. NORRIS. I have no objection.

Mr. WILLIS. I wanted to be sure I understood the chairman of the committee. It was my understanding, when the committee reported this measure, that no survey whatever was contemplated, that we were simply to get an estimate from the information which the Board of Army Engineers and the Federal Power Commission already had. They are not to survey anything, but to give us an estimate based upon information they now have.

Mr. JONES of Washington. That is exactly what we called for, an estimate of the cost of a survey. We do not authorize them to make any survey.

Mr. NORRIS. Mr. President, nobody can make an intelligent estimate until he makes some kind of a survey; it may be in books, it may not be out on the stream or over the land, but there must be some kind of an investigation. For instance, if I were the best engineer in the world and were asked what it would cost to get a survey of a project up in Washington which I had never before seen and knew nothing about, my opinion would not be any better than the opinion of any other man.

Mr. FLETCHER. Mr. President, I would like to state to the Senator that this does not provide for an estimate of the cost of a project. It refers merely to an estimate of the cost of a survey.

Mr. NORRIS. I understand that.

Mr. FLETCHER. The Senator is quite right in saying that if we were providing for an estimate of the cost of a project, the engineers would have to go and make a survey and investigation; but this does not require that. All we are asking for here—and I think the Senator will not object to it—is to have these great agencies, with all their facilities and with all their information and with all their data, come to Congress and say that it will cost about so much to make such a survey as is contemplated under this provision. Before we authorize the survey, we want to find out what the cost of the survey will be—not the cost of the project at all, but what the cost of the survey will be. That is all we have provided in this amendment.

Mr. JONES of Washington. Let me suggest, in that connection, that, of course, the Senator is aware of the fact that the Engineer Corps has district engineers located all over the country, and they will call on them for the information in their offices. The Water Power Commission, likewise, has representatives at different places, and they will gather together all the information in their possession.

Mr. EDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from New Jersey?

Mr. NORRIS. I yield.

Mr. EDGE. The Senator from Ohio has stated practically most of the thought I had in mind, but the Senator from Nebraska emphasizes, very properly I think, the great benefit to the country of properly protecting our wonderful possibilities of water power. What would the Senator suggest as a practical plan through which to start accumulating at the Federal Capital the information necessary to properly protect the Government? As a member of the Committee on Commerce, I may say that we have discussed that subject at length.

Mr. NORRIS. I will be glad to answer that question.

Mr. EDGE. Let me finish the question. As has been pointed out, this is apparently the start of getting the information necessary, not the actual recommendation as to how it shall be done. It seemed to the committee that we should make a start on this great project to get it properly before Congress. That is all that was contemplated in the discussion of the committee, I am sure, and as far as I can read the section it is all that would be authorized.

Mr. NORRIS. I want to answer the suggestions made by the chairman of the committee and the question asked by the Senator from New Jersey. When we put it in a nutshell he has said, "What suggestion have you to offer to meet the difficulty out there in the Colorado River?" That is a very proper question. A man never ought to be out kicking on something if it is something that ought to be attended to, unless he has some suggestion to offer himself. I can answer that question in a sentence. I would pass the bill introduced in this Congress by the senior Senator from California [Mr. JOHNSON] and that would be a remedy for the entire situation. I would not take any action that would delay the passage of that bill, and that is what I fear the pending measure is going to do.

The Senator from New Jersey said we have not provided for a survey, we have only provided for an estimate of a survey. I think that puts it one step farther away. First, we are estimating it and then it will be said, "Here is an estimate. Now, before you do anything further in passing the bill to protect the people of the Imperial Valley, let us make a survey." After we make the survey it will be a question as to what we ought to do and whether we ought to do anything. As I understand it, we have the information right now necessary to bring about a complete remedy for the difficulty out in the Imperial Valley and that information is in the possession of the Bureau of Irrigation.

Mr. JONES of Washington. Mr. President, will the Senator yield?

Mr. NORRIS. Certainly.

Mr. JONES of Washington. That led me to ask the question I did awhile ago. I do not want to do anything to interfere with the Colorado River proposition.

Mr. NORRIS. I do not think the Senator does.

Mr. JONES of Washington. I do not. I would be perfectly willing to have an explicit provision in the bill expressly excluding the Colorado River and that problem from the measure.

Mr. NORRIS. I think that would help out, although there may be some other irrigation project that is in a somewhat similar condition. I think that would help it very materially.

Mr. JONES of Washington. I think the Colorado River problem is in a class by itself.

Mr. NORRIS. I think so, too. There is nothing that compares with it in size.

Mr. JONES of Washington. If the Senator from Nebraska and the California Senators would prefer to have a provision of that kind, I would make no objection to it at all. I do not want to do anything to interfere with that proposition.

Mr. NORRIS. I would like to have it myself.

Mr. McNARY and Mr. KING addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Nebraska yield? And if so, to whom?

Mr. NORRIS. I yield first to the Senator from Oregon.

Mr. McNARY. I think we of the West are all interested in the development of the great Colorado River Basin project. The Senator from California [Mr. JOHNSON] and Congressman SWING have bills pending which are now before a committee of the House and a committee of the Senate, respectively. Just yesterday the Senate passed a resolution authorizing an investigation by the committee upon a visitation to the project to study those bills and the physical aspects involved therein during the fall. I can not see where this provision in any way will conflict with specific and pending legislation.

I will say to the Senator from Nebraska that it not only goes into the question of the development of hydroelectric energy but it involves flood control in the Imperial Valley and the lands in Mexico, as well as irrigation, and contemplates the full use of water in the Colorado River. Inasmuch as that legislation is pending, and inasmuch as the Senate has authorized the committee to make a personal investigation of the whole proposition involved in the development of power on the Colorado River, I can not see where a general survey provision in a river and harbor bill would in any wise conflict with pending legislation or any that might be reported subsequently.

Mr. NORRIS. I think the Senator did not get my idea, because he perhaps was not in the Chamber when I debated it. I shall be glad to answer the Senator's question as well as I may. I tried to make myself plain. In the first place, I have not been on this committee. I have not been able to give the bill the consideration that one ought to give a bill if he expects to make a critical analysis of it. I do find in it, however, an amendment and a provision authorizing the Federal Power Commission and the Secretary of War to make an estimate of surveys that would include this very river, the

Colorado River. My objection, I will say to the Senator from Oregon, is that when we pass the bill representatives will go before the commission and say, "We are making an estimate on this and we do not want you to do anything," and that would put it over to the next year, and then the next year we would have a survey and they would say, "Put it over again until the next year." The Water Power Commission would come before the committee and say, "The bill Congress passed and enacted into law makes it our duty to make a survey or an estimate of a survey. We are trying now to make that estimate. Do not legislate until we get through." That is what I fear is going to happen.

Mr. EDGE. Mr. President——

Mr. NORRIS. I yield to the Senator from New Jersey.

Mr. EDGE. As a general policy, does not the Senator agree, leaving aside for the moment the specific case which the chairman has indicated he was ready to leave out entirely, that this is the first step for the Government, through its proper officials so organized for the purpose, to get the information we need to protect this great asset? Is not that the first step?

Mr. NORRIS. My contention is that the first step has long ago been taken. I believe that we are in possession of sufficient information right now in the Reclamation Bureau, scientifically made from many years of investigation, to act on the question.

Mr. FESS. Mr. President——

Mr. NORRIS. Just a moment. I want to answer one Senator at a time.

Now we propose to put something in the law that will give somebody else the power to investigate. That means delay. That is my contention here. That is where I think we are going to make a mistake, if we do it. I do not want to have the Secretary of War or the Power Commission be able to go out and say, on a project where the Reclamation Bureau is going, "Just hold up here awhile until we investigate. There is flood control and power involved in this. There is most always flood control in an irrigation project. We do not want you to take that on. Let us investigate that. We will make an estimate of it." And so delay after delay would follow; and in the meantime the Colorado River is flowing along, and a flood may at any time break out and drown all those beautiful farms and 60,000 American citizens.

Mr. EDGE. As the Senator well knows, we never appropriate money or start the most minor harbor or river improvement until the Engineer Corps of the Army makes a survey and makes a report.

Mr. NORRIS. But the Senator insists on disregarding the point I make——

Mr. EDGE. No; I am trying to answer it.

Mr. NORRIS. Perhaps the point is not good. I concede my shortcomings in that respect to make one that is good, but to my mind it is very impressive. The Senator says we ought to make estimates. I agree with the Senator in that suggestion; but here is the Reclamation Bureau, which goes onto a project and makes a survey, and they say, "This will irrigate a million acres of land." We must get the water in the river up here and build a dam, and incidentally it will control the flood waters in that stream and prevent destruction of all these homes and all this property through this valley. Then, incidentally, it will develop 100,000 horsepower, and these people who pay the expenses of the irrigation district will have a lot of power to divide up among themselves or to sell to somebody else. That has all been done.

The Reclamation Bureau has completed it. They are ready to start to build the dam. They have done it in many other cases, none of which I concede is so stupendous and large as this one. They have developed a system of irrigation at one place in Idaho where incidentally the water power came in, and they give the farmers under the project electricity for almost nothing. They have done it in other cases. Here is something that will bring about the development of an immense amount of electricity, and now comes the bill and undertakes to provide that it shall be the duty of the Secretary of War to make estimates of all the streams in the United States, and immediately he sends somebody before the committee that is having a hearing on the Johnson bill, and says, "Here, you must not pass this bill at this session. Let it go until the next session. We are making our estimate and when the estimates are made next will be a survey." Then the Water Power Commission will come along and it will be the same thing over again. When we get through we have the Reclamation Bureau with its survey, its estimates, its plans and specifications, the Water Power Commission with its estimates, its plans, and its specifications, and the Secretary of War with his plans, his estimates, and his specifications. In the meantime the people in the Imperial Valley may be dead, drowned, their farms destroyed. The delay will go on continually one year after another.

It is true that the American citizens who own the land over in Mexico, and who incidentally control the greatest newspaper on the Pacific Coast and therefore the politics to a great extent of that part of the country, are tickled to death. That is what they want. The same interests own the land over in New Mexico that own the greatest newspaper published in the city of Los Angeles. They want delay. They want something put on the statute books to bring about further delay. I do not believe any man with a heart in his body can go out and travel over the Imperial Valley and see the people living there and the conditions that exist there, the homes built there, the towns and cities existing there, the beautiful valley that is there, and see that on the embankment is the Colorado River that has all those people and all this property at its mercy, and that he can come back here and say he wants to delay this a single hour. We are derelict in our duty I think that we have not passed some law that would protect those people long ago.

Mr. JONES of Washington and Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Nebraska yield; and if so, to whom?

Mr. NORRIS. I yield to the Senator from Washington.

Mr. JONES of Washington. Would this meet with the approval of the Senator from Nebraska—and I want to call the attention of the Senator from California to it, too? Suppose we put in a proviso like this: "*Provided*, That no consideration of the Colorado River and its problems shall be included in the consideration or estimates provided herein."

Mr. NORRIS. I think that would meet this difficulty.

Mr. HEFLIN. I hope the Senator will accept that.

Mr. JONES of Washington. Has the Senator from California [Mr. SHORTRIDGE] any objection to a proviso like that? I will read it again:

Provided, That no consideration of the Colorado River and its problems shall be included in the consideration or estimates provided herein.

Mr. SHORTRIDGE. I am not quite sure that the work designed by the proposed amendment should exclude the Colorado River problem. I need not multiply words. We all understand the situation. We are deeply interested, vitally interested, in the early solution of that great problem.

Mr. JONES of Washington. We do not want to have anything in the bill to interfere with it.

Mr. SHORTRIDGE. From assurances given by the chairman of the committee a few moments ago that there was nothing in the amendment which was designed to delay a solution of what I might call, for brevity, the Colorado River problem, I felt satisfied with the proposed amendment. Personally I see nothing dangerous in it. I impute to no one an evil motive or any cunning, hidden design to frustrate or to defeat an early and wise solution of the Colorado River problem. If there be any such design or purpose, I do not perceive it.

I understand that this proposed amendment, as, indeed, the House section 3, was designed to secure certain information for the benefit of Congress. I dare say that there is a great deal of data, a great deal of information on these matters, now in the possession of the War Department or of the Federal Power Commission. I understand that we are asking them to prepare and submit to us, the Congress, an estimate of the cost of making such examinations, surveys, and so forth, in respect to matters that are here in detail set out. Of course if the preparation and the submission to us of this estimate is to be indefinitely postponed, it may give us concern; but if, as I understand, it is the purpose to submit such estimate at an early date, then I do not see wherein information is dangerous. The more information we shall have, the better.

Mr. JONES of Washington. It is the understanding that the estimate can be submitted at the opening of the next session of Congress.

Mr. SHORTRIDGE. At the next session of Congress in December?

Mr. JONES of Washington. Yes.

Mr. SHORTRIDGE. I submit it to thoughtful minds who are earnestly considering this problem whether it is wise to exclude the great question of the Colorado River from the desired estimate of the cost. There are seven States——

Mr. JONES of Washington. Let me suggest this——

Mr. SHORTRIDGE. Will the Senator permit me to conclude my sentence?

Mr. JONES of Washington. Certainly.

Mr. SHORTRIDGE. There are seven States directly interested in this problem. I was very much gratified to listen to the words of the Senator from Nebraska [Mr. NORRIS]. Of course California, of which I can speak only with the affection of the heart, is very deeply interested in this problem. The Imperial Valley, lying below the level of the sea—a garden more beautiful and richer than Babylon, with her hanging gardens—the Imperial Valley is in constant danger from the Colorado River. We are very greatly concerned with an early removal of that danger. There is the question of power, there is the question of irrigation, and there is the primal outstanding question of flood control to be considered.

I see no danger in this section or in this proposed amendment, and therefore I question whether it would be wise to eliminate that great river and its accompanying problems from estimates which we seek. These estimates may be of aid to the Irrigation and Reclamation Committee. I am a member of that committee and during the recess of Congress I purpose journeying with fellow Members and others to the Colorado River Basin, with a view of gathering additional information to submit to the Senate at the next session, in the hope of the early passage of appropriate legislation. So it may be that we can be benefited by some estimate or suggestion of the Secretary of War or the Federal Power Commission. I am sorry to have taken so many words and consumed so much time.

Mr. JONES of Washington. Mr. President, it has occurred to me that if we adopt this amendment as it is and the Senators and Representatives from the States that are interested should come to the conclusion in the next day or two that they would like to have the Colorado included, I think we could probably take that action in the conference report. I will be glad myself to entertain a request of that kind if they should desire it.

Mr. SHORTRIDGE. I will confer with my brother Senators and Members of the House on that point.

Mr. NORRIS. Why can not the language be put in, and then if the Senator from California wants to take the responsibility of having it stricken out or of asking that it be eliminated in conference, that could be done? It is a little easier to get it out when it is in, it seems to me, than to get it in when it is out.

Mr. SHORTRIDGE. It is about six of one and half a dozen of the other.

Mr. NORRIS. I think it about ten of one and a half of the other.

Mr. JONES of Washington. What I desire to do is to accommodate the situation. I thought the Senator from California, coming from one of the States directly involved, could indicate what was desired, and whatever he and other Senators interested wanted could be done.

Mr. SHORTRIDGE. Mr. President, if the Senator will excuse me for a moment, the two Senators from Arizona are as vitally interested as are we in California. I would gladly confer with them, and also with other Senators who are interested in the Colorado River. I wish again to express my gratification and my thanks to the Senator from Nebraska for his observations touching the State of California and the Imperial Valley.

Mr. FLETCHER. Mr. President, why would it not be better to allow the provision to go in as the Senator from Nebraska suggests, and then it can be taken out in conference if it is desired. In that event the question will be on the amendment which is proposed in line 17. I ask the Secretary to state the amendment, and then the other amendment will follow.

The PRESIDING OFFICER. The Secretary will state the amendment offered by the Senator from Florida.

The CHIEF CLERK. On page 16, line 17, after the word "war," it is proposed to insert the words "through the Corps of Engineers of the United States Army."

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Florida to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. KING. Mr. President, before the entire matter shall have been concluded, I desire to submit an observation. I have no objection to the amendment just agreed to.

The PRESIDING OFFICER. The next amendment offered by the Senator from Florida to the committee amendment will be stated.

The CHIEF CLERK. In section 3, page 16, line 17, before the word "Power," it is proposed to strike out the word "Water" and insert the word "Federal," so as to read:

The Secretary of War, through the Corps of Engineers of the United States Army, and the Federal Power Commission.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is upon the committee amendment as amended.

Mr. NORRIS. Now I will ask the Senator from Washington to submit his amendment.

Mr. JONES of Washington. I submit as a proviso to the committee amendment the following:

The PRESIDING OFFICER. The Senator from Washington offers an amendment to the amendment, which the Secretary will state.

The CHIEF CLERK. At the end of the amendment reported by the committee it is proposed to insert the following proviso:

Provided, That no consideration of the Colorado River and its problems shall be included in the consideration or estimate provided herein.

The PRESIDING OFFICER. The question is upon the amendment proposed by the Senator from Washington to the amendment reported by the committee.

Mr. KING. Mr. President, before that amendment is agreed to, I should like to ask the Senator who proposed it, the chairman of the committee, whether he will strike out on lines 3, 4, and 5, page 33, the following words:

Colorado River, Wyoming, Colorado, Arizona, New Mexico, Nevada, and California, with a view to its utilization for navigation.

It is absurd to treat that river as navigable.

Mr. JONES of Washington. Yes; we expect to strike that out.

Mr. KING. I ask unanimous consent that the language to which I just called attention may be imported into the amendment just offered and treated as one amendment.

Mr. JONES of Washington. I want to move to strike out entirely the provision for a survey of the Colorado River when we get to it.

Mr. KING. Will not the Senator consent now that that may be stricken out?

Mr. JONES of Washington. Yes; I have a note to that effect; I am going to move that that be done when we reach it.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Washington to the amendment of the committee.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is upon agreeing to the committee amendment as amended.

Mr. KING. Mr. President, I appreciate the fact that nothing which I may say or do will prevent the passage of this bill. I have long since learned that the forces behind rivers and harbors bills are sufficiently powerful to speedily push them through both branches of Congress.

An examination of the pending bill will reveal that projects within most of the States are provided for, and also that appropriations are made for the development, construction, and in some instances completion of more than 50 projects, and that investigations and surveys are authorized in behalf of more than 228 new projects. If time permitted I should like to call attention to many of these new projects for which surveys are authorized. I have before me scores of reports made by the engineers of the War Department dealing with new projects. I have examined many of them and am at a loss to understand upon what theory Congress justifies appropriations to investigate the same. Many of these 228 new projects are small streams and creeks and bayous, not navigable and not a part of interstate streams. They are not navigable, and if used at all, are used only for the purpose of floating timber or conveying, by small boats, a limited amount of products. These reports show that there are less than 20,000 tons carried annually upon many of these little streams for which surveys are authorized by the pending measure. As a matter of fact, many of the 50 projects for which direct appropriations are made aggregating nearly $41,000,000 are small and unimportant streams, serving local communities alone, and not capable of being developed so as to be of any particular utility for commercial purposes.

The first report I place my hands upon deals with what is called Cambridge Harbor, Md. The tonnage in 1919 was 67,000 tons and in 1921 39,753 tons. There are railroads connecting the community which would be served by this water improvement, so that the so-called harbor is of but inconsequential importance. Yet it is to be developed at the expense of the Public Treasury.

I pick up at random the next report, dealing with Glencove Creek, N. Y. It is said that there is a "prospective water business" of 97,500 tons per year. I might say in passing that from an examination of several thousand projects from time to time during the past six years the conclusion has irresistibly been forced upon me that many of the predictions made by the engineers as to the prospective or possible or probable tonnage to be developed upon the various projects for which appropriations have been made did not rest upon a solid foundation and subsequent events have disproved them.

I make no criticism because of these erroneous reports, or at least the erroneous conclusions drawn by engineers, because in many instances they relied largely upon the statements of local communities who were interested in securing appropriations from the Federal Treasury and sought in every possible way to exaggerate the importance of the enterprises for which they were seeking governmental aid.

The next report which is before me relates to the so-called Deep River, Wash. In 1922 the commerce amounted to 138,000 tons, 134,000 tons consisting of logs. And yet we are asked to spend a large sum of money for this stream. One of the projects is what is called the Louisiana-Texas intercoastal waterway, from the Mississippi River continuing to Galveston Bay, Tex. This bill provides $9,000,000 to be expended upon this project. What the final cost will be it is difficult to foretell. The report upon this project consists of 160 pages, together with a large number of maps. It is submitted by the Secretary of War and is based upon the report of Lansing H. Beach, Chief of Engineers. My recollection is, from a hasty reading of the report that the cost of the project will be considerably more than $20,000,000, with an annual maintenance charge of more than $1,000,000. I notice that it is to be constructed in part to serve the local producers of sugar cane. The cane is to be hauled from the fields to the mills near by. The amount of tonnage anticipated is insignificant, measured by the tremendous cost of the project.

Mr. President, I repeat that, in my opinion, but few of the projects referred to in the pending bill, nearly 300 in all, are worthy of consideration or are navigable waters or are susceptible of being used in interstate or foreign commerce. In other words, we are authorizing the appropriation of more than $40,000,000 for a large number of projects not authorized under the Constitution and are providing for the surveys of more than 228 additional projects, substantially all of which are local and unimportant and may not under any theory which may be advanced legally secure appropriations from the Federal Treasury for their development.

Mr. President, great pressure is brought upon the engineers of the War Department, as well as upon Congress, by local communities in many States to secure approval for the improvement of small streams and bayous and swamps and rivers. Some, perhaps, can be made carriers of commerce, but most of them lack utility and never can be of value for any purpose whatever. Their so-called importance and maintenance are drains upon the Public Treasury, and would result in the spending, in these various communities where they are sought, of large sums of money taken from the taxpayers of our country.

Specious pleas are made for appropriations for these projects. But many of them are as worthless as Colonel Sellers's scheme, which is so graphically described by Mark Twain. Soon after coming to the Senate I made a thorough examination of all of the projects which came under the head of rivers and harbors, and for which appropriations had been made by the Federal Government. I went back to the very beginning of our Government and examined, so far as I could obtain the records, every project which had been taken under the wing of the Federal Government. I discovered that more than a billion dollars had been appropriated for rivers and harbors; that thousands of projects had been taken over by Congress, many of which had been abandoned and but few of which, measured by the aggregate number, were of any utility and advantage whatever for commercial purpose. It was my deliberate opinion, based upon a very careful investigation, that at least one-half of the amount appropriated had been wasted. The facts were also disclosed that upon many projects the tonnage carried annually was greater before the appropriations were made than after Government engineers and contractors had spent large sums of money in their so-called improvement and development. Indeed, it seemed with respect to many projects, that in proportion to the amount of money expended for their improvement and construction, the less advantage or importance were they for commercial purposes.

Those who desire to see public funds expended only for national and proper purposes, and who are anxious that there shall be no waste or extravagance, can only be filled with regret, if not dismay, when they examine the results of the enormous appropriations which have been made by Congress for the improvement of our rivers and harbors. But a few days ago, Mr. President, we appropriated $40,000,000 to be expended by the War Department upon our rivers and harbors for the coming fiscal year. The bill before us authorizes the development and construction of projects the cost of which, it is stated, will be $40,629,400. What the final cost will be no one can determine, but it is a safe prediction that when these projects are finally completed the cost will be greatly in excess of the sum just named.

And the bill before us authorizes, as I have stated, surveys in various States of 228 additional projects. How many of this number will be adopted no one can determine, nor is it possible to even conjecture what the cost will be of the improvement and completion of the projects which will be finally adopted by Congress as Federal schemes. So, Mr. President, the bill before us may ultimately cost the Government $100,000,000. If any considerable number of the 228 projects which are to be surveyed are adopted by the Government, undoubtedly the cost will be more than $50,000,000.

Congress has appropriated liberally for river and harbor work during the past few years. A statement appearing in the House hearings before the subcommittee of the Committee on Appropriations of the House which had charge of the War Department appropriation bill for 1926 shows the following appropriations:

For the fiscal year 1912, $30,583,838.80, and there was a balance from the preceding fiscal year at that time amounting to $38,868,388.40. That would give, then, an aggregate of over $69,000,000 available for that fiscal year.

For 1913 the amount appropriated was $42,657,311; for 1914, $50,855,000 plus; for 1915, $26,989,000; for 1916, $34,000,000; for 1917, $41,727,000; for 1918, $28,532,000; for 1919, $23,362,000; for 1920, $33,180,000; for 1921, $12,382,000; for 1922, $15,100,000; for 1923, $42,815,000; for 1924, $56,589,910.

This report also shows that there was available for the fiscal year 1924, $80,614,554.80. In my opinion, Mr. President, the demands made upon the Public Treasury for rivers and harbors are unwarranted. I think the $40,000,000 appropriated for the next fiscal year is more than the situation calls for. Perhaps some of the projects referred to in the pending bill are worthy of consideration and are entitled to Federal appropriation. But I submit, Mr. President, that no further appropriations should be made for new projects until a comprehensive, proper, and scientific plan has been adopted for the completion of existing projects which should be constructed and for which Federal appropriation should be made. Undoubtedly there are many projects upon which money has been expended and is still being expended which should be abandoned, not only because of their local character but because of their lack of utility even to the local communities in which they are found.

When we are asked to open the Federal Treasury, there must be clear constitutional warrant for the same. The American people are burdened with heavy taxes. Our appropriations for the current year will be approximately $4,000,000,000. In addition, there will be obligations incurred which will call for not only hundreds of millions of dollars but perhaps billions, which will soon have to be met by the Government. Between 13 and 17 per cent of all of the earnings of the people of the United States are taken from them by the strong hand of the tax-gatherer. The Federal taxes and the State and municipal taxes for the next fiscal year will aggregate $8,000,000,000. This stupendous sum is a heavy draft upon the earnings of the people.

There is much talk about the economy of the Federal Government and the economical policies which have been enforced by the present Executive and the Republican administration. Mr. President, I challenge the claim so frequently made that this administration practices economy. The enormous budget, which has the approval of the President, calls for appropriations more than three times as great as the expenses of the Government for the year 1916. The number of Federal employees in the District of Columbia is double the number at the time we entered the war. New bureaus are being added and additional executive agencies are being created. The President has insisted that another department shall be created, which would call for more employees and an additional cost to the taxpayers of the country. In my opinion we are appropriating very large sums of money for which there is no grant of power.

I have been amazed at the indifference of public officials to the limitations imposed by the Constitution upon the Federal Government. Distinguished Senators seem to think that under the general welfare clause of the Constitution there are no limitations upon Congress with respect to appropriations.

The Federal Government is one of enumerated powers. It can not transgress the limitations imposed by the Constitution. If it can not exercise powers not granted to it, obviously it can not make appropriations and thus burden the people by increased taxation for purposes not within the powers granted to it by the sovereign States. The view seems to obtain, and even among Senators, that appropriations may be made for any purpose. Accordingly measures are proposed making demands upon the Federal Treasury for local and individual purposes and for schemes and enterprises and projects wholly outside of the domain of the National Government. I have sometimes felt that Senators and public officials failed to distinguish between the powers of the Federal Government and the authority of sovereign States. States, unless there are limitations in their constitutions, may do many things which the Federal Government may not do. But, I repeat, the Federal Government can not appropriate money for any purpose unless the purpose be connected with one of the powers conferred upon the Federal Government in the fundamental law of the Republic. Congress can not lawfully or rightfully appropriate to improve local streams. The power to regulate commerce does not authorize Congress to improve local streams or construct power plants and engage in the manufacture and sale of hydroelectric energy. However, there may be conditions under which the Government may produce electric energy and make proper disposition of the same.

But I am speaking in a general way of the authority of the Federal Government under the Interstate Commerce clause of the Constitution. As I understood the statement of a Senator, who spoke a few moments ago, his contention was that the Federal Government owns the streams and creeks and rivers found within the various States of the Union and that the duty rests upon the Federal Government to assert dominion over them and develop and utilize them as a proprietor. In other words, the view seemed to be that the Government has a proprietary interest in all the streams found within the States; that it owns the bed of the streams as well as the water flowing between the banks thereof, and has unrestricted power to use the water in any way that it sees fit.

Mr. President, in my view, that doctrine is utterly at variance with the Constitution, and if carried out would prove a destructive assault upon the rights of the States. I am afraid from the views which I have heard expressed from time to time in this Chamber, and in view of the legislation which has been enacted, that Congress is of the opinion that the streams of the United States, whether navigable or nonnavigable, are under the complete control of the Federal Government.

The amendment now under consideration seems to support that view. It directs the Secretary of War and the Federal Power Commission to estimate the cost of making examinations, surveys, and investigations of all the navigable streams in the United States and their tributaries, with a view to determining whether water-power development is feasible and practical and with a view to the formulation of plans to effectively improve the streams for navigation and the development of potential water power, the control of floods, and the needs of irrigation.

Undoubtedly those who prepared this amendment regarded it as within the purview of the Federal Government to formulate plans to construct hydroelectric power plants upon the various streams of the United States and develop power for private use. These investigations are to be conducted, and surveys made, not only upon streams which are navigable but upon their tributaries, no matter how unimportant they may be, and though unnavigable and wholly within the confines of a single State.

I repeat the amendment takes for granted that Congress has plenary power to deal as an owner with all navigable streams of the United States and with their tributaries. It assumes that Congress has the same power over such streams as a private individual would have over his own property, whether real or personal. The provision or amendment construes the provision of the Constitution granting Congress power to regulate interstate commerce as a transfer to the United States of all title to the waters within the States, as well as the power to control their use; and also the power to engage in those activities and enterprises which come within the field of private endeavor if they are related to such waters.

Mr. President, the thirteen States, when they formed the Federal Constitution and entered the Union, did not part with their ownership, or any proprietary powers which they possessed in and to the waters within their borders. They did, however, give to the Federal Government the power to regulate interstate commerce, not commerce within the States, not to engage in commerce, but merely to regulate interstate commerce. The power to regulate is entirely different from the power to own or to create. The power to regulate traffic upon the street would not give the power to own the streets or the vehicles which traverse the streets. The States own the bed of the streams within their borders, and not the Federal Government, and the Federal Government has no right to control local or domestic commerce or to interfere in any manner with the streams and rivers of our country, unless their navigability is threatened, and then only for the purpose of protecting such as are navigable in order that navigation may not be interfered with.

I repeat, the regulation of commerce confers no right upon the Federal Government to erect dams and build power plants and sell and dispose of power to the public. I maintain that the title to rivers and streams is in the States and not in the Federal Government, and that the States or their inhabitants have the right to use the waters of such streams, and may not be controlled or interrupted by the Federal Government except to prevent navigation from being interfered with upon those streams which are used for navigation. And navigable waters must be navigable in fact, although perhaps this broad statement should be qualified by the further statement that if not navigable, in fact, they must be suitable for use in their natural state for interstate or foreign commerce by the usual mode of transportation by water.

This is the view of an eminent lawyer, Mr. John Franklin Shields. In an able article written by him entitled, "The Federal power act," which was ordered to be printed as a Senate document on the 17th instant, he states:

> The test of what are navigable waters under the Constitution is whether the same are used, or natural to be used, as highways of interstate or foreign commerce; it matters not whether the streams so used are broken by rapids or falls.

He further states:

> When the American Revolution took place the people of each State became themselves sovereign with absolute title to the soil, streams, and water of their respective States as against any other State or nation. After the formation of the United States each State continued to be vested with the sovereignty of its soil and waters, subject only to rights surrendered to the United States under the Constitution adopted. Under the commerce clause of the Constitution all navigable waters used, or susceptible of being used, for interstate and foreign commerce are subject to regulations of the United States for the protection of such commerce. As jurisdiction or powers over all other navigable and all nonnavigable waters were "not delegated to the United States by the Constitution nor prohibited by it to the States," such waters are, under the tenth amendment, reserved unto the absolute jurisdiction and control of the respective States or to the people.
>
> A State may make its classification of navigable waters in order to determine its rules of property or riparian rights; however, under the Constitution of the United States, navigable waters must be navigable in fact, that is, used or susceptible of being used in their natural state for interstate or foreign commerce by the usual modes of transportation by water. The test of what are navigable waters under the Constitution is whether the same are used, or natural to be used, as highways of interstate or foreign commerce; it matters not whether the stream so used is broken by rapids or falls.

Applying the sound doctrine announced by Mr. Shields, to the principles underlying the bill before us, and to many of the items found therein, as well as to many rivers and harbors bills passed by Congress, it will be apparent that but slight regard has been paid to the Constitution and to the limitations upon the Federeal Government in dealing with appropriations and e of the rights of sovereign States. The Federal Government has interfered with the title to the soil under streams within the States, and has asserted jurisdiction and control over streams not navigable, and subjected them, as well as navigable streams, to the control of Federal agencies who have denied citizens of States, and the States themselves, vested rights in such streams, and in the waters thereof. Moreover, the Federal Government, more and more, has departed from sound political and economic policies and has embarked upon industrial enterprises which are peculiarly of a private character.

There are many individuals who insist that the Federal Government should take over the railroads, acquire all power plants in the United States, and construct all future plants,

to the end that the people of the United States may be furnished by the Federal Government not only with power, but with heat. They inveigh against what they denominate the "power trust" and contend that it is the duty of the National Government to prevent the further construction of hydroelectric plants upon any of the streams in the United States. It follows necessarily, if this view shall prevail, that the Federal Government must utilize such power, and to accomplish that end must engage in business enterprises requiring electric energy.

The same view is entertained by the Communists of Russia. They declare that all "key industries" particularly shall be owned and controlled by the government, and that the railroads and telegraph and telephone lines shall be owned and operated by the general government. The development of heat and power is likewise considered by them an indispensable function of the government.

Statements are frequently made upon the floor of the Senate that there is a "great power trust" in the United States which threatens the industrial life of the people, if it does not menace their liberty.

Mr. President, Congress has the undoubted power to deal with trusts and combinations in restraint of trade, no matter what form they assume. The growth and progress of our country may be attributed largely to the competitive system which has obtained in our country. We have encouraged private initiative and private enterprise. The poor boys of to-day believe that they will be the outstanding commercial and business figures of the morrow. If the Federal Government lays its paralyzing hand upon business and enterprise and the genius of the people, we may expect retrogression instead of progress.

I noticed in this morning's paper that the Australian Government, which attempted the experiment of owning and operating a merchant marine, has confessed its failure, and is seeking to place its ships in the hands of private owners.

Much has been said against Mussolini, the outstanding figure to-day in Italy. He took the country when communistic, or at least extreme socialistic, policies prevailed. The railroads and other enterprises were controlled by the Government. He reversed the policies then prevailing, encouraged private enterprise, and industrial development and prosperity far beyond the expectations of all have come to the Italian people.

Concede that there is a power trust in the United States. We have the Sherman antitrust law and the Clayton Act, which can, if enforced, curb trusts and combinations in restraint of trade and which destroy legitimate and proper competition. If existing statutes are not sufficiently comprehensive, Congress has power to deal in an effective way with this question.

If the Republican administration does not protect the people from the rapacity of trust—and I feel that it has not done its full duty—and if they exploit the people, then the voters have it within their power to place in office those who will enforce the law and protect our competitive system against the assaults of illegal organizations or plutocratic forces.

Any corporation that engages in the production of power may be controlled in a legitimate way by the States, and, under some circumstances, by the Federal Government. The States have power to deal with their public utilities. Unreasonable rates may be prohibited and corporations which serve the public may be required to deal with the public in a fair and just manner.

Returning to the article from which I quoted a moment ago:

> Thus the United States has no control or jurisdiction of streams or parts of streams not used, and not susceptible of being used, in their natural state for interstate or foreign commerce, the control or jurisdiction thereof being reserved to the State, or its people, under the tenth amendment. Likewise, the nonnavigable headwaters of a navigable stream are solely under the sovereignty of the State wherein situate. This does not mean, however, that the waters of the nonnavigable headwaters could be diverted to the extent of lessening the navigability of water below used in interstate or foreign commerce.
>
> The Constitution grants no power to the Federal Government whereby Congress may authorize the utilization, or the control of the utilization, of the waters of a State for water power or otherwise. The States reserved the regulating, franchise giving, or licensing authority over all waters, navigable or nonnavigable, within their boundaries. Only for the protection of interstate and foreign commerce has the Federal Government any jurisdiction, and that, as to the physical phase of the stream or water, is limited, practically, to the requirement that any structure upon, on, or over a navigable stream must be approved by the National Government as not interfering with commerce.

Mr. President, undoubtedly this amendment which directs the Secretary of War and the Federal Power Commission to make the surveys and investigation called for is but a prelude to the inauguration of a more drastic and far-reaching paternalistic policy which will intrench the Federal Government more fully within the States and further wrest from them rights and powers which have been reserved to the States and to the people, respectively. With the Federal Government taking charge of all the streams and controlling them for irrigation and power purposes it must be obvious that not only is the sovereignty of the States infringed but the liberty of the people to engage in private enterprises and business pursuits is interfered with, if not menaced. If the Federal Government controls the use of the water of all streams in the United States and determines the objects for which the streams may be used, then the demand for a further usurpation of authority by the Federal Government will be made. Already voices have been heard in this Chamber and throughout the land that all water power must be owned and controlled by the Government.

It was never designed by the fathers of the Republic that the Government should be a landlord, a great proprietor, a lessor, and an owner of business activities. This Government was an organized protest against bureaucracy and paternalism and the monarchial and feudal policies of the Old World. A school is being developed among us which insists that progress is measured by governmental power, and that the true progressive is the one who devitalizes self, atrophies the States, and becomes a mere pawn in the hands of a powerful paternalistic government, to be moved as such government may determine.

Mr. President, I am not in favor of this new federalism; I want the States maintained in all their vigor; I believe in home rule and in the right of the people to govern themselves. I am afraid of powerful governments, of paternalism, and the growing power of bureaucracy in our own country. Our industrial progress, Mr. President, will be arrested if socialistic heresies are introduced into our midst. We have men in the United States who are competent to deal with the economic and business problems. In the banks and mills and mines and factories of our country, as well as upon the farms, there are thousands of young men who are developing and equipping themselves to carry forward great business enterprises and to bring additional prosperity to the people of our country. They are building railroads and ships and bridges and fashioning great structures. Filled with pride and a proper ambition they go forward into new fields of endeavor and win mighty conquests in the industrial and business life of our country. They will harness the streams and develop electric energy to illuminate our cities and furnish power for industrial development. They will construct railroads and open mines and forests and build great enterprises which will add to the riches of our country and the general prosperity of all the people. It is better, in my opinion, for private corporations and the young men of genius who are developing throughout the land to carry out these great enterprises, including production of electric energy, than for the Government of the United States to assume the functions of a corporation or an individual and embark upon these enterprises of which I have spoken.

Mr. COPELAND. Mr. President.

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

Mr. KING. Let me complete the thought which I am trying to express and then I shall yield.

If corporations that own and control our railroads or build and develop hydroelectric plants charge exorbitant rates and make excessive profits, the power rests with municipalities and States and the Federal Government to correct any abuses and to compel such organizations to be content with fair and reasonable charges.

Mr. COPELAND. When the Senator says he opposes the Federal Government taking over water-powers——

Mr. KING. It has no constitutional warrant to take them over.

Mr. COPELAND. Does the Senator go so far as to state that the States should not take over and operate water powers?

Mr. KING. I have not discussed the power of the States, except in an incidental way. I have been discussing the functions of the Federal Government and the rights of the States.

I have been attempting to point out the evils which will result from these usurpations of power by the Federal Government. I am contending for the rights of the States, believing that their preservation is essential to the preservation of the

Union itself. If the States are destroyed, or if their powers are weakened, it is obvious that the Federal Government will assume a position more omnipotent than designed by the founders of this Republic.

The equilibrium essential to maintain the Federal Government and the State governments in their proper places will thus be disturbed, and evils will result, the effects of which must be destructive.

But may I say to the Senator that, if there is nothing in the constitution of the State of New York that prohibits it from constructing and operating power plants, then it may do so. As I have argued, the streams belong to the States, and if the organic law of a State does not interdict the State may engage in the manufacture of power or the building of harbors and railroads. The people of the States have the right to determine, in the absence of limitations in their constitutions, just how far their State government may go in socialistic or paternalistic measures. The State of North Dakota amended its State constitution so that it might engage in banking and the construction of grain elevators. Undoubtedly the people had the power to authorize the State to engage in these activities. Whether it was wise or not is a different question. In my opinion the experiment was an unwise one, as I think experience has demonstrated.

I believe that the people of the State of New York can get better railroad service, and light and heat and power from private corporations than they can from State ownership and control. However, that is a question that they must decide for themselves.

As I have stated, I am for home rule. I want the States to be vigorous and virile political entities. I want them to resist these encroachments and usurpations of the Federal Government, for if they do not, and the activities of the Federal Government increase during the next 50 years as they have during the past 30 or 40 years, then we may have States, but they will be mere shells—they will have no life, no vitality, no vigor, and the capacity of the people for local self-government will have departed from them.

I am protesting against a destructive paternalism, against these absorbing processes which secretly and openly are undermining States and drawing, as if by the power of gravitation, the people and the States within the ever-increasing and all-embracing power of the General Government.

Mr. COPELAND. Mr. President, I agree with the Senator in many of the things he has said. I think he did, perhaps, give a wrong impression about the attitude toward State operation of these activities.

Mr. KING. Mr. President, before being interrupted by the Senator, I was speaking of the limitations upon the Federal Government and was attempting to show that, being a Government of enumerated powers, it could not transcend the authority granted it; that it had no right under the interstate commerce clause of the Constitution to take over the streams and the use of the waters of the streams and to build power plants and to invade the field of private endeavor. I was not discussing the power of the States to construct electric plants or engage in industrial activities.

Mr. COPELAND. I agree with the Senator, for instance, in the matter of building roads. I think Congress has acted wholly outside of its constitutional power in making appropriations for building many lateral roads—those which can not be forced into the position of being post roads.

Mr. KING. I am not in disagreement with the Senator.

Mr. COPELAND. I am in full sympathy with the Senator in that feature.

Mr. KING. As I have indicated, Mr. President, I arose simply for the purpose of commenting upon the statements of Senators—statements which, as I interpret them, conveyed the thought that the Federal Government owned all the streams in the land, and that it was its duty to use the waters thereof for irrigation or for power purposes or for anything it might desire. This view to me is untenable. I think it is a dangerous view and is in line with the new federalism which is aggrandizing the power of the Federal Government and reducing the States, so far as it can, to mere shadows of what they should be.

Little by little the tentacles of the Federal Government are being extended, strangling individualism and restricting the States in the assertion of their undoubted authority.

Mr. President, I deny that the Federal Government owns the waters in the States or the right to use the waters or to control them, except the streams are navigable, and then only for the purpose of protecting navigation. I protest against the extension of Federal power through a misinterpretation of the interstate commerce clause of the Constitution. Mr. President, I plead for home rule, for the rights of the States, for militant and vigorous local communities. I plead for individual rights and for a revival of that fine spirit of liberty which animated our fathers in the establishment of this Nation.

The PRESIDING OFFICER. The question is upon agreeing to the committee amendment as amended.

The amendment as amended was agreed to.

The next amendment was, on page 17, after line 15, to strike out section 5 in the following words:

SEC. 5. That hereafter a per diem of $7 in lieu of other travel allowances shall be paid to officers, warrant officers, and enlisted men of the Army for the actual time consumed while traveling by air, under competent orders, in connection with aerial surveys of rivers and harbors, and a per diem of $6 for the actual time consumed in making such aerial surveys, to be paid from appropriations available for the particular improvement for which the survey is being made.

Hereafter, when in the opinion of the Secretary of War the changes of a station of an officer of the Corps of Engineers is primarily in the interest of river and harbor improvement, the mileage and other allowances to which he may be entitled incident to such change of station may be paid from appropriations for such improvements.

And in lieu thereof to insert:

SEC. 5. To cover actual additional expenses to which fliers are subjected when making aerial surveys, hereafter a per diem of $7 in lieu of other travel allowances shall be paid to officers, warrant officers, and enlisted men of the Army, Navy, and Marine Corps for the actual time consumed while traveling by air, under competent orders, in connection with aerial surveys of rivers and harbors, or other governmental projects, and a per diem of $6 for the actual time consumed in making such aerial surveys, to be paid from appropriations available for the particular improvement or project for which the survey is being made: *Provided*, That not more than one of the per diem allowances authorized in this section shall be paid for any one day.

Hereafter, when in the opinion of the Secretary of War the changes of a station of an officer of the Corps of Engineers is primarily in the interest of river and harbor improvement, the mileage and other allowances to which he may be entitled incident to such change of station may be paid from appropriations for such improvements.

Mr. KING. Mr. President, I would like to have an explanation from the Senator as to this item, and especially as to the number of fliers employed, the duties which they perform, and whether the compensation provided for here is in addition to that which they receive as officers in the Army, Navy, or Marine Corps. The Senator will recall that those who are fliers receive additional compensation, as I recall, 25 per cent more than other officers in the same grades.

Mr. JONES of Washington. I want to read from the testimony of General Taylor. I do not pretend to know very much about these technical Army matters. General Taylor came before the committee and explained the matter. He said:

This matter came up first in connection with the survey of the Tennessee River.

That is a survey that is going on now, and for the completion of which we appropriate money in this bill.

We found that we were having the Air Service make surveys for us.

Mr. KING. Is that the Senate hearing?

Mr. JONES of Washington. Yes; page 57.

Under the existing regulations they couldn't pay the young officers who were fliers any allowance at all. They had to go up into the country and they couldn't get back into their regular stations, and they were under a regular expense for their maintenance while they were up there. It actually meant a fine to them of $6 or $7 a day which they were required to pay for living expenses.

The CHAIRMAN. You say when they go out that way they don't have any allowance?

General TAYLOR. No, sir. Under the regulations; if they were under us we could get them an allowance. If an officer is ordered to change his station, he gets a certain allowance. If he is on travel status, he gets an allowance. But if he went to a certain point by airplane and stayed there two or three weeks, he wouldn't be traveling from one point to another. He was simply sent up on this field duty really, and it meant quite a considerable expense to him. We were perfectly willing to pay it. It was a very cheap way for us to have a survey made. But we couldn't pay it under the regulations.

That summarizes the reason for this amendment. There are not very many of these men. I do not know just how many

there are, but those who have been used so far have been used principally on that Tennessee survey. But they will probably be used more extensively hereafter, because General Taylor said that it had been found that these surveys were very valuable, that they were becoming more and more useful, and were really cheaper in the end than the ordinary method of making surveys. So that in the aggregate the chances are that this will result in a saving rather than an additional expense.

Mr. KING. I was not complaining about the allowance for travel, and so forth, but I was inquiring about the per diem.

Mr. JONES of Washington. This is all for allowances. That we were very particular about. For quite a while I had the idea that that $6 was for an increase in salary, and I was not in favor of that. We finally amended it, so that General Taylor is certain that, as covered in the first line of section 5, it simply provides for the actual additional expenses to which the fliers are subjected. Seven dollars and $6 are provided. This is for additional expenses, not for salary increases.

Mr. KING. I think it is very ambiguous, but if the Senator had the matter in mind and thinks that the language is sufficiently restrictive I will content myself with his view.

Mr. JONES of Washington. That matter was brought up specifically with General Taylor, and I insisted that it should be made to cover only those allowances for expenses.

Mr. KING. It did seem to me the committee was allowing him not only the compensation which he now receives, which is 25 per cent at least in excess of the pay received by other officers of the Army of the same grade, but in addition was giving the $6.

Mr. JONES of Washington. That was the first impression I had and I objected to it, but General Taylor modified the language and assured the committee that this is simply to take care of actual allowance and is for expenses and is not an increase in salary.

Mr. KING. I call the attention of the Senator to the fact that this may be a very expensive method of making surveys in the end. They are very costly, their life being about 200 hours, and the dangers incident to their use in mountainous districts are very great.

Mr. JONES of Washington. General Taylor was very clearly of the opinion that it was real economy.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The next amendment of the Committee on Commerce was, on page 18, after line 23, to insert:

SEC. 6. Payments heretofore made by disbursing officers from Engineer Department appropriations to per diem employees of that department for work performed in excess of four hours on the Saturday half holidays provided for by Executive orders of June 9, 1914, and August 4, 1920, are hereby legalized, and the General Accounting Office is hereby authorized and directed to allow credit for such payments in the accounts of said officers.

Mr. KING. How much is involved in that amendment, and is it to extend into the future?

Mr. JONES of Washington. No; it is not. It provides for payments heretofore made. It does not, of course, involve the payment of any money in the future. The question is whether or not we shall reimburse officers who have been paid under a system that had been in existence for 10 years, but on account of a recent decision of the comptroller it was held that the payments made were illegal and they were called upon to repay. The committee, on the showing made by General Taylor, did not think that should have been done, because they acted in perfect good faith.

Mr. HOWELL. Does the Senator know the amount of those payments, the total that has been paid and objected to by the Comptroller General?

Mr. JONES of Washington. I have a list given by General Taylor.

Mr. HOWELL. Is it in the report?

Mr. JONES of Washington. Not in the report, but in the hearings, at page 65, he said this:

I have a short list here showing payments disallowed by disbursing officers in 1923, and they range from $7 to $99,000.

In other words, there had been paid out by one officer on these accounts—to different men, of course—$99,000. They came on to those men for repayment. General Taylor gave the list, as follows:

Overpayment for work on Saturday afternoons, June 15 to September 15, 1923

District	Officer	Disallowed	Suspended
Cincinnati, Ohio	Maj. A. K. B. Lyman	$9,247.54	$99,687.87
Florence	Capt. Ralph Millis	8,757.65	
Do	Lieut. Col. G. R. Spalding	21,735.05	
Huntington, W. Va.	Maj. H. M. Trippe	2,106.73	
Louisville, Ky.	Capt. W. F. Heavey	1,447.69	
Milwaukee	Maj. G. V. B. Wilkes	7.20	
Memphis, first and second	Maj. G. J. Richards	70.73	
Mobile	Maj. Earl North	7.40	
Nashville	Maj. H. C. Fiske	5,317.93	
Pittsburgh	Maj. E. L. Daley	2,394.86	
Do	Col. C. W. Kutz	92.00	
Vicksburg, third	Maj. R. P. Howell	33.33	
Wilmington, Del.	Col. Earl I. Brown	213.64	
Total		51,431.75	99,687.87

Mr. HOWELL. But every one of those payments was made upon a certificate made by an officer, was it not?

Mr. JONES of Washington. Yes.

Mr. HOWELL. Very well. Then the disbursing officer can go back to the officers and reimburse himself.

Mr. JONES of Washington. I do not know. I think the chairman of the Committee on Military Affairs could explain that better than I. I do not know much about the details of matters in connection with military affairs, but I can see how it would be a great hardship on a man to try to collect from those various people to whom he had paid this money in the various small amounts.

Mr. HOWELL. If I make a certificate to the effect that I am entitled to certain funds and under the practice of the Army that certificate will be paid by a pay officer when I submit it to him, if I have made an improper certificate should not I make restitution?

Mr. JONES of Washington. I do not think these were improper certificates. They were certificates made in accordance with the practice extending over a period of 10 years and about which no question was raised until the comptroller rendered a recent decision.

Mr. WADSWORTH. Mr. President——

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

Mr. HOWELL. I yield.

Mr. WADSWORTH. I do not think the Senator from Nebraska ought to say that according to custom of the Army a certificate is paid merely because it is presented. The disbursing officer, advised by higher authority in the War Department, invariably construes the statute in the way the War Department believes it should be construed, and when he makes the disbursement he does so in the belief that it is done within the provisions of law. Ten years later along comes the Comptroller General and suddenly decides that all those payments were against the provisions of law and checks the pay of the officers and demands that the disbursing officer make a repayment of $99,000. The man is perfectly helpless. He did it in perfect good faith. The disbursements of the disbursing officer in the field are all O. K'd by the Finance Department of the War Department and the whole thing checked from bottom to top, and then suddenly, as I said, the Comptroller General says, "You had no right to do all those things; I have suddenly found out you have been wrong for 10 years; give all the money back." It is impossible.

Mr. HOWELL. In other words, it is evident that in the War Department a superior officer can audit the accounts and direct his inferior to pay.

Mr. WADSWORTH. Of course. How else could it be done?

Mr. HOWELL. I think that is wrong. Some one besides those who are interested in the payments should audit the payments.

Mr. WADSWORTH. Does the Senator insist that no officer in the Army can disburse a penny until the permission of the Comptroller General is asked?

Mr. HOWELL. No.

Mr. WADSWORTH. Some one must authorize it in accordance with the best judgment of the War Department.

Mr. HOWELL. There is just one authority to authorize the payment of money, and that is Congress. Congress makes appropriations. The pay officers are supposed to understand the law. Time and again in the various departments pay officers have hesitated to make payments and have been ordered to do so by their superior officers, and then when they are "called upon the carpet," formerly by the Comptroller of

the Treasury and now by the Comptroller General, they say, "I was directed to make that payment."

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Florida?

Mr. HOWELL. I yield.

Mr. FLETCHER. This grows out of the following situation: Under an Executive order they were allowing Saturday half holidays during the summer months. That was all done under Executive order. Under the regulations, if a per diem employee of a certain class worked four hours on Saturday, he was allowed his full pay for that day in accordance with the President's order. If he was required to work more than four hours, he was given for the extra time the same rate of pay that he got on other days. If an employee was paid $4 for an ordinary day, he would get the $4 for the half day on Saturday, and if he worked four hours more during the day, he would be paid 50 cents per hour, so that his total pay for that day would be $6. That went along without question for nearly 10 years. Recently the Comptroller General has held that such payments were illegal, and then these people were called on, after having done this for 10 years, to pay back these amounts because the Comptroller General suddenly decided they were illegal. The provision simply makes legal those things which have been done according to custom.

Mr. JONES of Washington. But it does not continue it in the future.

Mr. FLETCHER. No. The department then issued an order stopping it when the comptroller made that ruling so that there has been no violating of the ruling since.

Mr. JONES of Washington. Let me suggest to the Senator that we have had quite a good many instances like that lately. I know we passed a bill through the Senate just the other day dealing with a similar matter in connection with the Coast Guard. They paid out certain money and afterwards the comptroller held it was illegally done. We passed a bill relieving those people from having to refund the money. I think there were several instances of that kind occurring lately because of the construction of the law and the decisions of the Comptroller General.

Mr. HOWELL. I want to make it clear that a pay officer has no authority to make a payment except the authority derived from Congress, and if that pay officer made payments not authorized, he should not come back to Congress and ask that his accounts be cleared.

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

Mr. HOWELL. Certainly.

Mr. CARAWAY. If the authority that heretofore has been looked to shall direct the pay officer to make payment and he obeys that authority, and then there is a new ruling made years later that overturns the authority under which he had a right to act, would the Senator say he ought to become personally liable?

Mr. HOWELL. So far as this particular case is concerned, I have not gone into the details, but I have this distinct impression——

Mr. CARAWAY. I see the Senator's viewpoint. I was just asking for information.

Mr. HOWELL. I had this distinct impression, that we ought not to look lightly upon claims to clear a pay officer, because there is a responsibility on the pay officer that he ought not to shirk.

Mr. CARAWAY. I find myself in sympathy with that view of the Senator. Heretofore I rather think there has been a good deal of looseness about the payment of allowances in the departments. I think the present Comptroller General is doing a very fine work. I think he is about as popular with the departments as a polecat at a party, but I think he is doing a highly commendable work. I am in sympathy with him. But it is sort of like if a lower court were to adjust the accounts of administrators and executors and they all acted upon that adjustment for years and years, and then some other court finally should reverse that decision and we were to deny to those people the authority they had a right to rely upon.

I am in sympathy with the view the Senator presents that there ought to be more care exercised than seemingly has been exercised in the payment of public funds. They make all the mistakes on the side of being more generous than possibly they should, but I hardly think we could expect a pay officer, acting under the orders of his superior, to become personally liable.

Mr. HOWELL. I want to say to the Senator it seems to me the exercise of authority of a superior over a pay officer when the payments are made in the department is bad.

Mr. CARAWAY. It is bad and I am in sympathy with what the Senator is saying.

Mr. HOWELL. It is absolutely bad. Something came to my attention the other day that I think demonstrates very clearly the looseness to which the Senator referred. I am not acquainted with all the details of the case. I have asked for them, but I have not received them. But I did learn that a paymaster, I think in the naval service, had been found guilty by a court martial of embezzling some $12,000; that his sentence was mitigated by the Secretary of the Navy and he was not dismissed; that subsequently the Navy Department took such action that the Attorney General was estopped from bringing action upon his bond, and that when it was attempted to collect a part of this $12,000 out of his salary—and he is still in the Navy—a court held that it could not be touched. I think this is a remarkable case. It would not be tolerated in a private business and it certainly ought not to be tolerated in connection with public affairs.

I have called attention to this as an example of the tendency of Congress, forgetting his responsibility, to waive claims against a disbursing officer. He is put in the position because he is responsible, and he gives a bond by which he guarantees that he will discharge the duties of his office in accordance with the acts of Congress and not as somebody tells him to do.

The PRESIDING OFFICER. The question is upon the amendment of the committee.

The amendment was agreed to.

The next amendment of the Committee on Commerce was, on page 19, after line 6, to insert:

Sec. 7. Lower Mississippi River: The Secretary of War is hereby authorized and directed to cause a survey to be made, and estimates of the cost of such controlled and regulated spillway or spillways as may be necessary for the diversion and control of a sufficient volume of the excess flood waters of the Mississippi River between Red River Landing and Fort Jackson in Louisiana, in order to prevent the waters of said river exceeding stages of approximately 16, 17, 18, 19, and 20 feet on the Carrollton gauge at New Orleans, and of approximately 46, 47, and 48 feet on the gauge at Simmesport on the Atchafalaya outlet. The Secretary of War is authorized to use $25,000, or as much thereof as may be necessary, from funds heretofore appropriated for flood control, Mississippi River, and allotted to projects in the State of Louisiana, to be expended under the supervision of the Chief of Engineers to carry out the objects and purposes of this section.

The PRESIDING OFFICER. The question is upon agreeing to the committee amendment.

Mr. HARRISON. Mr. President, I desired to ascertain if the committee would not withdraw this amendment to the bill.

Mr. HEFLIN. I desire to ask the Senator from Mississippi if that is the amendment which provides for a survey of the lands in Mississippi and Louisiana? I understand that the Senator from Mississippi desires to exempt his side of the river from the survey?

Mr. HARRISON. Yes.

Mr. HEFLIN. And permit the surveys to be made so far as Louisiana is concerned?

Mr. HARRISON. If the Senators from Louisiana desire the item adopted in that shape, it would be perfectly satisfactory to me.

Mr. RANSDELL. Mr. President, if the Senator from Mississippi will yield, I desire to say if he will look at the map he will see that Louisiana extends for about 300 miles on both banks of the Mississippi, and the city of New Orleans, with a population of over 400,000, and containing a great deal of the most valuable property of the State, is on the east bank of the river. So Louisiana has territory on both sides of the river.

Mr. HEFLIN. So far as I am concerned, I will agree with the Senator from Mississippi [Mr. HARRISON] touching the soil of Mississippi. I do not think a Senator from one State should have the right to secure legislation affecting the rights of an adjoining State when the Senator from the latter State opposes such a provision.

Mr. BROUSSARD. If the Senator from Alabama will refer to section 7, which it is proposed to insert as an amendment to the river and harbor bill, he will find that from Red River Landing to Fort Jackson both sides of the river are in Louisiana territory. It is not proposed to survey on Mississippi territory at all; that is not contemplated.

Mr. HARRISON. Mr. President——

Mr. HEFLIN. I desire to hear the Senator from Mississippi on that question.

Mr. HARRISON. Mr. President, I desire to obtain some information from the chairman of the committee. This is a matter of very great importance to my people, and it is a mat-

ter which, if we are going to have a discussion of it, I shall desire to discuss at length. I wish to put a question to the chairman of the Committee on Commerce and members of the committee who heard the matter discussed. Of course, the committee did not know that there was any opposition to the proposed survey. I take it that if they had known that, if they had known that the Legislature of the State of Mississippi had passed a resolution unanimously against any spillway on the east side of the Mississippi River, and that every business organization on the Gulf coast of Mississippi had done likewise, the committee at least would have done the right thing and would have allowed the Senators from Mississippi to have appeared before the committee and, at least, to have presented their opposition and views touching the matter. It seems to me that it ought to be quite sufficient for me to make that suggestion. We were not told anything about the matter, and the bill was reported out of the committee without an idea on the part of the chairman and other members of the Committee on Commerce that there was any opposition to the proposition. It is, however, a matter about which there is so much difference of opinion that it will prolong the discussion here. It is a matter of such importance that the committee should at least hear both sides of the question.

So I appeal to the chairman of the committee that this amendment ought to be eliminated from the bill. If the Senators from Louisiana and the committee desire a survey of the western side of the Mississippi River I have no protest to make, but to have a survey that might end in the recommendation of a spillway on the east side of the Mississippi River that would throw the silt and flood waters of the Mississippi into the Mississippi Sound is a proposition to which I can not assent.

Engineers differ as to whether or not it might change the whole channel of the Mississippi River. It is a question that is fraught with many possibilities. It seems to me, in view of the end of the session being at hand and all of us desiring to pass this bill, to try to provoke a discussion that will take hours on hours would at least be very unfortunate. I ask the Senator from Washington if he and his committee will not exclude this provision from the bill.

Mr. JONES of Washington. Mr. President, I desire to say to the Senator from Mississippi that I exceedingly regret that this difference has arisen. As the Senator has stated the committee was not advised of any difference in regard to the matter or any opposition to it. A separate bill containing the provision had been reported and had passed the Senate. So, when the matter was called up in the committee by a member of the committee, it was put on the pending measure without any question at all.

Mr. HARRISON. But the provision was not in the House bill. It was attached to the bill by the Senate committee.

Mr. JONES of Washington. Yes; that is what I have stated. Of course, as the Senator from Mississippi has said if the committee had had any intimation or knowledge to the effect that there was opposition to it, those opposing it would have been given an opportunity to be heard. Every statement the Senator makes, of course, appeals very strongly to me.

Mr. HARRISON. I was sure that it would; it ought to appeal to the whole Senate.

Mr. JONES of Washington. I say frankly that it does. The Senator from Louisiana [Mr. RANSDELL], however, is a Member of the committee, and he is very much interested in this matter. I have no authority to take it out and could not do so; the amendment is before the Senate, and, unless the Senator from Louisiana should consent, and there should be no other opposition, the only course to take is to bring it to a vote; that is all we can do.

I repeat the statement of the Senator from Mississippi appeals very strongly to me. If I had known of any opposition to the amendment we would have given a hearing before taking action. However, I have to leave the matter to the Senator from Louisiana as to the course he shall take. If he opposes the amendment going out of the bill, there is no course at all that we can take except to come to a vote whenever we can. The Senator from Mississippi, I am sure, appreciates that as well as I do.

Mr. RANSDELL. Mr. President, and Senators, it appears to be necessary for me to give a brief explanation concerning this matter.

The Senator from Mississippi intimates that something in the nature of snap judgment was taken. I assure him that that is not correct. The bill from which section 7 is taken was introduced at the beginning of the session by my colleague in the House of Representatives, Mr. WILSON of Louisiana, and very full hearings were had before the Flood Control Committee of the House of Representatives on the measure. One of the members of that committee is Representative WILLIAM HUMPHREYS, of Mississippi, a son of one of the most distinguished men that State ever sent to Congress, the Hon. Benjamin Humphreys. Representative WILLIAM HUMPHREYS succeeded his father.

After a very full hearing before the Flood Control Committee, on an independent bill, which is identical with section 7 carried in the pending river and harbor bill, the Flood Control Committee reported favorably upon the measure, and it was passed by the House of Representatives. I introduced a similar bill in the Senate, incorporating in it the exact words contained in Representative WILSON's bill. The Senate bill was pending before the Commerce Committee for some time; certainly for several weeks—I do not remember exactly how many—it was considered in the ordinary course along with other measures pending before the committee. At the same time it was added to the river and harbor bill, as in section 7, I was authorized to report it as a separate bill, which I did. That bill was passed by the Senate and is now pending on a motion to reconsider, which was entered by the Senator from Mississippi [Mr. HARRISON]. That is the legislative history of this matter.

Now, Mr. President, let me ask the indulgence of Senators while I state very briefly the importance of this subject. In 1879, 45 years ago, the Mississippi River Commission was created and given authority to control the floods on that mighty stream. That commission has done the best it could during the 45 years of its existence and has met with very great success in controlling the waters that flow down on Louisiana from 31 States of this Republic.

In 1922 there was a great flood on the Mississippi, and the people of the lower river became very much alarmed. The Mississippi River Commission, though having authority to use the outlet or spillway system, confine their efforts to the construction of levees. Most of the engineers of the commission do not believe and never have believed in a system of spillways to control the Mississippi River floods. Nature, however, constructed a gigantic spillway in the Atchafalaya River, which leaves the Mississippi about 320 miles from the mouth of the Mississippi and runs in an almost parallel course to the Mississippi, emptying into the Gulf of Mexico about 100 miles from the mouth of the Mississippi River. I say "taking its source in the Mississippi," although its source, as a matter of fact, is in the Red River, 6 miles from where the Red empties into the Mississippi.

At times of flood the Atchafalaya River carries off about one-fourth of the total flood volume of the Mississippi and to that extent acts as a gigantic outlet or spillway.

It has aided very much in caring for the big floods of the lower river; but the commission, after a most elaborate study, and having in its membership many of the ablest engineers of America, decided that the spillway system was not the best, and it never has advocated any other spillway or outlet than the continued use of the Atchafalaya.

There have been many eminent men on the commission, some of whom were great civilians. The first civilian member was Mr. Benjamin Harrison, afterwards President of the United States. After the flood of 1922 the people of New Orleans, recognizing that they have a population of 400,000 people, and property valued at $1,000,000,000—a rich, populous city—and that it was in danger of being injured by floods, determined to stir up interest in another, or additional means of relief against these floods; and many able engineers in the State of Louisiana, local engineers of very high rank in their profession, the peers of any men in their profession, after studying the subject closely, decided that spillways were feasible and practicable as a means of controlling the floods of the river. There has been very great agitation and interest in the subject ever since the flood of 1922; and in order to solve the problem in some way other than through the Mississippi River Commission this bill was devised; and it is embodied in section 7.

What is the bill? It simply authorizes the Secretary of War, through the Engineer Department, to make an examination and report on the question of spillways as a possible means of flood relief below the mouth of the Red River, this lower stretch of 320 miles of the Mississippi. As my colleague pointed out just now, Louisiana lies on both sides of the river for all of that distance. It is a problem that affects that State vitally. The State is on both sides of the lower river, and its area on the east side extends for about 50 miles to the eastward, to Pearl River in the State of Mississippi.

Many of the people of that State firmly believe that if the Engineer Corps of the United States Army makes a study of the surveys which have been worked out by the commission dur-

ing its 45 years of existence, and those made by the Louisiana State Board of Engineers during the more than 50 years of its existence, they will be able to report to Congress by the next session some feasible plan of assistance in flood relief by means of spillways. They are anxious to have that assistance. This bill does not carry a dollar of appropriation. It merely authorizes the Chief of Engineers to allot $25,000 of the flood-control funds which have already been allotted to the State of Louisiana for flood-control purposes to the expense of making this survey.

Senators, all in the world that this bill does is to give a little light to Congress, to have the Engineer Corps say to Congress, "You can strengthen the fortifications around the greatest city in the South—a city of over 400,000 souls, of over a billion dollars in value, a city menaced by the floods of the greatest river on earth—by building a spillway here and a spillway there and a spillway somewhere else, in addition to the levee system," which has been under construction, let me remark, for more than two centuries, since Bienville constructed the first levee in front of the then village of New Orleans in 1718, more than two centuries ago.

Senators, that is all that the bill does. It merely asks the Chief of Engineers to suggest to Congress a measure of relief by certain spillways. If one of those spillways will possibly injure the people on Mississippi Sound, over 50 miles away, then the Senator from Mississippi can oppose the legislation. No man ought to object to getting light on the subject. We should let our light shine on every subject. This information now is in the hands of the engineers, and all we wish is for them to say, "It is possible at a certain cost to construct spillways at certain points, if Congress in its wisdom decides that they ought to be constructed there."

Mr. FLETCHER. Mr. President——

Mr. RANSDELL. I yield to my colleague from Florida.

Mr. FLETCHER. Do I understand the Senator to say that if the provision carried in this bill becomes a law the Secretary of War will merely be authorized to cause a survey to be made and an estimate of the cost, upon which he then may report to Congress? He may report that the spillway is not feasible at all, may he not?

Mr. RANSDELL. He certainly may do that; and if he follows the lead of the Mississippi River Commission for 45 years he will very likely do that; but if he follows the advice of those extremely able Louisiana engineers he may say that a spillway is feasible.

Mr. FLETCHER. But upon the report it would still be for Congress to decide whether in the judgment of Congress a spillway ought to be established?

Mr. RANSDELL. Entirely.

Mr. FLETCHER. And then, in addition to that, the engineers might say: "We believe, upon an investigation of this matter, that a spillway would be advisable at a certain place, and a spillway at another place"; they might recommend spillways, in other words, as a means of relief, but the Secretary might say: "This spillway will cost so much, and that spillway will cost so much," and even if he agreed upon a plan of spillways he might say that on account of the cost it was almost prohibitive; or it might be that Congress would say that the cost was too great, notwithstanding it believed in the spillway plan.

Mr. RANSDELL. That would be entirely possible.

Mr. FLETCHER. Nothing is settled by this procedure with reference to the effect on Mississippi or Louisiana or any other State or Territory, because the only time that any question of settling that matter comes up is after Congress gets this information. It may be, as I say, that the recommendation will be against the spillway, or that the estimate of cost will exceed what the engineers themselves would recommend, or Congress might even then decide one way or the other with reference to the matter. It will have to be thrashed out here. Really, the effect of the legislation and the ultimate consequences are all to be subsequently considered when the report in pursuance of this legislation comes in. Is that correct?

Mr. RANSDELL. That is entirely correct. The Senator has stated it with absolute correctness.

Mr. HARRISON. Mr. President——

Mr. RANSDELL. Pardon me just a minute; then I will yield to the Senator from Mississippi. This is merely the same kind of a survey that we ask in regard to other river and harbor matters; and the Senator's long experience teaches him that in many instances, after the engineers recommend favorably, nothing is done about a matter. That frequently happens.

This bill says:

> The Secretary of War is hereby authorized and directed to cause a survey to be made, and estimates of the cost of such controlled and regulated spillway or spillways as may be necessary for the diversion and control of a sufficient volume of the excess flood waters of the Mississippi.

And so forth. It is only a survey. It is only to give information to Congress, and it was thought by all interested parties that the cost would be so small that we merely authorized the Secretary to use $25,000 out of funds already allotted to floods. General Taylor told me that he did not think it would cost anything like that amount, but to be on the safe side that amount was inserted in the bill.

Surveys have been made, let me say, in the greatest detail and remade and remade, following different big floods during the past 45 years. The surveys to which I allude were made by the engineers of the Mississippi River Commission, and then we have also had many elaborate surveys made by the engineers of the State of Louisiana, for we have a board there, known as the Louisiana State Board of Engineers, composed of five of the best men among the engineers of the State.

I now yield to the Senator from Mississippi.

Mr. HARRISON. Mr. President, I merely wanted to make an inquiry of the Senator from Florida. I agree with him thoroughly as to the procedure that has to be gone through in order to get a project adopted. I have had enough experience here to know that that is the way in which such things are done; but is the Senator in favor, after the statement I have made that we knew nothing about this and that we are so vitally interested, of keeping this provision in the bill? I am addressing my inquiry to the Senator from Florida.

Mr. FLETCHER. I can not see that there will be any harmful consequence to Mississippi or any other part of the country if it is in the bill.

Mr. HARRISON. The Senator and I differ as to that; and in view of what I say and the Senator's statement of his position it is quite plain that he is in favor of keeping it in. I just wanted to get the Senator's position.

Mr. RANSDELL. I have stated my position. I must insist upon the provision remaining in the bill and ask the Senate to vote that way.

Mr. HARRISON. Mr. President, I do not want to detain the Senate with reference to this matter; but I know the consequences of this proposition and I can not agree with the Senator from Florida that this bill merely calls for a survey and that there may be a favorable report or not. What if on this investigation the engineers should say that the most practicable route for this spillway is through Lake Borgne, and then they have the recommendation of the War Department to back it up here with a great project? I have got to fight then, as well as my colleagues, and those who might take the position I do, against that report.

Mr. BAYARD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Delaware?

Mr. HARRISON. I do.

Mr. BAYARD. I suggest the absence of a quorum.

Mr. HARRISON. I hope the Senator will not suggest the absence of a quorum. I am going to finish in a minute. I thank the Senator, but I want to test those who are present in the Senate Chamber on this proposition. I can get another vote in the Senate if they vote me down.

I would like to get the attention of the Senator from Washington, the chairman of the committee.

Mr. HEFLIN. Mr. President, will the Senator yield to me for just a question?

Mr. HARRISON. Yes.

Mr. HEFLIN. I understand that the Senator's colleague is of the same opinion, and that he was not consulted either?

Mr. HARRISON. My colleague is a member of the Committee on Commerce, but unfortunately he was not in the city, because of an accident with which the Senate is familiar. Neither he nor I knew anything of this matter until just the other day, when a bill known as the Wilson bill passed the House, was reported here, and was about to be passed, when I heard the word "spillway," got a copy of the bill, and saw what it meant. It was that day that the Committee on Commerce reported out the bill of the Senator from Louisiana [Mr. RANSDELL]. It was reported one day, and the Senator asked unanimous consent the same day immediately following the report to have it passed, and that was done. Of course, the next day, as soon as I discovered it, I asked for a reconsideration of the vote.

I will ask Senators to look at what this proposition means. Senators have a right to be heard when their States are in-

volved. I have not said the Senate took any snap judgment on me, but I say the Committee on Commerce took up this matter for consideration when neither my colleague nor myself knew anything about it. The Senator from Louisiana knew I was vitally interested, because this question has been agitated for a long time, and on at least one occasion I met a committee in New Orleans in an attempt to get this matter straightened out.

We have no opposition in Mississippi to any spillway that might be constructed that would not throw the flood waters upon the coast of Mississippi. We think we have as good a country there as there is in Florida. We think that the bathing along the Mississippi coast is just as wonderful as that of Florida. People have come there from all over this country and made their investments. We have a great oyster industry there. Do I want the people of my State to see the silt from the Mississippi River being deposited throughout the Mississippi Sound, destroying our own coast country?

I want to help the people of New Orleans. I have tried to cooperate with them, and with the Senators and Representatives from that State. I went to school in the State of Louisiana, and I love the people of that State. Some of my warmest friends live in New Orleans. I have great pride in her growth, and very much desire at all times to see that her welfare is safeguarded and her people happy. I went there in conference with the distinguished Senator [Mr. RANSDELL], and we met the delegation, and I said to them, and the members of the delegation with me from Mississippi said, "If you can agree on a spillway, locating one at a place where it will not throw the flood waters over into the Mississippi Sound, we will cooperate with you. We are merely trying to protect ourselves in this matter."

The legislature of my State has passed a resolution against this proposition. Every business organization on the Mississippi coast has passed a resolution against it. If the Senator will amend his provision so as to provide that the spillway shall be constructed on the west side of the Mississippi River, or at such place on the Mississippi River that, if it should be constructed, it would not throw the waters into the Mississippi Sound, either directly or indirectly, I shall not oppose it; I shall cooperate. But I can not agree to have any other spillway constructed whether it shall be located at Lake Borgne or anywhere else.

We have a right to come before committees when our States are involved, and I submit to the Senate that if this provision is incorporated it will be a bad precedent. I think it is almost discourteous. I leave the matter to the Senate. I hope the Senate will vote this proposition down.

Mr. STEPHENS. Mr. President, I shall detain the Senate only a moment in regard to this matter. Reference was made a moment ago to the fact that I am a member of the Committee on Commerce. I want to say that because of a physical disability I was unable for a long time to attend the sessions of the Senate and of that committee. A few days ago I came to Washington for the first time during this session. I think the day I arrived I was notified that there would be a meeting of the Committee on Commerce to consider the river and harbor bill. I attended that meeting. I sat just across the table from the Senator from Louisiana [Mr. RANSDELL], who is also a member of the committee.

From my colleague I had made inquiry as to whether there were any items in the bill affecting the State of Mississippi. I was given information with reference to certain items. His attention had not been drawn to this particular matter, nor was mine. As I have said, I sat across the table from the Senator from Louisiana, and his amendment went into the bill without my attention ever having been directed to it. It does seem to me, Senators, that to say the very least, common courtesy demanded that my attention should have been directed to this matter, but I never heard of it until the bill reached the Senate, reported from the Committee on Commerce.

I am going to say just this word: It has been suggested that this is to be only a survey, and therefore will amount to but little. It is true that a survey is all that is asked for at present, but the very fact that a survey was ordered might prove extremely hurtful to south Mississippi.

My colleague referred to that wonderful section of the country. It is growing and developing. It is attracting attention, just as the State of Florida is attracting attention on account of its warm climate. People are going down into Mississippi. The country is being built up and developed.

I recall that quite a number of years ago attention was directed to this particular section of our country, and people began to make investments, but about that time the yellow fever came, brought by the mosquito. Progress stopped; people began to refuse to invest their money; development ceased; the country was almost wrecked, but science advanced, and to-day that is as healthful a section as there is in the world, and now it is developing again. Lo and behold, we have here a proposition for a survey, which may, perchance, be as hurtful as was the other thing to which I have referred, because if a survey is ordered excitement will prevail, since those people down there know what the effect may be, indeed, what it will be, if a spillway is constructed. They know it will affect the bathing beaches; they know it will affect the oyster beds; they know that it will affect the property values. The very moment a survey is ordered the people of those communities down there which would be affected will be badly hampered and injured.

The Senator from Louisiana stated, I believe, that there was a difference of opinion as to whether or not a spillway is feasible. Is that correct?

Mr. RANSDELL. Yes; that is correct; there is a difference of opinion.

Mr. STEPHENS. The Senator is entirely familiar with that section of the country. He knows every inch of it. He has been interested in the Mississippi River for many years and has made a careful study of it and of the need of his people in regard to controlling the flood water. He has as comprehensive a knowledge of the situation as the engineers have. I do not believe the Senator himself will tell this body that a spillway is a feasible project.

Mr. RANSDELL. Does the Senator wish a reply to that?

Mr. STEPHENS. I would be glad to hear the Senator.

Mr. RANSDELL. Of course I am not an engineer, and I have always felt that when great engineering problems are presented they should be worked out by the greatest engineers in the world. I stated very frankly a few moments ago that the Mississippi River Commission, which has been composed of very eminent engineers, had never favored a spillway. I also stated that many eminent engineers of the State of Louisiana—and I am proud of my State and think the people of Louisiana have about as good brains as are to be found anywhere—a number of the best Louisiana engineers say that a spillway is feasible. There the doctors are disagreeing. How can I, as a layman, pass upon that great engineering problem? I simply want to call in the highest engineering authority in the United States, the War Department, through its board of engineers, to help solve the problem. We are not obliged to follow the advice of the board, even after they give it, but I have stated that there was a difference of opinion already existing, and we want some help on it. The Senator knows that when a patient gets very sick and two doctors disagree a third is frequently called in, and he sometimes arrives at a correct diagnosis. Maybe the Engineer Corps of the Army can make a correct solution, but I can not, I will admit. I am not an engineer.

Mr. STEPHENS. The Mississippi River Commission is composed of very eminent men, men who understand their business. They have made a study of this matter, and they have advised that a spillway is not feasible, so the Senator states.

Mr. RANSDELL. Let me modify that just a little. They have had authority always to build spillways, but they have never built one yet, and the president of the commission stated his personal opinion to be that it was inadvisable, in a letter to President Harding dated, I think, the 11th of June, 1923.

Mr. STEPHENS. My proposition is just this, that the Mississippi River Commission, a commission interested in studying that great problem, in taking care of the great flood waters of the Mississippi River, in protecting New Orleans, and all the questions involved in the Mississippi River problem—that commission, composed of eminent engineers, feel that this is not a feasible project, that a spillway should not be constructed there. Then I suggest this, that a great injustice will be done to the people in south Mississippi if a shadow is thrown upon them by a spillway being ordered, because the excitement, the fear, that will arise from the fact that the spillway has been ordered will result in the depreciation of property, and it would be wholly uncalled for and unjustified. I trust that this amendment will not be agreed to.

Mr. BROUSSARD. Mr. President, I wish to say just a few words on this matter. The people of Louisiana have proposed for a number of years the establishment of spillways. It has never met with the approval of the Mississippi River Commission. As a consequence of the attitude of the Mississippi River Commission I have considered other means of relief. The flood waters passing New Orleans have increased in the last 10 years several feet, and are increasing almost yearly, due to the reclaiming of lands in the Mississippi Valley and the better drainage and the larger acreage in cultivation.

Last year I was on a special committee appointed to investigate and report on the feasibility of a 9-foot channel from Chicago to the Gulf. We were accompanied on the trip by the chairman of the Mississippi River Commission and by its engineer. The engineer on frequent occasions discussed with me and later we discussed with General Beach and other members of the committee what other possibilities could be resorted to in order to afford the relief. I wish to say to my friend from Mississippi [Mr. HARRISON] that it developed on that trip that the engineer of the Mississippi River Commission stated that it was not the policy of the Mississippi River Commission to require people living along the river to maintain a levee system; that if they desired to abandon their levees they were within their rights in doing so. I had thought that this idea had not been considered, and, of course, the removal of 30 miles of levees would be much more effective than a spillway.

I reported this fact to Mr. James M. Thompson, chairman of a committee in New Orleans, established for the purpose of enlightening the people of the country on the subject. The levee board, including the territory in which New Orleans is situated, and the territory below New Orleans, have practically decided on the abandonment of the levees on the east side of the Mississippi River below New Orleans and are now in conference with the Mississippi River Commission to ascertain whether or not it meets with their full approval.

The object and the purpose of the pending legislation is not to annoy Mississippi. We have no such idea. The points covered under the bill are entirely within Louisiana territory on both sides of the river. Opposite Red River Landing, which is on the west side of the river, Louisiana has fully 60 miles of territory, and the point designated in the bill is between Red River Landing and Fort Jackson, which is also within Louisiana territory. In that particular territory, limited under the terms of the bill, the engineers may make suggestions that might be very valuable to the Congress in the adoption of a policy with reference to spillways on the lower Mississippi River. The bill does not authorize nor does it adopt any policy but merely asks for information, and I, therefore, trust that the amendment may be retained in the bill.

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

On a division, the amendment was rejected.

The next amendment of the Committee on Commerce was, at the top of page 20, to insert:

SEC. 8. The Chief of Engineers is directed to make a report upon all river and harbor projects heretofore adopted, the further improvement of which under present conditions is undesirable or in which curtailment of the plans or projects should be made.

The amendment was agreed to.

The next amendment was, on page 20, after line 24, to insert:

Portland Harbor, Me.

Mr. JONES of Washington. Mr. President, there are quite a number of provisions for surveys in the bill put in in the nature of amendments. I do not know whether there is any opposition to any of the amendments or not. I am going to ask that those amendments be agreed to en bloc, excepting the amendment on page 33, lines 3 to 5.

The PRESIDENT pro tempore. The Senator from Washington asks unanimous consent that the amendments relating to surveys, which the Chair assumes end with line 12 on page 35——

Mr. JONES of Washington. That is correct.

The PRESIDENT pro tempore. With the exception of lines 3, 4, and 5 on page 33, shall be agreed to en bloc. Is there objection? The Chair hears no objection.

The amendments were agreed to, as follows:

In section 9, relative to the making of preliminary examinations and surveys, on page 20, after line 24, to insert:

Portland Harbor, Me.

On page 21, after line 3, to insert:

Nantucket Sound, with the view to the removal of shoals in the vicinity of Cross Rip Shoal Light.

On page 21, after line 6, to insert:

Gay Head, Marthas Vineyard, Mass.

On page 21, after line 24, to insert:

Harbor of Bristol, R. I., with a view to deepening the same to the depth of 30 feet.

On page 22, after line 6, to insert:

South Jamesport Harbor, N. Y.

On page 22, after line 7, to insert:

Mill River, N. Y.

On page 22, after line 22, to insert:

Hudson River at Ossining, N. Y.

On page 22, after line 23, to insert:

Peekskill Harbor, N. Y.

On page 23, after line 3, to insert:

Raritan River, N. J., from natural deep water up to the west side of the Great Bend, with a view to providing a suitable harbor with a channel depth of 30 feet.

On page 23, after line 7, to insert:

West side of Raritan Bay, N. J., including the Perth Amboy Point section, with a view to providing a suitable harbor with a channel depth of 30 feet.

On page 23, after line 10, to insert:

Maurice River, N. J., with a view to improvement of the entrance channel.

On page 23, after line 19, to insert:

Smiths Creek, N. J.

On page 24, after line 1, to insert:

Twitch Cove to Ewell, Md.

On page 24, after line 2, to insert:

Potomac River: The water front on the north side of Washington Channel, D. C., with the view of surveying same and preparing and submitting plans and estimates of cost for the construction of an adequate terminal or terminals which would provide appropriate facilities for water transportation and for interchange of traffic between vessels and the railroads and highways, respectively, including any recommendations which may be deemed advisable for coordinating the full commercial use of said water front and the approaches, with the beautification thereof.

On page 24, line 19, after the name "Virginia," to insert "and thence up the Pamunkey River to a point near and above West Point," so as to read:

York River, Va., and thence up the Pamunkey River to a point near and above West Point.

On page 25, line 3, after the name "Virginia," to insert "and channel leading into the deep waters of Mobjack Bay," so as to read:

Horn Harbor, Va., and channel leading into the deep waters of Mobjack Bay.

On page 25, after line 5, to insert:

Pocaty Creek, a branch of North Landing River, Va., Mill Creek, Va.

On page 25, after line 7, to insert:

Bradfords Bay, Accomac County, Va.

On page 25, after line 22, to strike out "Channel connecting the harbor at Manteo, N. C., with the Norfolk Beaufort Inland Waterway," and insert:

Channel beginning at the mouth of Manteo Bay, N. C., and thence southwardly via Roanoke Sound to the main channel in Pamlico Sound.

On page 26, after line 21, to insert:

Charleston Harbor, S. C.

On page 27, after line 4, to insert:

North Newport River, Ga., with a view to the deepening and improvement of such river.

On page 27, after line 6, to insert:

Manatee River, Fla.

On page 27, after line 7, to insert:

Taylor Creek, Fla., in Okeechobee County.

On page 27, after line 8, to insert:

Cedar Keys Harbor and Channel, Fla.

On page 27, after line 9, to insert:

Wekiva River, Fla.

On page 27, after line 10, to insert:

Sarasota Inlet, Fla.

On page 27, after line 11, to insert:

Homosassa River, Fla.

On page 27, after line 12, to insert:

Onoshohatchie River, Fla.

On page 27, after line 13, to insert:

St. Cloud Canal, Fla., connecting the lake at St. Cloud with the lake of Kissimmee.

On page 27, after line 15, to insert:

Peace River, Fla., from Punta Gorda to Bartow.

On page 27, after line 16, to insert:

Canal from Waldo, Fla., into Lake Alto, and from Lake Alto to Little Lake Santa Fe.

On page 27, after line 18, to insert:

Key West Harbor, Fla., on the north and west water front, with a view to deepening the channel along the docks to 30 feet, and from Whitehead Spit Buoy to the Florida East Coast Railway terminal docks.

On page 27, after line 22, to insert:

Channel entering Pensacola Harbor, Fla., with a view to improving it to a depth of 40 feet.

At the top of page 28, to insert:

From the headwaters of Oklawaha River, Fla., and Lake Griffin to Lake Tohopekaliga, through Lake Apopka and other lakes, connecting the Oklawaha River system with the Kissimmee River system.

On page 28, after line 14, to insert:

Fenholloway River, Fla.

On page 28, after line 15, to insert:

Crystal River, Fla.

On page 28, after line 17, to insert:

Mosquito Inlet, Fla.

On page 28, after line 17, to insert:

Channel connecting Pine Island Sound with Captiva Island and Caloosahatchee River, Fla.

On page 28, after line 19, to insert:

Inland waterway from New Orleans, La., to Apalachicola River, Fla., and the Apalachicola and Chattahoochee Rivers to Columbus, Ga., with a view to securing a depth suitable to the economical operation of self-propelled barges.

At the top of page 29, to insert:

Inland waterway from Pensacola Bay, Fla., to Mobile Bay, Ala.

On page 29, after line 6, to insert:

Biloxi Harbor, Miss.

On page 29, after line 7, to insert:

Gulfport Harbor, Miss.

On page 29, after line 9, to insert:

West Pearl River, Holmes Bayou, and East Pearl River, La. and Miss.

On page 29, after line 12, to insert:

West Fork of Bayou Chene, La., known as Bayou Crook Chene, with a view to opening this waterway to navigation by the removal of drift and snags.

On page 29, after line 17, to insert:

Sabine-Neches Waterway and Port Arthur Canal, from Orange and Beaumont, Tex., to the Gulf.

On page 29, after line 19, insert:

Brazos Island Harbor, Tex.

On page 30, after line 3, to insert:

Arkansas River, Ark., beginning at the Broadway Bridge in the city of Little Rock and extending 2½ miles down the said river to determine if the caving of the right bank of the river at that point may be prevented, either by dikes or revetment.

On page 30, after line 15, to insert:

Mississippi River from Minneapolis to Lake Pepin, with a view to improvement by the construction of locks and dams.

On page 30, after line 17, to insert:

St. Croix River from Stillwater, Minn., to its mouth.

On page 31, after line 2, to insert:

Ohio River in the vicinity of Evansville, Ind.

On page 31, after line 7, to insert:

Duluth-Superior Harbor, Minn. and Wis., with a view of deepening the channels at and near the entrance of Tower Bay at its junction with Howards Bay.

On page 31, after line 10, to insert:

Algoma Harbor, Wis.

On page 31, after line 22, to insert:

Strawberry Passage, Green Bay, Wis.

On page 32, after line 13, to strike out:

Fairport Harbor, Ohio.

On page 32, after line 14, to insert:

The outer harbor of Fairport Harbor, Ohio, with a view to extending the breakwater and making such other improvements as may be necessary to the enlargement of the harbor.

On page 33, after line 13, to insert:

Harbor at San Francisco, Calif.

On page 33, after line 18, to insert:

Crescent City Harbor, Calif.

On page 33, after line 21, to insert:

Umpqua Harbor and River, Oreg.

On page 34, after line 3, to insert:

Columbia and lower Willamette Rivers, between Portland, Oreg., and the sea, with view to deepening and widening the channel.

On page 34, after line 6, to insert:

Columbia River, from Tongue Point base, Astoria, Oreg., to its mouth.

On page 34, after line 8, to insert:

Snake River, Idaho and Wash., with a view to its canalization to Shoshone Falls.

On page 34, after line 10, to insert:

Quillayute River, Wash.

On page 34, after line 17, to strike out:

Puget Sound and tributary waters, Washington.

On page 34, after line 18, to insert:

Willapa Harbor, Wash.

On page 34, after line 19, to insert:

Port Angeles Harbor, Wash.

On page 34, after line 20, to insert:

Chehalis River, Wash.

On page 34, after line 21, to insert:

Olympia Harbor, Wash.

On page 35, after line 5, to insert:

Resurrection Bay breakwater or harbor of refuge, Alaska.

The next amendment was, on page 33, after line 2, to insert:

Colorado River, Wyoming, Colorado, Arizona, New Mexico, Nevada, and California, with a view to its utilization for navigation.

The PRESIDENT pro tempore. The amendment on page 33, lines 3, 4, and 5, will be stated.

The CHIEF CLERK. After line 2, page 33, insert:

Colorado River, Wyoming, Colorado, Arizona, New Mexico, Nevada, and California, with a view to its utilization for navigation.

Mr. JONES of Washington. I ask that the amendment on page 33, lines 3, 4, and 5, be disagreed to.

The PRESIDENT pro tempore. The question is on agreeing to the amendment on page 33, lines 3, 4, and 5.

The amendment was rejected.

The next amendment of the Committee on Commerce was, on page 35, after line 12, to insert:

SEC. 10. That the Secretary of War is authorized to appropriate and use for the improvement of Coos Bay Harbor, Oreg., the rock lying in lots 2 and 3 of section 11, township 31 south, range 12 west, Willamette meridian.

The amendment was agreed to.

The next amendment was, on page 35, after line 22, to insert:

SEC. 12. That whenever local interests shall offer to advance funds for the prosecution of a work of river and harbor improvement duly adopted and authorized by law the Secretary of War may, in his discretion, receive such funds and expend the same in the immediate

prosecution of such work. The Secretary of War is hereby authorized and directed to repay without interest, from appropriations which may be provided by Congress for river and harbor improvements, the moneys so contributed and expended: *Provided*, That no repayment of funds which may be contributed for the purpose of meeting any conditions of local cooperation imposed by Congress, nor under the authority of section 4 of the River and Harbor act, approved March 4, 1915, shall be made.

The amendment was agreed to.

The next amendment was, on page 36, after line 11, to insert a new section, as follows:

SEC. 13. The agreement entered into November 12, 1924, subject to ratification and approval by Congress, between the Chief of Engineers, United States Army, acting on behalf of the United States, and the Pennsylvania Railroad Co. and Delaware Railroad Co., to provide for the reconstruction of the latter company's bridge across the Chesapeake & Delaware Canal, is hereby ratified and approved; and so much as may be necessary of the funds which have been or may be made available under the authority of Congress for improving inland waterway from Delaware River to Chesapeake Bay, Del. and Md., shall be devoted to carrying out said agreement in accordance with the terms and tenor thereof.

The amendment was agreed to.

The next amendment was, on page 37, to renumber sections 8 and 9 as sections 14 and 15, respectively.

The amendment was agreed to.

The next amendment was, on page 37, after line 10, to insert:

SEC. 16. The Secretary of War is authorized to cause to be made such modification and alterations of the National Research Building at Nineteenth and B Streets NW., Washington, D. C., as may be necessary to fit it for occupancy as the office of the district engineer, Washington, D. C., and to expend therefor a sum not to exceed $20,000, to be paid pro rata from appropriations heretofore made by Congress for maintenance and improvement of existing river and harbor works, for increasing water supply, District of Columbia, and for reclamation of Anacostia River and Flats, D. C.

The amendment was agreed to.

The PRESIDENT pro tempore. The Chair calls to the attention of the Senator from Washington that there ought to be authority granted to change the numbers of the sections, and without objection the Chief Clerk will be authorized to change the numbers of the sections in accordance with the report of the committee.

Mr. JONES of Washington. On page 30, line 1, the words "Arkansas and" appear in full type, but as a matter of fact those two words are an amendment proposed by the committee. There is a mistake in the print, so I ask that that amendment may be agreed to.

The PRESIDENT pro tempore. The amendment will be stated.

The READING CLERK. On page 30, line 1, after the words "Red River," insert "Arkansas and," so as to read:

Red River, Ark. and La.

The amendment was agreed to.

The PRESIDENT pro tempore. This completes the amendments of the committee. The bill is as in Committee of the Whole and open to further amendment.

Mr. BINGHAM. Mr. President, I desire to offer an amendment. On page 21, after line 20, I move to insert the words "Quinnipiac River, Conn., from the new Tomlinson Bridge up to Lewis Bridge." The amendment meets with the approval of the chairman of the committee.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Connecticut will be stated.

The READING CLERK. On page 21, after line 20, insert:

Quinnipiac River, Conn., from the new Tomlinson Bridge up to Lewis Bridge.

The amendment was agreed to.

Mr. WILLIS. Mr. President, I offer the amendment, which I send to the desk.

The PRESIDENT pro tempore. The Senator from Ohio offers an amendment, which the Clerk will report.

The READING CLERK. On page 16, after line 4, insert:

For repairing the levee at Dam No. 10 in the Muskingum River at Zanesville, Ohio, the Secretary of War is authorized and directed to use not exceeding $5,735 from appropriations heretofore or hereafter made by Congress for the improvement, preservation, and maintenance of rivers and harbors.

Mr. WILLIS. Mr. President, I am a member of the committee, but this is not a committee amendment. I have only this excuse to offer for not having presented the matter in the regular way, that it was not brought to my attention until after the bill had been reported to the Senate. The facts of the matter are as I shall state them.

I have before me a communication from the mayor of the city of Zanesville, Ohio, calling attention to the need for the repair of the levee in that city. He makes the following statements of fact, and I know these statements to be facts:

After 1848 a strong levee was placed by the State of Ohio along this portion of the river bank, and in 1884 the same was washed out by high water, and the State of Ohio appropriated and expended the sum of $25,000 and built a new levee.

About the year 1888 the State of Ohio transferred the river to the United States Government, and the same has been under charge of the War Department since said time. In 1889 the United States appropriated and expended the sum of $6,000 on the present levee, and in 1910 made repairs thereon to the extent of $900.

If the present contemplated repairs are not made it will be impossible to keep the river above the dam within its present channel.

I have before me copies of those acts or the portions of them which are in point. The act of July 1, 1898, provided, as follows:

That $6,000 of said sum may be used for the repair and extension of the levee of the Muskingum River at Zanesville, Ohio, in the discretion of the Secretary of War.

The act of June 25, 1910, provided:

For repairing the break in the levee at Dam No. 10 in the Muskingum River at Zanesville, Ohio, the Secretary of War is authorized and directed to use not exceeding $3,000 of the sum appropriated in the river and harbor appropriation act approved March 3, 1909, for the preservation and maintenance of existing river and harbor works.

So there is proper precedent for the action I propose. It is an action which in my judgment ought to be taken, because the overflow that otherwise would not be caused is caused in part at least by the construction of the Dam No. 10 in the city of Zanesville, Ohio.

Mr. JONES of Washington. What did the engineers say with reference to the situation?

Mr. WILLIS. I must be perfectly frank with the Senator and say that I do not have a statement from the Board of Engineers in that respect. The only information I can give is what was given me by a Member of the House who was interested in the project, and who stated that the engineer had told him in the first instance that he thought this could be cared for out of the general appropriation. Upon looking that matter up, however, I ascertained that that would not be authorized; that if repair was to be made it would have to be made by a special appropriation. I am not able to say, however, that this item was approved by the Board of Army Engineers. I do not have that information.

Mr. JONES of Washington. Has the Senator from Ohio conferred with General Taylor, the Chief of Engineers?

Mr. WILLIS. I spoke to General Taylor; I talked with him briefly over the telephone about the matter. I do not believe General Taylor looks upon it with a great deal of favor; I must tell the Senator from Washington the truth about it. He did not indicate to me he was opposed to the proposition, but I was not able to obtain the enthusiastic indorsement which I had hoped I might be able to obtain. The Senator compels me to tell all that I know about it, and I, of course, state the truth. It does not have the indorsement of the Board of Army Engineers; but there is precedent for it in the two acts to which I have referred.

Mr. JONES of Washington. Does the Senator really think that we should adopt amendments on the floor of the Senate simply on the recommendation of other parties not connected with the survey and improvement of rivers and harbors?

Mr. WILLIS. The Senator embarrasses me greatly, because he knows that, as a member of the committee, I have always fought that policy. I will say to the Senator frankly that I do not indorse such a procedure; but it did seem to me the circumstances of this case were somewhat peculiar, and I thought I ought to make a perfectly frank statement about it, which I have now done.

Mr. JONES of Washington. The Senator has made a perfectly frank statement. I do not think the amendment should be agreed to; but I am willing, of course, to let it be voted on by the Senators here who have heard the statement of the Senator.

Mr. KING. Is the amendment not subject to a point of order?

Mr. WILLIS. I think it is, but I trust the Senator from Utah will not make it, and I believe he will not.

Mr. JONES of Washington. I did not suppose any proposition was subject to a point of order in connection with this bill.

Mr. KING. But the Senator from Ohio [Mr. WILLIS] thinks that it is, and I think upon this matter he is better authority than is the Senator from Washington [Mr. JONES].

Mr. JONES of Washington. I should be very glad to make the point of order and to get a ruling from the Chair, which I may be able to use in connection with other amendments which may be proposed to the bill.

Mr. KING. I think the Senator from Washington should make the point of order against the amendment.

Mr. JONES of Washington. I make the point of order against the amendment.

The PRESIDENT pro tempore. What is the ground of the point of order?

Mr. JONES of Washington. That the amendment is not estimated for.

Mr. WILLIS. But this is not a general appropriation, and so an amendment does not have to be estimated for. It does not come within the rule providing that that shall be done.

Mr. JONES of Washington. I am asking for the opinion of the Chair. I will state frankly that my judgment is, the amendment is in order under our rules.

The PRESIDENT pro tempore. As the Chair remembers, the Senator from Washington [Mr. JONES] has stated that this is not an appropriation bill?

Mr. JONES of Washington. It is not.

The PRESIDENT pro tempore. And if it is not an appropriation bill, the Chair would like to know upon what the Senator from Washington bases his point of order?

Mr. JONES of Washington. I have not anything upon which to base it, Mr. President.

Mr. WILLIS. The Senator from Washington has not any basis for his point of order.

Mr. JONES of Washington. But, in my judgment, it is not in order.

The PRESIDENT pro tempore. The point of order is overruled. The question is upon agreeing to the amendment. [Putting the question.] The Chair is in doubt.

Upon a division, the amendment was agreed to.

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

Mr. CAMERON. I offer the amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 23, after line 10, it is proposed to insert a new section to read as follows:

SEC. 10. (a) That there is hereby authorized to be appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, the sum of $650,000, or so much thereof as may be necessary, to reimburse the reclamation fund for the benefit of the Yuma Federal irrigation project in Arizona and California for all costs, as found by the Secretary of the Interior, heretofore incurred and paid from the reclamation fund for the operation and maintenance of the Colorado River front work and levee system adjacent to said project.

(b) That there is hereby authorized to be appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, the sum of $50,000, or so much thereof as may be necessary, to be transferred to the reclamation fund and to be expended under the direction of the Secretary of the Interior for the purpose of paying the operation and maintenance costs of said Colorado River front work and levee system adjacent to said Yuma project, Arizona-California, for the fiscal year ending June 30, 1926.

(c) That there is hereby authorized to be appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, for the fiscal year ending June 30, 1927, and annually thereafter, the sum of $35,000, or so much thereof as may be necessary, as the share of the Government of the United States of the costs of operating and maintaining said Colorado River front work and levee system.

Mr. CAMERON. Mr. President, I should like to make a statement with regard to the amendment in order that the Senate may thoroughly understand it.

When the late Secretary of the Interior, Franklin K. Lane, issued his "public notice" on April 6, 1917, declaring the Yuma project, Arizona-California, complete it was not contemplated that the lands within the Yuma project should pay any part of the construction costs of the river front and levee system along the Colorado River adjacent to the Yuma project, nor was the expense incident to the construction of this levee system enumerated in the itemized account making up the sum total of the $75 per acre for the construction costs of the Yuma project. That item of expense is a clear loss to the reclamation fund, which should be reimbursed to the reclamation fund out of the Federal Treasury. Since the project was completed, however, the operation and maintenance of this levee system has been charged wholly against the lands embraced within the Yuma project until at the end of October, 1924, the gross amount charged against the lands was upward of $615,000, all of which has been paid by the farmers of Yuma project except a balance due of something like $45,000 or $50,000.

The annual costs have run as follows:

Gross amount, levee operation and maintenance, Yuma project:	
Six months, 1918	$65,790
Calendar year 1919	73,471
Calendar year 1920	86,608
Calendar year 1921	150,857
Calendar year 1922	98,746
Calendar year 1923	111,954
Ten months, 1924	30,363
Grand total	615,769

The abnormal cost of operating and maintaining this levee system is caused from the fact that the United States Government constructed a rock levee on the opposite bank of the Colorado River, in the Republic of Mexico, to protect Imperial Valley, Calif., and automatically all the irrigable lands in Baja California, Mexico. The very moment this Mexican levee was completed, at a cost of about $1,000,000 to the Federal Treasury of the United States, the annual flood waters of the Colorado River were automatically thrown against the Yuma levee, and thrown with such force and persistency that thereafter it has required the expenditure of approximately $100,000 annually to protect the Yuma project lands from overflow.

Had this Mexican levee not been constructed it would not have been necessary for Yuma project to expend this vast sum, year in and year out, for the protection of its lands, for the overflow waters of the Colorado River would have wasted themselves on the Mexican side of the river.

Inasmuch as this tremendous expense was caused by the construction of the levee in Mexico, paid for by the funds from the United States Federal Treasury, it hardly stands to reason that the settlers of Yuma project should be held liable for the cost of operating and maintaining this Government-constructed levee system. The annual payments have become burdensome, so much so that the farmers of Yuma project are now fairly staggering under this wholly unjust tax.

It seems to me that the entire amount paid out for the upkeep of this levee system, up to the present time, should be borne by the Federal Government, and that hereafter the Government should pay one-third of this annual expense, this being based on well-established precedents in the case of numerous navigable streams throughout the United States.

It must be remembered, however, Mr. President, that there is not a parallel case in the entire United States to this Yuma project levee system. It is the only case on record, so far as I know, where the Government of the United States has, out of its own funds, constructed a rock levee in a foreign country, to the absolute detriment of its own citizens, and then forced those citizens to operate and maintain a levee system for self-preservation at a cost that is simply heart-breaking to those who have to foot the bills.

In a spirit of justice to its own citizens it would seem that the United States Government should at once reimburse the money already expended on this Yuma project levee system, and then obligate itself, to at least pay one-third of the future upkeep of this levee system.

During some years the operation and maintenance costs are much greater than during other years, as, for instance, in 1921, when they aggregated $150,857, as compared to but $30,363 for the first 10 months of the year, 1924. But so long as the treacherous, turbulent, mighty Colorado River is permitted to run wild, we may expect these annual charges to average approximately $100,000 per annum. The only way these excessive costs can be obliterated, and Yuma project and the great Imperial Valley of California held immune from these destructive annual overflows will be for the Government to reimburse the settlers on the Yuma project or credit them with the sums already paid out. Thereafter, instead of being assessed about $2 per acre per annum for the upkeep of the levee system made necessary by the construction of the Mexican levee, the farmers of Yuma project would only be required to

pay in the same proportion that other communities along navigable streams are required to pay.

It would seem, therefore, that this simple act of justice should be done at once. President Coolidge, in his annual message to Congress, recommended the enactment of such legislation as may be necessary to prevent floods on the Mississippi and the Colorado Rivers. The Yuma project levee system is the only bulwark Yuma has to withstand and the annual overflow of the Colorado. The President certainly did not contemplate that this "flood control" should be charged against the landowners of Yuma project, but rather that the Federal Government should at least do as much for the Yuma project as has been done and is being done throughout the United States for other communities.

Mr. President, the Colorado River is the third longest river in the United States and is navigable, as is well known, up to what is known as Old Point Yuma. That was the old post in the early days to which supplies were brought from San Francisco, San Diego, and elsewhere along the Pacific coast. They were taken to the Gulf of California and then shipped up the river to Yuma. So it is a well-established fact that the Colorado River to that point is a navigable stream. The settlers of Yuma Valley, on what is known as the Yuma irrigation project, have been caused to pay out this enormous sum of money every year to protect themselves against the flood waters of the Colorado River.

Several years ago the United States Government went into Mexico and built on the west side of the river what is known as the rock levee. After that levee was constructed, it forced the water from the rock levee back on to the east side of the river, and overflowed the farm lands of the settlers of that valley who had gone in there in good faith, who had spent their money, and who had obligated themselves to the Government of the United States under the reclamation laws to the extent of $75 per acre. Now, they come along every year, as I have stated before to the Senate, and have been charged up as high as $150,857 in one year for the maintenance of this levee. That was in the year 1921.

Is there any more reason why the settlers of the Yuma Valley should have to pay out this money and have it charged up against the maintenance of their irrigation system and have it to pay, Mr. President, than the people on the Mississippi River or the Missouri River, or the Columbia River, or any other river in the United States for the dredging and maintenance of which the Government has been for years and is now by this bill appropriating money?

I say to you, Mr. President, and I say to the Senate of the United States, that there never was a more just cause presented here than this one. I am pleading the cause of these worthy people who have, without complaint up to this time, fostered and maintained at their own expense a levee to control the flood waters of the Colorado River. It is preposterous when you think of it. Why should they, a small community, starting in as they did under an overhead expense of $75 per acre for the money that they borrowed from the Government, which they are paying back year by year, have to pay each year the additional sum of $2 an acre to protect themselves of ravaging flood waters which the Government really created by the construction of a rock-fill levee in Mexico.

Some will say to you, Mr. President, that this is not the regular, proper place for this amendment. If this is not the proper place for this amendment, I do not know where you would go for the proper authority for the reimbursement of this fund.

I want to say this, and I say it with every honest thought in my heart: I did not rise here to-day with this amendment for the purpose of having it exploited or getting it into the bill for public or political purposes. I am standing here before the Senate of the United States and you, Mr. President, asking with all sincerity in my heart for relief for these people, who are suffering under such a disadvantage from the flood waters of the Colorado River that you have heard so much about during these many years from the different sections of the country. There have been hearings held here before the Reclamation Committee by the month on the House side and on the Senate side. Here are a people that can not protect themselves and that have obligated themselves to pay the Government $75 per acre, and with one surge of the great torrents of the Colorado River most of this land can be overflowed and wiped away. There never was a condition like it in the history of the West, and I plead with everyone of the Members of the Senate to give me the relief I am asking for my people, and to vote to insert this amendment in the bill.

Mr. ASHURST. Mr. President, I hope this amendment will be adopted. Here are the facts. In the development of the Yuma Federal irrigation project Arizona-California, it became necessary to protect the project from the flood waters of the Colorado River by means of levees along its eastern shore. These were constructed at an expense of $2,715,952.51 and have since been maintained at an expense of $597,088 and upwards. These costs have been charged to the reclamation fund and appear as a part of the cost of the Yuma project.

At the point where the levees are located, the Colorado River is navigable, and the expense of such levee work and of its maintenance should be charged against the Government rather than against the project and the water users thereunder. A similar work, known as the Ockerson Levee, was built in 1917 by the Government on the western bank of the river to protect property in Imperial Valley, Calif., at a cost of $800,000. This cost was paid by the Government and was not charged to landowners in Imperial Valley.

The amendment before us does not affect the item of construction cost, but would reimburse the reclamation fund in the sum of $597,088 heretofore expended for operating and maintaining the levees, and would provide for payment after the end of the current fiscal year of the annual operation and maintenance expense of these levees through a cooperative arrangement between the United States, the State of Arizona, the State of California, the County of Yuma, and the Yuma project.

The so-called Fact-Finding Commission, viz, the Committee of Special Advisers on Reclamation, recommended this legislation in the following language, which will be found on page 158 of the report of the Committee of Special Advisers on Reclamation:

> That the levee system be regarded as a public work of the United States, similar in character to other protection works built under the rivers and harbors act along navigable streams, because the United States holds that the Colorado River is a navigable stream, and in pursuance of that holding the Government has built protection works at Yuma and a levee on the California side of the stream in Mexico, known as the Ockerson Levee, at an expenditure of $1,000,000. These have been treated as improvements under the rivers and harbors act, no charge for repayment having been made against anyone.
>
> The committee recommends, therefore, that legislation be secured under which the expenditure for the construction, operation, and maintenance of these levees by the reclamation fund shall be treated as an expenditure of the General Government, similar to expenditures under the rivers and harbors act, and that the reclamation fund be reimbursed by an appropriation equal to the amount of this expenditure.
>
> The committee recommends that expenses incurred in the maintenance and operation of the levee system to be provided for under some cooperative agreement between the States of California and Arizona and the War Department, similar to other cooperative agreements for the maintenance of levees on the Mississippi and other rivers, and that no part of this cost be included in the operation and maintenance expenses of this project.

Mr. President, this amendment is just and fair; it has passed the Senate heretofore, but was abandoned by conferees.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that February 26, 1925, the President approved and signed the following acts:

S. 2287. An act to permit the Secretary of War to dispose of and the Port of New York Authority to acquire the Hoboken Manufacturers' Railroad; 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 facilites to make possible an efficient system of public education in the District of Columbia.

MESSAGE FROM THE HOUSE

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

S. 2100. An act authorizing the sale of the United States Veterans' Bureau hospital at Corpus Christi, Tex.;

S. 2399. An act to provide and adjust penalties for violation of the navigation laws, and for other purposes;

S. 2745. An act to authorize the Secretary of War to convey to the States in which located Government owned or controlled approach roads to national cemeteries and national military parks, and for other purposes;

S. 2865. An act to define the status of retired officers of the Regular Army who have been detailed as professors and

assistant professors of military science and tactics at educational institutions, and for other purposes;

S. 3666. An act for the exchange of lands in the Custer National Forest, Mont.;

S. 3824. An act to provide for the appointment of a leader of the Army Band;

S. 3899. An act to create a Library of Congress trust fund board, and for other purposes;

S. 3977. An act to authorize the Secretary of War to reappoint and immediately discharge or retire certain warrant officers of the Army Mine Planter Service;

S. 4015. An act to authorize the Secretary of the Interior to sell to the city of Los Angeles certain lands in California heretofore purchased by the Government for the relief of homeless Indians;

S. 4087. An act to revive and reenact the act entitled "An act to authorize the construction of a bridge across the Sabine River at or near Orange, Tex.";

S. 4178. An act to authorize the Port of New York Authority to construct, maintain, and operate a bridge across the Hudson River between the States of New York and New Jersey;

S. 4179. An act to authorize the Port of New York Authority to construct, maintain, and operate bridges across the Arthur Kill between the States of New York and New Jersey;

S. 4203. An act to authorize the Port of New York Authority to construct, maintain, and operate a bridge across the Kill Van Kull between the States of New York and New Jersey;

S. 4230. An act to authorize the Secretary of the Treasury to prepare a medal with appropriate emblems and inscriptions commemorative of the Norse-American Centennial;

S. 4325. An act authorizing the construction, maintenance, and operation of a bridge across the St. Louis River between the cities of Superior, Wis., and Duluth, Minn.; and

S. J. Res. 163. Joint resolution to accept donations of furniture and furnishings for use in the White House.

The message also announced that the House had passed bills of the following titles, in which it requested the concurrence of the Senate:

H. R. 6723. An act to provide for reimbursement of certain civilian employees at the naval torpedo station, Newport, R. I., for the value of personal effects lost, damaged, or destroyed by fire;

H. R. 10526. An act to extend the limitations of time upon the issuance of medals of honor, distinguished-service crosses, and distinguished-service medals to persons who served in the Army of the United States during the World War; and

H. R. 11702. An act granting the consent of Congress to the village of Spooner, Minn., to construct a bridge across the Rainy River.

MAINTENANCE SENATE OFFICE BUILDING (S. DOC. NO. 221)

The PRESIDENT pro tempore laid before the Senate a communication from the President of the United States transmitting, without revision, a supplemental estimate of appropriation for maintenance, Senate Office Building, $4,000; for furnishings, Senate Office Building, $1,500; in total amount $5,500, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

SETTLERS ON FORT PECK RESERVATION LANDS

Mr. WHEELER. From the Committee on Indian Affairs I report back favorably with an amendment the bill (S. 4367) to provide for extension of payment on homestead entries on ceded lands of the Fort Peck Indian Reservation, State of Montana, and for other purposes, and I submit a report (No. 1242) thereon. I ask unanimous consent that the bill may be immediately considered by the Senate. A similar bill has been reported favorably by the House committee. It is a bill merely for the relief of settlers. It has been agreed to by the Indians and white settlers upon the Fort Peck Reservation, and it is necessary to get it through the Senate and send it to the House.

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

Mr. JONES of Washington. If it takes no time I shall not object.

Mr. ROBINSON. There ought to be an explanation of the bill.

Mr. WHEELER. I will state in explanation that by reason of drought on the Fort Peck Reservation, where the settlers had come in and taken up their homestead entries, they are unable to meet the payments required by the Government to the Indians. The Indians on the Fort Peck Reservation to whom the land originally belonged and to whom the money is due have entered into an agreement with the white settlers to the effect that this bill may be passed and the extension given. It is recommended by the Indian Affairs Committees and also by the department.

Mr. ROBINSON. Is the report unanimous?

Mr. WHEELER. The report is unanimous.

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

The amendment was, on page 2, line 10, after the word "interest" to insert "shall draw interest," so as ot make the bill read:

Be it enacted, etc., That all persons who have made homestead entries, being actual settlers within the boundaries of the Fort Peck Indian Reservation, are hereby granted an extension of time for payment of one-half the amount, including principal and interest due and unpaid on their homestead entries, until the 1st day of November, 1925, and for payment of the other half until the 1st day of November, 1926; all such amounts to bear interest until the payment dates, at 5 per cent per annum: *Provided*, That upon failure to make complete payment of either installment by any such persons the entry shall be canceled and the land revert to the status of other tribal lands of the Fort Peck Indian Reservation.

SEC. 2. All such persons who have abandoned residence on and cultivation of their entries and who are in arrears in any amounts are hereby required to make payment in full of both principal and interest on or before the 1st day of November, 1925: *Provided*, That all delinquent amounts of both principal and interest shall draw interest at the rate of 5 per cent per annum until paid: *Provided further*, That upon failure to make full and complete payment of both principal and interest on or before the 1st day of November, 1925, said entry or entries shall thereupon be canceled, and the land revert to the status of other tribal lands of the Fort Peck Indian Reservation.

The amendment was agreed to.

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

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

RIVER AND HARBOR BILL

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11472) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Arizona [Mr. CAMERON].

Mr. REED of Missouri. Mr. President, this bill is a forward gesture in that it proposes a preliminary step toward the adoption of a number of new projects, all of them calculated to produce better navigation on the waters of the Republic. It was preceded by a bill appropriating the pitiable sum of $40,000,000 for the improvement and maintenance of all of the rivers and harbors of the United States and for their further development. The amount of money that will actually remain for development to be expended is about $22,000,000, and with that sum of money the Engineer Corps of the United States Army is expected to carry on the great work of internal improvement. The engineers, encumbered and depressed as they have been by the policies which have been recently in vogue, and held down as they were and have been for several years by the declared intent of the Government to cut river and harbor appropriations to the bone, nevertheless reported a request for $52,000,000. That appropriation, I am informed, could have been passed in the House of Representatives, but obstacles were encountered, and it was finally, as it was thought, agreed that if the bill were allowed to go through carrying $40,000,000, this pending bill would be passed and that it would contain provisions for the completion of all adopted rivers and harbors projects of the country within five years' time. Notwithstanding that agreement, which at least had been made by certain parties who were presumed to know that they spoke with authority, we are informed that the pending bill can not be passed, or, if passed, will be vetoed if it contains the five-year period.

I am informed that the reason for this attitude is that one Mr. Lord, who occupies the position of Director of the Budget, has taken the position that if the Congress should adopt the five-year provision, that approval would obligate future Congresses to appropriate the necessary moneys to complete these works within the period referred to. It is, of course, true that the passage of such a measure would be an instruction to the executive branches of the Government and to the Budget Bureau and to the engineers to bring in recommendations consistent with the law thus passed. Of course, as all here understand, there would be absolutely no obligation upon the Congress to pass the necessary appropriations, but it would

have the effect of instructing the Budget Bureau to report favorably the necessary appropriations.

So Congress is to be denied the privilege of passing a law directing that these works shall be completed within a period of five years, at the will of one man, and that man the Director of the Budget, a man who has something of a record connected with the public business.

If I mistake not, this is the same Mr. Lord who, being in the employ of certain manufacturers of the East, obtained an appointment as a confidential clerk of the Finance Committee some years ago, and while occupying that position acted as the agent of his private employers for the purpose of writing into a tariff bill provisions which suited his private employers.

My friend here, the Senator from Alabama [Mr. UNDERWOOD], tells me I am mistaken. If I am, I will, of course, withdraw my remarks.

Mr. UNDERWOOD. I only say this because I know the Senator would like to correct his statement. When I first knew General Lord he was the clerk of the Ways and Means Committee of the House. That was before the Spanish War. During the Spanish War, or immediately afterwards, he was appointed to a commission in the Army, and has been there ever since. I am not aware of the name of the gentleman to whom the Senator refers, but he is not General Lord.

Mr. REED of Missouri. I know I am not mistaken as to the fact, but I may be mistaken as to the man, and since the Senator from Alabama makes this statement I will withdraw what I said about him personally. I was evidently misinformed. The information came to me just before I took the floor.

But waiving any past history, Congress is being dictated to by one individual, and I protest against that policy now as I protested when the Congress adopted the scheme of having a budget. Whenever the Congress gets into so pitiable a condition that it must be held down by the will of some board or some bureau or some man with reference to the important business of public improvement, it is time that such a Congress should be dissolved. If there is one thing written in the history of our race it is that the control of the purse strings of the Nation belongs to the legislative branch of the Government.

Moreover, it is impossible for any one man to understand the various problems coming before Congress as the committees of the Congress themselves understand those problems. Without calling any names now I can make the assertion that when a river and harbor bill was first under discussion in the not very remote past the chief of the Budget at that time thought we had on hand and would have available a very large sum of money, running into the millions; but that money had already been expended and he had to get his information from the members of the committee of Congress over whom he was exercising authority and jurisdiction.

I unhesitatingly say that in the attitude of the Director of the Budget now is afforded evidence of the truth of the statement I made when the bill providing for the creation of the Budget was before Congress—that we would find that we had committed an egregious blunder in the creation of any commission authorized to tell the representatives of the people of the United States when and how and where they would be permitted to appropriate money for the public business. I say now if the Director of the Budget was a member of this body he probably would have to sit at the feet of many of the older Senators of the body in order to learn how to conduct the public business. Yet he sits off there some place and tells the country and its representatives how much money they dare appropriate. So we have the administration committed to a policy of really throwing a damper upon the public improvement.

As to that I desire to say a word or two. There is no country in the world so richly endowed by nature with great natural waterways as is the United States. Every year we allow the power of those streams to go without employment; every year we allow their waters to go without being burdened with the commerce of the Nation; every year we allow the desert wastes of the West to remain unimproved; every year we permit the commerce of the seas to be obstructed and retarded by inadequate harbors; every such year is a year of unconscionable and inexcusable waste. We are like a farmer who, having a field, refuses to invest enough money in a plow so he may turn over its sod and raise a crop. We are like a man who has raised a crop and refuses to expend the necessary money to buy a vehicle to transport it to market. We are worse than either of those men because we are proceeding as might the man in the first instance if he were buying his plow upon the installment plan, taking 40 years to pay for it without delivery before the end of the 40 years, losing all of the interest upon his original payments until the end of that long period of time; or we are like the man in the second instance if he bought his truck upon the installment plan without delivery until the end of 10 or 12 years and in the meantime allowed his crops to go to waste for want of carriage to market.

We began the improvement of the Ohio River half a century ago. It was known then that until that scheme of improvement had been completed the immense traffic of the Ohio Valley would not reach the ocean over that stream. Every principle of common sense required that the improvements once started should be pushed forward with all possible dispatch. Instead of that we adopted one scheme and then changed that to a plan for the building of 43 dams. We began construction over 20 years ago, I think, and some 35 of them are built. Six or eight remain to be built. Accordingly the commerce of that mighty river can not reach the ocean until we shall have completed the remainder of the dam, and yet Mr. Lord sits up here somewhere in Washington—God knows where, I have never been able to locate him—and by his ipse dixit stops the appropriation of the necessary money to complete the dams, although they must be completed ultimately and the money must be expended ultimately.

We began the improvement of the Mississippi River in 1910. It was to be completed within 10 years' time. The money has been dribbled out little by little. The Government put a boat line upon that river, placed it there as a war measure, and has invested something like $10,000,000. The boats of that line are obliged to be stuck on sandbars just about enough to keep it from making any real profits. A few million dollars expended between Cairo and St. Louis would make that stretch of the river safely navigable for the great barge tows that are now in operation. But when they undertake to navigate from New Orleans to Cairo and thence to St. Louis they must tie up their tows to the bank, divide them into small sections, and painfully and slowly push them out into the stream through the narrow channels between Cairo and St. Louis. The return on the investment of the Government is thereby circumscribed and largely lost. The commerce is discouraged and the entire valley of the Mississippi suffers.

Why, Mr. President, do we have this sort of foolish policy? Yet with all of the obstructions last year the boat line on the Mississippi River, hauling freight at 80 per cent of the railroad charges, earned nearly half a million dollars. Money was lost largely in undertaking to operate antiquated and inefficient equipment upon other rivers. We reorganized the business and placed it in the hands of a corporation headed by the Secretary of War and officered by some of the leading business men of the country, who are giving their time substantially for nothing. They have been here through their representatives literally upon their knees, begging Congress for a sufficient appropriation so that the bars can be removed from the river, so that the bends may be sufficiently widened that this great fleet of boats can take the curves, which they can not do under present conditions.

The line has operated, too, with the disadvantage that it is in competition with the cheapest freight rates allowed anywhere in the United States. The rates on the railroads paralleling the river are far below the general average of charges made in the country. Nevertheless an immense advance has been made. There were no wharves. Wharves are being built, and yet they only exist in a few places, but they would spring into being immediately if the boat service upon the river could be made what it ought to be.

I call the attention of Senators of the South and of the Central West and of the West to the fact that reduction in freight rates by river transportation does not exist alone for the benefit of those who live upon the banks of the streams, because after long and painful litigation the Interstate Commerce Commission has issued some orders the effect of which has been to increase the interchange of traffic between the boat lines and the railroads, and in due course of time and with proper congressional encouragement that will be so extended that joint rail-and-water rates can be made for substantially every city, town, and village between the foothills of the Alleghenies and the Rocky Mountains.

That section of our country, sirs, embraces the richest body of agricultural land in all the world. It is the great granary of the United States, and as the great granary of the United States it is likewise the granary of the world, and yet the few million dollars that we desire can not be obtained.

We have a policy of economy, a policy that voted $14,000,000 to build one bridge across the Potomac River. That $14,000,000 would more than make the Mississippi River navigable from St. Paul to St. Louis. Fourteen million dollars for an ornamental bridge in the name of a memorial to Abraham Lincoln! God knows that all of us reverence the name of Abraham Lincoln,

but his place in history and in the hearts of his people does not depend upon the building of a $14,000,000 bridge. If we are so poor that we can not carry on the public works of the country and improve its natural resources, then we are too poor to build $14,000,000 bridges; and the thing to do, if we are so poor, is to apply our money to the necessities of the time and not to use it in ornamentation or in sentiment.

Speaking of that, we have not forgotten Abraham Lincoln. We never shall; the world will never forget him. While men shall read and think his name will be mentioned only by the lips of praise and reverence; but we have built at a site near where it is proposed to erect this bridge the most splendid of all modern tributes to the immortal dead that has probably been constructed. I say "the most splendid modern," but it is probably the most splendid ever erected.

Mr. President, there is another bill in the House of Representatives. It proposes to issue $200,000,000 worth of bonds for the purpose of completing promptly the various great public enterprises that have already been approved. The interest upon that money will be so small, when the bonds shall be issued, that the advantage coming to the country from the immediate completion of those works and the saving of the loss of interest upon works half completed will far more than equal the interest upon these bonds. I believe that an administration which is forward looking will ultimately recognize the fact that the greatest service the Government can render to the American people will be to inaugurate a great and comprehensive system of public improvements and to complete those improvements. I have not the slightest doubt, sir, that if the Mississippi and Missouri Rivers were thoroughly opened to navigation the farmers of the great Mississippi Valley, and even those who live beyond the Rockies, in many instances, would in a few years time be marketing their products at 50 per cent of the present railroad rates.

We talk here about benefiting the farmer, and many plans have been brought forward in the hope that something may be accomplished for the alleviation of the hard conditions of farm life. Some of those schemes have, in my judgment, been utterly chimerical; some of them may have merit in them; but there is one way by which we can inevitably benefit the farmer, and that is by giving him cheap transportation to the markets of the world. That result must be accomplished by the Federal Government. It lies squarely within the purview of its authority, and it rests upon the Government as a solemn duty. I insist that Congress shall attend to this business itself, the will of Mr. Lord, the will of any one man, to the contrary notwithstanding. I know we can not accomplish this in the present session, and I am speaking of it now in order that my voice, though it be "the voice of one crying in the wilderness," may peradventure be heard by some.

Mr. President, the last war gave us a lesson that ought not to be forgotten. The commerce of the country was so congested that railroad trains stood upon the sidetracks and blocked even the main lines for scores of miles back from the port of New York and from other eastern ports, merely because the facilities of the ports and the facilities of the railroads were not sufficient to handle the great commerce that it was then necessary to move. It was because of that condition and because it was believed the war might last for many years that these boats were placed upon the Mississippi River, running, of course, upon an inadequate waterway, but a waterway that can be made, as Daniel Webster said, to bear the commerce of a continent. If we were to have another war, the fact that the Mississippi and the Ohio and the Missouri and other kindred streams would be employed, and the fact that they had upon them boats, would be of incalculable benefit; it might be of greater value to us than a dozen dreadnaughts upon the sea.

So, sir, I am appealing to those Senators who pay me the compliment of their attention to give to this problem the broadest and most comprehensive consideration, so that when another Congress shall assemble we shall come here with a fixed determination to complete this great work, and that we shall recognize the fact that the best economy ever practiced is in the employment of the resources which lie at our hands.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment offered by the Senator from Arizona [Mr. CAMERON].

Mr. FERNALD. Mr. President, before the Senator from Missouri takes his seat, I merely wish to call his attention to a fact, for I am sure he wants to be correct in his statement, as usually he is. The bridge to which he refers is not to be erected in memory of Abraham Lincoln, but it is to be the Arlington Memorial Bridge.

Mr. REED of Missouri. Very well. It has been called the Lincoln Bridge; it has been called by many names; and just how the committee finally designated it I do not know; but I do know that, whether it is in memory of the dead at Arlington and to connect this city with that great cemetery where sleep so many heroes, or whether it is in memory of Abraham Lincoln, we ought properly to reverence the dead and we ought to pay some attention to the living.

Since the Senator from Maine has started me speaking again, I desire to say that I am in favor of using the money of the United States to improve and develop the United States instead of sending it or spending it in European countries. It is time we took care of ourselves at home. We can vote $100,000,000 to the people of foreign lands without dropping an eyelash; of that I do not complain; but I do insist that we had much better prefer the people of the United States.

Mr. JONES of Washington. Mr. President, I feel like reminding some of the friends of this bill that, in the language of a distinguished citizen, "that brings on more talk." There is one suggestion which has been made by my friend, the Senator from Missouri, that I must notice for just a moment.

I think that General Lord occupies about as difficult a position as any man can occupy. I do not believe that he is subject justifiably to the criticism of my friend from Missouri. He is trying to discharge the duties and responsibilities placed upon him by Congress. I do not think that he assumes to dictate to us. He is seeking to do what the law imposes upon him. I think he is discharging those duties splendidly; I think he is rendering a wonderful service to the people of this country in promoting economy and efficiency in governmental administration.

Mr. REED of Missouri. If the Senator will pardon me, what law told General Lord that we must cut out of this bill a proposition to complete these projects within five years? What law told him that the appropriation for rivers and harbors must be only $40,000,000?

Mr. JONES of Washington. Mr. President, I am going to read from the letter of General Lord to the President. To my notion, it simply shows that he is discharging his duty and the responsiblity placed upon him by law in advising the President of the United States of the situation, and as to what proposed legislation would make necessary; and after that is done, of course, the further responsibilty would rest upon the President and upon Congress. I do not believe that it can be found anywhere that General Lord has assumed to dictate to Congress what it should do or what it should not do.

Here is what General Lord says, in part. After referring to a provision in the bill pending in the House of Representatives, in his memorandum for the President he says—and I take it that it is his duty and responsibilty to advise the President of the matters coming under his observation—

> If the policy defined in the above-quoted section—

That is, the section providing for the completion of these projects in five years—

> If the policy defined in the above-quoted section is reflected in actual appropriations it will require for its fulfillment annual appropriations of $43,600,000 for each of the fiscal years 1927, 1928, 1929, 1930, and 1931.

There is simply the statement of a fact.

> This annual cost will be for the improvements only, and does not take into consideration the cost of annual maintenance. A conservative cost for maintenance of river and harbor works will average $18,000,000 per year. Adding this amount ($18,000,000) to the estimated yearly improvement cost ($43,600,000) gives a total yearly cost of $61,600,000 under the five-year program contemplated by the above-quoted provision in H. R. 11472.

There is simply a statement of facts, simply calling to the attention of the President facts which, of course, the President ought to know.

He says, further:

> I make the foregoing observations concerning the provision in question so that you may consider the effect of this provision on your financial program commencing with the fiscal year 1927 in the event that your estimates to Congress should reflect the policy of Congress as defined in the provision. I am fearful that your approval of this provision would carry an implied commitment to its terms and impose upon you at least a moral obligation to present estimates accordingly.

What is there improper in that? What is there dictatorial in that?

Mr. REED of Missouri. What is there in that except a plain opposition to a bill in Congress which he had no business to interfere with, and which the President himself had no business to interfere with?

Mr. JONES of Washington. Oh, Mr. President, I can not agree with the Senator from Missouri in that respect.

Mr. REED of Missouri. It is the business of Congress to legislate, and it is the business of the Executive to sign or veto, and not to come here in advance telling us what we can do.

Mr. JONES of Washington. Oh, yes; that is true; and yet I think it is very wise and very proper and very considerate for the President to advise Congress as to how he views a situation that is coming up. I remember that there was very severe criticism of the President of the United States because, with reference to a certain bill that we passed at the last session of Congress, he did not let some of us know or let the Senate or the Congress know what his views were with reference to it. He vetoed the bill. I think myself that the President has acted very considerately in advising us of his viewpoint. We do not have to follow it—certainly not—but it is simply a question as to whether or not we want legislation.

Mr. President, if the President had not advised us as to how he viewed the situation, and we had gone on and passed the bill for $60,000,000 or $65,000,000, and then he had vetoed it without indicating to us in any way during the pendency of the bill as to how he looked upon it, everybody knows that he would have been most severely criticised by the Members of the Congress. I think he has acted wisely and considerately. I think that General Lord is entitled to praise rather than condemnation for doing what he has done in the considerate way that he has done it. That, of course, is only my opinion.

Now, Mr. President, just a word about the amendment that is pending. The Senator from Arizona said he wanted it understood that if this amendment passed he did not want it discarded in conference without reading, and that he would expect the Senate conferees to stand by this amendment. I want to say to him that I am in hearty accord with the view of the Senator from Arizona. I never have believed, personally, in the acceptance of amendments on the floor of the Senate with the idea that they were to go out in conference; and I want to say to the Senate now, and I want Senators to take this into account when they are voting on this amendment, that I propose to try to secure the retention of this amendment if it is put on this bill.

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

Mr. JONES of Washington. Certainly.

Mr. ROBINSON. Does the Senator really think this bill is going to get into conference?

Mr. JONES of Washington. I hardly think that is just the right question to ask me. I have not taken much time on this bill, and I am going to take only a minute now.

Mr. ROBINSON. I know the Senator has not; but if the friends of the bill persist in discussing it when there is absolutely no issue before the Senate, the most of the discussion having taken place about a matter on which it is not proposed that any action shall be taken, it is perfectly sure that they unwittingly will accomplish its defeat.

Mr. JONES of Washington. I agree with the Senator, and I am glad he has said that. I thought about saying the same thing a while ago, and then I thought, "Well, I will not do it." I am glad the Senator has said it.

I am going to take just a minute now to say to the Senate, if they do not want this amendment insisted upon in conference, do not put it on this bill. If Senators do not want this bill delayed by an attempt to sustain the action of the Senate, and the delay that necessarily will follow that, do not put it on this bill.

Mr. President, I do not think this amendment ought to go on this bill. I appreciate the situation down there. I should like to see the matter taken care of. I am not going to pass upon the merits of the proposition. It has been said that it has passed the Senate a time or two. That, I think, is evidence that it has probably been reported from the committee; that is an evidence of the merits of the amendment; but it ought not to go on this bill.

Why, do you know what you can do? You can put every legislative bill that is pending in the Senate upon this bill if you have a mind to do it. The Cramton bill, which I am heartily in favor of, could be put on this bill, and no point of order could be made against it. The banking bill could be put on this bill.

Mr. ASHURST. Mr. President, will the Senator yield to me at that juncture?

Mr. JONES of Washington. Certainly.

Mr. ASHURST. I have been here 13 years; and for 13 straight years, when we attempted to put this amendment elsewhere, we have been told that it should go upon the river and harbor bill. After 13 years of being told that it belongs upon the river and harbor bill, when we seek that committee and that tribunal of justice, I regret that we are told that it does not belong there. I hope the Senator will not stand by that statement. Where else does it belong?

Mr. JONES of Washington. I never told the Senator that it belonged in the river and harbor bill.

Mr. ASHURST. Then the Senator has a unique distinction among the Senators of the United States, because it seems to me that almost every Senator who has served here in the past 13 years has dinned it into our ears that this amendment belongs on the river and harbor bill.

Mr. JONES of Washington. I do not think I ever heard of the measure before.

Mr. ASHURST. Why, the Senator voted for it twice.

Mr. JONES of Washington. Possibly I did, without knowing anything about it. It was perhaps done by unanimous consent when I was downstairs somewhere.

Mr. ROBINSON. Mr. President, may I ask the Senator from Arizona a question for information? How can it be said that an appropriation relating to an irrigation project belongs on a river and harbor bill?

Mr. ASHURST. Why, it is not to irrigate anything. It is to revet the eastern bank of the Colorado River, so that it will not overflow its boundaries, the Secretary of War saying that it is a navigable river and that it belongs on this bill.

Mr. ROBINSON. It is for the reimbursement of the reclamation fund.

Mr. ASHURST. Yes. The money was expended by the farmers.

Mr. ROBINSON. It was expended upon an irrigation project.

Mr. ASHURST. No; to revet the banks of the river, so that it will not overflow and destroy the farms. That is the reason why we are appropriating money for rivers elsewhere, so that they will not overflow their banks. I do not want to consume any more time.

Mr. ROBINSON. The expenditure was for the benefit of a reclamation project, according to the Senator's own amendment.

Mr. ASHURST. Originally it was.

Mr. ROBINSON. And, if that be true, it would belong on the Interior Department appropriation bill.

Mr. ASHURST. But when we sought twice to put it on the Interior bill they said, "That is a navigable river. The amendment belongs on the river and harbor bill."

Senators of course have the right to vote as they please; but they ought not to drive us from one committee to the other, and when we seek the very committee to which they drive us they ought not to close the door and say that the amendment belongs somewhere else. That is not the way to do business. I have no word to say against the view of any Senator who can not vote for this amendment. All honor to his courage and to his steadfastness. But to say, "Here, this amendment belongs on the river and harbor bill," and then when my colleague offers it on the river and harbor bill to say that we must go elsewhere, is not the way to treat us.

Mr. JONES of Washington. Mr. President, just a word. This bill should go through, of course, as a separate bill. It is not necessary to have it go on some omnibus bill, or something of that sort. I have no recollection of its ever having come as a bill to the Commerce Committee, which deals with river and harbor bills. Evidently it was reported from some other committee of the Senate.

Mr. President, this is the proposition: This amendment authorizes the reimbursement to a reclamation project of $650,000 for the revetment of some banks, the appropriation of $50,000 for the present fiscal year, and an annual expenditure of $35,000 for other purposes. If it goes onto the bill, as one of the conferees, I shall do everything in my power to hold it on the bill, and the Senate must vote on it with that understanding. I hope it will not be adopted, and I propose so far as I can to prevent the adoption of other amendments to this bill, no matter what my personal views may be with reference to those matters. The time is short. It is going fast. If we have any hope of getting this bill through, we must get it through the Senate just as quickly as possible.

Mr. President, I have said about all that I am going to say in the further consideration of this measure. I hope the Senate will reject this amendment.

Mr. CAMERON. Mr. President, I want to disabuse the minds of Senators of the idea that this is a reclamation project. This money has been spent by the farmers to protect their lands. They are obligated to pay the Government $75 an acre. The Government of the United States has spent a

million dollars in Mexico, on the west side of the Colorado River, to protect the Imperial Valley settlers; and why in the name of common sense should they not take care of the Yuma settlers? If one side of the river is entitled to protection from the overflow of the torrents of the Colorado River I am here to say that the east side of the Colorado River should be protected.

As I have said here before on the floor of the Senate to-day, by the building of the rock levee which they put on the west side of the Colorado in Mexico, they turned the current in such a direction that it went across to the east side of the Colorado River; and this money had to be expended by the farmers for their own protection. They owe to-day and are paying to the Government at the rate of $75 an acre, or as much as they can each year, for the land they are farming.

The Senator from Washington, who has charge of this bill, says that this amendment belongs in another bill. I say that it has been tried in another bill. It has been tried before the Senate for the last 13 years; and I am here to say to you to-day, Senators, that there never was a more just measure presented to Congress. Here is the place for it, and we are going to stick to it until we get it.

I hope this amendment will prevail.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Arizona. [Putting the question.] By the sound the "noes" appear to have it.

Mr. ASHURST and Mr. CAMERON called for a division.

On a division, the amendment was agreed to.

Mr. FERNALD. I offer the following amendment and ask that it be added to the bill as a new section.

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

The PRESIDENT pro tempore. The Clerk will call the roll.

The legislative clerk (Mr. Welsh) called the roll, and the following Senators answered to their names:

Ashurst	Edge	King	Shipstead
Ball	Ernst	Ladd	Shortridge
Bayard	Fernald	Lenroot	Simmons
Bingham	Ferris	McKellar	Smith
Borah	Fess	McNary	Smoot
Brookhart	Fletcher	Means	Stanfield
Broussard	Frazier	Norbeck	Stephens
Bruce	George	Norris	Sterling
Bursum	Gerry	Oddie	Swanson
Butler	Glass	Overman	Trammell
Cameron	Gooding	Pepper	Underwood
Capper	Hale	Phipps	Wadsworth
Caraway	Harris	Pittman	Walsh, Mass.
Copeland	Harrison	Ralston	Weller
Cummins	Heflin	Ransdell	Wheeler
Curtis	Howell	Reed, Mo.	Willis
Dale	Johnson, Minn.	Reed, Pa.	
Dial	Jones, Wash.	Robinson	
Dill	Keyes	Sheppard	

Mr. BROUSSARD. Mr. President, I wish to say a few words with reference to this matter.

The PRESIDENT pro tempore. Seventy-three Senators have answered to the roll call. There is a quorum present.

Mr. FERNALD obtained the floor.

Mr. JONES of Washington. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from Washington?

Mr. FERNALD. I yield.

Mr. JONES of Washington. I do not know that it is necessary, but I desire to give notice that if this bill gets into the Senate, I shall ask for a separate vote on the amendment just agreed to.

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

Mr. FERNALD. I yield.

Mr. GOODING. I offer the following amendment to the amendment offered by the Senator from Maine.

The PRESIDENT pro tempore. The amendment offered by the Senator from Maine has not yet been read to the Senate. The Secretary will read it.

The CHIEF CLERK. The Senator from Maine proposes to add a new section to the bill, to read as follows:

SEC. —. That the contract dated July 29, 1921, executed by the Boston, Cape Cod & New York Canal Co., and transmitted to Congress by the Secretary of War and printed in House Document No. 139, Sixty-seventh Congress, second session, is hereby ratified on condition that such company files with the Secretary of War its consent in writing that paragraph 8 of such contract be amended to read as follows:

"8. The payment of the amount herein agreed to be paid, or any part of same, to the said canal company is to be upon the express condition that the Boston, Cape Cod & New York Canal Co. waives, in writing, any and all claims of any nature whatsoever that it may have against the President, the Director General of Railroads, or the United States, and upon such release, the Director General of Railroads shall release the company from any claim or demand against the company growing out of Federal control."

SEC. 2. That the sum of $5,500,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War, for the acquisition by purchase, in accordance with the terms of such contract, modified as provided in section 1 of this act, of the Cape Cod Canal and other property referred to in paragraph 1 of such contract.

SEC. 3. That when the Secretary of War has certified that the company has filed its consent, in writing, to the modification of the contract provided in section 1, and when the Attorney General has certified that title to such property has passed to the United States, the Secretary of the Treasury is authorized to pay at maturity the principal of the bonds referred to in such contract, and to pay the interest coupons thereon as they fall due each year after the passage of this act until the bonds are retired; and also the interest coupons which have fallen due after December 31, 1921, and on or before the passage of this act. The Secretary of the Treasury may, in his discretion, pay before maturity, as stipulated in the contract, the principal sum of $6,000,000 or any part thereof to the holders of the bonds. Nothing in the contract or in this act shall exempt or release the bonds or the income therefrom from any taxation, national, State, or municipal, to which otherwise they would be subject. The amount necessary to make the several payments in this section provided is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated.

Mr. GOODING. Mr. President, I now offer my amendment to the amendment offered by the Senator from Maine.

The PRESIDENT pro tempore. The Senator from Idaho offers an amendment to the amendment proposed by the Senator from Maine, which the Secretary will report.

The CHIEF CLERK. At the end of the amendment just read, the Senator from Idaho proposes to add:

That section 4 of the interstate commerce act, as amended, is amended by adding thereto the following:

"(3) *Provided, however,* That from and after the passage of this amendatory act no further authority shall be granted to the commission to relieve any rail carrier or rail carriers from the provisions of this section in order to meet the competition of water transportation, directly or indirectly: *And provided further,* That nothing in this section contained shall prevent the commission from authorizing or approving departures from the provisions of this section in so far as applicable to import or export rates, including rates applicable to traffic coming from or destined to a possession or dependency of the United States or to a block system of express rates established by order or with the approval of the commission or permitted by it to be filed."

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Idaho to the amendment offered by the Senator from Maine.

Mr. FERNALD. Mr. President, I am as anxious as any Senator in this Chamber that the river and harbor bill shall be passed at this session and become a law. I realize that at this late hour in the afternoon, when we are to be in legislative session but about an hour longer, and at this late time in the session, it would be very unfair to Senators who are interested in the river and harbor bill and other bills which they desire to debate before the close of the session, to take more than a very short time to make a brief statement regarding the merits of my amendment.

My amendment is identical with House bill 3933, which passed the House last May and came over to the Senate and was referred to the Commerce Committee for consideration. I think I have been exceedingly patient in this matter. That bill was one of the first bills considered by the Commerce Committee at this session, and it had due consideration. It was reported to the Senate, and for nearly five weeks I have been trying to bring the measure to the attention of the Senate.

The purpose of the amendment primarily is to ratify a contract made by the Secretary of War, acting under the authority of Congress, to make a settlement between the Government and the Cape Cod Canal Co. I want briefly to describe the Cape Cod Canal, for this matter has been under consideration by this Government from almost the formation of the Government. In fact, as early as 1776, when, it will be recalled, there was some military activity about Boston, General Washington recommended that the Government build the Cape Cod Canal. He was so much interested that he sent a surveyor to survey and look the ground over, and he recommended to the Congress of the United States as early as that time—150 years ago—that the canal be built.

Four years later Washington's Secretary of War, General Knox, recommended that the project be completed by the Government. Thomas Jefferson and General Gallatin, his Secretary of the Treasury, a little later recommended that the Congress interest itself in the project. About 25 years later John C. Calhoun, one of the greatest Secretaries of War this country ever knew, recommended that the Government build the Cape Cod Canal.

From the early foundation of the Republic for 150 years almost periodically this project was brought to the attention of the Congress of the United States. But an accident which happened in 1898 brought very forcibly to the attention of the people of New England not only the feasibility but the advisability and the necessity of building the canal. A marine accident happened in 1898 when the vessel *City of Portland* with 158 souls went down on those shoals, bringing the situation then very forcibly to the attention of the people as to not only the advisability but the necessity of building this great project.

But it is much easier to talk about these things than it is to get people interested in them and to finance them. So although the people in Boston and the press of all New England began at that time to agitate the building of the project, it was some years before men could be found who had the ambition and the courage and the money to invest and begin operations. Mr. August Belmont, who had made a great success in the building of the subway in New York City, and Mr. Dewitt Flannigan, of Boston, two very able, energetic, and efficient men in that line of business, in 1889 became interested. As I said, it was a great proposition. It required a vast amount of money and although they had been successful in other operations of this kind, first of all before they undertook the proposition Mr. Belmont sent surveyors and engineers on his own account and paid for by his own money to survey and look the proposition over and report to him the expense that was likely to ensue in the building of the proposition. Not only did he examine carefully the ground and all matters in connection with the building of the project, but he also made a careful estimate of the amount of business that would be carried through the canal.

Cape Cod is a natural stretch of land. Cape Cod projects out in the Atlantic Ocean about 30 miles, and all vessels going from New England points to New York have to make a circuitous route of 66 miles, where now by going through 8 miles of this canal they can save 58 miles, a great deal of time and a great deal of expense.

It was found that the amount of tonnage or the amount of transportation that went around Cape Cod was sufficient by a very limited toll to pay the expense of building—that is, on a basis of about 6 per cent on $12,000,000. The matter went forward then under the direction of the two men to whom I have referred. They and their friends, as is true in all such propositions, got together, furnished all the money, and undertook the building of the canal.

Before anything could be done a charter and franchise had to be secured from the State of Massachusetts. The State of Massachusetts guards its interests perhaps as jealously as any State in the Union, and so they had some trouble in getting a charter or franchise to carry on the great undertaking. The State of Massachusetts determined that no bonds should be issued or sold in that State until actual work was begun and concluded, and that for every $100,000 worth of work only $90,000 worth of bonds could be issued. In order further that they might know what the expense would be for the canal, they had another string to the franchise which determined that at the end of 20 years, if the Senate of Massachusetts so decided, it might take over the canal by paying the construction and canal company 10 per cent per annum on their money on the cost of the canal for any time after the 20 years. So in order to know the exact cost of the canal it was necessary that books should be very carefully kept, and this was done under the direction of the general board of public utilities commissioners and the railroad commissioners of the State of Massachusetts. This was a very important matter, as it appeared afterwards, because when the Government finally took over the canal it was quite easy to determine the cost of the project because the books had been carefully kept under the direction of the joint board.

As I said, the cape reaches into the Atlantic Ocean about 30 miles, and in going around the cape all of the eastern freight and passenger business had to pass for a distance of about 66 miles the most dangerous coast on the Atlantic Ocean. In the last 50 years 1,498 disasters have occurred there, and there have been reported altogether more than 2,000 disasters which have taken place in going around Cape Cod.

The building of the canal was very inexpensive as compared with the building of other canals not only in this country but in all other countries. It was found that the canal could be built by paying about 72 cents per cubic yard for the excavation and dredging of the canal. The canal finally cost a little more than $12,000,000. The cost of the Panama Canal was $1.90 per cubic yard. The cost of the Manchester Canal was $2.74 per cubic yard. This was a natural place for the building of a canal, and it was built at a much less cost than any other canal I have any record of in the whole world. The final expense of about $13,000,000 of the Cape Cod Canal, as compared with the expense of $375,000,000 for the building of the Panama Canal, will give just a little idea of the amount of business as compared to the cost of the two great propositions. As a matter of fact, every year there passes through the Cape Cod Canal almost three times as many boats as pass through the Panama Canal.

Mr. HOWELL. Mr. President, may I ask the Senator what was the size of those boats?

Mr. FERNALD. They are very much smaller than the boats passing through the Panama Canal, naturally.

Mr. HOWELL. As a matter of fact, is the tonnage that goes through the Cape Cod Canal 20 per cent of that which goes through the Panama Canal?

Mr. FERNALD. I will give the exact figures. I have here the number of vessels which passed through the last year I have any record of.

Mr. HOWELL. What year was that?

Mr. FERNALD. In 1922. There were 8,140 vessels passed through the Cape Cod Canal in that year and 2,892 passed through the Panama Canal. Of course, the vessels passing through the Cape Cod Canal were much smaller than those passing through the Panama Canal.

Mr. HOWELL. What was the tonnage in each case?

Mr. FERNALD. I will give the Senator that in a moment. The tonnage, of course, is very much smaller through the Cape Cod Canal.

Mr. LENROOT. I have the tonnage if the Senator will permit me to give it. In 1923 the tonnage passing through the Cape Cod Canal was 1,389,457 tons.

Mr. HOWELL. In 1923 about 24,000,000 tons went through the Panama Canal. So it can be seen that probably a good many of those vessels which passed through the Cape Cod Canal were sail boats and yachts and other small boats.

Mr. FERNALD. In 1923 the tonnage of vessels which passed through the Cape Cod Canal was 4,215,000 tons. I have not the figures for 1923 for the Panama Canal, but in 1923 the tonnage passing through the Panama Canal was 14,522,000, or about three times as much through the Panama Canal as through the Cape Cod Canal.

Mr. HOWELL. Last year there passed through the Panama Canal in the neighborhood of 25,000,000 tons. I think the Cape Cod Canal carries probably less than 20 per cent of the tonnage carried by the Panama Canal.

Mr. LENROOT. I think the Senator gave the tonnage passing through the canal at something over 4,000,000 tons. That is the tonnage of the vessels and not the tonnage of the cargoes.

Mr. FERNALD. No; and neither was it as to the Panama Canal.

Mr. LENROOT. I understand.

Mr. FERNALD. As I said, the books were very carefully kept by the canal company, because the State of Massachusetts insisted upon the form and policy which was to be pursued by the canal company. Later on when the Government took over the property it proved to be a very valuable asset. It was always determined in the building of the canal that first of all it was to be a commercial proposition. Mr. Belmont never expected to turn the proposition over to the Government. Mr. Flannigan never had that idea either. As a matter of fact they both belonged to the opposite of the party in power at Washington at that time. There was never intended to be any political pull in the matter. It was found that the amount of business that went around Cape Cod of about 22,000,000 tons, as I recall, if it could be carried through the canal would make it a profitable proposition. The amount of business increased very materially. The first year there were about 514 vessels and last year something like 7,000, as I recall.

The Secretary of the Navy in 1916, by authority of the Congress of the United States and by special direction of the President, visited the navy yards in New England and New York. That was in the summer of 1916. We were then preparing for what came a little later, and the President of the United States very wisely sent his Secretary to see what the condition was in the navy yards. Let me say that they were put in apple-pie order and they were ready for business when

they were needed. On his return to Washington Mr. Daniels passed through the Cape Cod Canal, and on his entry into New York City expressed himself as greatly pleased with the project and complimented the builders and said the only thing about the whole proposition was that it ought to be owned by the Government. He came to Washington and the very next week a letter was sent to the officers of the Cape Cod Canal Co. asking their representative to come to Washington.

There has been a good deal of conversation going about for the past three years to the effect that the canal company desired to unload this property on the Government. But I desire to say that that idea was started by the Government itself. The canal company never made any initiative and never asked the Government about it until the Government itself wrote a letter to the canal company, when Mr. Wilson came to Washington and had a conference with the Secretary of the Navy. Almost immediately after this, and after the conference with the Secretary of the Navy, the President of the United States wrote a letter. Let me say before reading the letter that President Wilson had the same idea of the value of this canal that every President of the United States has had from General Washington down to Calvin Coolidge.

This is the letter:

WHITE HOUSE, *November 19, 1918.*

MY DEAR MR. SECRETARY: By an act of Congress of August 8, 1917, as you may remember, authorization is given for a committee, composed of the Secretary of War, the Secretary of the Navy, and the Secretary of Commerce, to investigate the advisability of the acquisition of the Cape Cod Canal by the Government.

Mr. President, that is the first word that was ever written, so far as disclosed by any record that I have been able to find, in regard to the Government purchasing the Cape Cod Canal.

If they should decide in favor of its acquisition, the Secretary of War is authorized either to make contract for its purchase or, in the event that a satisfactory contract can not be arranged, to institute condemnation proceedings through the Attorney General. In seems to me—

Says Mr. Wilson—

from every point of view desirable that we should acquire the canal and maintain it as a genuine artery, and I would be very much obliged if the committee thus designated could get together at an early date and proceed with this business in any way that they may think best.

I am writing to the same effect to the Secretary of the Navy and the Secretary of Commerce.

On the strength of that letter, Mr. Wilson, the vice president and general manager of the Cape Cod Canal Co., came to Washington and had a conference with the Secretary of War. They were unable, however, to get together on the price of the property. The Secretary of War made the offer of $8,250,000, but Mr. Wilson, acting for his company, stated that it had cost the company a little more than $13,000,000, so they were unable to get together, and condemnation proceedings were begun.

Then, Mr. President, this property was turned over to the Government under a different act from the one under which the railroads were taken over. There was no provision made to return the property to the canal company; so at the expiration of the term and after the war, in undertaking to turn the property back, no provision had been made for any revenue to be returned to the company for the use of the property during the 20 months. Condemnation proceedings were begun on October 24, 1919.

Mr. President, with all the attorneys the Government has in the Department of Justice, it was thought best to go outside and secure attorneys from Massachusetts to handle the business. So a very eminent man, a very competent attorney in the State of Massachusetts, Mr. Nathan Matthews, was engaged to handle this case before the court in Massachusetts. Hon. Sherman Whipple was engaged for the canal company. Those attorneys "went to the mat," and for 21 days they conducted the case in the courts of Massachusetts. A verdict for the canal company was finally rendered of $16,801,201.11.

Mr. President, in determining the amount that should be paid by the Government for the property, reliance was very largely placed upon the accounts of the company. The accounts of the company were kept so that the Board of Public Utilities of the State of Massachusetts were entirely satisfied; and, although there were such accounts available, the Government itself had Price, Waterhouse & Co., the leading accountants of Massachusetts, going over the books of the company for three months in order to determine the cost of the canal. Mind you, there were two or three men for three months going over the books of this company, and when they finally made their decision it was within a very few thousand dollars of the amount that the canal company itself had determined upon. Price, Waterhouse & Co. were paid $25,000 for that audit; it ought to have been worth something to the Government; and yet, relying on the evidence of the company, the verdict I have indicated was rendered.

The Government had some of the leading experts of the country. It had General Goethals as an expert, who, Senators all know, was one of the leading spirits in the construction of the Panama Canal. General Goethals testified in favor of the acquisition of the canal. Every man who was connected in any way with the military affairs of the Government—and there have been 132 witnesses before the committees of Congress, first and last—every engineer of the Government has recommended that the Government should own this property. General Goethals testified at that time, about four years ago—to be exact, I think it was just four years ago—that the canal would cost $27,000,000 to build. His testimony and evidence ought to be worth something, for he knows a great deal about canals.

However, Senators, there was another man whose testimony I esteem very much higher than even that of General Goethals. I refer to Patrick McGovern, a young Irishman who landed in this country at the age of 18 years, who went to work in the gutter with a pick and shovel, and in 12 years became the largest contractor in the whole world. He is a very successful contractor; he does not use a pencil very much; he gives his judgment by looking at a proposition; and he testified that this canal could not be built for less than $27,000,000. The Government had other experts present, no one of whom but testified that the property would cost from 30 to 70 per cent more than had been decided upon by the Secretary of War as the price to be paid by the Government.

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

Mr. FERNALD. Yes.

Mr. WHEELER. What are the bonds selling for at the present time?

Mr. FERNALD. I do not know that any of them are for sale; I think they are owned largely by the same people who built the canal.

Mr. WHEELER. Are they on the market at all?

Mr. FERNALD. I do not know as to that.

Mr. WHEELER. Is the canal paying at the present time?

Mr. FERNALD. Since the litigation proceedings the canal is being operated for the Government by Captain Colbeth "for whom it may concern." After the Government took over this property in 1918, instead of advancing rates, as was done in the case of the railroads, the rates of toll were maintained at the same level, and not only were the rates maintained at the same level but some of the largest boats which paid the heaviest tolls were taken off. For instance, the Eastern Steamship Co. had two boats going back and forth between New York and Boston that paid something over $1,000 a day. Both of those boats were taken off and used in the foreign service and smaller boats were put on.

Under this contract—and this is the reason I am desirous of holding fast to the contract—made by the Secretary of War and Canal Co., after weeks of consideration, it was determined that whatever money was left in the treasury after paying the operating expenses—and the operating expenses consist not only of keeping the canal cleaned with dredges but interest on the floating debt—should be kept for the Government. The canal company, under the direction of Captain Colbeth, must at any rate turn back at least $100,000 a year. I understand, although I am not positive about the amount, that there is now $288,000 in the treasury which will be turned back under this agreement.

Mr. WHEELER. What I meant was this: What interest is the company earning at the present time, if any, upon the investment?

Mr. FERNALD. I am unable to answer the Senator.

Mr. WHEELER. Can the Senator state about what rate of interest is being earned?

Mr. FERNALD. The stock, of course, is worthless at this time.

Mr. WHEELER. What rate of interest is it earning upon $11,000,000?

Mr. FERNALD. The income last year was a little over $400,000.

Mr. FLETCHER. My recollection is that the net income is about $200,000 over and above operating expenses.

Mr. FERNALD. I was speaking of the gross income.

Mr. HOWELL. Mr. President——

Mr. FERNALD. I yield to the Senator from Nebraska.

Mr. HOWELL. I wish to say that there was a deficit last year of a sum in the neighborhood of $600,000, and there has been a deficit——

Mr. FERNALD. If the Senator will permit me, I will give him the exact earnings.

Mr. HOWELL. Very well.

Mr. FERNALD. I have the record here from the books of the company, as submitted by Price-Waterhouse & Co. for last year, 1924, which shows that the earnings were $447,900. That was the gross income. Now, if the Senator will allow me——

Mr. HOWELL. Just a moment. I wish to give the figures showing the deficit for the years according to Price-Waterhouse & Co.

Mr. FERNALD. If the Senator will allow me to go on—I have only three minutes left—I will be glad to-morrow to hear what he has to say if we are allowed to consider this question.

Mr. HOWELL. I thought the misapprehension might obtain that this canal was making money.

Mr. FERNALD. It is not making any money now; nobody is making that contention.

Mr. HOWELL. Then will the Senator admit that it is losing money at the rate of about $600,000 a year?

Mr. FERNALD. No; I will not.

Mr. HOWELL. Then I should like to make it clear that that is the case.

Mr. FERNALD. Let me go on and I will explain why the company is not making as much money as it should.

Mr. UNDERWOOD. Mr. President, if the Senator will allow me for a moment——

Mr. FERNALD. I yield.

Mr. UNDERWOOD. I ask unanimous consent that the Senator from Maine may be allowed to conclude his remarks before we go into the executive session as contemplated. How long will it take the Senator, I will inquire?

Mr. FERNALD. I have three minutes longer. I should like a somewhat longer time than that.

Mr. UNDERWOOD. I suggest, then, that the Senator be given until a quarter of 6.

Mr. FERNALD. That would do.

Mr. UNDERWOOD. I ask unanimous consent that the Senator from Maine may proceed, if he wants that much time, until a quarter to 6.

The PRESIDING OFFICER (Mr. STERLING in the chair). The unanimous-consent agreement is that at 5.30 o'clock the Senate shall go into executive session.

Mr. UNDERWOOD. But I am asking unanimous consent to modify that order.

Mr. WHEELER. Mr. President, this matter will take all day to-morrow.

Mr. LENROOT. The debate can not be concluded upon this subject to-night, in any event, and some of us would like to question the Senator from Maine.

Mr. UNDERWOOD. Very well.

Mr. WHEELER. I do not like to object to the request for unanimous consent, but this subject is going to take very much longer than the Senator realizes, perhaps.

Mr. UNDERWOOD. I only thought that the Senator from Maine has been very patient and that he should be given an opportunity to conclude his remarks, so that they may appear in the RECORD in completed form; that was all.

Mr. FERNALD. I thank the Senator, but I realize that we have about reached the time when the unanimous-consent agreement takes effect.

Mr. ASHURST. Mr. President, if the Senator will yield to me, I think we ought to spend to-night on this and other bills and cancel the unanimous-consent order which we have previously entered into in regard to the consideration of bills on the calendar.

Mr. SMOOT. We can not do that now.

Mr. FERNALD. Mr. President, I assume that some time will be occupied to-morrow in the debate, and I should like to be recognized in order that I may conclude my remarks when the matter shall be taken up to-morrow, as I assume that it will be taken up.

Mr. WALSH of Massachusetts. I ask unanimous consent that when the Senate convenes to-morrow the Senator from Maine may be recognized to continue his speech.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. FERNALD. Then I will yield the floor now.

CLAIMS ALLOWED BY GENERAL ACCOUNTING OFFICE (S. DOC. NO. 220)

The PRESIDING OFFICER (Mr. STERLING in the chair) laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, schedules of claims, in total amount $21,922.25, allowed by the General Accounting Office under appropriations the balances of which have been exhausted or carried to the surplus fund of the Treasury under the provisions of law, for the service of the several departments and independent offices, etc., which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

EXECUTIVE SESSION

The PRESIDING OFFICER. The hour of 5 o'clock and 30 minutes having arrived, the Senate, under the agreement heretofore entered into, will proceed to the consideration of executive business.

Thereupon the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

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 the amendments of the House 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 House had receded from its disagreement to the amendment of the Senate No. 2 to the bill (H. R. 11505) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1926, and for other purposes, and concurred therein; that the House had receded from its disagreement to the amendment of the Senate No. 11 to said bill, and concurred therein with an amendment, in which it requested the concurrence of the Senate; and that the House insisted on its disagreement to the amendment of the Senate No. 5.

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 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; and that the House further insisted upon its disagreement to the amendments of the Senate to the said bill.

DISTRICT OF COLUMBIA APPROPRIATIONS—CONFERENCE REPORT

Mr. PHIPPS submitted the following 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.

L. C. PHIPPS,
W. L. JONES,
L. HEISLER BALL,
Managers on the part of the Senate.
C. R. DAVIS,
FRANK H. FUNK,
W. A. AYRES,
Managers on the part of the House.

The report as agreed to.

THE CALENDAR

The PRESIDING OFFICER (Mr. STERLING in the chair). The Secretary will state the first bill on the Calendar under the unanimous-consent agreement.

Mr. SHEPPARD. Mr. President, with what bill do we begin?

The PRESIDING OFFICER. With Order of Business 1180, House bill 6869.

The first business on the Calendar under the unanimous-consent agreement was the bill (H. R. 6869) to authorize allotments of lands to Indians of the Menominee Reservation in Wisconsin, and for other purposes.

Mr. COPELAND. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

NAVAJO INDIAN RESERVATION, ARIZ.

The bill (H. R. 11361) to provide for exchanges of Government and privately owned lands in the additions to the Navajo Indian Reservation, Ariz., by Executive orders of January 8,

1900, and November 14, 1901, was considered as in Committee of the Whole.

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

LANDS IN NORTH AND SOUTH DAKOTA

The bill (H. R. 10592) to amend an act entitled "An act authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government land purchases within the former Cheyenne River and Standing Rock Indian Reservations, N. Dak. and S. Dak.," was considered as in Committee of the Whole, and was read.

Mr. KING. Mr. President, I have no objection to the consideration of the bill. I should like to ask, however, whether or not the passage of this bill will jeopardize in any way the rights of the Indians—whether it will postpone payments to which they are entitled; in other words, whether it gives an advantage to the white settlers, as the result of which disadvantage inures to the Indians.

Mr. STERLING. Mr. President, I will say to the Senator from Utah that I think not. There has been a precedent for legislation of this kind before on account of hard conditions.

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

DISTRICT OF COLUMBIA APPROPRIATIONS

Mr. PHIPPS. Mr. President, I ask that the request from the House for a further conference on House bill 12033 be laid before the Senate.

The PRESIDENT *pro tempore* laid before the Senate the following message from the House of Representatives, which was read:

IN THE HOUSE OF REPRESENTATIVES,
February 27, 1925.

Resolved, That the House further insists upon its disagreement to the amendments of the Senate to the bill (H. R. 12033) entitled "An act 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."

Mr. PHIPPS. Mr. President, I understand that the conferees on the part of the House have authority to confer fully and freely with the representatives of the Senate. I therefore move that the Senate agree to the conference and insist upon its amendments and that the Cflair appoint the conferees on the part of the Senate.

Mr. KING. Mr. President, I should like to inquire what the matter in disagreement is. Does it relate to the $11,000,000 or $9,000,000?

Mr. PHIPPS. It relates, for one thing, to the $11,000,000 or $9,000,000, and on that matter the conferees have had no conversation whatever as yet. We expect to have an early meeting with the representatives of the House, either to-night or early to-morrow morning. The other matter in dispute is that of arranging for the traffic court, which is made necessary by the passage of the traffic bill, which has been practically agreed upon.

Those are the only items in disagreement.

Mr. KING. May I say to the Senator that the traffic bill, which has been agreed upon so far as the conferees may do so, provides for the two judges and the necessary clerks, bailiffs, and machinery; so I do not know just what the bill which is now in conference and with which the Senator is connected has to do with that subject.

Mr. PHIPPS. The House put in items to cover those prospective appointments before the bill had passed, and in such form that the passage of the bill makes it necessary for some changes to be made, part of which can be cared for in the pending bill, the District appropriation bill, and, if necessary, added to in the deficiency appropriation bill which passed the House yesterday and is now under consideration in the Senate Appropriations Committee.

Mr. KING. But it does not attempt to change the legislation as to the personnel of the court, and their employees, and so forth?

Mr. PHIPPS. No; but it is proposed to provide the necessary funds to carry out the purpose of the new legislation.

The PRESIDENT pro tempore. The Senator from Colorado asks that the Senate insist upon its amendments and agree to a conference, and that the Chair appoint the conferees on the part of the Senate. Is there objection to this request? The Chair may as well say at this time that under the unanimous-consent agreement the calendar must be proceeded with, except by unanimous consent. Is there objection? The Chair hears none. The Chair appoints the Senator from Colorado [Mr. PHIPPS], the Senator from Delaware [Mr. BALL], the Senator from Washington [Mr. JONES], the Senator from Virginia [Mr. GLASS], and the Senator from Texas [Mr. SHEPPARD] managers on the part of the Senate at the further conference with the House of Representatives.

ORDER OF BUSINESS

Mr. BALL. Mr. President, I ask unanimous consent to present the conference report on Senate bill 4207.

Mr. CURTIS. Mr. President, I doubt if that ought to be done to-night. The Senate has agreed to consider unobjected bills on the calendar. I do not think we should object to the appointment of conferees, but when it comes to acting on a conference report I think that is a different matter, and I hope the Senator will not ask for it. He can do it to-morrow just as well. We have made this unanimous-consent agreement, and if any Senator should come in and complain that we have violated the unanimous-consent agreement the matter would have to be reconsidered.

The PRESIDENT pro tempore. The regular order is the consideration of the next bill on the calendar, which will be stated by the Secretary.

LARS O. ELSTAD

The bill (H. R. 7679) for the relief of Lars O. Elstad and his assigns and the exchange of certain lands owned by the Northern Pacific Railway Co. was considered as in Committee of the Whole.

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

AMENDMENT OF INTERSTATE COMMERCE ACT

The bill (S. 4183) to amend paragraph 11, section 20, of the interstate commerce act was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That paragraph 11, section 20, of the interstate commerce act, as amended, be, and the same hereby is, amended by inserting after the words "when transported on a through bill of lading" in each instance where they occur in said paragraph the words "or when property so transported on a through bill of lading is reconsigned or diverted in accordance with the applicable tariffs filed as in this act provided," so that all that portion of said paragraph preceding the word "*Provided*," as first appearing in said paragraph shall, as amended, read as follows:

(11) That any common carrier, railroad, or transportation company subject to the provisions of this act receiving property for transportation from a point in one State or Territory or the District of Columbia, to a point in another State, Territory, District of Columbia, or from any point in the United States to a point in an adjacent foreign country shall issue a receipt or bill of lading therefor and shall be liable to the lawful holder thereof for any loss, damage, or injury to such property caused by it or by any common carrier, railroad, or transportation company to which such property may be delivered or over whose line or lines such property may pass within the United States or within an adjacent foreign country when transported on a through bill of lading or when property so transferred on a through bill of lading is reconsigned or diverted in accordance with the applicable tariffs filed as in this act provided, and no contract, receipt, rule, regulation, or other limitation of any character whatsoever shall exempt such common carrier, railroad, or transportation company from the liability hereby imposed; and any such common carrier, railroad, or transportation company so receiving property for transportation from a point in one State, Territory, or the District of Columbia to a point in another State or Territory, or from a point in a State or Territory to a point in the District of Columbia, or from any point in the United States to a point in an adjacent foreign country, or for transportation wholly within a Territory, shall be liable to the lawful holder of said receipt or bill of lading or to any party entitled to recover thereon, whether such receipt or bill of lading has been issued or not, for the full actual loss, damage, or injury to such property caused by it or by any such common carrier, railroad, or transportation company to which such property may be delivered or over whose line or lines such property may pass within the United States or within an adjacent foreign country when transported on a through bill of lading or when property so transported on a through bill of lading is reconsigned or diverted in accordance with the applicable tariffs filed as in this act provided, notwithstanding any limitation of liability or limitation of the amount of recovery or representation or agreement as to value in any such receipt or bill of lading, or in any contract, rule, or regulation, or in any tariff filed with the Interstate Commerce Commission; and any such limitation, without respect to the manner or form in which it is sought to be made, is hereby declared to be unlawful and void.

Mr. SHEPPARD. Mr. President, let me say that this bill makes certain the liability of an initial carrier on a through bill of lading for damages occurring to goods shipped through

the negligent acts of a subsequent carrier where shipment has been diverted to a new destination. It has been very carefully studied, and was recommended by the Interstate Commerce Commission, and also by the Committee on Interstate Commerce of the Senate.

Mr. WATSON. Did the Senator say that this had been approved by the Interstate Commerce Commission?

Mr. SHEPPARD. Yes; and also by the Committee on Interstate Commerce.

Mr. WATSON. The Senator from South Carolina [Mr. SMITH] does not seem to be in the Chamber——

Mr. SHEPPARD. The Senator from South Carolina made the report on the bill, I say to the Senator from Indiana. I desire to offer an amendment, on page 2, line 14, where the word "transferred" should be stricken out and the word "transported" substituted in its place.

The amendment was agreed to.

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

AMENDMENT OF MINING LAWS

The bill (H. R. 4148) to modify and amend the mining laws in their application to the Territory of Alaska, and for other purposes, was announced as next in order.

Mr. WILLIS. I do not desire to object, but I think there ought to be some explanation of that bill. I notice the Senator from Nevada here. What would be the effect of this bill?

Mr. ODDIE. It is the purpose of the bill to correct some defects in the mining laws with reference to Alaska in relation to the patenting of fractional mining claims.

Mr. WILLIS. I do not object.

Mr. ODDIE. It is a very necessary measure.

The bill was considered as in Committee of the Whole. The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PEARL RIVER BRIDGE, MISS.

The bill (H. R. 9825) to extend the time for the construction of a bridge across Pearl River at approximately 1½ miles north of Georgetown, in the State of Mississippi, was considered as in Committee of the Whole and was read.

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

HUMPHREYS CREEK BRIDGE, MARYLAND

The bill (H. R. 10277) to extend the time for the construction of a bridge across Humphreys Creek at or near the city of Sparrows Point, Md., was considered as in Committee of the Whole and was read.

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

LANDS AND FUNDS OF OSAGE INDIANS

The bill (S. 872) to amend section 1 of the act of Congress of March 3, 1921 (41 Stat. L. p. 1249), entitled "An act to amend section 3 of the act of Congress of June 28, 1906, entitled 'An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes,'" was announced as next in order.

Mr. HARRELD. I do not know what the bill is doing on the calendar. It has been already enacted into law, having been signed by the President to-day.

The PRESIDENT pro tempore. The bill will be indefinitely postponed.

CASA GRANDE RUINS NATIONAL MONUMENT

The bill (S. 3826) to restore to the public domain certain lands within the Casa Grande Ruins National Monument, and for other purposes, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That there is hereby restored to the public domain the west half and southeast quarter of the southwest quarter of the northwest quarter of the southwest quarter of section 16, township 5 south, range 8 east of the Gila and Salt River principal meridian, a part of the Casa Grande Ruins National Monument, Ariz., needed for right of way in constructing a canal to provide irrigation facilities for lands of the Pima Indians, and hereafter the President of the United States is authorized in his discretion to eliminate lands from national monuments by proclamation.

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

BILL PASSED OVER

The bill (H. R. 10025) to provide for the permanent withdrawal of certain described lands in the State of Nevada for the use and benefit of the Indians of the Walker River Reservation, was announced as next in order.

Mr. KING. I would like to ask whether the senior Senator from Nevada or the junior Senator from Nevada approves of this bill.

Mr. ODDIE. I ask that the bill go over for a few minutes until I can look into it.

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

LANDS OF WINNEBAGO INDIAN RESERVATION

The bill (H. R. 11358) to authorize the Secretary of the Interior to cancel restricted fee patents covering lands on the Winnebago Indian Reservation and to issue trust patents in lieu thereof, was considered as in Committee of the Whole and was read.

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

REMOVAL OF RESTRICTIONS ON KANSAS OR KAW INDIANS, OKLAHOMA.

The bill (H. R. 11359) to authorize the Secretary of the Interior to issue certificates of competency removing the restrictions against alienation on the inherited lands of the Kansas or Kaw Indians in Oklahoma, was announced as next in order.

Mr. KING. Of course, Mr. President, these bills are new to most of us. I perceive that this bill authorizes the Secretary of the Interior to remove the restrictons against alienations covering all or any part of the inherited lands of the Kansas or Kaw Indians in Oklahoma. I know in some instances the inhibition against alienation has been withdrawn, and lands soon wrested from the Indians, and in a little while they became public charges. I have in mind a reservation in my State, where the Indians owned the land, it was parceled to them in fee, and the restriction imposed originally to their alienation of the land was removed. I do not think 10 years elapsed before every foot of the land, substantially all the land, was owned by white people, and the Indians had no land. I am always suspicious of legislation that permits Indians to alienate their land, unless they have demonstrated their competency and their capacity to protect themselves against the aggressions of the whites. I would like to ask the Senator from Oklahoma whether these Indians measure up to that standard of competency that he thinks makes them able to hold their own against the aggressions of the whites.

Mr. HARRELD. I will answer the Senator from Utah by saying that the senior Senator from Kansas [Mr. CURTIS] is a member of that tribe, and I will let him answer the question.

Mr. CURTIS. Mr. President, most of the members are perfectly able to take care of themselves, but I think the bill had better go over, because I have had letters from some of the members saying they are opposed to its passage. I may state that with the exception of a very few, they have handled their property very ably.

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

WITHDRAWAL OF LAND FOR NAVAJO INDIANS

The bill (H. R. 11360) to provide for the permanent withdrawal of a certain 40-acre tract of public land in New Mexico for the use and benefit of the Navajo Indians was considered as in Committee of the Whole and was read.

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

PURCHASE OF LAND IN CEDAR CITY, UTAH, FOR PIUTE INDIANS

The bill (H. R. 11362) to authorize an appropriation for the purchase of certain lots in the town of Cedar City, Utah, for the use and benefit of a small band of Piute Indians located thereon, was considered as in Committee of the Whole and was read.

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

TRUCKEE-CARSON IRRIGATION DISTRICT, NEVADA

The bill (S. 4025) to reimburse the Truckee-Carson irrigation district, State of Nevada, for certain expenditures for the operation and maintenance of drains for lands within the Paiute Indian Reservation, Nev., was announced as next in order.

Mr. ODDIE. I ask that the bill may go over temporarily.

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

Mr. ODDIE subsequently said: I ask that we recur to Senate bill 4025. The bill was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment, on page 2, line 1, after the word "State" and the period, to insert: "The money herein authorized to be appropriated shall be reimbursed to the Treasury of the United States under such rules and regulations promulgated by the Secretary of the Interior in accordance with provisions of the law applicable to the Indian lands benefited," so as to make the bill read:

Be it enacted, etc., That there is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated, the sum of $611.55, or so much thereof as may be necessary, to reimburse the Truckee-Carson Irrigation District, State of Nevada, for necessary expenditures incurred and to be incurred by said district during the years 1924 and 1925, in operating and maintaining irrigation drains for lands under water-right application, located within the limits of the Paiute Indian Reservation in said State. The money herein authorized to be appropriated shall be reimbursed to the Treasury of the United States under such rules and regulations promulgated by the Secretary of the Interior in accordance with provisions of the law applicable to the Indian lands benefited.

The amendment was agreed to.

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

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

CAHUILLA INDIAN RESERVATION LANDS

The bill (S. 4042) to authorize the Secretary of the Interior to purchase certain land in California to be added to the Cahuilla Indian Reservation, and authorizing an appropriation of funds therefor, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to purchase from Frank N. Clark a certain tract of land containing approximately 20 acres situated in the southwest quarter of section 5, township 8 south, range 3 east of San Bernardino meridian in California, adjacent to the Cahuilla Reservation, the legal description and area of said tract to be accurately determined: *Provided*, That said land when purchased shall be added to and become a part of the Cahuilla Indian Reservation: *Provided further*, That the sum of $2,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to cover the purchase price of the land.

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

MILWAUKEE JOURNAL

The bill (S. 4243) for the relief of the Milwaukee Journal, of Milwaukee, Wis., was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the General Accounting Office be, and it is hereby, authorized, notwithstanding the provisions of section 3828, Revised Statutes, to adjust and settle the claim of the Milwaukee Journal, of Milwaukee, Wis., in the amount of $33.34, for publication of an advertisment for sale of the Oneida Indian School plant, at Oneida, Wis., during January, February, and March, 1923, and to certify same for payment from the fund "Indian moneys, proceeds of labor," derived from the sale of products of the Oneida School farm.

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

PRICE OF GASOLINE

The resolution (S. Res. 337) directing the Federal Trade Commission to investigate the causes of the increase in the price of gasoline, was announced as next in order.

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

F. M. GRAY, JR., CO.

The bill (S. 2630) for the relief of F. M. Gray, Jr., Co., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 6, to strike out "$13,568.92, plus interest," and to insert in lieu thereof "$2,500," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to F. M. Gray, Jr., Co., of Milwaukee, Wis., the sum of $2,500, being the amount of damages incurred between the 12th day of December, 1921, and the 31st day of March, 1922, by reason of the action of the Engineering Department of the Government shutting off water and steam at well being drilled at the Edward Hines, Jr., Hospital, Chicago, Ill.

The amendment was agreed to.

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

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

MALLORY STEAMSHIP CO.

The bill (S. 2881) for the relief of the Mallory Steamship Co., was considered as in Commitee of the Whole.

Mr. FLETCHER. Mr. President, a bill identical with this was reported by the House committee and passed in the House, and is on the calendar as Order of Business 1313, House bill 8037. The same report has been made on that bill as on the Senate bill. There is one amendment suggested to the House bill. I would be glad to see the bill pass just as it passed the House, and I move that we substitute the House bill for the Senate bill.

The PRESIDENT pro tempore. Does the Senator ask for the immediate consideration of the House bill?

Mr. FLETCHER. I do.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8037) for the relief of the Mallory Steamship Co., which had been reported from the Committee on Claims with an amendment, on page 2, line 2, to strike out the words "including interest," so as to make the bill read:

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 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.

Mr. FLETCHER. I ask that the amendment be disagreed to.

The amendment was rejected.

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

STATE BANK & TRUST CO. OF FAYETTEVILLE, TENN.

The bill (H. R. 1076) for the relief of the State Bank & Trust Co. of Fayetteville, Tenn., was announced as next in order.

Mr. KING. Let that go over.

Mr. McKELLAR. Mr. President, I desire to make a very short statement to the Senate with reference to this bill.

In December, 1920, the State Bank of Fayetteville, Tenn., registered bonds amounting to about $1,800 to the Hanover National Bank in New York. Those bonds were stolen in the post office in New York.

Under the postal rules and regulations it was required that when the bonds were sent to a certain room for delivery a receipt should be taken, but this was not done. An inspection was made, and the bonds were finally traced to three persons. It seems there was no reason why they could not have been traced to the person who actually stole them, but that was not done. Under the law as to registry receipts the Government could only pay $50, and $50 was paid.

A bill was introduced in the House of Representatives for the relief of the bank for the loss of those bonds, and the House passed the bill. It came to the Senate with an adverse letter from the Secretary of the Treasury, Mr. Mellon, saying that he did not think it was a case where the Government ought to make payment. The matter was later called to the attention of the Secretary of the Treasury; the facts of the negligence of the Post Office Department were called to his atten-

tion. I want to read a letter from the Secretary of the Treasury taking back his former opinion. He now says:

My attention has just been called to certain evidence which was not before the Treasury Department at the time my letter was written. These facts in brief show that the case was not an ordinary one of robbery, but was due primarily to the failure of the New York post office to follow postal laws and regulations.

Unquestionably the State Bank & Trust Co. in sending bonds by registered mail had the right to have such registered mail handled in accordance with the postal laws and regulations, with all the protection and safeguards afforded by such laws and regulations, and as the loss apparently was occasioned by the failure to observe such laws and regulations, I withdraw my objection to the passage of the bill.

Before that was done the Claims Committee had referred the matter to my good friend, the junior Senator from Delaware [Mr. BAYARD]. The Senator from Delaware came to the conclusion that when the State bank registered the bonds it should have taken out an insurance policy to guard against just what happened. While I have the utmost respect for any conclusion reached by the Senator from Delaware, for we all know how careful and painstaking he is, yet there is no question on earth about the bonds having been lost through the negligence and absolute violation of the postal rules and regulations of the department. Under those circumstances it seems to me it is manifestly fair for the bill to be passed.

I want to call the attention of the Senate to the further fact that Congressman DAVIS, from whose district in Tennessee the case comes, called upon the Treasury Department to give him notice when the stolen bonds appeared. The department acknowledged his letter, and about a year after they had appeared through one of the banks in New York and had been refunded the Secretary notified Mr. DAVIS. It seems to me under all these circumstances that the State Bank & Trust Co. should be repaid, and while there is an adverse report of the committee by the Senator from Delaware, I am quite confident that a majority of the Committee on Claims feel that it is a just claim. I see some Senators present who were there, and I hope they will make some statement about it. I earnestly hope the Senator from Delaware will not insist upon a technicality, as it seems to me, and will let the merits of the case control and a just repayment in the matter be made.

Mr. BAYARD rose.

Mr. WILLIS. Mr. President——

The PRESIDENT pro tempore. The matter is not debatable.

Mr. WILLIS. I desire to get some information.

The PRESIDENT pro tempore. The Senator from Delaware has objected.

Mr. BAYARD. Oh, no, Mr. President, I did not object. The Senator from Utah objected.

Mr. KING. I objected.

Mr. McKELLAR. Will the Senator withhold his objection temporarily?

Mr. KING. I will withhold the objection temporarily, but I have read the report made by the Senator from Delaware [Mr. BAYARD], and I think he is right, notwithstanding the eloquence of the Senator from Tennessee.

Mr. BAYARD. Before the bill goes to a vote, if the objection shall be withdrawn, I wish to make just a brief statement. I do not disagree with the statement of fact made by the Senator from Tennessee, but I call the attention of the Senate to this fact. Here was a banking institution having in its charge certain moneys and securities. Those securities were worth a little less than $2,000. It took the securities to the post office in Tennessee, in Fayetteville, and registered them under the ordinary registry form, paying a 10-cent fee. It is charged with the knowledge when it does that that the Government of the United States says "We will take these bonds and safeguard them, but in the event of loss, no matter how that loss occurs, we will not pay more than $50." That was the contract made.

What happened, as a matter of fact, had nothing to do with the case, even if it were a fact, as I think it is, that the bonds were lost in the New York post office through negligence on the part of employees there in not taking the proper receipt from person to person. But if we undertake to pass the bill and to recompense the bank as they claim—compensation in the full amount of the loss—we establish the proposition that anybody can go to a post office, register any amount of money or any amount of bonds or securities, and pay the ordinary fee to the Government, even though the Government says in the event of loss they will pay but $50, and then if there is a loss and the party could show the actual loss was due to employees of the Government, they can break that contract and recover the full amount involved. In other words, we establish a very dangerous precedent in regard to the breaking of contracts.

I will say further that the matter was discussed last fall when a similar bill came before the committee and the Senate committee reported adversely. When the House bill came over Congressman DAVIS argued the case very extensively and left the committee very much impressed with the case, but they turned it over to me as a subcommittee, and after examination I made a full and exhaustive report and the committee unanimously sustained the report now before the Senate.

Mr. KING. Mr. President, I insist upon my objection. I think it is too dangerous a precedent to establish.

The PRESIDENT pro tempore. Objection is made and the bill goes over.

Mr. McKELLAR. Mr. President, I ask unanimous consent to have printed in the RECORD in connection with the bill just under consideration the report of the House Committee on Claims, the two letters of the Secretary of the Treasury, together with a copy of the bill which has been under consideration.

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

The matter referred to is as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to the State Bank & Trust Co., of Fayetteville, Tenn., out of any money in the Treasury not otherwise appropriated, the sum of $1,779.84; such sum being the amount of actual loss sustained by the bank by reason of the theft or loss of certain Liberty bonds while being transmitted as registered mail.

[Report No. 920, Sixty-eighth Congress, first session]

STATE BANK & TRUST CO., FAYETTEVILLE, TENN.

Mr. EDMONDS, from the Committee on Claims, submitted the following report to accompany H. R. 1076:

The Committee on Claims, to whom was referred the bill (H. R. 1076) for the relief of the State Bank & Trust Co., of Fayetteville, Tenn., having considered the same, report thereon with a recommendation that it do pass.

STATEMENT OF FACTS

On December 16, 1920, the State Bank & Trust Co., of Fayetteville, Tenn., sent certain United States bonds, of par value of $1,950, by registered mail addressed to the Hanover National Bank, New York City. The said State Bank & Trust Co. paid $1,829.84 cash for said bonds.

The Hanover National Bank having failed to receive said bonds, the matter was reported to the Post Office Department and referred by it to the chief inspector for investigation. As reported by the chief inspector, it developed upon investigation that the registered letter containing said Liberty bonds "was received at the registry division of the New York post office on December 19, 1920, and that it was subsequently transferred to the manifold room of that office, where trace of it was lost. * * * And that it was impossible, from the records, to place responsibility for the loss * * * as the system in use at that time (in the New York post office) did not provide an individual record of each register so transferred to the manifold room. However, many discrepancies have been discovered, it is stated by the inspector, in the manifold room for December 19, 1920, from which it appears that register No. 760 (the one in question) was received in that room and stolen by an employee. It is also stated by the inspector that 17 clerks were employed in that room, any one of whom may have had access to the register, though in regular course it would have been received for entry by one of three clerks."

In another letter upon the subject the acting chief inspector stated:

"This register was traced to the registry division of the New York post office; that further record thereof could not be found to show which of 17 former postal clerks subsequently handled the register * * * due to the system in vogue in handling registered mail in the New York City post office, such system being adopted due to the voluminous amount of registers to be handled and the numerous registry clerks it was necessary to employ."

The said letter of the acting chief inspector concluded as follows:

"While the register in question was not recovered or responsibility fixed for the loss thereof, I feel that the investigation made has served a useful purpose in that it has had an effect upon the registry division of the New York City post office that will be beneficial to the Post Office Department and its patrons."

It thus clearly appears that the theft of this register was made possible and the fixing of the guilt upon the thief rendered impossible by the failure to keep an individual record of each register transferred to the manifold room by which the clerk in the manifold room receiving

such register would have been required to receipt therefor and to have taken a receipt therefor from the postman to whom he delivered same for delivery to the sendee; and such failure to keep such individual records appears to have been in accordance with the system permitted to exist in the New York post office at the time; all of which was in clear violation of the postal laws and regulations.

Seventy-four pages of the last edition of the Postal Laws and Regulations are devoted to various stringent laws and regulations designed to protect and insure the safe delivery of registered letters and packages; it is unequivocally provided and reiterated that each postal official or employee handling a register shall execute a receipt to the person from whom he receives it and require a receipt from the one to whom he delivers it.

Therefore the Committee on Claims finds that the loss of this register (containing the Liberty bonds as aforesaid) was the direct result of negligence and violation of the postal laws and regulations by officials in the New York post office.

The Post Office Department promptly paid the sender $50, which was the maximum amount the department is authorized to pay for the loss of a register.

Section 940 of the Postal Laws and Regulations provides:

"Postmasters and other postal employees will be held personally responsible by the Post Office Department for the wrong delivery, depredation upon, or loss of any registered letter or parcel if such wrong delivery, depredation, or loss be due to negligence or disregard of the regulations."

Section 144 of the Postal Laws and Regulations expressly imposes upon the chief inspector the duty of investigating all losses and of collecting the amount of the loss from the official or officials in default, such recovery to be paid to the sender or owner of the mail in question. It is the general practice to act in accordance with such direction and for the postmaster or other official held responsible to come to Congress for relief if the loss occurred under such circumstances as that it appears he is entitled to such relief.

However, in this instance, while admitting the facts as herein before stated, the chief inspector declined to hold the New York postmaster or other officials responsible, his excuse for not enforcing the collection being predicated upon the large volume of work in the New York post office and that such enforced collection "would be based on grounds extremely technical and would probably not be a practical remedy, inasmuch as the insolvency of the postmaster and his consequent inability to pay subsequent claims would naturally follow." However, the law is explicit in making postmasters and other postal employees personally responsible for the loss of any register, if same be due to negligence or disregard of the regulations, and no exception is made in favor of any post office or class of post offices or in any case whatsoever.

Of course, the statute fixing the limit which the Post Office Department is authorized to pay as an indemnity for the loss of a register does not preclude the Congress from authorizing the payment for the balance of the loss sustained by the claimant, if the facts warrant such action. Congress would clearly not be justified in authorizing any payment for the value of a lost register beyond the $50 which the Post Office Department is authorized to pay unless it be clearly shown that the loss is due to negligence of the postal employees or the failure to observe the Postal Laws and Regulations provided to insure the safe handling and delivery of the register.

When the State Bank & Trust Co. sent the Liberty bonds by registered mail it had a right to have same transmitted in accordance with the Postal Laws and Regulations, and with all the protection and safeguard afforded by such rigid laws and regulations, and they had a legal right to assume that the register would be handled accordingly. This was clearly not done. The case under consideration is in no sense comparable to a loss due to destruction by fire, storm, wreck, robbery, or for a loss that can not be clearly accounted for, or to any case where the loss was not due to the negligence or disregard of the Postal Laws and Regulations on the part of postal officials or employees.

TREASURY DEPARTMENT,
Washington, May 8, 1924.

MY DEAR MR. CHAIRMAN: I have received your letter of April 26, 1924, transmitting for report a copy of H. R. 1076, a bill for the relief of the State Bank & Trust Co., Fayetteville, Tenn., on account of loss sustained by that bank by reason of the theft or loss of certain Liberty bonds while being transmitted by registered mail.

The department records show that on March 8, 1921, Congressman EDWIN L. DAVIS reported that a registered letter containing coupon Liberty bonds and Victory notes valued at $1,950, mailed by the State Bank & Trust Co., Fayetteville, Tenn., on December 16, 1920, to the Hanover National Bank, New York, N. Y., had been lost in transit. It is believed that H. R. 1076 is designed to grant relief on account of this letter, and copies of correspondence on file in the department in regard to the loss of the bonds and notes contained in such letter are therefore inclosed herewith. Your attention is invited to the fact that a number of the bonds and notes have been received in the department in the regular course of business, and that Mr. DAVIS has been furnished with all available information relative thereto.

Since H. R. 1076 does not provide for the issue of duplicates in lieu of any specific bonds, but provides for payment of indemnity for the loss of the registered letter in an amount in excess of that already provided for under existing Postal Laws and Regulations, it is thought that the matter is one to be reported on by the Post Office Department, and the copy of the bill forwarded to this department is accordingly returned herewith.

However, as stated in my letter of December 21, 1922, to the chairman of the Committee on Claims of the Senate, concerning S. 3965, Sixty-seventh Congress, a bill identical with the bill now under consideration, the Treasury is opposed to the granting of relief in this case, because the granting of such relief will accomplish in its actual result what the Treasury has always opposed, the payment of money out of the Treasury on account of lost securities which have been or may eventually be presented for payment, exchange, or transfer, and which must be honored for a bona fide holder, thus making a double payment. In this respect the bill is no different from a number of bills and claims for relief which have been considered by your committee in connection with the issue of duplicate bonds or notes in lieu of lost bonds or notes and relief not granted. Furthermore, if Congress were to pass a bill of this character it would be likely to let loose a flood of similar legislation for those who have lost coupon securities in the mails and where relief has already been denied on claims for the issue of duplicates.

A copy of this letter is inclosed.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

Hon. G. W. EDMONDS,
Chairman Committee on Claims,
House of Representatives, Washington, D. C.

POST OFFICE DEPARTMENT,
Washington, D. C., May 9, 1924.

Hon. GEORGE W. EDMONDS,
Chairman Committee on Claims,
House of Representatives, United States.

MY DEAR MR. EDMONDS: In response to your communication of April 5, 1924, regarding bill H. R. 1076, introduced by Hon. EDWIN L. DAVIS, providing "That the Secretary of the Treasury is authorized and directed to pay to the State Bank & Trust Co. of Fayetteville, Tenn., out of any money in the Treasury not otherwise appropriated, the sum of $1,779.84, such sum being the amount of actual loss sustained by the bank by reason of the theft or loss of certain Liberty bonds while being transmitted as registered mail," you are informed that the department has uniformly refrained from recommending that favorable consideration be given relief measures similar to the one in question. It is believed that to do otherwise would place the department in the light of especially favoring certain individuals or firms and in effect would extend insurance not authorized by law nor paid for by postal patrons.

Fifty dollars, the maximum registry indemnity payable at the time of mailing, was paid in this case, and where mailers elect to send greater values than $100 (the maximum indemnity now payable) through the registered mails, they must of necessity assume the additional risk or take advantage, as many do, of the opportunity for additional insurance extended by private interests.

In this connection attention is invited to bill H. R. 6352, authorizing the Postmaster General to fix the fees chargeable and the indemnities for registered mail, and the report of the Committee on the Post Office and Post Roads of the House of Representatives (Rept. No. 232), fixing the limit of indemnity at $1,000 in any one case. If this bill is enacted into law it will permit claimants in cases like the one in question to receive a greater amount of registry indemnity than is now obtainable and will preclude attempts to obtain relief in ordinary cases through special legislation.

Very truly yours,

HARRY S. NEW,
Postmaster General.

THE SECRETARY OF THE TREASURY,
Washington, February 12, 1925.

Hon. EWIN L. DAVIS,
House of Representatives.

MY DEAR CONGRESSMAN: I am inclosing herewith for your information a copy of my letter of this date to chairman Committee on Claims, United States Senate, in regard to H. R. 1076.

I am glad to withdraw my objection to the bill in view of the additional facts which have been furnished me, but I feel the bill should be amended in the form suggested by me, as otherwise it is mislead-

ing and will cause trouble, especially by those who do not know the basis upon which relief is being granted.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

THE SECRETARY OF THE TREASURY,
Washington, February 12, 1925.

MY DEAR SENATOR: Reference is made to my letter of January 30, 1925, opposing the passage of H. R. 1076, "An act for the relief of the State Bank & Trust Co., Fayetteville, Tenn," on account of the loss or theft of a registered letter containing coupon Liberty bonds and Victory notes.

My attention has just been called to certain evidence which was not before the Treasury Department at the time my letter was written. These facts, in brief, show that the case was not an ordinary one of robbery, but was due primarily to the failure of the New York post office to follow postal laws and regulations.

Unquestionably the State Bank & Trust Co., in sending bonds by registered mail, had the right to have such registered mail handled in accordance with the postal laws and regulations, with all the protection and safeguards afforded by such laws and regulations, and as the loss apparently was occasioned by the failure to observe such laws and regulations I withdraw my objection to the passage of the bill, provided, however, that the bill be amended to properly show the true state of facts by the addition of the words—

"caused by the neglect or disregard of postal laws and regulations on the part of the postal officials or employees."

I think it is particularly important that this be done in order to show the distinction between this case and the general class of cases to which the Treasury objects. The bill in its present form is misleading and has misled the Treasury Department. It would, therefore, mislead other people who would promptly introduce bills without the full knowledge that the basis of relief in this case is entirely different from the ordinary case.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

HON. ARTHUR CAPPER,
Chairman Committee on Claims,
United States Senate.

JERE AUSTILL

The bill (H. R. 4913) to pay to Jere Austill fees earned as United States commissioner was considered as in Committee of the Whole and 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 Jere Austill, the sum of $772.35 for fees earned as United States commissioner for the southern district of Alabama during the year 1922.

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

ROBERT B. SANFORD

The bill (S. 4228) for the relief of Robert B. Sanford was announced as next in order.

Mr. GLASS. Mr. President, a similar bill passed the House, H. R. 10347, was referred to the Committee on Naval Affairs of the Senate and favorably reported and is on the clerk's desk. I move to substitute the House bill for the Senate bill.

The PRESIDENT pro tempore. Without objection the House bill will be substituted for the Senate bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10347) for the relief of Robert B. Sanford, which was read, 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: *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 bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SMOOT. Mr. President, the department says that they can not approve the bill. They disapprove of the bill.

Mr. WADSWORTH. Mr. President, I would like to inquire whether we are debating the next bill on the calendar or the one that was just passed?

Mr. SMOOT. I did not know the bill had passed.

Mr. GLASS. Yes; the bill did pass, and the Chair so announced.

Mr. SWANSON. I would like to make just a brief statement. The department has not recommended it for this reason. The law expired in October, 1921, for retirement of these men. This application was filed in September, 1921, 30 days before the time expired. On account of delay in the department in acting on it, it was not acted on in time, and this man was retired. He was a warrant machinist and was a lieutenant. Under the rule, where they filed their application before the 1st of October, 1921, they have been given relief. Those who did not so file were not given relief.

Mr. SMOOT. But the department say they can not recommend the passage of the bill.

Mr. GLASS. The department expected the passage of the omnibus bill for the relief of all such cases, and it was not passed. Notwithstanding that statement of the department, the Naval Committee of the House and the Naval Committee of the Senate unanimously approved the bill, and it has been passed.

OWNERS OF CARGO LADEN ABOARD THE U S., "FLORENCE LUCKENBACH"

The bill (S. 3231) for the relief of the owners of cargo laden aboard the U. S. transport *Florence Luckenbach* on or about December 27, 1918, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 2, line 5, striking out the words "including interest," so as to make the bill read:

Be it enacted, etc., That the claims of all owners of various shipments of merchandise which were laden on board the United States transport *Florence Luckenbach*, at the time hereinafter mentioned, against the United States of America for damages alleged to have been caused by water used to extinguish fire on or about the 27th day of December, 1918, at Locust Point, Baltimore, Md., may be sued for by the said owners of cargo in the District Court of the United States for the Southern District of New York, sitting as a court of admiralty and acting under the rules governing such court; and said court shall have jurisdiction to hear and determine such suits and to enter judgments or decrees for the amounts of such damages and costs, if any, as shall be found to be due against the United States in favor of the owners of said cargo, or against the owners of said cargo in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal: *Provided*, That such notices of the suits shall be given to the Attorney General of the United States as may be provided by orders of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suits shall be brought and commenced within four months of the date of the passage of this act.

The amendment was agreed to.

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

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

OWNERS OF STEAMSHIP "BASSE INDRE"

The bill (S. 3232) for the relief of the owners of the steamship *Basse Indre* and all owners of cargo laden aboard said vessel at the time of her collision with the steamship *Housatonic* was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 2, line 6, to strike out the words "including interest," so as to make the bill read:

Be it enacted, etc., That the claims of the owners of the steamship *Basse Indre* and the claims of all owners of various shipments of merchandise which were laden on board of the steamship *Basse Indre*, at the time hereinafter mentioned, against the United States of America for damages alleged to have been caused by collision between the steamship *Basse Indre* and the steamship *Housatonic* on the 23d day of May, 1919, in the Bay of Biscay, may be sued for by the said owners of the steamship *Basse Indre* and by the said owners of cargo in the District Court of the United States for the Southern District of New York sitting as a court of admiralty and acting under the rules governing such court; and said court shall have jurisdiction to hear and determine such suits and to enter judgments or decrees for the amounts of such damages and costs, if any, as shall be found to be due against the United States in favor of the owners of said steamship *Basse Indre* and in favor of the said owners of various shipments of merchandise which were laden on board of the steamship *Basse Indre*, or against the owners of said steamship *Basse Indre*, and the said owners of various shipments of merchandise which were

laden on board of the steamship *Basse Indre* in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notices of the suits shall be given to the Attorney General of the United States as may be provided by orders of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suits shall be brought and commenced within four months of the date of the passage of this act.

The amendment was agreed to.

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

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

CANADIAN PACIFIC RAILWAY CO.

The bill (H. R. 8297) for the relief of the Canadian Pacific Railway Co. was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to the Canadian Pacific Railway Co., out of any money in the Treasury not otherwise appropriated, the sum of $2,195, and such sum is hereby appropriated to reimburse the Canadian Pacific Railway Co. for customs duty paid in error in connection with shipment of 1,000 bags of rice covered by consumption entry No. H-2619 of June 19, 1917, port of Richford, Vt.

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

CHARLES SPENCER

The bill (H. R. 5660) for the relief of Charles Spencer was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles Spencer, Presidio, Tex., the sum of $667.33, the said sum representing the value of certain arms and ammunition belonging to said Spencer, and seized by military authorities of the United States, and said arms on being returned to said Charles Spencer being water-soaked, marked, and so abused as to be of no value, and said ammunition being destroyed by the ordnance depot, United States Army.

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

LIZZIE M. NICKEY

The bill (H. R. 6044) authorizing the Secretary of the Interior to sell and patent certain lands to Lizzie M. Nickey, a resident of De Soto Parish, La., was announced as next in order.

Mr. KING. Mr. President, I desire to ask in connection with this matter whether, if the bill passes, there may be any confusion or difficulty. I thought that substantially all the lands of Louisiana years ago had passed from the Federal Government to the State or private individuals. I was wondering whether or not a conveyance had been made, perhaps many years ago, either to the State or to individuals, and, if that were true, whether another conveyance might not lead to controversy which would involve the Government in some litigation, indirect if not direct.

Mr. RANSDELL. I do not understand there is any danger of that kind. The bill recites that the "land which she and her grantors have occupied under claim and color of title, and of which they have had actual possession, beneficial use, and enjoyment, believing themselves to be owners in good faith, for more than 30 years," and merely authorizes the Government to issue a patent to that land under those circumstances at the usual price of $1.25 per acre. The bill passed the House and has been favorably and unanimously reported by the Committee on Public Lands and Surveys of the Senate, and I do not think there could be any possible trouble. It reserves the mineral rights to the Government.

Mr. KING. That is one objection I have to the bill. I think if these people are entitled to the land and have been in occupation of the land for over a quarter of a century, they or their grantors and predecessors in interest, they ought to have an indefeasible title. Merely to give them the surface rights does not appeal to me at all. I think there ought to be no restrictions. If they are entitled to it, they are entitled to it from the heavens above to the center of the earth.

Mr. RANSDELL. I rather think the Senator is right. But they go on the principle that it is better to get the title to it and the recognition of the Government to their patent rights even if they do not get the mineral rights. I hope the Senator will not interpose an objection.

Mr. KING. I shall not object, but I think it is unjust to the claimants.

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That, upon the payment of $1.25 per acre, the Secretary of the Interior be, and he is hereby, authorized to sell and patent to Lizzie M. Nickey, a resident of De Soto Parish, La., with a reservation to the United States of all the coal, oil, gas, and other minerals in the lands patented, together with the right of the United States, its grantees or permittees, to prospect for, mine, drill for, and remove the same, the southwest quarter of northeast quarter, southeast quarter of northwest quarter, northeast quarter of southwest quarter, and northwest quarter of southeast quarter of section 12, township 13 north, range 13 west, Louisiana meridian, containing 160 acres, more or less, land which she and her grantors have occupied under claim and color of title, and of which they have had actual possession, beneficial use, and enjoyment, believing themselves to be owners in good faith, for more than 30 years: *Provided*, That application for the purchase of the described tract of land be filed at the United States land office at Baton Rouge, La., within 90 days after the passage and approval of this act, and that no adverse claim thereto be officially of record as pending when the application is allowed and the sale consummated.

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

WITHDRAWAL OF LANDS IN NEVADA

Mr. ODDIE. I ask that the Senate recur to Order of Business No. 1200, being the bill (H. R. 10025) to provide for the permanent withdrawal of certain described lands in the State of Nevada for the use and benefit of the Indians of the Walker River Reservation. I ask that the bill may be now considered.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That the following-described lands situate in the State of Nevada, temporarily withdrawn from settlement, entry, sale, or other disposition until March 5, 1925, by presidential order dated June 27, 1924, for the use and benefit of the Indians of the Walker River Reservation, be, and they hereby are, permanently withdrawn for the purpose indicated in said order: *Provided*, That this withdrawal shall not effect any existing legal right of any person to any of the withdrawal lands: All of township 14 north, range 30 east, Mount Diablo meridian, west half of township 14 north, range 31 east, Mount Diablo meridian, west half of township 13 north, range 31 east, Mount Diablo meridian, west half of township 12 north, range 31 east, Mount Diablo meridian, east half of township 12 north, range 30 east, Mount Diablo meridian: *Provided further*, That the foregoing reservation is hereby created subject to exploration, location, and entry under the existing mining laws of the United States.

Mr. ODDIE. I move an amendment to the bill which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Nevada will be stated.

The CHIEF CLERK. On page 1, line 11, before the colon it is proposed to insert:

Or any prior existing vested right to the use of water, but that the water rights for this land or any land within the reservation shall be acquired or proven according to the local customs, laws, and decisions of the courts.

The PRESIDING OFFICER. Without objection, the amendment is agreed.

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

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

The bill was read the third time, and passed.

FLORA HORTON

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6045) authorizing the Secretary of the Interior to sell and patent certain lands to Flora Horton, a resident of De Soto Parish, La., which was read as follows:

Be it enacted, etc., That upon the payment of $1.25 per acre, the Secretary of the Interior be, and he is hereby, authorized to sell and patent to Flora Horton, a resident of De Soto Parish, La., with a

reservation to the United States of all the coal, oil, gas, and other minerals in the lands patented, together with the right of the United States, its grantees or permittees, to prospect for, mine, and remove the same, the north half of the north half of section 14, township 13 north, range 13 west, Louisiana meridian, containing 160 acres, more or less, land which she and her grantors have occupied under claim and color of title, and of which they have had actual possession, beneficial use, and enjoyment, believing themselves to be owners in good faith, for more than 30 years: *Provided*, That application for the purchase of the described tract of land be filed at the United States land office at Baton Rouge, La., within 90 days after the passage and approval of this act, and that no adverse claim thereto be officially of record as pending when the application is allowed and the sale consummated.

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

LEASE OF LANDS BY THE SECRETARY OF THE INTERIOR

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6710) to authorize the Secretary of the Interior to lease certain lands, which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior, upon such terms and under such regulations as he may deem proper, may permit responsible persons or associations to use and occupy, for the erection of bathhouses, hotels, or other improvements for the accommodation of the public, suitable spaces or tracts of land near or adjacent to mineral, medicinal, or other springs which are located upon unreserved public lands or public lands which have been withdrawn for the protection of such springs: *Provided*, That permits or leases hereunder shall be for periods not exceeding 20 years.

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

WIDOW AND MINOR CHILDREN OF ED ESTES

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1502) for the relief of the widow and minor children of Ed Estes, deceased. It proposes to pay to the widow and minor children of Ed Estes, deceased, $5,000, as full compensation for the death of her husband, who was killed by being run over by a Government truck from Camp Jesup on January 19, 1920.

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

HERMAN SHULOF

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4050) for the relief of Herman Shulof, which had been reported from the Committee on Claims with an amendment, in line 9, after the word "but," to strike out the words "who was thereafter, on June 2, 1919, a few days after his arrival at Atlanta prison, pardoned by the President," and to insert "subsequently pardoned by President Wilson," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $10,000 to Herman Shulof, of New York City, which sum was paid by him to the United States by reason of the forfeiture of the bail bond of William Kahn, who was afterwards taken into custody and convicted, but subsequently pardoned by President Wilson.

The amendment was agreed to.

Mr. KING. I should like to have an explanation of the bill, Mr. President.

Mr. BRUCE. I shall be very glad to give it. William J. Kahn was arrested for perjury in connection with certain affidavits in a bankruptcy case in New York. His brother-in-law, Herman Shulof, went on his bail in the sum of $10,000. Kahn absconded and it was quite a time before he could be arrested. The testimony in the case shows conclusively that it was entirely through the activity of his brother-in-law who had gone on his bail—that is to say, this man Shulof—that Kahn was finally arrested. The affidavits of the police officers demonstrate that; and there can be no doubt about it that the arrest was brought about entirely through his activities. He followed this absconding criminal from New York City out to Kansas City and then from Kansas City to Los Angeles. Finally he was arrested there and brought back. The testimony shows that Shulof spent no less than $2,500 in his efforts to apprehend the fellow. Then, some time after this criminal had been in prison—I forget the exact time, but it was some months—he was pardoned by President Wilson. So under all the circumstances of the case the Committee on Claims unanimously thought that this release should be given and that Shulof should be relieved from the bail bond.

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

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

IDA FEY

The bill (S. 4043) for the relief of Ida Fey was announced as next in order.

Mr. SHEPPARD. A bill in almost similar terms to the one which has just been stated has passed the other house and is now on the calendar. I ask that the House bill may be considered instead of the Senate bill.

The PRESIDING OFFICER. Is there objection to substituting the House bill for the Senate bill?

There being no objection, the Senate as in Committee of the Whole, proceeded to consider the bill (H. R. 2646) for the relief of Ida Fey, which had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert:

That sections 17 and 20 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, are hereby waived in favor of Ida Fey, widow of Valentine Fey, a civilian employee of the War Department who was killed at Fort Clark, Tex., on July 17, 1919, and her case is hereby authorized to be considered and acted upon under the remaining provisions of such act: *Provided*, That the Compensation Commission shall not make payments to the said Ida Fey in excess of the sum of $5,000.

The amendment was agreed to.

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

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

The bill was read the third time and passed.

The PRESIDENT pro tempore. The bill (S. 4043) for the relief of Ida Fey will be indefinitely postponed.

LANDS AND FUNDS OF OSAGE INDIANS IN OKLAHOMA

Mr. HARRELD. I ask that the Senate return to Order of Business No. 1197, being the bill (S. 872) to amend section 1 of the act of Congress of March 3, 1921 (41 Stat. L. p. 1249), entitled "An act to amend section 3 of the act of Congress of June 28, 1906, entitled 'An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes.'"

I moved that the bill be indefinitely postponed a while ago, but I find I was in error in making that request. I thought it was another bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oklahoma to consider the bill named by him?

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

Mr. ROBINSON. Some objection was made to the bill when it was called on the calendar previously. I think the Senator from Oklahoma should explain its provisions.

Mr. HARRELD. Mr. President, this is a very important bill for this reason: The act of 1921 provided that all of the oil lands in the Osage Nation should be offered for sale within a period of 10 years. The Secretary of the Interior started to do that by selling about one-tenth of the acreage each year; he has been doing that up to the present time. During the last year the sales did not bring what he thought they should have brought on account of conditions existing in the oil business at that particular time, but he felt obliged to go ahead and make the sales; he felt he was directed to do so. This bill is to relieve him of the necessity of having to make these sales under conditions that do not warrant him in believing that it is to the best advantage of the Indians to make the sales.

Mr. ROBINSON. The bill, then, is intended to conserve the property rights of the Indians?

Mr. HARRELD. Exactly.

Mr. ROBINSON. I have no objection to the bill.

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

STEPHEN A. FARRELL

The bill (S. 4106) for the relief of Stephen A. Farrell was announced as next in order.

Mr. SMOOT. Let that bill go over.

Mr. COPELAND. Mr. President, I inquire who objected to the consideration of the bill.

The PRESIDING OFFICER. The Senator from Utah [Mr. SMOOT] objected.

Mr. COPELAND. I hope the Senator from Utah will withdraw his objection for a moment. This man was one of the lieutenants who went up in a balloon which landed in Canada, Hudson Bay, and he was lost there. He was surveyed by a medical board and ordered before a retiring board. The Navy Department has proposed a general bill to cover cases like this, but it has not been passed, and the Naval Committee after consideration decided that it was only fair and just that this officer be given the right which he had earned by long and faithful service. The committee has proposed that he be sent before a retiring board, which is exactly what would have happened if the general bill had been passed.

Mr. SMOOT. The Secretary of the Navy makes the statement:

In view of the above, and the further fact that this proposed legislation is individual in character and not for the general good of the naval service, the department recommends that S. 4106 be not enacted.

Mr. COPELAND. That statement was made with the expectation that in the omnibus bill general legislation would be passed to cover cases such as this. It will be observed that this man had very long service, over a quarter of a century, and an excellent record.

Mr. ROBINSON. May I ask the Senator from New York whether this case is provided for in the omnibus bill?

Mr. COPELAND. No, sir; it is not. The only hope of relief he has is in the passage of this particular measure. The feeling of the committee, after long discussion, was that this was the proper relief to give in this particular case.

Mr. SMOOT. Mr. President, in view of the statement in the report, I object to the consideration of the bill.

The PRESIDING OFFICER. The Senator from Utah objects.

TRESPASS ON COAL LANDS OF THE UNITED STATES

The bill (H. R. 6713) to define trespass on coal land of the United States and to provide a penalty therefor was announced as next in order.

Mr. KING. Mr. President, I will ask that that bill be passed over for a few moments. I should like to examine it.

The PRESIDING OFFICER. The bill will be passed over.

ED JOHNSON, OF EAGLE, COLO.

The bill (H. R. 2905) to authorize an exchange of lands with Ed Johnson, of Eagle, Colo., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That upon the transfer by Ed Johnson to the United States of title to lots Nos. 19, 20, 21, 22, 23, and 24 of block 35, of the town of Eagle, Colo., the Secretary of the Interior is authorized, upon approval of the Secretary of Agriculture, to issue a patent to Ed Johnson for lots 19, 20, 21, 22, 23, and 24 in section 31, township 3 south, range 84 west, sixth principal meridian: *Provided*, That the patent issued shall reserve to the United States or its grantees or lessees all coal, oil, or other mineral deposits in the lands patented as well as the right to prospect for, mine, and remove the same.

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

LANDS IN KOOTENAI COUNTY, IDAHO

The bill (H. R. 11067) to provide for the relinquishment by the United States of certain lands to the county of Kootenai, in the State of Idaho, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with an amendment on page 1, line 3, after the word "That," to insert "upon payment therefor at the rate of $1.25 per acre," so as to make the bill read:

Be it enacted, etc., That upon payment therefor at the rate of $1.25 per acre, the United States relinquish unto the county of Kootenai, in the State of Idaho, all of its right, claim, or title to or the possession of that certain piece or parcel of land situated in Kootenai County, in the State of Idaho, and described as follows: "Beginning at a point 1,332 feet north and 332 feet west of a stone monument at or about high-water mark on the east boundary of Fort Sherman Military Reserve (abandoned), said point being on the north line and 332 feet west of the northeast corner of lot 49 of said military reserve (abandoned); running thence west, along the north line of said lot 49, 18 feet; running thence south at right angles 302 feet; running thence east 350 feet to the intersection with the east line of said lot 49; running thence north along the east line of said lot 49 for a distance of 50 feet to the southeast corner of the Kootenai County Court House property; running thence west along the south line of said property for a distance of 252 feet to the southwest corner of said Kootenai County Court House property; running thence northwesterly along the west line of said property for a distance of 264 feet, more or less, to the place of beginning"; to have and to hold forever as a part of the public lands belonging to the said county of Kootenai.

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

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

The bill was read the third time, and passed.

LANDS IN THE STATE OF WASHINGTON

The bill (H. R. 11210) to grant certain public lands to the State of Washington for park and other purposes was announced as next in order.

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

Mr. SMOOT. Mr. President, just for the record, and so that it will not be counted as a precedent, I wish to state that there is no provision in this bill in regard to the grant being made at a price of $1.25 an acre, as required in all bills in relation to the public lands that have passed the Senate heretofore. The acreage, however, is so small that the charge would only amount to 5 cents under the provisions of the bill. Therefore it was reported without the charge of $1.25 an acre, but I do not want any Senator in the future to rise and say that a bill was passed here without the provision with regard to the price of a dollar and a quarter an acre.

Mr. ROBINSON. The Senator says the payment would only amount to 5 cents?

Mr. SMOOT. Yes.

Mr. ROBINSON. Is the area so small as that?

Mr. SMOOT. It is.

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That lot 5 of section 2, township 16 north, range 2 west, Willamette meridian, be, and the same is hereby, granted to the State of Washington for park, recreation, playground, or public convenience purposes: *Provided*, That there shall be reserved to the United States all oil, coal, or other mineral deposits found at any time in the land, and the right to prospect for, mine, and remove the same: *Provided further*, That the grant herein is made subject to any valid existing claim or easements, and that the lands hereby granted shall be used by the State of Washington only for the purposes herein indicated, and if the said land, or any part thereof, shall be abandoned for such use, said land or such part shall revert to the United States; and the Secretary of the Interior is hereby authorized and empowered to declare such a forfeiture of the grant and to restore said premises to the public domain, if at any time he shall determine that the State has, for more than one year, abandoned the land for the uses herein indicated, and such order of the Secretary shall be final and conclusive, and thereupon and thereby said premises shall be restored to the public domain and freed from the operation of this grant.

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

WILLIAM M. PHILLIPSON

The bill (H. R. 2016) for the relief of William M. Phillipson was announced as next in order.

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

Mr. SHORTRIDGE. Mr. President, I hope the Senator will put me under additional obligations by not objecting to this particular bill. It affects an old man, now 85 years of age. All he asks is that his name be cleared on the records of the Navy Department. The bill has no retroactive effect, and it would really be a great happiness for him if the bill could go through. I hope the Senator will not object.

The PRESIDING OFFICER. Does the Senator from South Carolina withdraw his objection?

Mr. DIAL. I can not withdraw it, Mr. President. The bill would establish a precedent, and the record shows that the man deserted.

Mr. SHORTRIDGE. May I say to the Senator that the House committee and others and I have agreed as to the circumstances of this case. A very eminent gentleman in California, Senator Curtin, a former candidate for Governor of the State of California, belonging to the party of the Senator from South Carolina, is deeply interested in this measure, and is very earnestly of the opinion that this poor man, now so aged, was really "shanghaied" in San Francisco away back yonder in the sixties and that it was a mistake to have it recorded that he had "deserted" from the Navy.

Mr. DILL. Mr. President, the Senator from California certainly deserves a great deal of credit if he can get through a

bill for the relief of a deserter. I do not know anyone else who has been able to do so.

Mr. SHORTRIDGE. The bill passed the House, where it was introduced by Mr. RAKER. I undertake to say that this old gentleman, whom I personally have known for some 35 to 40 years, never deserted, although the record so states. Affidavits and testimony as of the early days show to the contrary, and I am asking here, as I asked the committee, to restore him to the honorable record of the Navy, and I hope that action will be taken.

Mr. DILL. Of course, every man who has a record as a deserter has proof now that he did not desert; but I do not understand why this precedent should be established when all other cases of the kind are turned down.

Mr. SHORTRIDGE. I am not aware that others of the kind have been turned down.

Mr. DILL. I am aware of it.

Mr. SHORTRIDGE. I am not.

Mr. SWANSON. Mr. President, the difference between this case and most cases is the fact that this man was enlisted in a ship, and, of course, a ship does not stay long enough for him to report, as in the case of the Army. There was a dispute as to whether he reported back to his ship in time. He claims that instead of reporting to his ship, which was at San Francisco, which at that time was a rather turbulent town, possibly he was seized and could not report in time. He is a man who has written some books. He is a man of high character, from all the proof we had. He has delayed and delayed trying to get somebody who was with him on the ship to testify in regard to the matter; but it is an absolute impossibility to find somebody who served with him, and the committee was compelled to take his statement. A number of people there have said that he is a man of character who stands as high in that community as anybody in it. It seems to me that it is a case where relief ought to be granted.

Mr. DIAL. Mr. President, I can not allow this precedent to be established. The record shows clearly in two places that this man deserted.

Mr. SWANSON. Mr. President, if the Senator will permit me, all records show that a man deserts. If a man gets a leave of absence for one day and does not report to his ship at a certain time he is put down as a deserter. It is hard to get testimony from people who were on ships under such conditions. This man has been trying for a long time to get the testimony of somebody who was with him. He claims that at that time he was seized and could not get back to the ship in time to report.

Mr. DIAL. Does not my good friend from Virginia think he has had a long time to get his record straight?

Mr. SWANSON. He has been trying to get the testimony of somebody who was on the ship with him.

Mr. DIAL. The Secretary of War reports against it.

The PRESIDING OFFICER. Objection is made.

Mr. SHORTRIDGE. Mr. President, may I say just a final word? This man, to use that phrase, was "shanghaied" in San Francisco and taken on an Arctic sealing boat; but this occurred, indeed, if it has any weight, after peace had been declared. It did not imperil the country at all; and this old man, fast approaching the end of the trail, has been striving for years to have his record cleared; that is all. I do hope, and I express the hope again very earnestly, that the Senate will grant him this relief.

The PRESIDING OFFICER. Is there objection?

Mr. DIAL. I object, Mr. President.

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

Mr. DIAL subsequently said: Mr. President, referring to House bill 2016, to which I objected a few minutes ago and which went over for that reason, I have examined it further. I am totally against pensioning people who desert. In fact, I am strongly against pensioning any able-bodied people; but I do not want to do anyone an injury. It seems from these papers that perhaps this man did not desert in the usual sense of the term, but that it was somewhat of a technical desertion, perhaps, and for fear I may do him an injury in his old age I will let it pass.

The PRESIDING OFFICER. The objection is withdrawn. Without objection, the Senate will return to the consideration of House bill 2016.

Mr. SMOOT. Mr. President, I read from the report this statement:

> It would seem that Phillipson left the naval service at a time during the Civil War when his services were especially needed, and as the records do not disclose such merits in his case as would warrant favorable consideration to the exclusion of a number of similar cases, it is recommended that the bill H. R. 2016 be not enacted.

I can not see, Mr. President, on such a record as that, that this bill should pass.

Mr. ROBINSON. Mr. President, may I call the attention of the Senator from Utah to the fact that that objection is based upon the ground that there were others similarly situated who are not embraced in this bill, and to whom relief should be granted? The language which the Senator has read does not imply that this particular person is not entitled to relief. It simply implies that the relief should be more general than this bill contemplates. I believe that the Senator, if he read the report, would find himself justified in permitting the bill to pass.

Mr. SWANSON. Mr. President, if the Senator will read the statement of the old man explaining the matter, and the affidavits of these other people, it will be seen that he is a man of as high character as there is in that town, and he has spent years and years trying to get somebody who was on that ship to exonerate and vindicate him. It is nearly impossible to get any individual who was on this ship in the Arctic region. It certainly is a case that appealed to me as a very deserving one. Nobody hates a deserter more than I do.

The PRESIDING OFFICER. 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 the third time, and passed.

EMMA ZEMBSCH

The bill (H. R. 8072) for the relief of Emma Zembsch was announced as next in order.

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

Mr. KING. Will the Senator kindly explain the bill?

Mr. SHORTRIDGE. The bill is for the benefit of an aged mother whose son was killed in the Japanese earthquake. It gives her the usual six months' compensation.

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 the third time, and passed.

EDWARD R. WILSON

The bill (H. R. 5637) for the relief of Edward R. Wilson, lieutenant commander, Supply Corps, United States Navy, was announced as next in order.

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

Mr. KING. Mr. President, that is the one I thought I was asking the explanation for, not the other.

The PRESIDING OFFICER. The Senator from Utah asks for an explanation with reference to House bill 5637.

Mr. KING. May I say to the Senator that I was in error in the number.

The PRESIDING OFFICER. The Senator from California apparently reported the bill.

Mr. SHORTRIDGE. Let it be passed over temporarily.

The PRESIDING OFFICER. It will be passed over temporarily.

Mr. SHORTRIDGE subsequently said: Mr. President, I ask unanimous consent to return to Order of Business 1245, House bill 5637.

The PRESIDING OFFICER. The Senator from California asks unanimous consent to return to House bill 5637, which was passed over temporarily a moment ago.

Mr. SHORTRIDGE. I find that this bill is to refund the amount stated, $1,504.32, and is recommended by the Secretary of the Treasury. There is a printed report on the bill.

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Naval Affairs, with amendments.

The amendments were on page 1, after the enacting clause, to strike out "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 Edward R. Wilson" and to insert: "That there is hereby authorized to be appropriated out of any money in the Treasury, not otherwise appropriated, the sum of $1,504.32, to reimburse Edward R. Wilson"; and in line 9, after the word "Navy," to strike out "the sum of $1,504.32," so as to make the bill read:

Be it enacted, etc., That there is hereby authorized to be appropriated out of any money in the Treasury, not otherwise appropriated,

the sum of $1,504.32, to reimburse Edward R. Wilson, lieutenant commander Supply Corps, United States Navy, being an amount stolen by a person or persons unknown, between July 23 and July 25, 1910, from the funds of the United States then in the custody of William J. Garrity, paymaster's clerk, United States Navy, the lawfully detailed deputy of said Edward R. Wilson, on the United States steamship *Philadelphia*, receiving ship at the navy yard, Bremerton, Wash., which amount was charged on the books of the Treasury against the accounts of the said Edward R. Wilson, then a passed assistant paymaster, United States Navy, and which he deposited in the Treasury of the United States on demand of the accounting officers of the Treasury.

The amendments were agreed to.

Mr. KING. Mr. President, may I ask the Senator whether the officers of the Government, the Secretary of the Navy or the Treasury Department, recommend this bill?

Mr. SHORTRIDGE. It appears to be recommended by the present Secretary of the Navy as of date February 17, 1925.

Mr. KING. Was there any negligence upon the part of the officer who lost the money?

Mr. SHORTRIDGE. I should conclude that there was not. The report is there, printed. I do not wish to take up the time of the Senate.

Mr. KING. I have not had time to read it, but I shall examine it.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the bill will be reported to the Senate.

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

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ROBERTA H. LEIGH AND LAURA H. PETTIT

The bill (H. R. 5786) for the relief of Roberta H. Leigh and Laura H. Pettit, was considered as in Committee of the Whole.

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

RESTORATION AND COMPLETION OF HISTORICAL FRIEZE IN CAPITOL ROTUNDA

The joint resolution (S. J. Res. 28) authorizing the Joint Committee on the Library to provide for the restoration and completion of the historical frieze in the rotunda of the Capitol, was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on the Library, with amendments, on page 2, line 1, after the word "hereby," to insert "authorized to be," and on line 3, after the words "sum of," to strike out "$20,000" and insert "$40,000," so as to make the joint resolution read:

Resolved, etc., That the Joint Committee on the Library be, and it is hereby, authorized to provide for the restoration and completion of the historical frieze in the rotunda of the Capitol. For that purpose the said joint committee is empowered to select an appropriate design for the completion of the frieze and to employ such artists in the work of completion and restoration as may demonstrate to the satisfaction of said joint committee their ability to perform the work in a proper manner.

SEC. 2. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $40,000, or so much thereof as may be necesasry, for the purposes of this resolution.

The amendments were agreed to.

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

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

ABANDONMENT OF WIFE AND DESTITUTE CHILDREN IN THE DISTRICT

The bill (S. 4332) 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 announced as next in order.

Mr. BALL. Mr. President, I ask unanimous consent to substitute House bill 12331 for this bill. It has passed the House.

The PRESIDING OFFICER. Is there objection to the substitution of the House bill for the Senate bill?

Mr. SMOOT. Let it be read.

The PRESIDING OFFICER. The bill will be read.

The Chief Clerk read 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.

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

Mr. KING. Mr. President, does it make provision that the mother shall be imprisoned and that she shall be charged with an offense, or does it apply only to the father? I have not had time to read the bill.

Mr. BALL. This bill is exactly the same as the Senate bill. The Senator will find in his file a report on the Senate bill. It is to return to the juvenile court the right to hold a hearing. It was supposed that they had that right until a decision of the Supreme Court some time ago held that they had not. The bill returns to the juvenile court the right to hold a hearing to investigate those cases; that is all.

The PRESIDING OFFICER. Is there objection?

Mr. KING. Mr. President, if the bill that I have before me is the one the Senator is referring to, then he and I are at cross-purposes. I was inquiring about Order of Business 1248, Senate bill 4332, which amends the act making it a misdemeanor 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. That is the bill I was inquiring about.

Mr. BALL. Mr. President, that is the bill that was passed in 1906. There is merely an amendment to that, to give to the juvenile court the right to hold hearings. If the Senator will read the letter from the District Commissioners, it will explain the provisions of this bill.

Mr. ROBINSON. Mr. President, the bill provides for striking out the words "hard labor" in the act approved March 23, 1906. It is customary in such legislation to state how the act will read when amended.

Mr. BALL. I think the letter from the commissioners in the report will explain the difficulty.

Mr. ROBINSON. Let it be passed over for the present.

The PRESIDING OFFICER. The bill will be passed over.

ELIMINATION OF LAMOND GRADE CROSSING, ETC., IN THE DISTRICT

The bill (H. R. 12001) to provide for the elimination of Lamond grade crossing in the District of Columbia, and for the extension of Van Buren Street, was considered as in Committee of the Whole.

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

ABANDONED LIGHTHOUSE RESERVATION, ETC.

The bill (S. 4161) authorizing the transfer of abandoned and unused lighthouse reservation lands and buildings to States, counties, or municipalities for public park purposes, and authorizing the transfer of lighthouse reservation lands and buildings in exchange for other real property, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with anmendments, to strike all of section 3, and to change the number of the following section from 4 to 3, so as to make the bill read:

Be it enacted, etc., That whenever the Secretary of Commerce shall determine that any land or buildings included in lighthouse reservations of the United States have been abandoned and are unused, and are no longer required for lighthouse purposes, or for any other purpose of the United States by any department or independent establishment thereof, he is hereby authorized, in his discretion, to transfer and convey all the right and title vested in the United States in such lands or buildings to any State, county, or municipality, for public park purposes, and to execute and deliver in the name of the United States, and in its behalf, any and all contracts, conveyances, or other instruments necessary to effectuate such transfer without cost to the Government: *Provided*, That any lease or license which the United States may have in effect at the time of any transfer authorized under this section shall not be affected by such transfer: *Provided further*, That any lands or buildings transferred from the United States under this act, for park purposes, shall be forever reserved by the State, county, or municipality to which they are transferred, as public parks; and if the said lands are not used as public parks by such State, county, or municipality, they shall revert to the United States without notice, demand, or action brought.

SEC. 2. Any lands or buildings transferred from the United States under this act, for park purposes, shall be subject to the right of the United States to at any and all times in any manner reassume control of, hold, use, and occupy, without license, consent, or lease from the State, county, or municipality to which the transfer may be made, any or all of the said lands or buildings for any and all military, naval, or other governmental purposes, free from any conveyances, charges, encumbrances, or any license made, created, permitted, or

sanctioned therein by such State, county, or municipality. The rights reserved to the United States shall apply in all cases to all additional lands that may be formed by accretions of the sea.

SEC. 3. This act shall take effect immediately.

Mr. McNARY. Mr. President, I am not familiar with the terms of this proposed legislation. I should like to ask the Senator from New York [Mr. WADSWORTH] if, in his opinion, the bill is sufficiently comprehensive to include life-saving stations?

Mr. WADSWORTH. Mr. President, the bill includes "any land or buildings included in lighthouse reservations of the United States." I assume that all life-saving stations are under what are known as lighthouse reservations.

Mr. McNARY. The reason why I propound the inquiry is this: In the State of Oregon there is an old abandoned life-saving station that has been unused by the Government for years and years. It is governmental property, not subject to taxation, and fit only for park purposes; and if there is any doubt about this bill not including a reservation of this character I should like to offer an amendment to include life-saving stations, if the Senator has no objection.

Mr. WADSWORTH. I have no objection. I merely say to the Senator that as this is a Senate bill, there is not the slightest chance of its passing both Houses at this session.

Mr. McNARY. I am willing to rely upon the interpretation of the Senator from New York. If he thinks it is sufficiently comprehensive, I will not press the amendment.

Mr. WADSWORTH. I think it is, although I will not guarantee it.

The PRESIDING OFFICER. The question is on agreeing to the amendments of the committee.

The amendments were agreed to.

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

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

PAN AMERICAN CONGRESS OF HIGHWAYS

The joint resolution (S. J. Res. 190) to provide for the expenses of delegates of the United States to the Pan American Congress of Highways, was announced as next in order.

Mr. KING. Mr. President, I should like to ask the Senator from Ohio [Mr. WILLIS] what reason there is for this joint resolution. The League of Nations provides all sorts of boards and agencies to deal with a multitude of questions. I do not know whether or not it deals with highways, but it deals with sanitation and a multitude of other matters. What is the reason that we are to have a Pan American Highway Congress?

Mr. WILLIS. Mr. President, this proposal, which is made by the President of the United States, as the Senator will see by glancing at the report, and which is recommended by the Secretary of State, the Secretary of Agriculture, and the Secretary of Commerce, is a proposal by which the United States of America can be represented, not at a world congress, but at a Pan American congress, that has for its purpose the consideration of the development of methods of highway transportation. There was such a meeting in this country in 1924, and it is believed that it was productive of very splendid results.

The Argentine Government has extended an invitation to this country to be represented at this conference at Buenos Aires, and the President of the United States, in harmony with the three Cabinet officers I have named, very strongly recommends that this appropriation be made for this purpose, it being believed that it will not only be very helpful in the development of better methods of highway construction, and transportation, but that it will cement very greatly the friendly relations which now obtain between this country and the South American countries.

Mr. KING. Why did not the Senator broaden his resolution so as to provide for the consideration of the subject of commerce and the establishment of commercial relations, the question of water transportation and aerial transportation? The question of roads is not so important.

Mr. WILLIS. That might have been desirable, but that is not the purpose of the meeting that the Argentine Government has called, and they are the ones who are extending the invitation. Such a congress might have been desirable, but we have not been invited to attend it.

Mr. KING. I can not conceive of any particular benefit from a meeting in Buenos Aires to determine about highways. Our systems of highways are not so very important to the people of Patagonia, or Brazil, or Chile, and their systems of highways are not very important to us. Of course, we are interested in good roads there, if they care to develop good roads, but I can not see any benefit that they will derive or that we will derive from the meeting.

Mr. WILLIS. Evidently the South and Central American countries felt that they derived very great benefit from the visits of their delegates to this country and the meeting of last year, and the Secretary of Commerce and the Secretary of Agriculture, as well as the Secretary of State, are particularly emphatic in their suggestions that this congress will be very beneficial, not only in that it will promote better methods of highway construction but that it will be very helpful to the extension of American business and the cementing of friendly relations. As the Senator will note, both the Secretary of State and the Secretary of Agriculture very strongly recommend the legislation.

The PRESIDING OFFICER. Is there objection to the consideration of the joint resolution?

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

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

Mr. WILLIS. Perhaps it might be wise to have the report printed for information, and I ask that that be done.

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

[Report No. 1179, to accompany S. J. Res. 190]

The Committee on Foreign Relations, to whom was referred S. J. Res. 190 to provide for the expenses of delegates of the United States to the Pan American Congress of Highways, having had same under consideration, report it back without amendment and recommend its passage.

The proposed Pan American Congress of Highways, to meet at Buenos Aires in 1925, is the outgrowth of a resolution adopted at the Fifth International Conference of the Pan American States held at Santiago, Chile, in April, 1923; this resolution called for an official Pan American Highway Commission to be held in Buenos Aires in 1925.

Information respecting this resolution was received at Washington by Dr. Leo S. Rowe, Director of the Pan American Union, and numerous conferences were held between officials representing the Pan American Union and the United States Departments of Agriculture and Commerce.

Subsequently, in 1924, as a result of these conferences, some 37 delegates, representing 19 Pan American countries, visited the United States and made a rather extensive study of highway improvements. These preliminary conferences and the proposed meeting at Buenos Aires will undoubtedly be of great benefit in the development of better methods of highway construction. American commerce has made great strides in the distribution of American products in Central America and South America, and it is believed that the proposed conference at Buenos Aires will be promotive of American industry and indicative of the very friendly spirit manifested by the United States of America toward Central and South American countries.

The House of Representatives gave careful attention to this matter and submitted a report embodying recommendations by the President of the United States and also letters from the Acting Secretary of Commerce and the Secretary of Agriculture.

The recommendations by the President and letters from the Secretary of State, the Secretary of Agriculture, and the Acting Secretary of Commerce are attached hereto and made a part of this report.

To the Congress of the United States:

I transmit herewith a report by the Secretary of State concerning a Pan American Highways Congress, to meet at Buenos Aires on May 22, 1925, in which the participation of the Government of the United States has been invited by the Government of the Argentine Republic. Accompanying the report are copies of letters from the Acting Secretary of Commerce and the Secretary of Agriculture, furnishing information regarding the congress and urging the importance of participation therein by the United States.

In view of the strength of these representations, and in accordance with the recommendation of the Secretary of State, I request of Congress legislation which will authorize an appropriation of $15,000 for the expense of delegates of the United States to the Pan American Congress of Highways, to meet at Buenos Aires on May 22, 1925.

CALVIN COOLIDGE.

THE WHITE HOUSE,
Washington, January 24, 1925.

The PRESIDENT:

On December 29, 1924, the embassy of the Argentine Republic at Washington extended, in the name of that Government, an invitation to the Government of the United States to be represented by delegates at the Pan American Congress of Highways, which will meet at Buenos Aires on May 22, 1925.

The invitation was communicated to the Secretary of Commerce and the Secretary of Agriculture for the consideration of their departments. It appears from the reply of the Acting Secretary of Commerce that this conference is "the logical sequence of a broad and constructive effort initiated in the Department of Commerce and carried out by various industrial groups, including the automobile and road machinery manufacturers and the bankers." A copy of this reply, which sets forth the origin and history of the movement, represents its importance in the interests of trade relations between this country and those of Latin America and states that this Government should by all means send official delegates to the Buenos Aires conference, is herewith inclosed, as is also a copy of the reply of the Secretary of Agriculture, who states:

"I can not urge too strongly that suitable provision be made for the representation of this country at the forthcoming congress by a commission whose membership should, in my judgment, include those most familiar with the recent advances made by the United States in highway administration, finance, construction, and maintenance and the various phases of highway research."

In view of these representations, the undersigned the Secretary of State has the honor to recommend the submission to Congress of a request for legislation authorizing an appropriation of $15,000 for the expenses of delegates of the United States to the Pan American Congress of Highways to meet at Buenos Aires, Argentine Republic, on May 22, 1925.

A copy of a letter from the Director of the Bureau of the Budget stating that this request is not in conflict with the President's financial policy is attached.

Respectfully submitted.

CHARLES E. HUGHES.

DEPARTMENT OF STATE,
Washington, January 23, 1925.

DEPARTMENT OF COMMERCE,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, January 14, 1925.

The SECRETARY OF STATE,
Washington, D. C.

MY DEAR MR. SECRETARY: I beg to acknowledge receipt of your letter of the 10th instant in which you state that an invitation has been received from the Argentine Government inviting this Government to send representatives to the Pan American Congress of Highways to be held in Buenos Aires on May 22, 1925, and asking that the invitation be brought to the knowledge of organizations in the United States who may be interested in the subject.

This invitation is the logical sequence of a broad and constructive effort initiated in the Department of Commerce and carried out by various industrial groups, including the automobile and road machinery manufacturers and the bankers, and participated in by officials of the Department of State, the Department of Agriculture, and this department. The idea in the first instance arose from the proposal of the Pan American Union to hold a Pan American Highway Conference in which the views of this department were sought. It was believed that such a conference would be highly beneficial and that the best and most constructive results would flow therefrom if it were held in this country and participated in by leading road engineers and construction experts representing each of the Pan American States.

To that end this department submitted a plan to representatives of the industries mentioned contemplating that a considerable fund should be raised by those private groups for the purpose of paying the expenses of such delegates. This proposal met with prompt response and acceptance, and the result was that delegates from 19 Pan American countries came to the United States at the expense of the industries mentioned and were conducted on a month's tour through nine States in a close investigation and study of methods of highway construction and motor transport in every phase.

Officials of the Department of State, the Department of Agriculture, and this department participated in various sessions held in Washington, and I believe you are familiar with the purposes and accomplishments of the group which was known as the Pan American Highway Commission. At the conclusion of their trip the delegates from the various Pan American countries, together with those of this country who had participated in the mission, organized the Pan American Confederation of Highway Education Boards, and our Pan American friends returned to their several countries equipped with practical knowledge of a definite character upon which to proceed with the organization of highway education boards in each country as a means toward the stimulation of modern highway development.

It is unquestionably true that the assistance given by this country in such an enterprise is not merely a matter of neighborly interest and friendship, but quite properly will result in the long run in great trade stimulation and benefit to this country. Since that time Argentina, Chile, Cuba, Honduras, and Peru have set up such highway education boards, in each case comprised of leading Governmental officials of special training and equipment in that line. Elaborate engineering reports have been issued in the other countries based upon the studies made by their delegates to this country, and wide publicity has been given to the conference not only here but in all the Pan American countries that participated, indicating the great interest in those countries in highway development and the impetus given by the enterprising move on the part of our officials and the public-spirited men of the various groups who participated in the mission here.

The purpose of the Pan American Congress of Highways is to again call these men together and with other officials of the 21 countries of the Pan American Union to discuss the different practices in highway construction and motor transportation, to exchange information, and finally to agree upon such phases of highway development as may require international treatment.

Out of the conference held in this country as seen by American observers there grew a genuine spirit of friendliness and cooperation between the delegates of Latin America and those of our people who participated which can not but have a profound influence on our future international relations and a highly beneficial effect in particular on our trade relations. The action of our citizens in bringing the delegates to this country in the first instance was accepted as a tangible evidence of friendship and a desire to give the benefits of our experience to our neighbors of Latin America and the evident ultimate benefit that this country might derive in the way of trade did not in the least detract from the high motives which in the first instance and during the conference prevailed.

A secondary effect of the visit of the Pan American Highway Mission was an appreciation by the visitors that what has been done by the several States in this country is a feasible and possible task for them, which may readily and quickly be undertaken and will directly tend toward the improvement of methods of transportation in each of the Latin American States and between the States and the resultant improvement in the standards of living.

The final influence of the Latin American delegation will unquestionably be found in improved trade relations in every direction between the people of this country and of the south. While no effort was made during the trip of the delegates to sell them American products, it was naturally and properly felt that this friendly effort on the part of our people should and would lead to improved trade relations, with a consequent greater benefit to the Pan American States therefrom.

The next step in this constructive and practical move toward the improvement of understanding and relations with our friends of the Pan American States will come at the conference at Buenos Aires, where a permanent organization will be established looking toward the carrying on in each of these States of the work initiated at the time of the visit of their delegates to this country last year. This work has received and will continue to receive the approval and support of this department. It has already clearly demonstrated its value, and I believe our Government should by all means send official delegates, as requested by the Argentine Republic.

Very truly yours,

J. WALTER DRAKE,
Acting Secretary of Commerce.

DEPARTMENT OF AGRICULTURE,
Washington, January 22, 1925.

The SECRETARY OF STATE.

DEAR MR. SECRETARY: I have the honor to acknowledge the receipt of your communication of January 10, File SYS 515. 4 D 1/—, inclosing a translation of a note from the chargé d'affaires ad interim of the Argentine Republic, extending the invitation of the Argentine Government to the Government of the United States to be represented at the Pan American Congress of Highways which will be held at Buenos Aires on May 22, 1925.

I shall be glad to bring this invitation, which I regard as of the utmost importance, to the organizations in the United States who are interested in the subject of the congress; and I believe it to be highly desirable to designate a representative of this department to the congress.

You will recall that this country was visited during the last summer by representatives of 19 Latin American Republics constituting the Pan American Highway Commission, which, under the guidance of representatives of this and other departments of the United States Government and officials of the State highway departments, traveled through several States for the purpose of inspecting and studying American methods of highway administration.

The immediate results of that visit in the establishment of friendly relations between the United States and the Latin American Republics through a channel which has not previously been utilized have been so fortunate that I consider a continuance of the cooperative relations to be of the utmost value. As a direct outcome of the visit an international organization, known as the Pan American Confederation of Highway Education Boards, was tentatively formed at Washington for the purpose of providing an agency for the interchange of informa-

tion with regard to highway improvement and related matters between the American Republics, and, as the coming Congress will afford the first opportunity for the development of that organization, I regard it as especially desirable that the United States Government participate officially.

It is needless to refer to the certain beneficial effects of highway improvement upon the economic development of the Latin American Republics, or to the probable increase in trade with the United States which would probably follow. But, to the end that the United States may extend to her sister Republics the most practical and valuable assistance in bringing about such desirable improvement, I can not urge too strongly that suitable provision be made for the representation of this country at the forthcoming congress by a commission, whose membership should, in my judgment, include those most familiar with the recent advances made by the United States in highway administration, finance, construction, and maintenance and the various phases of highway research.

Sincerely,

HOWARD M. GORE, *Secretary.*

CARROL A. DICKSON

The bill (S. 2738) for the relief of Carrol A. Dickson was announced as next in order.

Mr. SMOOT. Let that go over.

Mr. SHEPPARD. If the Senator will permit me, it merely extends the benefits of the compensation act to this party.

Mr. SMOOT. I am aware of that.

Mr. SHEPPARD. If the facts will not justify the compensation or favorable action by the commission, the commission will not take favorable action.

Mr. SMOOT. I see an adverse report by the Postmaster General.

Mr. SHEPPARD. The Postmaster General merely says there was no record of this injury, and that was because Mr. Dickson did not make a report of it.

Mr. SMOOT. It goes further than that. The Postmaster General states in the report that, not being convinced that the claim is meritorious, he must decline to recommend its allowance.

Mr. SHEPPARD. The bill he was making a report on was a bill allowing Mr. Dickson direct compensation.

Mr. SMOOT. It is practically the same thing.

Mr. SHEPPARD. This bill was amended so as to allow the Compensation Commission to pass on the matter.

Mr. SMOOT. I will have to ask that it go over.

The PRESIDING OFFICER. The bill will be passed over.

SOLOMON L. VAN METER, JR.

The bill (S. 3717) conferring jurisdiction upon the Court of Claims of the United States or the district courts of the United States to hear, adjudicate, and enter judgment on the claim of Solomon L. Van Meter, jr., against the United States for the use or manufacture of an invention of Solomon L. Van Meter, jr., covered by letters patent No. 1192479, issued by the Patent Office of the United States July 25, 1916, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That jurisdiction is hereby conferred upon the Court of Claims or the district courts of the United States, notwithstanding the lapse of time or the statute of limitations, and the fact that Solomon L. Van Meter, jr., is an employee of or in the Air Service of the United States, to hear, examine, adjudicate, and render judgment on the claim of Solomon L. Van Meter, jr., for the use and manufacture by or for the United States without license of the owner thereof or lawful right to use or manufacture the same, of an invention of Solomon L. Van Meter, jr., described in or covered by letters Patent No. 1192479, issued by the Patent Office of the United States on the 25th day of July, 1916, prior to the time Solomon L. Van Meter, jr., entered the service of the United States.

SEC. 2. From any decision in any suit prosecuted under the authority of this act an appeal may be taken by either party as is provided for by law in other cases.

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

GRAND CALUMET RIVER BRIDGES, INDIANA

The bill (H. R. 11953) granting the consent of Congress for the construction of a bridge across the Grand Calumet River on the north and south center line of section 33, township 37 north, and range 9 west of the second principal meridian in Lake County, Ind., where said river is crossed by what is known as Kennedy Avenue, was considered as in Committee of the Whole, and was read.

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

The bill (H. R. 11954) granting the consent of Congress for the construction of a bridge across the Grand Calumet River at Gary, Ind., was considered as in Committee of the Whole, and was read.

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

Mr. SMOOT. Mr. President, I ask the Senator who reported the bills just passed if there was not an objection to them when they were called once before? Did not some Senator want to offer amendments to them?

Mr. LADD. I do not recall that. I do not think I was here at the time they were called before, and I have not heard of any proposed amendments.

Mr. SMOOT. I have no objection to the bills.

Mr. LADD. No one has called my attention to any desire to amend the bills.

Mr. SMOOT. Perhaps it was two other bills, but I remember distinctly that when two bridge bills were called, some Senator had them go over because he wanted to offer amendments to them.

I want it understood now that if the Senator from Indiana [Mr. WATSON] desires, when he returns to the Chamber, he may have these bills reconsidered. Otherwise, I would object to them now. It may be that he will not object, but I know he is interested in them.

NIAGARA RIVER BRIDGE, NEW YORK

The bill (H. R. 11977) to extend the time for the commencement and completion of the bridge of the American Niagara Railroad Corporation across the Niagara River in the State of New York was considered as in the Committee of the Whole, and was read.

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

CUSTER STATE PARK

The bill (H. R. 11077) authorizing the issuance of patents to the State of South Dakota for park purposes of certain lands within the Custer State Park, now claimed under the United States general mining laws, and for other purposes, was considered as in Committee of the Whole, and was read.

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

HARNEY NATIONAL FOREST

The bill (H. R. 11726) to authorize the creation of a national memorial in the Harney National Forest was considered as in Committee of the Whole, and was read.

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

EDWARD B. SAPPINGTON

The bill (H. R. 8294) for the relief of Edward B. Sappington was considered as in Committee of the Whole, and was read.

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

RESTORATION OF THE LEE MANSION, ARLINGTON, VA.

The joint resolution (H. J. Res. 264) authorizing the restoration of the Lee Mansion in the Arlington National Cemetery, Va., was announced as next in order.

Mr. CURTIS. Let that go over. I have a letter protesting against it, and I have not had time to look into it. I would like to have the joint resolution go over until I can make an investigation.

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

FEDERAL VETERANS' HOSPITAL, MUSKOGEE, OKLA.

The joint resolution (S. J. Res. 189) authorizing the enlargement of the Federal Veterans' Hospital at Muskogee, Okla., by the purchase of an adjoining city hospital and authorizing the appropriation of $150,000 for that purpose, was considered as in Committee of the Whole, and was read.

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

JOHN F. WHITE AND MARY L. WHITE

The bill (S. 1621) for the relief of John F. White and Mary L. White was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments: On page 1, line 8, to strike out the words "which occurred because of the failure to repair a road"; on line 10, to strike out the words "to pay from the sum appropriated by this act such amount as he deems just and sufficient to satisfy such claims" and to insert in lieu thereof the words "the sum of $13,200, or so much thereof as the Commissioner

of Indian Affairs may deem necessary to pay such claims, is hereby appropriated out of any money in the Treasury not otherwise appropriated," so as to make the bill read:

Be it enacted, etc., That the Commissioner of Indian Affairs is authorized and directed to hear the claims of John F. White and Mary L. White, of Riverton, Wyo., for compensation for damage and injury to the property and persons of said claimants and of their children sustained in an automobile accident on August 7, 1918, in the Shoshoni and Arapahoe Indian Reservation, Wyo., and the sum of $13,200, or so much thereof as the Commissioner of Indian Affairs may deem necessary to pay such claims, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendments were agreed to.

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

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

JOSIAH FREDERICK DOSE

The bill (H. R. 1415) for the relief of Josiah Frederick Dose was considered as in Committee of the Whole, and was read.

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

ALONZO C. SHEKELL

The bill (H. R. 5257) for the relief of Alonzo C. Shekell was announced as next in order.

Mr. KING. Let that go over.

Mr. CAMERON. Mr. President, this bill was passed in a former Congress.

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Utah withhold his objection?

Mr. KING. I am objecting to House bill 5257, to remove a charge of desertion. If that is the same bill the Senator has in mind, then I object to it.

Mr. CAMERON. That is the bill. A similar bill passed the Senate in the Sixty-seventh Congress but failed of action in the House by reason of the adjournment.

The PRESIDING OFFICER. The Senator from Utah has objected, and the bill will be passed over.

FRANCIS M. ATHERTON

The bill (H. R. 6268) for the relief of Francis M. Atherton was announced as next in order.

Mr. KING. Let that go over.

Mr. WADSWORTH. Mr. President, I am quite sure the Senator from Utah has not read the report on the bill, or he would not raise an objection to it. It is one of the most appealing cases I ever heard. The Senator from Connecticut [Mr. BINGHAM] does not seem to be present. He reported the bill after very careful study.

Mr. KING. I withhold my objection while the Senator makes an explanation.

Mr. WADSWORTH. This man was 15 years old in February, 1862, when he ran away from home to join the First Vermont Infantry, in which his brother was a private. He was told that on account of his age he could not be enlisted lawfully, but that they were soon to sail for some place in the South, and when they should be out at sea they would enlist him.

Atherton further claims that he was furnished with a complete uniform; that in March, 1862, when at sea, the oath was administered to him, and thenceforth until the year 1908, when he applied for a pension, he had supposed he was regularly enlisted and mustered into the military service of the United States. He was fed, clothed, and given medical treatment, the same in all respects as other members of the organization. Here was a young boy of 15 years of age, who ran away from home to join the Union Army. They took him in, but never actually enlisted him.

Mr. KING. Is there any proof other than the statement of the soldier himself? Is there any testimony to corroborate it, anything from the War Department or any other source?

Mr. WADSWORTH. There is the statement from the adjutant general, the assistant adjutant, and the inspector general at Montpelier, Vt. Everybody thought he was mustered in, and he thought so himself, but as a matter of fact he could not have been enlisted because he was only 15 years of age. This man served through the rest of the war.

Mr. KING. It is not a case of desertion?

Mr. WADSWORTH. Oh, no.

Mr. KING. I withdraw the objection.

The bill was considered as in Committee of the Whole, was ordered to a third reading, read the third time, and passed.

RELIEF OF CYCLONE SUFFERERS IN GEORGIA

The joint resolution (H. J. Res. 115) approving the action of the Secretary of War in directing the issuance of quartermaster stores for the relief of sufferers from the cyclone at Lagrange and at West Point, Ga., and vicinity, March, 1920, was considered as in Committee of the Whole, and was read.

Mr. KING. The Senator from New York approves of the joint resolution?

Mr. WADSWORTH. Oh, yes. I introduced the joint resolution and reported it.

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

OLD FORT VANCOUVER STOCKADE

The bill (H. R. 10472) to provide for restoration of the Old Fort Vancouver Stockade, was considered as in Committee of the Whole, and was read.

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

LAND AT SPRINGFIELD, MASS.

The bill (H. R. 11355) authorizing the Secretary of War to convey by revocable lease to the city of Springfield, Mass., a certain parcel of land within the Springfield Military Armory Reservation, Mass., was considered as in Committee of the Whole, and was read.

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

IRRIGATION OF LANDS IN NEBRASKA

The bill (S. 4057) providing for the irrigation of certain lands in the State of Nebraska, was announced as next in order.

Mr. SMOOT. There is no report on this bill, and I would like to have some explanation from the Senator from Nebraska.

Mr. NORRIS. I supposed there was a report, but it appears there is none. The bill is one of considerable importance, but if the Senator will bear with me, I can make an explanation of it that will be satisfactory to everybody. No one has ever objected to it, that I know of, who understood it.

The bill is one relating to semiarid country, a table-land between the Platte and Republican Rivers in the State of Nebraska, land as level as a table, which has been settled for over 30 years, is all settled up now, but it is located just at a point where there is little moisture to enable the settlers to raise crops. In some years they get a crop as it is; usually they get a partial crop; but in some years there is a complete failure.

It is a most remarkable piece of land. The bill provides, the way it is amended, for the irrigation of the land after the State of Nebraska shall have provided by the necessary legislative action a sufficient guaranty that will be satisfactory to the Bureau of Reclamation that they will pay the money, and 4 per cent interest on it, that is used in the irrigation district on the plant on a system of amortization, either by a straight guaranty of the State itself, by the guaranty of the counties in which the land is located, or by the organization of an irrigation district levying a tax upon the land and collecting the same as other taxes. It does nothing in reality except to give to the people the credit of the Government, and pays the Government for its money 4 per cent interest with the guaranty I have outlined.

Mr. FLETCHER. Are these Government lands?

Mr. NORRIS. No; they are all privately-owned lands, all settled and occupied now.

The PRESIDING OFFICER. 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 had been reported from the Committee on Irrigation and Reclamation with amendments, on page 2, line 2, after the word "act," to insert "The construction of said irrigation works shall be paid for out of any money in the United States Treasury not otherwise appropriated, as shall be provided for from time to time by congressional appropriation"; on page 2, line 13, to strike out "reclamation fund" and insert "United States"; on page 2, line 15, to strike out "to said reclamation fund"; on page 2, line 20, to strike out "to the reclamation fund"; on page 2, line 23, to strike out "to the reclamation fund"; on page 3, line 3, to strike out "from the reclamation fund"; on page 3, line 7, to strike out "70" and insert "40"; on page 3, line 15, to strike out "reclamation fund" and insert "Treasury of the United States," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to construct irrigation works for

the storage and diversion of water and the irrigation of lands as outlined and provided for in the report and survey of the Bureau of Reclamation, dated May 3, 1924, authorized by Senate Joint Resolution 215 (67th Cong., 2d sess.), approved September 22, 1922. Said work shall be undertaken and prosecuted under the general reclamation act approved June 17, 1902, and amendatory acts thereto, in so far as the same apply to said project, and in so far as such acts or amendatory acts are not modified or changed by this act. The construction of said irrigation works shall be paid for out of any money in the United States Treasury not otherwise appropriated, as shall be provided for from time to time by congressional appropriation. The lands to be irrigated shall not be confined to lands located in the counties mentioned in said Joint Resolution 215 (67th Cong., 2d sess.).

SEC. 2. The construction of the irrigation works provided for in section 1 shall not be commenced by the Secretary of the Interior until the State of Nebraska shall have provided by proper legislation for the repayment to the United States of the cost of such irrigation works in one or more of the following methods, to wit:

(1) The repayment of the cost thereof directly by the State of Nebraska;

(2) The repayment of such expenditure by obligation of the counties in which the lands to be irrigated are situated; or

(3) The repayment of such expenditure by the formation of an irrigation district comprising the land to be irrigated and providing for the levying of a tax thereon sufficient to pay the amount expended in the construction and development of such irrigation works.

Such legislation to be provided by the State of Nebraska shall make provision for the amount of interest upon all the money expended by the Secretary of the Interior at the rate of 4 per cent per annum, and shall provide for repayment of the amount expended together with said interest thereon by a system of amortization, which shall extend over a period not exceeding 40 years.

SEC. 3. If, in the construction of the said irrigation works, an opportunity is afforded for the development of electric power under such project, the Secretary of the Interior is authorized to sell for a period not exceeding the amortization period provided for in section 2 of this act, giving preference to farmers and municipalities, any surplus power developed, and the moneys derived from such sale or sales shall be covered into the Treasury of the United States and placed to the credit of said project. The Secretary of the Interior, as soon as said project is completed and paid for, shall convey the same to the State of Nebraska or to the counties within which said project is located, or to the irrigation district organized under the laws of the State of Nebraska, in accordance with the direction of the laws so enacted by the said State of Nebraska.

The amendments were agreed to.

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

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

FEDERAL COOPERATIVE MARKETING BOARD

The bill (S. 4300) to create a Federal cooperative marketing board, to provide for the registration of cooperative marketing, clearing house, and terminal market organizations, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

REAR ADMIRAL JOSEPH L. JAYNE

The bill (S. 4358) for the relief of Rear Admiral Joseph L. Jayne, United States Navy, retired, was announced as next in order.

Mr. KING. The report on this bill shows that the party has already had $2,000 and it involves giving him further reimbursements. I think the bill ought to have gone to the Committee on Naval Affairs. I think I shall have to object to its present consideration.

Mr. CAPPER. Mr. President, the author of the bill, the Senator from California [Mr. JOHNSON] was obliged to go to his home this evening on account of illness. He could not possibly be here, and asked me, if possible, to have the bill considered. Before the Committee on Claims the bill was very carefully considered, and I hope the Senator from Utah will read the report made by the Secretary of the Navy.

Mr. KING. I have read the report, and the point I make is this: In the first place, the bill ought to have gone to the Committee on Naval Affairs. Secondly, if Army officers or Navy officers and their families may carry unlimited quantities of personal property without insurance in their journeyings around the world and make the United States Government practically an insurer of their goods, I am inclined to think it imposes too great a liability upon the Government. I think there ought to be some limitation upon the liability of the Government for the loss of personal effects of Army officers or of naval officers in their travels, even though they are going upon duty.

Mr. EDGE. Mr. President, my attention has been drawn to the bill, also. I think it is a very meritorious bill. The principle involved is a principle of right, if there is a principle involved. Of course, the Senator has a perfect right to hold his objection, but here is an admiral of the Navy who has spent his entire life in the service. He is ordered to a new post, his goods being transported by a Government lighter, and, as the report states it, they are lost. They were practically all of his household goods, and the loss amounted to some $5,000. He got $2,000, and he has no way in the world to get the balance unless the Government appreciates to some extent its responsibility. The Secretary of the Navy has unqualifiedly indorsed the claim, and it seems to me we should be that considerate to a man who has spent his entire life in the service of his country.

Mr. KING. I shall withdraw objection to the bill, but I want to give notice now that I shall object to any of these measures that imply an unlimited obligation upon the part of the Government of the United States to be an insurer of all the personal property that employees of the Government may carry with them in their journeyings throughout the world. If the Government is liable for the loss of the personal property of an admiral, which is indispensable in the discharge of his duty, there is no reason why it should not be liable for all the property he carries or all the property of any other employee of the Government. It is a dangerous precedent. They have the right to get their property insured, as other people would have their property insured. To impose this liability on the Government, I think, is unjust. However, in view of the conditions which I understand to exist in this case, I withdraw my objection.

Mr. PITTMAN. I know of this case personally, and it is a peculiar case of merit.

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

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

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Rear Admiral Joseph L. Jayne, United States Navy, retired, the sum of $3,598.80 as reimbursement for the loss of personal property of himself and wife, Elizabeth T. Jayne, as a result of the disaster to United States Navy lighter *No. 91* in Chesapeake Bay on October 24, 1922, out of any money in the Treasury not otherwise appropriated.

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

JAMES F. ABBOTT

The bill (H. R. 5759) for the relief of James F. Abbott was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That there be paid, out of any money in the Treasury not otherwise appropriated, the sum of $1,302 to James F. Abbott, commercial attaché to the embassy at Tokyo, Japan, to compensate him in full for all claims he may have against the United States arising out of expenses incurred on an official trip of investigation to eastern Siberia during 1921.

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

BILL PASSED OVER

The bill (S. 3777) to permit the United States of America to be made defendant, and to be bound by decrees and final judgments entered, in land-title registration proceedings in the circuit court of Cook County, Ill., and courts of appeal therefrom, under the provisions of an act concerning land titles, in force in the State of Illinois May 1, 1897, was announced as next in order.

Mr. KING. I would like to have an explanation of the bill.

Mr. CURTIS. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

TERMS OF UNITED STATES DISTRICT COURT IN MARYLAND

The bill (H. R. 3842) to provide for terms of the United States district court at Denton, Md., was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That hereafter and until otherwise provided by law there shall be held annually on the third Monday in January and the first Monday in July terms of the District Court of the United States for the District of Maryland, at the town of Denton, in said district, said terms to be in addition to the terms now required to

be held in the city of Baltimore and the city of Cumberland in said district: *Provided,* That suitable accommodations for holding court at Denton are furnished free of expense to the United States.

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

OVERTIME PAY FOR IMMIGRATION SERVICE EMPLOYEES

The bill (S. 4311) to provide for overtime pay for employees of the Immigration Service, Department of Labor, was announced as next in order.

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

Mr. WADSWORTH. May I ask the Senator from Pennsylvania [Mr. PEPPER] if the bill provides that the steamship companies shall pay the overtime?

Mr. PEPPER. It does.

Mr. KING. I object to the consideration of the bill.

Mr. WADSWORTH. I must object to its consideration, too.

Mr. PEPPER. Will the Senator from New York withhold his objection just a moment?

Mr. WADSWORTH. Yes.

Mr. PEPPER. Will the Senator from Utah withhold his objection a moment?

Mr. KING. I will withhold it, but if I may say to the Senator I have investigated the question very fully. The principle is wrong and I have prepared a bill which I shall offer when we meet in December to repeal any existing law which permits the payment of overtime in this matter. I think it demoralizes the public service. I have many letters from public officials condemning the practice and I feel constrained to object, and I am sure the Senator will pardon me for objecting.

Mr. REED of Pennsylvania. Mr. President, will the Senator from Utah yield for a question?

Mr. KING. Certainly.

Mr. REED of Pennsylvania. Does the Senator from Utah agree that while the system is wrong, as he said, yet there does exist under the present law a discrimination against the inspectors in the Immigration Service?

Mr. KING. I can not answer that yes or no. I will say that they do not receive the same treatment that other employees of the Government receive in other branches of the service, but there are many employees in various branches of the service who may be subjected to the same treatment, and the whole system is wrong.

Mr. REED of Pennsylvania. While that may be so, yet the Senator recognizes the fact that the customs inspectors who work shoulder to shoulder with the immigration inspectors do get the advantage of overtime, and it comes from the steamship companies, while the immigration inspectors do not get it. It does not seem right that the United States should require overtime from one kind of inspector on the same pier on the same work, and not compensate him, while the other is compensated.

Mr. KING. Having objected, of course I ought not to debate it, but I have letters which show the demoralization which ensues in another branch of the Government service where they do this. The men do not work during the day, seeking overtime work so they can get $10 or $11, and it creates jealousy and discord and brings confusion if not chaos in the service. I am opposed to the whole method and the whole system.

The PRESIDING OFFICER. The Senator from Utah objects, and the bill goes over.

LAND TITLES IN ILLINOIS

Mr. MOSES. Mr. President, I ask unanimous consent to return to the consideration of Calendar No. 1277, Senate bill 3777. I have called the attention of the Senator from Utah [Mr. KING] to the circumstances regarding the bill, both as to its introducer and as to the Senator who reported it, and the Senator from Utah is willing to withdraw his objection.

Mr. BRUCE. I object.

Mr. MOSES. I hope the Senator will not object.

Mr. BRUCE. When the sponsor of the bill is dead and one of the others is absent, I do not think we should consider it.

Mr. MOSES. The other Senator is in Chicago burying his colleague, and if the Senator from Maryland under those circumstances wishes to object at this stage of the session he may do so.

Mr. BRUCE. I am not making any particular point about it, except that it does seem to me there ought to be some person who can explain the real purpose of the bill.

Mr. MOSES. I can say, further, to the Senator from Maryland that at this stage of the session no Senate bill can possibly become a law and receive consideration at the other end of the Capitol, but in the closing days of the Sixty-eighth Congress, when the introducer of the bill is dead and the reporter of the bill is in Chicago burying our dead comrade, if the Senator from Maryland wishes to adopt such a course, he may do so.

Mr. BRUCE. With due deference to the Senator from New Hampshire, that is not the spirit in which to take up the matter. I have not the slightest desire to make any captious objection. I flatter myself I do not make or do not mean to make objections of that sort. If the Senator would say to me that he is familiar with the subject matter of the bill and feels he is qualified to ask the Senate to pass it on its merits, I shall withdraw the objection.

Mr. MOSES. The only answer I can make to the Senator from Maryland on that point is that the Committee on the Judiciary, the great law committee of the Senate, has passed upon the bill and reported it without amendment.

Mr. BRUCE. That remark is applicable to practically every bill on the calendar. No bill would ever be objected to under those circumstances.

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

Mr. BRUCE. I do not want to put myself in the position of being, as I said, captious and just merely caviling about the bill. If the Senator can say he is familiar with the contents and that it is a meritorious measure, or if somebody else will say that, speaking for the two natural sponsors of the bill, I shall withdraw the objection.

Mr. STERLING. I want to say to the Senator from Maryland that the bill received very careful consideration at the hands of the Judiciary Committee. The necessity for the act arises under the peculiar system of registration of land titles in Illinois. They have the Torrens system and it is on account of that fact that the bill is deemed necessary.

Mr. BRUCE. The approval of the Senator from South Dakota of any bill goes far with me, and I would have said the same thing with reference to the Senator from New Hampshire if he had assured me he had personal familiarity with the contents of the bill. I waive my objection.

There being no obection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3777) to permit the United States of America to be made defendant and to be bound by decrees and final judgment entered in land title registration proceedings in the Circuit Court of Cook County, Ill., and courts of appeals therefrom under the provisions of an act concerning land titles in force in the State of Illinois May 1, 1897, and it was read, as follows:

Be it enacted, etc., That whenever the Attorney General of the United States, in his discretion, may deem it to be in the public interest so to do, and the United States of America has been named in any application for registration of title to land pending in the Circuit Court of Cook County, Ill., under the provisions of an act concerning land titles, approved and in force in the State of Illinois May 1, 1897, as subsequently amended, as having or claiming some right, title, or interest in and to the real property described in the application, the Attorney General of the United States may enter the appearance of the United States of America in said land title registration proceeding, and his own appearance as the solicitor for the United States of America, and thereupon the said Circuit Court of Cook County, Ill., shall have jurisdiction to adjudicate and determine such right, title, or interest of the United States of America in and to the real property described in said application, and to take such proceedings and make such orders, including references to examiners of title, and to enter such judgments and decrees thereon as are in conformity with the provisions of such act concerning land titles, approved and in force May 1, 1897, and all acts amendatory thereof.

SEC. 2. Said Circuit Court of Cook County, Ill., shall not have jurisdiction to adjudicate and determine any right, title, and interest of the United States of America to any real property not described in the application or amended application on file at the time of the entry of the appearance of the United States by the Attorney General of the United States, except as hereinafter provided. If the Attorney General of the United States shall approve in writing the entry of an order allowing the filing of an amended application describing additional real property not theretofore described in the application or amended application on file at the time of the entry of the appearance of the Attorney General of the United States of America, said circuit court shall also have jurisdiction to adjudicate and determine as to such additional real property the right, title, and interest of the United States of America therein, and to take such proceedings and enter such orders, judgments, and decrees in reference thereto as may be in conformity with the provisions of said act.

SEC. 3. When the said Circuit Court of Cook County, Ill., shall have acquired jurisdiction of the United States of America as hereinabove provided, the applicant or applicants, or cross applicants, if any, may

prosecute said cause to final judgment, and the appearance of the United States of America shall not be withdrawn before such final judgment.

SEC. 4. The Supreme Court of Illinois shall have jurisdiction to hear and determine all appeals from judgments and decrees entered in accordance with the provisions of an act concerning land titles, approved and in force May 1, 1897, and all acts amendatory thereof and in accordance with the provisions of this act. Writs of error to the Supreme Court of Illinois from the Supreme Court of the United States shall lie as in other cases where the Supreme Court of the United States would have jurisdiction.

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

SESQUICENTENNIAL OF AMERICAN INDEPENDENCE

The joint resolution (S. J. Res. 166) authorizing the establishment of a commission to be known as the Sesquicentennial of American Independence and the Thomas Jefferson Centennial Commission of the United States, in commemoration of the one hundred and fiftieth anniversary of the signing of the Declaration of Independence and the one hundredth anniversary of the death of Thomas Jefferson, the author of that immortal document, was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on Appropriations with amendments, which were, on page 3, line 4, before the word "of," to insert "Commission"; in the same line, after the word "of," to strike out "American"; in line 5, after the word "Independence," to strike out "and the Thomas Jefferson Centennial Commission"; in line 8, after the word "Independence," to strike out "and the one hundredth anniversary of the death of Thomas Jefferson, the author of that immortal document (hereinafter referred to as the commission)"; on page 4, after line 6, to strike out section 2 in the following words: "Sec. 2. The commissioners shall serve without compensation, and shall select a chairman from among their number"; in line 14, after the word "officers," to strike out "and board of governors of the Thomas Jefferson Memorial Foundation, and the other National," and insert "of all"; in line 17, before the word "appointed," to strike out "and other Jefferson centennial committees"; in line 19, before the word "signal," to strike out "those" and insert "the"; in the same line, after the word "signal," to strike out "events" and insert "event"; in the same line, after the word "which," to strike out "have" and insert "has"; on page 5, line 7, after the word "Commission," to strike out the comma and "after selecting" and insert "shall select"; in line 9, before the word "may," insert "and"; at the top of page 6, to strike out section 9, in the following words: "Sec. 9. That the commission hereby created shall expire within two years after the expiration of the celebration, December 31, 1926.", and to renumber the sections, so as to make the joint resolution read:

Resolved, etc., That there is hereby established a commission to be known as the Sesquicentennial Commission of Independence of the United States, in commemoration of the one hundred and fiftieth anniversary of the signing of the Declaration of Independence, and to be composed of 19 commissioners, as follows:

The President of the United States, the Vice President of the United States, the Speaker of the House of Representatives, ex officio; eight persons to be appointed by the President of the United States; four Senators by the Vice President; and four Representatives by the Speaker of the House of Representatives.

SEC. 2. It shall be the duty of the commissioners to promulgate to the American people an address relating to the reason of the creation of the commission and of its purposes and to prepare a plan or plans for a program in cooperation with the officers of all State, city, civic, and patriotic committees appointed throughout the country for the purpose of properly commemorating the signal event which has brought this commission into being; and to give due and proper consideration to any plan or plans which may be submitted to them; and to take such steps as may be necessary in the coordination and correlation of the various plans which may be submitted to the commission; and if the participation of other nations be deemed advisable, to communicate with the governments of such nations.

SEC. 3. When the commission shall have approved of a plan of celebration, then it shall submit for their consideration and approval such plan or plans, in so far as it or they may relate to the fine arts, to the Commission of Fine Arts, in Washington, for their approval, and in accordance with statutory requirements.

SEC. 4. The commission shall select a chairman and a vice chairman from among their members, and may employ a secretary and such other assistants as may be needed for clerical work connected with the duties of the commission and may also engage the services of expert advisors; and may fix their respective compensations within the amount appropriated for such purposes.

SEC. 5. The commissioners shall receive no compensation for their services, but shall be paid their actual and necessary traveling, hotel, and other expenses incurred in the discharge of their duties, out of the amount appropriated.

SEC. 6. That there is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated the sum of $10,000, to be expended by the commission in accordance with the provisions of this resolution.

SEC. 7. The commission shall, on or before the 8th day of December, 1925, make a report to the Congress in order that enabling legislation may be enacted.

SEC. 8. This joint resolution shall take effect immediately.

The amendments were agreed to.

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

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

The Committee on Appropriations reported to strike out all of the preamble after the first whereas, which is as follows:

Whereas the 4th day of July, 1926, will mark the one hundred and fiftieth anniversary of the signing of the Declaration of Independence, that heroic act which marked the birth of American independence and of these United States of America.

The amendment was agreed to.

The preamble as amended was agreed to.

The title was amended so as to read: "Joint resolution authorizing the establishment of a commission to be known as the Sesquicentennial Commission of the Independence of the United States, in commemoration of the one hundred and fiftieth anniversary of the signing of the Declaration of Independence."

LANDS GRANTED TO PUBLIC SCHOOLS

The Senate, as in Committee of the Whole, proceeded to consider 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, which was read, as follows:

Be it enacted, etc., That, subject to the provisions of subdivision (b) of this section, the United States relinquishes to any State or Territory all right, title, and interest of the United States to the lands, irrespective of their character, granted to such State or Territory by numbered sections or otherwise for the support of or in the aid of common or public schools; unless land has been granted to, and/or selected by and certified to, any such State or Territory in lieu of and/or as indemnity land for any land so granted by numbered sections or otherwise, and in that case such relinquishment shall be limited to such indemnity or in lieu lands.

(b) Any lands included within a permanent reservation for national purposes, or subject to valid adverse claims of third parties, are excluded from the provisions of this act; and lands included within any military, Indian, or other reservation, or specifically reserved for water-power purposes, are included within the purposes of this act only from the date of extinguishment of such reservation and the restoration of such land to the public domain.

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

WILLIAM G. JOHNSON

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9027) authorizing the Secretary of the Interior to sell and patent to William G. Johnson certain lands in Louisiana, which was read, as follows:

Be it enacted, etc., That upon the payment to the United States of $1.25 per acre the Secretary of the Interior be, and is hereby, authorized to issue patent to William G. Johnson to lot 3, section 18, township 19 north, range 11 east, Louisiana meridian, situated in East Carroll Parish, La.: *Provided*, That payment be made and application filed hereunder in the district land office within six months after the approval of this act, and that no adverse claim thereto be officially of record as pending when the application is allowed and the sale consummated.

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

EDITH W. PEACOCK AND PEACOCK MILITARY COLLEGE (INC.)

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4353) for the relief of Edith W. Peacock and the Peacock Military College (Inc.), which had been reported from the Committee on Claims with an amendment, on page 1,

line 6, after the words "sum of," to strike out "$20,000" and to insert "$12,000," so as to make bill read:

Be it enacted, etc., That out of any moneys in the Treasury not otherwise appropriated the Secretary of the Treasury is directed to pay Edith W. Peacock, treasurer of the Peacock Military College (Inc.), the sum of $12,000 in full and final settlement of any and all claims which the said Edith W. Peacock and/or the said Peacock Military College has, or may have, against the United States, and of any and all claims which the United States has, or may have, against the said Edith W. Peacock and/or the said Peacock Military College arising from, growing out of, or in any way connected with the use and occupation by the United States in connection with the operation of a vocational training school at or near San Antonio, Tex., of any and all lands, improvements, furniture, equipment, paraphernalia, or facilities owned or controlled by the said Edith W. Peacock or the said Peacock Military College: *Provided*, That before any sum is paid hereunder the said Edith W. Peacock and the said Peacock Military College (Inc.) shall file with the Comptroller General of the United States a waiver of all claims against the United States growing out of the matters herein set out.

The amendment was agreed to.

Mr. REED of Pennsylvania. I do not wish to be captious, but it seems to me we might as well put these proposed acts in good English while we are about it. There is not any justification outside of a dry goods store for using the phrase "and/or," which is found in line 8, page 1, of the bill. I move to strike out the word "or" in that line.

Mr. SHEPPARD. I accept the amendment, Mr. President.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. REED of Pennsylvania. After the word "College," in line 8, page 1, I move to insert "or either of them."

Mr. SHEPPARD. I accept the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. REED of Pennsylvania. On page 1, line 11, I also move to strike out the word "or." I am sure the Senator from Texas will agree to that amendment.

Mr. SHEPPARD. I accept the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. KING. I should like to ask the Senator from Texas whether the Government officials who are cognizant of this matter recommend payment?

Mr. SHEPPARD. Both the Comptroller General and the Veterans' Bureau favor payment. The Veterans' Bureau terminated a four-year lease at the expiration of two years, causing a loss of $12,000, and that loss should be made good.

Mr. KING. If it is valuable property, might not the termination of the lease be advantageous to the lessor?

Mr. SHEPPARD. The parties who owned the property had lost about two-thirds of it because they were unable to meet notes which were given to make improvements demanded by the Government, improvements which were not specified in the lease.

Mr. BRUCE. If I may interrupt for just a moment, I should like to say to the Senator from Utah [Mr. KING] that I happen to be a member of the Committee on Claims. This bill was made the subject of a special meeting of the Committee on Claims and was very fully considered by its members. We came to the conclusion that it was a meritorious measure.

Mr. SHEPPARD. Let me say to the Senator from Pennsylvania [Mr. REED] that I am not responsible for the terminology of the bill. It was prepared in one of the departments.

Mr. REED of Pennsylvania. I should have been willing to guarantee that the Senator from Texas was not guilty of drafting the bill.

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.

FRANCIS KELLY

The bill (H. R. 9846) for the relief of Francis Kelly was announced as next in order.

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

The PRESIDING OFFICER. The bill will go over under objection.

Mr. COPELAND. Mr. President, I hope the Senator from Utah will withhold his objection for a moment.

The PRESIDING OFFICER. Does the Senator withhold his objection?

Mr. COPELAND. I wish to call the attention of the Senator to the last clause in the report of the Secretary of the Navy, which reads:

In view of all the foregoing, this department recommends approval of the bill H. R. 9846.

This man was on the *Merrimac* when it was sunk in the channel of Santiago Harbor.

Mr. KING. I thought for the moment that this was the case that Captain Hobson went into very fully. I recall that there are conditions attending this case that would take it out of the ordinary list of cases. Therefore I withdraw my objection to the consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9846) for the relief of Francis Kelly, which had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and to insert:

That, in consideration of his gallant and heroic services in the sinking of the United States ship *Merrimac*, Francis Kelly shall hereafter be held and considered to have been honorably discharged from the naval service of the United States as a chief machinist's mate on July 4, 1902, in which rating he served during the Spanish-American War, and the Secretary of the Navy is hereby authorized to reenlist him as a chief machinist's mate in the United States Navy and to immediately thereafter transfer him to the retired list of the Navy with the retired pay of that rating: *Provided*, That the said Francis Kelly shall not be entitled to any back pay or allowances prior to the date upon which he may be transferred to the retired list, as herein authorized.

The amendment was agreed to.

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

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

EXCHANGE OF LANDS IN HAWAII

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11410) to extend the time for the exchange of Government lands for privately owned lands in the Territory of Hawaii, which was read, as follows:

Be it enacted, etc., That the time for the exchange by the President of Government-owned land in the Territory of Hawaii for privately owned land or land owned by the Territory of Hawaii, as authorized by act of Congress approved January 31, 1922, and the provisions of said act are hereby extended until January 31, 1926.

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

AMENDMENT OF TRADING WITH THE ENEMY ACT

The bill (S. 916) to amend the trading with the enemy act was announced as next in order. The bill was read, as follows:

Be it enacted, etc., That section 9 of the trading with the enemy act, as amended, is amended by inserting between paragraphs (3) and (4) of subsection (b) of section 9 a new paragraph to read as follows:

"3. (a) An individual who was at such time a citizen or subject of Germany, Austria, Hungary, or Austria-Hungary, and that the money or other property involved, or the principal thereof, was earned by such individual while a bona fide resident of the United States and where such individual shall be a bona fide resident of the United States at the time of the return of his money or other property to him; or"

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

Mr. WADSWORTH. Mr. President, there had better be an explanation of that bill.

Mr. BORAH. Mr. President, the effect of this bill, if enacted into law, would be to permit the return of property to some four or five individuals to the amount of something less than $500,000. Those persons were residents of the United States prior to the World War, they acquired their property in the United States during their residence, and they are now and they were then bona fide residents.

Mr. WADSWORTH. Are they citizens now?

Mr. BORAH. They are not citizens as yet, but they are residents, and they have all, as I understand, taken out papers to become citizens. They are, I repeat, residents and have been since the war, as they were residents of the country before the war. There are some four or five of them.

Mr. WADSWORTH. The Senator from South Dakota [Mr. STERLING] informs me that they have declared their intention to become citizens.

Mr. BORAH. I am so told.

Mr. WADSWORTH. Are there only four or five such cases?

Mr. BORAH. The amount is something less than $500,000, and I am advised that there are only four or five of them. A number of them have been taken care of, and a provision with reference to these particular persons was adopted by the Senate on a previous occasion when the Winslow bill was before the Senate, but it was left out in conference.

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

Mr. WILLIS. Mr. President, I dislike exceedingly to object to any Senator's bill, but I doubt whether we ought to go into so important a question as this at a night session. I recall the measure to which the Senator from Idaho has referred. It was passed in the closing hours of the last session of Congress. At that time I protested against it in a feeble way.

Mr. President, I do not believe that this great fund, which is held by the Government of the United States under treaty with Germany as a fund out of which recompense may be made to our citizens for their claims, should be whittled away until we know how the matter is to be finally settled. Does not the Senator think that a subject of this kind ought to go over in order to permit pretty full discussion?

Mr. BORAH. No; I do not think this measure calls for any great discussion, for these reasons: First, that there will be plenty of money left after amount shall be paid to take care of any claims which American citizens may have against the fund; and, secondly, the claims involved in this bill stand upon an entirely different basis from the claims of those who are now residents of Germany and were residents of Germany when they acquired property in this country. The claimants in this case are people who came here, who were residing here, and who acquired the property here, but who were temporarily absent during the war. They have returned here since the war and have taken out their papers with a view to becoming citizens of the United States. The amount is something less, as I have said, than $500,000, and will not at all affect the final settlement of the claims of our citizens in case we conclude to do the very questionable thing of settling it in that way.

Mr. WILLIS. I remember, Mr. President, when the bill referred to was passed here in the closing moments of the last session that argument was advanced that there would be an abundance of property left. So far as I know there is as yet an abundance of property left; but this is a trust fund which I have very grave doubt about the wisdom of interfering with until we know what is to be the final disposition of the matter. The Senator has introduced a bill on this subject—a very important bill—upon which he made some very illuminating remarks, as he always does. He said then that he did not expect to have that measure considered at this session.

Mr. BORAH. No; I did not say then that I knew it would not be considered at this session, for I should like to have it considered just as quickly as possible, but I know now I can not secure its consideration at this session. So I am not desirous of bringing up that subject at all, and the bill now before us does not in any way touch the principles of the bill which I have introduced. It is upon an entirely different basis.

The PRESIDING OFFICER. Does the Senator from Ohio withdraw his objection?

Mr. FLETCHER. Mr. President, may I suggest to the Senator from Ohio before he makes up his mind about the matter, that, while I am somewhat in accord with his views, it seems to me that this bill is intended to meet an entirely different situation. There are only five or six of these persons.

Mr. WILLIS. Is the Senator certain that there are only five or six?

Mr. FLETCHER. Yes.

Mr. BORAH. That is correct.

Mr. WILLIS. Who and where are they?

Mr. FLETCHER. The original trading with the enemy act did not authorize the seizure of the property of enemy nationals residing in the United States except where they were interned; and all who were interned, have had their property released to them by the amendment of June 5, 1920. The parties in this case were residents of the United States, but were absent at the time. They were never interned, it is true, but they acquired all of this property in the United States while they were here.

Mr. WILLIS. Well, let the bill be passed over for the present until I have an opportunity to look into it further.

The PRESIDING OFFICER. Under objection, the bill will go over.

Mr. WILLIS subsequently said: Mr. President, a few moments ago I objected to the consideration of the bill (S. 916) to amend the trading with the enemy act. I have since conferred with a number of Senators and I am now willing to withdraw objection to the consideration of the bill. My opinion on this general question is well understood, but it has been explained that the matter involved in the bill is relatively small and concerns only three or four persons. So far as I am concerned, I am willing, therefore, to withdraw the objection which I made when the bill was reached on the calendar.

Mr. HEFLIN. Let the bill go over, Mr. President.

The PRESIDENT pro tempore. The bill will go over.

ONE HUNDRED AND FIFTIETH ANNIVERSARY OF BATTLE OF BUNKER HILL

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, was considered as in Committee of the Whole, and was read, as follows:

Resolved, etc., That there is hereby established a commission to be known as the United States Bunker Hill Sesquicentennial Commission (hereinafter referred to as the commission) and to be composed of 11 commissioners, as follows: Three persons to be appointed by the President of the United States, four Senators by the President of the Senate, and four Members of the House of Representatives by the Speaker of the House of Representatives. The commission shall serve without compensation and shall select a chairman from among their number.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 to be expended by the commission for actual and necessary traveling expenses and subsistence while discharging its official duties outside the District of Columbia.

SEC. 3. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $10,000 to be utilized, in the discretion of the commission, for the appropriate participation on the part of the United States in the celebration and observance of the one hundred and fiftieth anniversary of the Battle of Bunker Hill, to be commemorated on or about June 17, 1925.

SEC. 4. The Postmaster General is hereby authorized and directed to issue a special series of postage stamps, in such denominations and of such designs he may determine, commemorative of the one hundred and fiftieth anniversary of the Battle of Bunker Hill and of the one hundred and fiftieth anniversary of such other major events of the Revolutionary War as he may deem appropriate.

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

GRANT OF LAND TO PHOENIX, ARIZ.

The bill (H. R. 11644) granting certain public lands to the city of Phoenix, Ariz., for municipal park, and other purposes, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That lots 1 and 2, northeast quarter northwest quarter, and northwest quarter northeast quarter, section 7, township 1 south, range 4 east, Gila and Salt River meridian, Arizona, be, and the same are hereby, granted to the city of Phoenix, Ariz., for municipal park, recreation, playground, or public convenience purposes, upon the condition that the city shall make payment for such land at the rate of $1.25 per acre to the receiver of the United States Land Office, Phoenix, Ariz., within six months after the approval of this act: *Provided*, That there shall be reserved to the United States all oil, coal, or other mineral deposits found at any time in the land, and the right to prospect for, mine, and remove the same: *Provided further*, That the grant herein is made subject to any valid existing claim or easement, and that the lands hereby granted shall be used by the city of Phoenix, Ariz., only for the purposes herein indicated, and if the said land, or any part thereof, shall be abandoned for such use, said land, or such part, shall revert to the United States; and the Secretary of the Interior is hereby authorized and empowered to declare such a forfeiture of the grant, and restore said premises to the public domain, if at any time he shall determine that the city has for more than one year abandoned the land for the uses herein indicated, and such order of the Secretary shall be final and conclusive, and thereupon and thereby said premises shall be restored to the public domain and freed from the operation of this grant.

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

BILLS PASSED OVER

The bill (H. R. 5265) to authorize the appointment of stenographers in the courts of the United States and to fix their duties and compensation was announced as next in order.

Mr. KING and Mr. MOSES asked that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 1468) to increase the salary of the warden of the United States Penitentiary at McNeil Island, Wash., was announced as next in order.

Mr. KING. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 1446) for the relief of Charles W. Gibson, alias Charles J. McGibb, was announced as next in order.

Mr. KING. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

DELAWARE RIVER TOWING LINE

The bill (S. 3144) for the relief of Delaware River Towing Line was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the claim of the Delaware River Towing Line, a corporation organized and existing under the laws of the State of Delaware, owner of the steam tug *Henry P. Mills*, against the United States for damages alleged to have been caused by collision between the said tugboat and the United States steamship *Larson*, a prohibition patrol boat being handled by the Prohibition Unit, Bureau of Internal Revenue, in the Chesapeake and Delaware Canal, may be sued by the said Delaware River Towing Line of Delaware in the United States District Court of the Eastern District of Pennsylvania, 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 and costs, if any, as shall be found to be due against the United States in favor of the said Delaware River Towing Line or against the said Delaware River Towing Line in favor of the United States upon the same principles and measures of liability as in like cases 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 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.

Mr. KING. Mr. President, I will inquire if the bill is merely an authorization to enable the company to go to the Court of Claims?

Mr. PEPPER. Mr. President, this measure carries no appropriation and does nothing but extend to the Delaware River Towing Line the right to file its libel in a court of admiralty and have its rights there adjudicated, growing out of a collision between a tugboat owned by the company and a vessel of the United States.

Mr. KING. I perceive that it is in the usual form, and I have no objection.

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

MIGRATORY BIRD REFUGES

The bill (H. R. 745) for the establishment of migratory-bird refuges, to furnish in perpetuity homes for migratory birds, the establishment of public shooting grounds to preserve the American system of free shooting, the provision of funds for establishing such areas, and the furnishing of adequate protection for migratory birds, and for other purposes, was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

ANDREW A. GIERIET

The bill (H. R. 1569) for the relief of Andrew A. Gieriet was announced as next in order.

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

Mr. KING. I should like an explanation of the measure.

Mr. MOSES. Mr. President, in behalf of certain people who are interested in this measure who have communicated with me, and speaking, as I am enabled to do, for the Senator from Minnesota [Mr. JOHNSON], I will say that the Senator from Utah will find, if he will read the report, that the theft took place while this officer was engaged in the military service in Luxemburg and at a time when he was sick. While it is true that the letter of the Comptroller points out that it was the duty of the man to have safeguarded the company funds at the place where the theft took place, the Senator will also recall that at that time in Luxemburg, and the officer being sick, it was quite impossible to do so.

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Andrew A. Gieriet, former captain Company D, Four hundred and eighth Telegraph Battalion, United States Army, the sum of $484.75, being the amount of money paid by said Andrew A. Gieriet from private funds because of loss of public funds through theft.

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

THE FOREST SERVICE

The bill (H. R. 5939) to facilitate and simplify the work of the Forest Service, United States Department of Agriculture, and to promote reforestation, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Agriculture and Forestry with amendments in section 2, page 2, line 4, after the word "exceed," to strike out "$1,000" and insert "$1,500"; in line 8, after the word "each," to insert the word "and"; in line 9, after the numerals "$2,000," to strike out "each, and four at not to exceed $1,500," so as to make the section read:

SEC. 2. That, in addition to buildings costing not to exceed $1,500 each, the Secretary of Agriculture, out of any moneys appropriated for the improvement or protection of the national forests, may construct, improve, or purchase during each fiscal year three buildings for national forest purposes at not to exceed $2,500 each, and three at not to exceed $2,000 each: *Provided*, That the cost of a water supply or sanitary system shall not be charged as a part of the cost of any building except those costing in excess of $2,000 each, and no such water supply and sanitary system shall cost in excess of $500.

The amendments were agreed to.

Mr. KING. Mr. President, may I inquire of the Senator from Oregon if this is the bill, or one like this, in which the Senator from California [Mr. JOHNSON] was interested?

Mr. McNARY. No; Mr. President. That was a bill to create forest experiment stations. This is to provide housing for rangers in the national forests. They both contemplate forestation, but operate in different fields.

Mr. KING. Are there no provisions now for the same purposes which this bill has in view?

Mr. McNARY. There is an old law of which this is a modification. Also, a part of this legislation is carried in the agricultural supply bill; but this is to extend and simplify the method of protecting the national forests from destruction by fire.

Mr. MOSES. Mr. President, may I ask the Senator from Oregon whether this legislation is not also in line with legislation contained in the bill reported by the Special Committee on Reforestation?

Mr. McNARY. It is.

The PRESIDING OFFICER. If there be no further amendments to be proposed, the bill will be reported to the Senate.

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

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

BILL PASSED OVER

The bill (S. 3978) to authorize the Secretary of Agriculture to cooperate with State officials, crop-improvement associations, or growers of seed, and other interested parties, to encourage the production of seeds of a high varietal purity and quality, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, I should like an explanation about this. In the agricultural appropriation bill recently we made very large appropriations—more than $40,000,000, as I recall—and it seems to me that the same ground covered by this bill was traversed by some of the provisions of the agricultural bill. Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

WEATHER BUREAU SITE, EAST LANSING, MICH.

The bill (H. R. 12086) to authorize the transfer of the United States Weather Bureau site and buildings at East Lansing, Mich., to the State of Michigan in exchange for another Weather Bureau site on the grounds of the Michigan State Board of Agriculture and other considerations, was considered as in Committee of the Whole.

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

BILL PASSED OVER

The bill (H. R. 11921) to authorize the permanent appointment of any acting chaplain in the Navy to the temporary

grade and rank in the Navy held by him during the World War, was announced as next in order.

Mr. WADSWORTH. Let that go over.

Mr. ODDIE. Mr. President, may I ask if that bill can not be considered at this time? I should like to know the objection of the Senator.

Mr. WADSWORTH. Mr. President, I notice that this bill provides that any person who now holds an appointment as acting chaplain in the Navy may be appointed in the permanent grade of the rank which he held temporarily during the war. I want to say that in none of our military services with which I am familiar have we extended permanently any of the temporary grades conferred during the emergency, and that is contrary to what I regard as good public policy. It gives these men the right to enjoy permanently a temporary grade which they occupied during the war only. If we were going to do that, to be consistent we must take hundreds of Army officers who held high temporary grades during the war, and who have reverted to their regular ranks, and restore them to those high temporary grades.

The PRESIDING OFFICER. Does the Senator withdraw his objection?

Mr. WADSWORTH. No.

The PRESIDING OFFICER. The Senator objects, and the bill will be passed over.

NATURALIZATION OF ALIENS

The bill (S. 4382) to supplement the naturalization laws was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That no declaration of intention filed after the expiration of 60 days after the enactment of this act by any alien who arrived in the United States after June 29, 1906, shall be valid unless the clerk of the court certifies upon the face of such declaration that he has been notified in writing by the Bureau of Naturalization that there is on file in the records of such bureau a certificate of arrival (issued as hereinafter provided) stating the date, place, and manner of arrival of such alien in the United States.

SEC. 2. No certificate of arrival issued under section 1 of this act or under the second subdivision of section 4 of the act entitled "An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States," approved June 29, 1906, shall be issued in the case of any alien who arrived in the United States on or after June 3, 1921, unless from the immigration records it appears to the satisfaction of the official issuing the certificate that the alien was lawfully admitted to the United States for permanent residence. If the arrival was on or after July 1, 1924, the certificate of arrival shall be issued only by the Commissioner General of Immigration, except that if the date, place, and manner of arrival of the alien appear upon his immigration visa on file in the Bureau of Naturalization, the certificate shall be issued by the Commissioner of Naturalization. If the alien arrived on or after June 3, 1921, and before July 1, 1924, the certificate of arrival shall be issued by the Commissioner General of Immigration, except that if the date, place, and manner of arrival of the alien appear upon the immigration records at the place of arrival in the United States the certificate may be issued by the immigration officer in charge of such place, or by the Commissioner of Naturalization.

SEC. 3. In the case of an alien who arrived before June 3, 1921, if the date, place, and manner of his arrival appear upon the immigration record at the place of arrival in the United States, the certificate of arrival shall be issued by the immigration officer in charge of such place or by the Commissioner of Naturalization. If such facts are not shown on such record, the certificate of arrival shall be issued only by the Commissioner General of Immigration, and only if it appears to his satisfaction when, where, and in what manner the alien did arrive in the United States; that he has continuously resided in the United States since such date up to the time of the application for the certificate of arrival; that at the time of entry he did not belong to any of the classes excluded by law; and that he is not subject to deportation.

SEC. 4. For each certificate of arrival referred to in section 1 of this act the alien shall pay to the Commissioner of Naturalization a fee of $3. For each certificate of arrival issued under the second subdivision of section 4 of such act of June 29, 1906, the alien shall pay to the Commissioner of Naturalization a fee of $3, unless there has been issued on his account a certificate of arrival under section 1 of this act. All fees collected under this section shall be paid over by the Commissioner of Naturalization and be deposited in the Treasury and accounted for in the same manner as other naturalization fees.

SEC. 5. This act may be cited as the "naturalization act of 1925."

Mr. BRUCE. Mr. President, I should like to have some explanation of this bill. I do not see the Senator from Pennsylvania [Mr. REED] in the Chamber.

Mr. COPELAND. Mr. President——

Mr. BRUCE. I did not see the Senator from New York.

Mr. COPELAND. I observe that the notation on the bill states that it was "reported by Mr. COPELAND (for Mr. JOHNSON of California)." This bill was considered by the committee and is presented at the request of the Naturalization Bureau of the Department of Labor. The law now requires that every alien who wants to become a citizen must obtain a certificate of arrival, and this is presented at the time of his declaration. There are a good many people who are here lawfully who have not the certificate, particularly those who went through Montreal, down at Rouses Point, and other places; and Mr. Crist and others of the Bureau of Naturalization consider that this bill is a very necessary one to complete the work of naturalization.

The PRESIDING OFFICER. Does the Senator from Maryland object to the consideration of the bill?

Mr. BRUCE. No; I simply want an explanation. I did not know that the Senator from Pennsylvania was in the Chamber. My main purpose was to call his attention to it.

Mr. REED of Pennsylvania. Mr. President, I was called out for a moment when the bill was brought up, but I happen to be familiar with it.

Under the present law, before the final papers of citizenship are taken out by an alien, he must have a certificate of arrival. This changes that so as to provide that the certificate of arrival must be furnished at the time he takes out his first papers. It is really no hardship on him, because the certificate of arrival that he gets for his first papers suffices for his final naturalization.

The PRESIDING OFFICER. Is there objection?

Mr. BRUCE. I make no objection.

Mr. REED of Pennsylvania. In fairness, I ought to say that the bill goes one step further than that. It does not legalize the entry of any person who has come in since the quota law was put on; but if a man came to the United States before the temporary quota law of 1921, the commissioner of naturalization may give him a certificate of arrival if he finds that his entry was lawful, even if there is no record of that in the rather incomplete records that were kept of that period.

Mr. WADSWORTH. Mr. President, I desire to offer some amendments to this bill. I think they are important enough and appealing enough to secure favorable action upon them, even though it be done upon the call of the calendar.

Mr. President, this matter has been prepared in the form of a statement which I will read, in the interest of brevity:

The present naturalization law places an unnecessary hardship upon aliens who are desirous of petitioning for naturalization if they have lived at distant points in the State by preventing them from using more than two witnesses to prove their residence in a State. If they have lived in two parts of a State they can not prove residence by two witnesses for each place.

For example, if an alien resides in the city of New York for a couple of years, and then moves to the city of Buffalo for a couple of years, under the statute he is allowed only two witnesses to prove his residence for the full period. If he has lived the last two years in the city of Buffalo, of course, it is easy for him to produce two witnesses who know of him as living in the city of Buffalo at the time; but it is exceedingly difficult for him to find two witnesses in another city like New York City, 350 or 400 miles away, and he is not allowed to produce more than two altogether. One of the amendments that I propose to offer will permit the alien to overcome this difficulty and still leave the citizenship of the country, as it were, thoroughly protected.

Another proposal that I have to make——

Mr. COPELAND. Mr. President, will my colleague read the amendment now, having made the statement?

Mr. WADSWORTH. Yes. [Reading:]

(b) The third paragraph of the second subdivision of section 4 of such act of June 29, 1906, as amended, is amended to read as follows:

"As to each period of residence at any place in the county or District of Columbia where the petitioner resides at the time of filing his petition, there shall be included in the petition the affidavits of at least two credible witnesses, citizens of the United States, stating that each has personally known the petitioner to have been a resident at such place for such period, and that the petitioner is and during all such period has been a person of good moral character."

(c) Subdivision fourth of section 4 of such act of June 29, 1906, as amended, is amended to read as follows:

"Fourth. It shall be made to appear to the satisfaction of the court admitting any alien to citizenship (1) that immediately preceding the date of his petition the alien has resided continuously within the United States for at least five years and within the county or the

District of Columbia where the petitioner resided at the time of filing his petition for at least six months, (2) that he has resided continuously within the United States from the date of his petition up to the time of his admission to citizenship, and (3) that during all the periods referred to in this subdivision he has behaved as a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same. At the hearing of the petition residence in the county or District of Columbia where the petitioner resides at the time of filing his petition, and good moral character during such residence, shall be proved only by the oral testimony of at least two credible witnesses, citizens of the United States. If the petitioner has resided in two or more places in such county or District of Columbia and for this reason two witnesses can not be procured to testify to all such residence, it may be proved by the oral testimony of two such witnesses for each such place of residence. At the hearing residence within the United States but outside the county and good moral character during such residence shall be proved either by depositions made before a naturalization examiner or by the oral testimony of at least two such witnesses for each place of residence."

This amendment is drafted by the Naturalization Bureau.

Mr. COPELAND. Mr. President, I can see no possible objection to it.

The PRESIDING OFFICER. Does the Senator offer the amendment now?

Mr. WADSWORTH. I offer the amendment, and I have another one to offer in just a moment.

Mr. REED of Pennsylvania. Mr. President, when did the Naturalization Bureau submit these amendments, may I ask?

Mr. WADSWORTH. To be perfectly frank about it, I was talking with the Commissioner of Naturalization a week or 10 days or two weeks ago about the unnecessary difficulties and hardships which aliens encounter in gaining citizenship, and he pointed out this peculiar state of affairs under which an alien is only allowed to produce two witnesses to prove his residence, whereas during the five years preceding the time at which he is entitled to become a citizen, other things being equal, he may have lived in more than one place.

Mr. REED of Pennsylvania. The Commissioner of Naturalization was before our committee on this naturalization bill within the last week, and as a matter of fact the bill was written by him and rewritten by him following some suggestions offered by the committee. I do not see why he should not submit all his thoughts to the committee, and why he should come in with extensive amendments on the floor.

Mr. COPELAND. Mr. President, if the Senator will permit me, when he was before our committee we were discussing the main principles involved in this bill. I can quite understand how he might not have had in mind what my colleague has in mind; but I can not see, and I ask the Senator from Pennsylvania if he can see, any possible objection to this change? Personally, I do not.

Mr. REED of Pennsylvania. I do not, and if the change which has been called to the attention of the Senator from New York is the only change made by these amendments, that is all right; but unless the Senator himself has checked up these sections by comparison——

Mr. WADSWORTH. I have; I have checked them up.

Mr. REED of Pennsylvania. It seems to me it is unsafe to tinker with the law unless that has been done.

Mr. WADSWORTH. I have checked them up with the language of the existing law, and they accomplish exactly what this memorandum from which I started to read proposes to accomplish. I did not read it all.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New York.

The amendment was agreed to.

Mr. WADSWORTH. Now, Mr. President, one more:

During the war Congress passed a law by which all aliens who were then serving in the military or naval forces of the United States could be expeditiously naturalized in any convenient court upon the presentation of their honorable discharges. That law expired by limitation on March 3, 1924. The limitation was placed in the law by the sundry civil appropriation act of July 19, 1919, for the reason that some of the privileges of the law expired with the termination of the war. The act of July 19, 1919, extended the privileges for one year after the return of all of the soldiers sent to Europe. The last soldiers returned on March 3, 1923. After one year from that date, or March 3, 1924, the privileges to these veterans of the war were all terminated. Since then the Bureau of Naturalization has received large numbers of applications from veterans of the World War to complete their naturalization. These aliens comprise in their numbers many soldiers who were invalided home, who have been in hospitals recovering their health, while others have been undergoing process of rehabilitation. They have endeavored to enter the walks of life and have believed themselves to be citizens, only to find that the honorable discharge after service for this country did not make them citizens. Many of them were told by their officers on demobilization that they had become citizens. They can not now become citizens unless they go through the regular processes of naturalization. They must take out their first papers and wait two years; they must also go through the period of 90 days after petitioning for naturalization before they can be granted citizenship.

So, Mr. President, to meet that situation, I offer this amendment, which constitutes the first paragraph on this sheet of paper.

The PRESIDING OFFICER. The Secretary will state the amendment.

The CHIEF CLERK. The Senator from New York proposes to add to the bill as a new section the following:

SEC. —. Any alien who served in the military or naval forces of the United States at any time after April 5, 1917, and before November 12, 1918, and who was not, at any time during such period or thereafter, separated from such service under other than honorable conditions or discharged from the military or naval forces on account of his alienage, shall be entitled to naturalization upon the same terms, conditions and exemptions which would have been accorded to such alien if he had petitioned before the Armistice of the World War.

Mr. REED of Pennsylvania. Is there any time limit on that?

Mr. COPELAND. Would it be necessary to have a time limit?

Mr. REED of Pennsylvania. It seems so to me. Otherwise it would give a perpetual right to citizenship instantly, on application, to any man who holds an honorable discharge, no matter if he has lived abroad for 40 years. I do not know that we want to leave that privilege open indefinitely.

Mr. COPELAND. I can see that point. Perhaps my colleague will place a five year limit on it.

Mr. WADSWORTH. I can see the point made by the Senator from Pennsylvania, that we would not want to have the privilege indefinitely extended.

Mr. REED of Pennsylvania. If the Senator would add to this section the words "shall cease to be effective after five years from the date of the approval of this act," I would have no objection to it.

Mr. WADSWORTH. I will accept such an amendment and add another sentence at the end of the paragraph, reading as follows:

The provisions of this section shall cease to be effective at the expiration of five years from the date of the approval of this act.

The PRESIDING OFFICER. The Secretary will state the amendment as modified.

The CHIEF CLERK. The Senator from New York proposes to add a new section, as follows:

Any alien who served in the military or naval forces of the United States at any time after April 5, 1917, and before November 12, 1918, and who was not, at any time during such period or thereafter, separated from such service under other than honorable conditions or discharged from the military or naval forces on account of his alienage, shall be entitled to naturalization upon the same terms, conditions, and exemptions which would have been accorded to such alien if he had petitioned before the armistice of the World War. The provisions of this section shall cease to be effective at the expiration of five years from the date of the approval of this act.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WADSWORTH. Mr. President, I regret that I have been called upon to do a thing like this at this late hour in the session, and in this manner, but the adoption of the first set of amendments which I proposed awhile ago makes necessary that section 10 of the act of June 29, 1906, as amended, and section 2170 of the Revised Statutes, be repealed, because those two topics are now gathered into that section which my amendment affects, and the whole thing is re-recited and put in one section and readjusted.

Mr. COPELAND. This is getting complicated.

Mr. REED of Pennsylvania. When we pass an act inconsistent with some existing statutes we thereby repeal those existing statutes.

Mr. WADSWORTH. Just in the interest of good law making and decent bill drafting——

Mr. ROBINSON. Mr. President, if this bill is going to consume the remainder of the evening, or a considerable length of time, I shall request that it go over. It is not proper, under a unanimous-consent order such as the one under which we are now proceeding, to take up measures that are seriously con-

tested. There are only a few Senators in the Chamber at the present time, and I suggest to Senators that if this bill is going to require prolonged discussion it go over for the present.

Mr. WADSWORTH. May I say that it has not been contested. Nothing I have suggested has been contested. I am merely now trying to put in a corrective amendment in order to make consistent certain provisions of the law affecting naturalization.

Mr. ROBINSON. It has been under consideration now for nearly 30 minutes.

Mr. BRUCE. I suggest to the Senator from New York that he let us go ahead with the calendar, and we can come back to this measure.

Mr. ROBINSON. I will not object to recurring to this bill if it is desired to do so later, but it is not just to Senators who have bills on the calendar to which no objection can be urged and which would not require prolonged consideration to take up a measure of this importance and consider amendments.

Mr. WADSWORTH. I will not offer the amendment I proposed to offer a moment ago, and so far as I am concerned the bill may be disposed of.

Mr. BRUCE. Mr. President——

Mr. ROBINSON. Let the bill go over for the present.

Mr. BRUCE. Mr. President, I believe I had the floor.

The PRESIDING OFFICER. The Chair would like to make a suggestion.

Mr. ROBINSON. Let the bill go over for the present.

The PRESIDING OFFICER. The Chair would like to have the attention of the Senator from Arkansas and to have his opinion on a matter about which the Chair is in doubt. After a bill has been partially considered, will an objection be in order under this call of the calendar?

Mr. ROBINSON. Certainly. An objection may be made at any time during the consideration.

The PRESIDING OFFICER. Then the bill will be passed over, and the Secretary will call the next bill on the calendar.

Mr. BRUCE. May I say one word to the Senator from Arkansas? I understood the Senator from New York to state that he is ready now to offer his amendments without any further delay.

Mr. WADSWORTH. I do not intend to offer any more amendments.

Mr. ROBINSON. Let the call of the calendar proceed. I shall not object to recurring to this bill when the call of the calendar shall have been completed.

The PRESIDING OFFICER. The Secretary will call the next bill on the calendar.

PROPOSED STATE TAX ON COTTONSEED-OIL PRODUCTS

The resolution (S. Res. 344) expressing it as the sense of the Senate that legislation by the States regarding interstate commerce contravenes the Constitution was announced as next in order.

Mr. REED of Pennsylvania. Let that go over.

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

Mr. BORAH. I ask that we recur to Order of Business 1288, Senate bill 916.

Mr. HEFLIN. Mr. President, if we are to proceed any further to-night, the resolution introduced by me, Senate Resolution 344, had better not be passed over. This is a meritorious resolution. It ought to pass, and I do not intend that it shall be defeated by the objection of one Senator if I can help it. I do not intend to sit here and permit measures of a private nature to pass when objection is had to a resolution related to a matter involving over $200,000,000 worth of agricultural products in the cotton-growing States.

Mr. BORAH. Mr. President——

Mr. HEFLIN. I have offered a resolution at which no one can take offense, one that announces a fundamental principle of our Government, and which has for its purpose the welfare of all the States. This resolution ought to be adopted, and I hope the Senator from Idaho will not object to it.

Mr. BORAH. Mr. President——

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

Mr. BORAH. Yes; I am going to object, and I want to say just a word before I do. As the Senator from Arkansas has just said, these matters, which are going to lead to discussion, will take all the evening, and if we are to proceed with them we may just a well adjourn.

Mr. HEFLIN. We have consumed 30 minutes with the bill of the Senator from New York.

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

Mr. HEFLIN. I yield.

Mr. ROBINSON. I hope the Senator from Alabama will permit the consideration of the calendar to be concluded. This is the last opportunity that will be afforded to consider these bills, and some of them have never been called. I believe the greater number of those remaining on the calendar have not been called.

Mr. CURTIS. They have not been.

Mr. ROBINSON. The purpose of the arrangement entered into this evening was that we might consider unobjected bills and resolutions on the calendar, and when objection is made, of course, the consideration of a measure is not in order. I hope the Senator from Alabama, with his generous disposition, will not insist upon refusing consideration to other measures that are not objected to, even though his resolution may not be considered.

The PRESIDENT pro tempore. The Chair understands that objection has been made.

Mr. HEFLIN. I could finish my remarks and we could finish with my resolution inside of an hour and we will be here until 11 o'clock. When we enter into these unanimous-consent agreements, we do it with an understanding with Members present who are here constantly, and I am one of them. I do not intend that Senators shall come in here and attend these night sessions who are rarely ever here, and object to my resolution, which involves a product affecting the whole population of the section from which I come. It is not fair, it is not right. I want these small matters and private bills considered, and no man in this Chamber can charge that I have made a practice of objecting to measures at any time in my career, either in the House of Representatives or in the Senate. I have indeed been fair and generous in these matters, and I hope always to be, but I do not propose——

Mr. BORAH. Mr. President, this is not a matter of personal favor. If it were I would extend it to the Senator from Alabama just as quickly as to anyone, but it is a matter about which there is a deep difference of opinion, and about which we can not agree without debate. Finally, if it is voted upon and passed, of course we submit to it, but we can not dispose of this matter without discussion and consideration. It is not a matter of personal favor. If it were, I would extend a favor to the Senator in a moment, if I could.

Mr. HEFLIN. Mr. President, a bill is pending in the legislature of the Senator's State at this minute, if it has not already passed to-day, imposing a license fee of a thousand dollars on the manufacturers of a cottonseed product called margarine. They provide a fee of $400 for a license for a wholesale dealer in it, and a $50 license for a retail dealer.

If Alabama should impose such a license upon a butter manufacture of the Senator's State, the Senator's State and he himself would cry out against such conduct and say that such legislation is inexcusable and indefensible.

Mr. BORAH. No; Mr. President——

The PRESIDENT pro tempore. The Chair is sure the Senator from Alabama wants to obey the unanimous-consent agreement, and the rules of the Senate. An objection has been made, and that is the end of it.

Mr. HEFLIN. Mr. President, I have not heard the objection. If I had, then I would have had another suggestion to make myself. I do not propose to have a matter of such grave importance sidetracked in this fashion by the objection of one man.

The PRESIDENT pro tempore. The Senator from Alabama is out of order.

Mr. HEFLIN. Then, Mr. President——

The PRESIDENT pro tempore. The Chair refuses to recognize the Senator from Alabama.

Mr. HEFLIN. I make the point of no quorum. I presume the Chair will recognize me for that purpose.

The PRESIDENT pro tempore. Certainly. The Secretary will call the roll.

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

Ball	Dill	Jones, Wash.	Pepper
Bayard	Edge	Kendrick	Phipps
Bingham	Fess	Keyes	Pittman
Borah	Fletcher	King	Reed, Pa.
Brookhart	George	Lenroot	Robinson
Broussard	Glass	McKellar	Sheppard
Bruce	Gooding	McNary	Shipstead
Bursum	Hale	Mayfield	Shortridge
Cameron	Harreld	Means	Smoot
Capper	Harris	Metcalf	Sterling
Caraway	Harrison	Moses	Wadsworth
Copeland	Heflin	Norbeck	Walsh, Mass.
Cummins	Howell	Norris	Warren
Curtis	Johnson, Minn.	Oddie	Watson
Dial	Jones, N. Mex.	Overman	Willis

The PRESIDENT pro tempore. Sixty Senators have answered to the roll call. There is a quorum present.

Mr. HEFLIN. Mr. President, I ask unanimous consent for the present consideration of a resolution, Calendar No. 1303, the title of which is misleading so far as the resolution is concerned as it is now written. The resolution has been changed and the title on the calendar does not indicate just what the resolution is. I would like to have the resolution read and see if the Senator from Idaho [Mr. BORAH] or anyone else will object to it as it is now worded.

Mr. BORAH. I have read the resolution. It does not change the principle at all. The language is a little different, but it is the same principle, and I have read it. The Senator was kind enough to send it to me yesterday. I know what it is. I object.

The PRESIDENT pro tempore. Objection is made. The clerk will state the next bill on the calendar.

Mr. HEFLIN. Mr. President, I rise to a point of order.

The PRESIDENT pro tempore. The Senator will state the point of order.

Mr. HEFLIN. A little while ago the Senator from New York [Mr. WADSWORTH] had a bill up for consideration and proceeded with it for nearly 30 minutes. The Senator from Idaho [Mr. BORAH] made no point against that and no other Senator did until he had about concluded. I want to know why it is proper under the rules to consider other measures over five minutes?

Mr. STERLING. There is this difference between the case of the Senator from New York and that of the Senator from Alabama. There was no objection to the consideration of the bill in the case of the Senator from New York, but in the case of the Senator from Alabama objection was made to the consideration of the resolution.

The PRESIDENT pro tempore. The Chair overrules the point of order. The Clerk will report the next bill on the calendar.

MISSISSIPPI RIVER BRIDGE, WISCONSIN-IOWA

The bill (S. 4343) authorizing the construction, maintenance, and operation of a bridge across the Mississippi River between the cities of Prairie du Chien, Wis., and McGregor, Iowa, was announced as next in order.

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

Mr. HEFLIN. Mr. President, reserving the right to object, the Senator from Idaho——

The PRESIDENT pro tempore. The Senator can not reserve the right to object. The Senator must either object or not object.

Mr. HEFLIN. If I understand the rule we have five minutes at least concerning each bill.

The PRESIDENT pro tempore. The bill is not under consideration as yet. When the bill is taken up for consideration then there are five minutes allotted by the rule to each Senator for discussion. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments, on page 1, line 6, to strike out the word "toll"; in line 7, to strike out the words "and connecting embankments"; in line 8, to strike out the words "the two navigable channels of" and the words "and the intervening islands between the two channels, at points" and insert "at a point"; and on page 2, line 2, to strike out the words "across both east and west navigable channels and the intervening channels," so as to make the bill read:

Be it enacted, etc., That the Prairie du Chien & Iowa Bridge Co., of Prairie du Chien, Wis., a corporation duly organized under the laws of the State of Wisconsin, be, and it is hereby, authorized to construct, maintain, and operate a bridge with approaches thereto across the Mississippi River at a point suitable to the interests of navigation, extending from a point near the line of West Bluff Street, in the city of Prairie du Chien, Wis., to the Iowa side of the Mississippi River, in accordance with the provisions of the act of Congress entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

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

The PRESIDENT pro tempore. The question is on agreeing to the amendments of the committee.

Mr. HEFLIN. How much time is a Senator entitled to consume now?

The PRESIDENT pro tempore. The Senator has five minutes to discuss the bill.

Mr. HEFLIN. How much time has he to discuss something else?

Mr. KING. Only five minutes.

Mr. HEFLIN. Mr. President, my good friend the Senator from Idaho [Mr. BORAH] is making a great mistake in objecting to the passage of my resolution. I know a Senator in this body who to-day has wired the governor of his State and asked him if he ought not to urge upon the legislature to ask the people in the various counties to produce what they need at home and not be dependent upon the western farmers. A Member of the House from a Southern State came over and told me that if this thing was not protested against and this legislation was permitted to go on in the Western States he would favor the southern legislatures passing measures putting a license on all the merchants who deal in sugar made of beets, putting a $100 license on the retail dealer and a higher license on the wholesale dealer. He said he would favor asking the farmers and the merchants of the South not to buy a plow or any agricultural implement made in those States that are discriminating against southern products.

I am surprised at some of the Senators on the other side of the Chamber—I do not think there are more than half a dozen, if that many—who are taking the position that my good friend from Idaho is taking. I regret that he has taken this position. I stated a moment ago that a bill is pending in his State, one of the most drastic that has ever been submitted by a single State in the Union, against a product of my section. The whole South is interested in this. This agitation for curtailing the market of cottonseed oil products has broken the price over a million dollars since it started. It is affecting us injuriously. I want to show just where it will lead.

Many years ago in my town the Georgia Central Railroad charged us higher freight rates than they gave to towns along the main line. Our town protested. They said, "You are helpless. You can do nothing." We said, "We will build a road paralleling your road." They said, "You can not do it." But we did do it, running alongside of their road about 100 yards from it for 20 miles to the main town on the main line. We took their freight money from them for 10 or 12 years, and it cost them $60,000 or $75,000 a year. Finally they came and made terms and bought our road and gave us the rates we asked. But what happened in the meantime? The people of my town would not buy goods from a drummer who came to that town on the Georgia Central Railroad. We would not have goods that came over that road. If they made a mistake and had them shipped over that road we made them ship them back to the main line and come up over our road.

Senators, this is the meanest kind of a fight that we are talking about now, and I am sounding a note of warning against it. I am hoping that we may appeal to the people in the States to stop, look, and listen before they invite this dangerous commercial warfare between the States. I regret that the objection has come from the Senator from Idaho, one of the last men in this Chamber that I would expect to see it come from. He has stirred up a fight that will cost his State millions upon millions of dollars. If the South is driven to it she can produce everything that she now buys from the State of Idaho, but the State of Idaho can not produce many of the things that we produce.

The PRESIDENT pro tempore. The question is upon agreeing to the amendments of the committee which have been stated.

The amendments were agreed to.

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

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

HOUSE BILLS REFERRED

The following bills were severally read twice by title and referred as indicated below:

H. R. 6723. An act to provide for reimbursement of certain civilian employees at the naval torpedo station, Newport, R. I., for the value of personal effects lost, damaged, or destroyed by fire; to the Committee on Naval Affairs.

H. R. 10526. An act to extend the limitations of time upon the issuance of medals of honor, distinguished-service crosses, and distinguished-service medals to persons who served in the Army of the United States during the World War; to the Committee on Military Affairs.

H. R. 11702. An act granting the consent of Congress to the village of Spooner, Minn., to construct a bridge across the Rainy River; to the Committee on Commerce.

SUPPLEMENTING THE NATURALIZATION LAWS

Mr. COPELAND. Mr. President, I ask unanimous consent to return to Calendar No. 1301, Senate bill 4382.

The PRESIDENT pro tempore. The Senator from New York asks unianimous consent to return to Calendar No. 1301.

Mr. COPELAND. The bill was considered a few moments ago. The Senator from Arkansas [Mr. ROBINSON] has withdrawn his objection.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New York? The Chair hears none. The bill has already been under consideration, and certain amendments have been adopted. The Chair is advised that the bill stands now without a pending amendment.

Mr. COPELAND. There were three amendments offered by my colleague, and two of them were agreed to. The third one is not necessary.

The PRESIDENT pro tempore. That is precisely what the Chair stated. The bill stands now with no amendments to be offered to it. Two amendments have been agreed to. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

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.

M. CASTANOLA & SON

The bill (H. R. 3839) for the relief of M. Castanola & Son was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments, in line 3, page 1, to strike out "that the Comptroller General of the United States is hereby" and insert in lieu thereof "that the Secretary of the Treasury be, and he is hereby," and in line 5, after the word "pay" to insert "out of any money in the Treasury not otherwise appropriated," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, 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 amendments were agreed to.

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

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MARTHA JANOWITZ

The bill (H. R. 9131) for the relief of Martha Janowitz was announced as next in order.

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

Mr. HEFLIN. I would like to make some inquiry about the bill. I would like to have some explanation of the bill.

The PRESIDENT pro tempore. Is there any Senator who desires to make an explanation of the bill?

Mr. HEFLIN. I see that the bill is reported by the Senator from Kansas [Mr. CAPPER].

Mr. ROBINSON. Let the bill go over.

The PRESIDENT pro tempore. The bill will go over.

Mr. HEFLIN. I did not object to the bill.

The PRESIDENT pro tempore. Under objection, the bill will be passed over.

Mr. HEFLIN. I say I did not object to it. Let the bill be considered.

The PRESIDENT pro tempore. The bill has been passed over.

GEORGE HORTON

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 181) for the relief of George Horton, which was read, as follows:

Resolved, etc., That the sum of $12,300 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be paid to George Horton, formerly consul general of the United States at Smyrna, Turkey, to compensate him for the total loss of his personal effects contained in the American consulate general in Smyrna at the time of the burning and sacking of that city in 1922.

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

CLAIMS OF KANSAS OR KAW INDIANS

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9062) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any and all claims, of whatever nature, which the Kansas or Kaw Tribe of Indians may have or claim to have against the United States, and for other purposes, which was read as follows:

Be it enacted, etc, That jurisdiction be, and is hereby, conferred upon the Court of Claims, notwithstanding the lapse of time or statutes of limitation, to hear, examine, and adjudicate and render judgment in any and all legal and equitable claims which said Kansas or Kaw Tribe of Indians may have or claim to have against the United States, growing out of or arising under any treaty or agreement between the United States and the Kansas or Kaw Tribe of Indians, or arising under or growing out of any act of Congress in relation to Indian affairs, which claims have not heretofore been determined and adjudicated on their merits by the Court of Claims or the Supreme Court of the United States: *Provided, however*, That the provision of this act shall not be construed to confer jurisdiction upon the court to hear, consider, and adjudicate any claim presented to and considered by the Kaw Commission under the provisions of section 12 of the act of Congress of July 1, 1902 (32 Stat. p. 636), saving and excepting the claim known as the surplus land claim of the Kansas or Kaw Tribe of Indians, which said claim is expressly included in this act, and jurisdiction to consider the same is hereby conferred.

SEC. 2. Any and all claims against the United States within the purview of this act shall be forever barred unless suit be instituted or petition filed, as herein provided, in the Court of Claims within five years from the date of approval of this act, and such suit shall make the Kansas or Kaw Tribe of Indians party plaintiff, and the United States party defendant. The petition shall be verified by the attorney or attorneys employed to prosecute such claim or claims under contract with the Kansas or Kaw Tribe of Indians approved by the Commissioner of Indian Affairs and the Secretary of the Interior; and said contract shall be executed in their behalf by a committee chosen by them under the direction and approval of the Commissioner of Indian Affairs and the Secretary of the Interior, and such contract shall be executed and approved as required by section 2103–5 of the Revised Statutes of the United States. Official letters, papers, documents, and records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said Kansas or Kaw Tribe of Indians to such treaties, papers, correspondence, or records as may be needed by the attorney or attorneys of the Kansas or Kaw Tribe of Indians.

SEC. 3. In said suit the court shall also hear, examine, consider, and adjudicate any claims which the United States may have against said Kansas or Kaw Tribe of Indians, but any payment which may have been made by the United States upon any claims against the United States shall not operate as an estoppel, but may be pleaded as an offset in such suit.

SEC. 4. That from the decision of the Court of Claims in any suit prosecuted under the authority of this act an appeal may be taken by either party as in other cases to the Supreme Court of the United States.

SEC. 5. That upon the final determination of any suit instituted under this act the Court of Claims shall decree such amount or amounts as it may find reasonable to be paid the attorney or attorneys so employed by said Kansas or Kaw Tribe of Indians for the services and expenses of said attorneys rendered or incurred subsequent to the date of approval of this act: *Provided*, That in no case shall the aggregate amounts decreed by said Court of Claims for fees be in excess of the amount or amounts stipulated in the contract of employment, or in excess of a sum equal to 10 per cent of the amount of recovery against the United States, and in no event shall such fees exceed the sum of $25,000.

SEC. 6. The Court of Claims shall have full authority by proper orders and process to bring in and make parties to such suit any or all persons or tribes or bands of Indians deemed by it necessary or proper to the final determination of the matters in controversy.

SEC. 7. A copy of the petition shall, in such case, be served upon the Attorney General of the United States, and he, or some attorney from the Department of Justice to be designated by him, is hereby directed to appear and defend the interests of the United States in such case.

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

BILLS PASSED OVER

The bill (S. 3603) for the relief of James M. E. Brown was announced as next in order.

Mr. DIAL. Let that bill go over.

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

The bill (S. 4206) to create a farmers' export corporation; to prevent a recurrence of agricultural depression; to place agricultural commodities upon an equality under the tariff laws with other commodities; to place agriculture upon an equality with industry and labor, and for other purposes, was announced as next in order.

Mr. CURTIS. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over. That is the last bill on the calendar.

AMENDMENT OF DISTRICT SUPPORT AND MAINTENANCE ACT

Mr. BALL. Mr. President, I ask unanimous consent to return to the consideration of the bill (S. 4332) 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.

The Senator from Arkansas [Mr. ROBINSON] has withdrawn his objection to the consideration of the bill.

The PRESIDENT pro tempore. The Senator from Delaware asks unanimous consent to proceed with the consideration of the bill named by him.

Mr. HEFLIN. What is the bill, Mr. President?

The PRESIDENT pro tempore. The Secretary will read the bill for information.

Mr. ROBINSON. I suggest to the Senator from Delaware that he let the call of the calendar be completed.

Mr. CURTIS. It has been completed.

Mr. ROBINSON. Very well.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Delaware?

Mr. HEFLIN. I ask the Senator from Delaware to explain the object of the bill.

Mr. BALL. I withdraw my request if there is to be discussion of the bill at this time.

The PRESIDENT pro tempore. The request of the Senator from Delaware is withdrawn. The Secretary will now return to the first bill on the calendar and proceed with the call in regular order.

BILLS AND RESOLUTIONS PASSED OVER

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

Mr. DIAL. Let that bill go over.

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

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

Mr. BALL. Let that bill go over.

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

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

Mr. KING. Let that joint resolution go over.

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

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

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

The PRESIDENT pro tempore. Being objected to, the resolution will go over.

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

Mr. KING. Let that bill go over.

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

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

Mr. KING. Let that bill go over.

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

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

Mr. WADSWORTH. Let that bill go over.

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

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

Mr. KING. Let that bill go over.

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

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

Mr. KING. Let that bill go over.

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

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

Mr. KING. Let that bill go over.

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

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

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

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

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

Mr. BRUCE. Let that bill go over.

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

Mr. McNARY. Mr. President, the bill to which objection has just been made was one which I introduced last year. I have recently introduced a bill in a modified form, and I move that the Senate bill 3091 be indefinitely postponed.

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

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

Mr. BRUCE. Let that bill go over.

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

CAPT. DAVID M'D. SHEARER

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

The bill was read, as follows:

Be it enacted, etc., That the claim of Capt. David McD. Shearer for compensation for the adoption and use by the Government of the United States of certain inventions relating to reinforced concrete revetment and construction and laying of same, made by said David McD. Shearer, and for which letters patent of the United States, Nos. 1,173,879, 1,173,880, and 1,229,152 were issued to him, be, and the same is hereby, referred to the Court of Claims, which court is hereby vested with jurisdiction in the premises, and whose duty it shall be to hear and determine, first, whether the said David McD. Shearer was the first and original inventor of the inventions described in said letters patent or any of them; and if said court shall find he was such first and original inventor of any of the same; then to determine, second, what amount of compensation, if any, he is justly entitled to receive from the United States for the use of his said inventions, or any of them, either before or since the date of said letters patent, up to the time of adjudication, and for a full and entire transfer of said several patents to the United States; and in determining the amount of compensation, if any, for the use of said inventions and transfer of said patents, the court shall take into consideration, as bearing on the question of reducing or increasing such compensation if, and so far as, the facts may warrant, the facts, if proved, that while the said David McD. Shearer was engaged in perfecting the inventions he was in the service of the United States as a junior engineer superintendent in charge of willow-bank revetment construction under the Mississippi River Commission, and whether and if at all, to what extent said inventions or any of them were discovered or developed during the working hours of his Government service, and to what extent his said inventions for protection of river channels and banks differ from the methods previously used in material, method of laying, permanency, and value, and whether and, if at all, to what extent the expense of making experiments, trials, and tests for the purpose of perfecting said inventions was paid by the United States, and if any such expense was incurred by the United States, whether and, if at all, to what extent the United States received compensation for such expense.

Either party may appeal to the Supreme Court of the United States upon any such question where appeals now lie in other cases, arising during the progress of the hearing of said claim, and from any judgment in said case, at any time within 90 days after the rendition thereof; and any judgment rendered in favor of the claimant shall be

paid in the same manner as other judgments of the said Court of Claims; and the payment of such judgment shall vest the full and absolute right to said patents, and each of them, in the United States.

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

BILLS PASSED OVER

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

Mr. KING. Let that bill go over.

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

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

Mr. KING. Let that bill go over.

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

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

Mr. DIAL. Let that bill go over.

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

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

Mr. KING. Let that bill go over.

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

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

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

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

FLAGSTAFF AT FORT SUMTER

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

Mr. HEFLIN. Let that go over.

Mr. PEPPER. May I ask the Senator from Alabama to withdraw his objection for a moment?

Mr. HEFLIN. I should like to inquire of the Senator from Pennsylvania if he is the Senator who objected to the consideration of my resolution?

The PRESIDENT pro tempore. The joint resolution being objected to will go over.

Mr. HEFLIN. I withdraw the objection, Mr. President.

Mr. PEPPER. Is the Senator from Alabama interrogating me?

Mr. HEFLIN. I withdraw my objection. I was interrogating the Senator from Pennsylvania in order to ascertain if he was the Senator from Pennsylvania who objected to my resolution. I understand that he was not the one, and therefore I withdraw my objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

Resolved, etc., That the Secretary of War is authorized and directed to select a suitable site and to permit the executors of the estate of Eliza Mackintosh Clinch Anderson Lawton to erect on public grounds of the United States at Fort Sumter, Charleston, S. C., a flagstaff, with appropriate landscape and architectural setting, and to place in connection therewith a memorial commemorating the defense of the fort by Gen. Robert Anderson. The design and materials of the flagstaff and memorial shall be subject to the approval of the Secretary of War, with the advice of the Commission of Fine Arts. The United States shall be put to no expense in or by the erection of such flagstaff and memorial. Upon completion thereof the Secretary of War is authorized and directed to accept, on behalf of the United States, the flagstaff and memorial, in lieu of the legacy in the will of Eliza Mackintosh Clinch Anderson Lawton, providing for the erection of a statue of Gen. Robert Anderson at Fort Sumter.

SEC. 2. That the superintendent of the United States Military Academy at West Point is authorized and directed (a) to accept from a duly appointed trustee the annual income of the sum of $3,000, the amount bequeathed to the United States by the will of Eliza Mackintosh Clinch Anderson Lawton for the purpose of keeping in order and adorning the graves in the plots of her family in the West Point Cemetery, and (b) to expend such income for the purposes specified in the will. The acceptance of such income shall be in lieu of acceptance of the bequest to the United States of the principal sum of $3,000 as provided by the will of Eliza Mackintosh Clinch Anderson Lawton.

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

Mr. DIAL. Mr. President, I did not want the joint resolution which was just passed finally acted on. My colleague, the senior Senator from South Carolina [Mr. SMITH], is not here, and he has been objecting to that resolution. I ask that the resolution go over, and request the Senator from Pennsylvania to call it up in the morning when my colleague will be present.

Mr. ROBINSON. I desire to ask the Senator from South Carolina whether he refers to Senate Joint Resolution 87?

Mr. DIAL. Yes.

Mr. PEPPER. The joint resolution has been passed.

Mr. KING. What disposition was made of the joint resolution?

The PRESIDENT pro tempore. The joint resolution was passed.

Mr. DIAL. I ask that the vote by which the joint resolution was passed may be reconsidered.

The PRESIDENT pro tempore. The Senator from South Carolina moves to reconsider the vote by which the joint resolution was passed.

Mr. BRUCE. Mr. President, is that debatable?

The PRESIDENT pro tempore. The question can not arise at the present moment. The Senator from South Carolina enters his motion to reconsider the vote by which the joint resolution was passed.

Mr. WADSWORTH. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from New York will state his inquiry.

Mr. WADSWORTH. When will the motion to reconsider be considered?

The PRESIDENT pro tempore. Does the Senator from New York refer to Senate Joint Resolution 87, authorizing the erection of a flagstaff at Fort Sumter, and for other purposes?

Mr. WADSWORTH. Yes. When will the motion to reconsider the vote by which it was passed be considered?

The PRESIDENT pro tempore. The Chair only knows that it can not be considered at this time, because the Senate is operating under a unanimous-consent agreement.

Mr. WADSWORTH. I did not know but that the President pro tempore could tell me when it could be considered.

The PRESIDENT pro tempore. The Chair will decide that question when it arises.

BILLS PASSED OVER

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

SEVERAL SENATORS. Let that bill go over.

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

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

Mr. KING. Let that go over.

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

The bill (H. R. 6896) to amend an act entitled "The classification act of 1923," approved March 4, 1923, was announced as next in order.

Mr. KING. Let that go over.

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

HARRIMAN GEOGRAPHIC CODE SYSTEM

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

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

Mr. FLETCHER. Mr. President, may I ask the Senator from New Hampshire, who reported the resolution, to explain what it means?

Mr. MOSES. Yes. The Harriman code to which the joint resolution refers is a system of bookkeeping which has been employed in some of the departments of the Government, in which it has proved to be very effective, but, inasmuch as it happens to be a copyrighted system, it can not be extended without further investigation. Therefore, this joint resolution

was introduced. I am sorry the senior Senator from Alabama [Mr. UNDERWOOD] is not present, because he has much more interest in the matter than have I, but, briefly, I can say to the Senator from Florida that the purpose of the joint resolution is to have investigations made, without expense by an existing Government agency, to ascertain whether the system can be applied in other executive departments with the ensuing economy in operation.

Mr. FLETCHER. I have no objection to the consideration of the joint resolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

Resolved, etc., That the President of the Senate appoint three Members of the Senate and the Speaker of the House three Members of the House, who shall constitute a Select Joint Committee on the Harriman Geographic Code System.

It shall be the duty of the committee—

1. To consider whether or not the use of the said system should be extended to and adopted by the other executive departments and administrative branches of the Government, and just compensation paid to the owner thereof for the use of said system.

2. To investigate and report upon the fitness, utility, adaptability, and application of said system to the several executive departments and administrative branches of the Government, and among other uses, particularly to consider the possible benefits and advantages to be derived from the use of said system as applied to—

(a) Interstate Commerce Commission, in connection with—

The carrying out of the requirements of the transportation act, 1920, with respect to the consideration and adoption of a plan for the consolidation of the railway properties of the continental United States into a limited number of systems, which plan shall preserve competition "as full as possible, and wherever practicable, the existing routes and channels of trade and commerce shall be maintained";

As a means to determine accurately distances covered by the routes of public carriers and of checking the accuracy of mileage tariffs and compliance by carriers with orders of the Interstate Commerce Commission;

As a means for the publication of passenger and other distance tariffs;

As a means to determine operating routes, with a view to greater traffic density, and to minimize embargoes.

(b) The United States Shipping Board and Emergency Fleet Corporation, in connection with—

The location of world trade routes, and the collection and correlation of information of value in obtaining and retaining control of said routes.

(c) Federal Trade Commission—

As a means of disclosing the strategy of production, distribution, and markets.

(d) The Treasury Department, as an adequate and suitable means—

For distributing public funds accurately and in accordance with law;

For checking and auditing public expenditures for transportation and other purposes;

For making and checking appraisals of land in the Federal Farm Loan Bureau;

For justly and accurately dividing the country into Federal reserve districts according to the convenience and customary course of business, as required by law.

(e) The Department of Commerce, in connection with—

The Bureau of the Census—

As a scientific means of taking and reading the census in comparable areas in combination with political areas which are not comparable;

As a scientific means for correlating and unlocking the information in the census reports so as to make it of greater benefit to the public.

Coast and Geodetic Survey—

As an indexing system for its maps and for the accurate determination, comparison, and correlation of geographical facts as now compiled by said bureau.

Bureau of Foreign and Domestic Commerce—

As a means for locating world trade routes according to controlling commercial, industrial, and geographical facts.

(f) Department of the Interior, in connection with—

The General Land Office—

As an additional means of indexing existing map system for general public use and reference.

Bureau of Education—

As a means for disseminating geographical knowledge of great public interest in simple and concise form.

Geological Survey—

As a means of indexing, coordinating, and correlating its map system.

Alaskan Engineering Commission—

As an aid in the selection and construction of roads in Alaska, and the collection and dissemination in popular form of information of value to the public.

(g) Department of Agriculture, in connection with—

Bureau of Farm Management—

As a means of opening and enlarging markets for sale of agricultural products.

Bureau of Soils—

As a means of collecting, indexing, and correlating information shown on its soil maps as to relative kinds and qualities of soil.

Bureau of Public Lands and Rural Engineering—

As a means of scientifically locating, selecting, and comparing primary roads, and justly distributing public funds appropriated for the building of National and State highway systems; and as a means of providing useful and accurate information to travelers on said roads.

(h) Department of the Navy, in connection with—

Bureau of Navigation—

As a means for indexing, coordinating, and correlating the charts of the Hydrographic Office.

(i) Department of State, in connection with—

The Consular Service—

As a means of collecting and correlating trade facts of general value to industry and commerce.

(j) The Post Office Department, in connection with—

The making of accurate parcel-post geographs and a more adequate, useful, and economic method of stating parcel-post rates;

The scientific laying out of rural routes in accordance with controlling geographical conditions;

The development of a scientific method of distribution of service according to counties;

The ascertainment of correct distances and the checking of rates of pay for transportation of mail;

The arrangement of competitive routes as required by law to be observed in letting bids for Rural Delivery Service.

3. That if, after investigation, the committee shall be of the opinion that the acquisition of said system or the use thereof by the United States Government would promote the efficiency and economy of operation and administration of the executive departments and the administrative branches of the Government, the value of said invention or system, or the use thereof to the United States Government shall be appraised, and just compensation for said system, or the use thereof, determined in a fair and impartial manner.

4. The officers and employees of any executive department or administrative branch of the Government shall, if called upon to do so, make a report to said committee on the Harriman geographic code system, and shall furnish to the committee such information as the committee may from time to time require. The committee is authorized to employ such experts and other employees to render such assistance as the committee may require in the investigation herein provided for, who shall receive such compensation as the committee may determine to be just and reasonable.

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

The preamble was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were thereupon signed by the President pro tempore:

H. R. 5236. An act for the relief of Mrs. M. J. Adams;

H. R. 5261. An act to repeal and reenact chapter 100, 1914, Public, No. 108, to provide for the restoration of Fort McHenry in the State of Maryland, and its permanent preservation as a national park and perpetual national memorial shrine as the birthplace of the immortal Star-Spangled Banner, written by Francis Scott Key, for the appropriation of the necessary funds, and for other purposes; and

H. R. 12300. An act to amend section 281 of the revenue act of 1924.

CIVIL WAR MILITARY TELEGRAPH CORPS

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

Mr. DIAL. Let that bill go over.

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

PERMANENT COURT OF INTERNATIONAL JUSTICE

The resolution (S. Res. 234) advising the adherence of the United States to the existing Permanent Court of International Justice, with certain amendments, was announced as next in order.

Mr. KING. Mr. President, this resolution, as I understand, was offered by the Senator from Pennsylvania [Mr. PEPPER]. If the Senator would consent to the substitution of the resolution which I offered some time ago, which was in harmony with the recommendation of President Harding and President Coolidge, for this resolution which would take us into the World Court immediately, under the reservations suggested, I should be glad to offer the substitute and to ask that the resolution be then adopted.

Mr. BORAH. I should not. I object.

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

Mr. KING. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. HARRISON. Who objected to the consideration of the resolution? Was there objection made to its consideration?

Mr. KING. I objected to the consideration of the resolution reported by the Senator from Pennsylvania, but the Senator from Idaho [Mr. BORAH] objected to the substitute which I suggested.

BILLS PASSED OVER

The bill (S. 2913) for the establishment of migratory-bird refuges to furnish in perpetuity homes for migratory birds, the establishment of public shooting grounds to preserve the American system of free shooting, the provision of funds for establishing such areas, and the furnishing of adequate protection for migratory birds, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

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

The bill (S. 3300) to fix the salaries of officers and employees of the Court of Appeals of the District of Columbia, the Supreme Court of the District of Columbia, the United States Court of Claims, and the United States Court of Customs Appeals was announced as next in order.

Mr. KING. Let that go over.

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

NATIONAL BANKING ASSOCIATIONS AND FEDERAL RESERVE SYSTEM

The bill (S. 3316) 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, was announced as next in order.

The PRESIDENT pro tempore. That bill is the unfinished business.

Mr. PEPPER. Mr. President, that bill is the Senate bill which corresponds to the House bill which is making such rapid progress toward its passage. I suggest that the Senate bill be indefinitely postponed.

Mr. ROBINSON. I suggest to the Senator from Pennsylvania that he wait until he sees what occurs to the House bill.

Mr. PEPPER. I thought, Mr. President, that if I indefinitely postponed the Senate bill, the Senate probably would take care of the House bill.

The PRESIDENT pro tempore. Without objection, the bill will be indefinitely postponed.

BILLS, ETC., PASSED OVER

The joint resolution (S. J. Res. 109) proposing an amendment to the Constitution of the United States relative to the adoption of amendments thereto was announced as next in order.

Mr. WADSWORTH. Let that go over.

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

The bill (S. 1187) to commission Capt. William Rees Rush as a rear admiral on the retired list of the Navy was announced as next in order.

Mr. KING. Let that go over.

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

The bill (H. R. 7269) to authorize and direct the Secretary of War to transfer certain materials, machinery, and equipment to the Department of Agriculture was announced as next in order.

Mr. KING. Mr. President, unless there is some reason for the passage of that bill, I am disposed to ask that it go over. I withhold any objection for the moment.

Mr. PITTMAN. Mr. President, is that the bill that transfers machinery for road building?

Mr. HEFLIN. Yes. That bill is all right, I think.

Mr. KING. Of course, if the Senator from New York is in favor of this bill——

Mr. WADSWORTH. With the committee amendments. There are committee amendments.

Mr. KING. I want to say that we have transferred to the various States millions of dollars worth of machinery, and my information is that a great deal of it has been wasted. I am not in favor of this indiscriminate transfer of property of the Government.

Mr. HEFLIN. Mr. President, I want to say to the Senator from Utah that this machinery in the possession of the Government is that which the Government is not using, and it can be used very well in the States for road construction, and I think it ought to be utilized.

Mr. DIAL. Otherwise, it will rust out. It will be of no value. I hope the bill will pass.

Mr. KING. Let us see what the amendments are. I will withhold my objection for a moment.

Mr. FLETCHER. I suggest that this bill does not transfer the material to the States. It transfers it to the Department of Agriculture.

Mr. WADSWORTH. And from the Department of Agriculture it goes to the States. The committee amendments have both been adopted at a prior calling of the calendar. The Committee on Military Affairs reported the bill with amendments, and, of course, I have no objection to its passage in that form.

The PRESIDENT pro tempore. Is there objection?

Mr. WATSON. What are the amendments?

The PRESIDENT pro tempore. The amendments of the committee will be stated.

The CHIEF CLERK. On page 2, line 2, the committee amendment strikes out the words "thousand five," so as to read "one hundred five-ton caterpillar tractors"; and on line 3 the committee amendment strikes out "four" and inserts "one," so as to read "and one thousand motor trucks."

Mr. WADSWORTH. The bill as it passed the House provided for the transfer of 1,500 caterpillar tractors, with all tools and spare parts. As the War Department only owned 1,507 altogether, we thought it wise to cut down that number.

Mr. WATSON. To what?

Mr. WADSWORTH. To 100. The House bill provided for the transfer of 4,000 motor trucks of three-quarters of a ton to 5 tons capacity, and as the War Department to-day has not over 5,000 trucks serviceable for use altogether, we thought we had better cut down the number.

Mr. HEFLIN. How much did you cut that down?

Mr. WADSWORTH. Down to 1,000.

Mr. KING. I object to the bill, Mr. President.

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

The bill (S. 3372) to provide safeguards for future Federal irrigation development, and an equitable adjustment of existing accounts on Federal irrigation projects, and for other purposes, was announced as next in order.

Mr. DIAL. Let that go over.

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

The resolution (S. Res. 223) authorizing the appointment of a special committee to investigate the Federal farm loan system and the Federal Farm Loan Board was announced as next in order.

Mr. WILLIS. Let that go over.

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

The bill (S. 386) to amend section 5 of the United States cotton futures act, approved August 11, 1916, as amended, was announced as next in order.

Mr. MOSES. Let that go over.

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

The bill (S. 3197) to amend section 5 of the United States cotton futures act to enable the buyer of a cotton futures contract to demand actual delivery in fulfillment thereof prior to the close of the delivery month was announced as next in order.

Mr. MOSES. Let that go over.

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

The bill (S. 3445) to provide for the reorganization and more effective coordination of the executive branch of the Government, to create the department of education and relief, and for other purposes, was announced as next in order.

Mr. WADSWORTH and Mr. MOSES. Let that go over.

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

WYNONA A. DIXON

The bill (S. 594) for the relief of Wynona A. Dixon was announced as next in order.

Mr. KING. Let that go over.

Mr. SHEPPARD. Mr. President——

Mr. KING. I withdraw the objection.

Mr. SHEPPARD. The Senator from Utah withdraws his objection?

Mr. KING. I do; yes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the 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 $7,666.67 to Wynona A. Dixon, that being the value of certain of her property seized and appropriated by the military forces of the United States during the late Civil War, as found by the Court of Claims and reported in Senate Document No. 333, Sixty-first Congress, first session.

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

PHILIP T. POST

The bill (S. 2033) for the relief of Philip T. Post was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $383.63 to Philip T. Post in compensation for the reporting of Army general courts-martial.

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

CALEB ABER

The bill (H. R. 1539) for the relief of Caleb Aber, was considered as in Committee of the Whole.

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

BILLS PASSED OVER

The bill (H. R. 21) to amend the patent and trade-mark laws, and for other purposes, was announced as next in order.

Mr. DILL. Let that go over.

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

The bill (S. 615) for the relief of Grover Ashley, was announced as next in order.

Mr. KING. Let that go over.

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

The bill (S. 3327) to provide for the cooperative marketing of agricultural commodities was announced as next in order.

Mr. KING. Let that go over. That is a very important bill, and I doubt whether we can consider it under the five-minute rule.

The PRESIDENT pro tempore. It is a bill to provide for cooperative marketing.

SEVERAL SENATORS. Let it go over.

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

The bill (S. 2646) to provide for the expeditious and prompt settlement, mediation, conciliation, and arbitration of disputes between carriers and their employees and subordinate officials, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Let that go over.

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

The bill (H. R. 7558) to authorize the payment of an indemnity to the Government of Norway on account of losses sustained by the owners of the Norwegian steamship *Hassel* as the result of a collision between that steamship and the American steamship *Ausable*, was announced as next in order.

Mr. MOSES. Let that go over.

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

The bill (S. 2844) to place the agricultural industry on a sound commercial basis, to encourage agricultural cooperative associations, and for other purposes, was announced as next in order.

Mr. BRUCE and Mr. KING. Let that go over.

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

COUNCIL ON DISTRICT UNIVERSITIES AND COLLEGES

The bill (S. 3278) to establish a council on universities and colleges in the District of Columbia, and for other purposes, was announced as next in order.

Mr. COPELAND. I move that that bill be indefinitely postponed.

The PRESIDENT pro tempore. Without objection, that order will be made.

BILL PASSED OVER

The bill (S. 3459) to encourage and promote the sale and export of agricultural products grown within the United States was announced as next in order.

Mr. BRUCE. Let that go over.

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

CITY OF NEW YORK

The resolution (S. Res. 227) to authorize an adjustment of the claim of the city of New York for expenses incurred on behalf of the United States during the Civil War, was announced as next in order.

Mr. DIAL. Let that go over.

Mr. COPELAND. Mr. President, I hope my friend from South Carolina will withdraw his objection. It is proposed only to audit the claim. It does not involve the expenditure of any money. I hope the Senator will be good to me in these final days of the session.

Mr. DIAL. Mr. President, it is pretty hard to resist the Senator from New York. If the resolution does not involve the expenditure of any money and is a matter of gratification to him, while I do not see much good that it will do, I will withdraw the objection.

Mr. COPELAND. I thank the Senator very much.

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

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Claims with an amendment, on page 1, line 2, after the words "directed to," to strike out "adjust and," so as to make the resolution read:

Resolved, That the Comptroller General of the United States be, and he is hereby, authorized and directed to audit the claim of the city of New York for expenses incurred by said city in aiding to suppress the insurrection against the United States during the years 1861 to 1865, and in making said audit the provision of the act of Congress of July 27, 1861 (12 Stat. L. p. 276), as interpreted and applied by the Supreme Court of the United States in the case of the State of New York against the United States, decided January 6, 1896 (160 U. S. Repts. p. 598), shall be applied by the said Comptroller General, and report the amount so ascertained to the Senate for consideration.

The amendment was agreed to.

The resolution, as amended, was agreed to.

BILLS, ETC., PASSED OVER

The bill (S. 3394) to amend section 26 of the interstate commerce act, as amended, as announced as next in order.

Mr. KING. I should like some explanation of that bill.

SEVERAL SENATORS. Let it go over.

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

The joint resolution (S. J. Res. 118) to authorize the United States Shipping Board to adjust the claim of the Near East Relief, was announced as next in order.

Mr. PEPPER. Let that go over.

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

The resolution (S. Res. 271) authorizing preparation of compilation of Indian laws and treaties, was announced as next in order.

Mr. CURTIS. Let that go over.

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

VALUATION OF COMMON CARRIERS

The resolution (S. Res. 283) favoring the allotment of sufficient funds to the Interstate Commerce Commission to enable it to carry on the work of valuation of common carriers was announced as next in order.

The PRESIDENT pro tempore. The author of that resolution asks that it be indefinitely postponed; and, without objection, it will be so ordered.

BILLS, ETC., PASSED OVER

The bill (H. R. 5481) to provide for the carrying out of the award of the National War Labor Board of July 31, 1918, in favor of certain employees of the Bethlehem Steel Co., Bethlehem, Pa., was announced as next in order.

Mr. DIAL. Let that go over.

Mr. PEPPER. Mr. President, will the Senator withhold his objection for a moment?

Mr. DIAL. With pleasure.

Mr. PEPPER. I hope the Senator will not press his objection at this stage of the session. This bill has come up a number of times upon the calendar, and the Senator has objected on each occasion. He has had an ample opportunity to consider the merits of the proposal. I venture to hope that he

will allow it to pass now, as otherwise we shall have no opportunity, in all probability, to vote upon a measure which involves the welfare of a very great number of people. It provides for carrying out the award of our own War Labor Board in favor of a great company of American workingmen. I hope the Senator will withhold his objection.

Mr. DIAL. Mr. President, I should like to do so, but I have studied the claim most thoroughly, and it is without merit, as I see it. Therefore I shall have to ask that it go over. I am sorry I can not accommodate the Senator.

The PRESIDENT pro tempore. Objection is made, and the bill will be passed over.

The bill (H. R. 9093) declaring pistols, revolvers, and other firearms capable of being concealed on the person nonmailable and providing penalty, was announced as next in order.

Mr. WALSH of Massachusetts and other Senators. Let that go over.

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

The bill (H. R. 4448) authorizing establishment of rural routes of from 36 to 75 miles in length, was announced as next in order.

Mr. KING. Let that go over.

Mr. STERLING. Mr. President, I hope the objector will withhold the objection to this bill. It is quite an important bill, though it is not a very long one. Its passage is requested by the Postmaster General, and it is almost necessary that we have some such legislation because of the state of existing law. The bill is to give the Postmaster General authority to establish routes between the maximum horse-drawn route of 36 miles and the minimum motor-vehicle route of 50 to 75 miles. He has no power, under existing law, to establish any route between the 36-mile route and the 50-mile route, that being the minimum motor-vehicle route.

Mr. KING. Mr. President, may I say to the Senator that I understand that the Post Office Committee, of which he is chairman but will not be after the 4th of March, during the summer intends to make very extensive investigations in regard to all matters connected with the Post Office Department and the Postal Service and the postal operations. Undoubtedly this question and all other matters relating to the mail service will be investigated; and it seems to me that to take up this question in piecemeal will be unwise and impolitic. I hope, therefore, that the Senator will not appeal to me to withdraw the objection.

Mr. STERLING. Mr. President, if the Senator persists in his objection, of course, I can not ask for the consideration of the bill.

The PRESIDENT pro tempore. The Senator objects, and the bill will be passed over.

The bill (H. R. 5083) for the relief of John A. Bingham was announced as next in order.

Mr. KING. Let that go over.

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

HALLER NUTT, DECEASED

The bill (S. 2603) for the relief of the legal representative of the estate of Haller Nutt, deceased, was announced as next in order.

Mr. BRUCE. Mr. President——

The PRESIDENT pro tempore. Does the Senator rise to object?

Mr. BRUCE. No. While there is no objection, yet at the same time the amount involved in this bill is so large that I feel that I ought to call the attention of the Senate to it, so that if any Senator feels disposed to object he can object.

Mr. KING. I withhold the objection to have an explanation from the Senator.

Mr. BRUCE. The Senator did not object at first. I was going to make the explanation anyhow, because I felt it was due to the Senate.

This bill authorizes the payment of $131,000 to the estate of Haller Nutt. The circumstances which surround this case are quite remarkable.

Haller Nutt was a Mississippi and a Louisiana planter during the Civil War, and he was loyal to the Union. Of course, I should be very slow to accept that conclusion, considering his environment and his occupation and what not; but it is an undoubted, unquestionable fact that he was loyal to the Union, and among the papers in this case there is a certificate to his loyalty and fidelity to the Union from no less a person than Gen. Ulysses S. Grant, and also from some four or five other Union officers who were in command in that part of the South. He had been a very strong Union man before the Civil War, and when the Civil War came along he sided with the Union, and a military safeguard was issued to him for the protection of his property; but while one of the commanding forces of the United States was in possession of a gin mill or house that belonged to him on his plantation this ginhouse was destroyed, and the gin mill along with it, and 700 bales of cotton.

Now, Mr. President, all I ask is that Senators treat this matter seriously. I am the son of an old Confederate captain; and if I had approached this case with any bias, it might well have been with a bias created by that fact; but of course I knew that it was my duty to approach it with no bias of any sort.

My mind was far more open to suspicion and distrust, when I came to examine the facts in this case, than to any contrary feeling. But one can not read the testimony in this case without being satisfied that this man was absolutely loyal to the Union; that a safeguard was issued to him for the protection of his property; that his ginhouse and his 700 bales of cotton were destroyed while they were in the actual possession of the Union forces; and that in the belief not only of three or four other commanding officers of the United States Army in that part of the world but in the belief of Gen. Ulysses S. Grant he was a faithful and loyal citizen of the United States during the Civil War.

The papers in this case also disclose the fact that this property was carefully appraised, at the suggestion of General Grant himself, as I recollect, and this valuation placed on this ginhouse and gin mill and these 700 bales of cotton.

The estate of Haller Nutt, on account of the destruction of various other items of property, has already been paid by the Government. Through two appropriations made by Congress considerable sums of money were paid the estate for the destruction of other items of property, but the value of this gin house and mill, and of the 700 bales of cotton, was ascertained at the same time that the value of the other property was fixed, for which the estate of Haller Nutt has been paid under acts of Congress.

Mr. KING. Mr. President, may I interrupt the Senator?

Mr. BRUCE. Certainly.

Mr. KING. I understand that this matter was referred to the Court of Claims, and that the Court of Claims made findings in 1915.

Mr. BRUCE. It did.

Mr. KING. Why has Congress not made an appropriation prior to this?

Mr. BRUCE. One has to be a member of the Committee on Claims to realize that it might well not have reported a claim favorably, and yet no inference of any kind unfavorable to the claimant could be justly drawn. I care nothing about this claim, absolutely nothing, personally, but it became my duty to investigate it, and I investigated it with the utmost thoroughness. I presented quite a lengthy report on the claim to the Comimttee on Claims of the Senate, which was most carefully considered, and fully discussed.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. BRUCE. This favorable recommendaton has been unanimously made by the committee.

The PRESIDENT pro tempore. Is there objection to the 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 Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the legal representative of Haller Nutt, deceased, late of Natchez, Miss., out of any money in the Treasury not otherwise appropriated, the sum of $131,328, due the estate of the said Haller Nutt for one mill and 700 bales of cotton taken for use by the United States military authorities, in compliance with the findings of the Court of Claims reported to Congress February 18, 1915.

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

AMENDMENT OF TRADING WITH THE ENEMY ACT

Mr. WILLIS. Mr. President, sometime ago I objected to the consideration of Senate bill 916, to amend the trading with the enemy act. I subsequently withdrew my objection, but at that time the Senator from Alabama objected. I am advised that he is now willing to withdraw his objection.

Mr. HEFLIN. I withdraw my objection.

Mr. WILLIS. I ask unanimous consent, therefore, that we return to the consideration of that bill, Order of Business 1288.

The PRESIDENT pro tempore. Is there objection?

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 section 9 of the trading with the enemy act, as amended, is amended by inserting between paragraphs (3) and (4) of subsection (b) of section 9 a new paragraph, to read as follows:

"3. (a) An individual who was at such time a citizen or subject of Germany, Austria, Hungary, or Austria-Hungary, and that the money or other property involved, or the principal thereof, was earned by such individual while a bona fide resident of the United States and where such individual shall be a bona fide resident of the United States at the time of the return of his money or other property to him; or"

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

BILLS PASSED OVER

The bill (S. 1931) amending the Army appropriation act approved July 9, 1918, providing for appointment and retirement of officers of the Medical Reserve Corps, or contract surgeons, was announced as next in order.

Mr. KING. Let that go over.

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

The bill (S. 3772) to authorize the reduction of and to fix the rate of interest to be paid by carriers upon notes or other evidences of indebtedness heretofore issued under the provisions of section 207 of the transportation act, 1920, or section 210 of said act, as amended by an act approved June 5, 1920, was announced as next in order.

Mr. BROOKHART. At the request of the Senator from Nebraska [Mr. HOWELL], I object to the bill.

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

The bill (S. 3682) for the relief of M. Barde & Sons (Inc.), Portland, Oreg., was announced as next in order.

Mr. KING. May I inquire, reserving the right to object, why this claim was not referred to the Court of Claims, as is usual where there are evidences of collision or cases of maritime accident?

Mr. ROBINSON. Let the bill go over.

Mr. SHORTRIDGE. Yes; let it go over.

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

The bill (S. 3314) granting pensions and increase of pensions to certain soldiers and sailors of the Civil and Mexican Wars and to certain widows, former widows, minor children, and helpless children of said soldiers and sailors, and to widows of the War of 1812, and to certain Indian war veterans and widows, and to certain Spanish war soldiers and widows, and certain maimed soldiers, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

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

The bill (H. R. 11354) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was announced as next in order.

Mr. KING. Let that go over.

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

Mr. BURSUM. Mr. President——

Mr. KING. Over!

Mr. BURSUM. Mr. President——

The PRESIDENT pro tempore. Objection has been made.

Mr. BURSUM. I want to make an explanation.

Mr. KING. Regular order!

The PRESIDENT pro tempore. The Secretary will report the next bill on the calendar.

The bill (S. 3017) to establish a board of public welfare in and for the District of Columbia, to determine its functions, and for other purposes, was announced as next in order.

Mr. GERRY. Let that go over.

Mr. BALL. Before we act on that, I would like to ask the Senator to withhold the objection.

Mr. GERRY. I object.

The PRESIDENT pro tempore. Objection is made, and the bill will be passed over.

The bill (H. R. 3933) for the purchase of the Cape Cod Canal property, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

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

SETTLEMENT ON GOVERNMENT LAND IN IRRIGATION PROJECTS

The bill (S. 4151) to provide for aided and directed settlement on Government land in irrigation projects was announced as next in order.

Mr. BORAH. Mr. President, this is quite an important and lengthy bill, and I do not suppose we would want to pass it without some consideration. Has the bill been put upon the list by the steering committee?

Mr. CURTIS. This is one of the bills.

Mr. BORAH. It can not be considered to-night.

Mr. McNARY. I may state to the Senator from Idaho that this bill received very careful study by the Committee on Reclamation and Irrigation, and the report on it was unanimous. It was considered by the steering committee and made a part of the program for this week's consideration by this body. I do not think it would require a long debate. I think the author of the bill, or the chairman of the committee, could explain it in a very few minutes to the satisfaction of the Senator from Idaho.

Mr. MOSES. May I ask if it is a portion of the program for agricultural relief for which the Senator from Idaho has been clamoring?

Mr. BORAH. No; it is not. It has not anything to do with it.

Mr. MOSES. I would rather have the opinion of the Committee on Agriculture——

Mr. BORAH. The Committee on Agriculture can pass opinions on its affairs, but not on mine.

Mr. McNARY. Mr. President, I am curious to know if the able Senator from Idaho desires still to persist in his objection?

Mr. BORAH. I will say that no later than two hours ago I received a communication in regard to this measure from two Members of the House of Representatives opposing it. I do not feel that I am prepared to pass upon the question to-night.

Mr. KENDRICK. May I ask the Senator to withhold his objection for just a moment?

Mr. BORAH. I will withhold it, and I think if the bill shall be read to the Senate others will object besides myself.

The PRESIDENT pro tempore. The objection is withdrawn, and without objection the bill will be considered as in Committee of the Whole.

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

PHILIP THOMAS COFFEY

The bill (S. 2941) authorizing the President of the United States to appoint Philip T. Coffey to the position and rank of captain in the United States Army and immediately retire him with the rank and pay held by him at the time of his discharge, was announced as next in order.

Mr. KING. Let that go over.

Mr. COPELAND. If the Senator from Utah will withhold his objection for a moment, I will explain this bill.

Captain Coffey was retired from the Army and an examining board found that he had a slight irregularity of his heart action. That is all they found. Six months later the Veterans' Bureau examined this man and found that he had chronic, pulmonary tuberculosis, active, advanced pleurisy, with effusion, and other complications. The only fair thing to do was to order this man before a retiring board for a reexamination. There was apparently a mistake made, as any layman can see. In six months' time he would not have come back showing evidence of tuberculosis in an advanced stage if he had not been suffering from it before. Therefore there must have been a mistake made, and in the interest of justice this man should be permitted to be brought before a retiring board and further action determined.

Mr. KING. Was he an officer of the Regular Army?

Mr. COPELAND. Of the Regular Army.

Mr. KING. I withdraw the objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

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

That the President of the United States be, and he is hereby, authorized to summon Philip T. Coffey, formerly captain in the Corps of Engineers of the Regular Army of the United States, before a retiring board, to inquire, whether at the time of his honorable discharge, October 11, 1922, he was incapacitated for active service and whether such incapacity was the result of an incident of service and whether said discharge should have been made, and upon the result of such inquiry, the President is authorized to nominate and appoint, by and with the advice and consent of the Senate, the said Philip T. Coffey, a captain in the Corps of Engineers, and place him immediately thereafter upon the retired list of the Army, with the same privileges and retired pay as are now or may hereafter be provided by law or regulation for officers of the Regular Army: *Provided*, That the said Philip T. Coffey shall not be entitled to any back pay or allowances.

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill for the relief of Philip Thomas Coffey."

PENSIONS AND INCREASE OF PENSIONS

The bill (H. R. 11749) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was announced as next in order.

Mr. DIAL. Let that go over.

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

LEVIN P. KELLY

The bill (S. 2721) for the relief of Levin P. Kelly was announced as next in order.

Mr. KING. Reserving the right to object, I would like to have an explanation of the bill.

Mr. BRUCE. I will be glad to give an explanation. Kelly was the owner of a schooner plying on the Chesapeake Bay. While his schooner was moored at a wharf at Annapolis, a Naval Academy vessel ran into it and sank it. The schooner had a considerable amount of coal on board. The facts were investigated by the Navy Department, and the Secretary of the Navy ascertained the damages done to the schooner, pronounced the Naval Academy vessel at fault, and recommended the payment of the amount of damages received by the claimant, namely, $6,000. It is a perfectly clear claim.

Mr. KING. In view of the fact that such cases of collision are generally referred to the Court of Claims, why is a different course being pursued with this claim?

Mr. BRUCE. Of course, it could have been referred to the Court of Claims. The amount is small to begin with, however, and the facts were simple. There was an investigation by a naval board of inquiry, and the Secretary of the Navy recommended the payment of the claim, so we thought that really nothing else was needed to establish the justice of the claim.

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, the sum of $6,000 to Levin P. Kelly, owner and captain of the schooner *John Bradley*, which was sunk on the 25th day of July, 1922, by Government launch *No. 1*, of the United States Naval Academy, through the negligence of the Government.

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

MONUMENTAL STEVEDORE CO.

The bill (S. 3645) for the relief of the Monumental Stevedore Co. was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the claim against the United States of the Monumental Stevedore Co., of Baltimore, Md., a corporation, organized and existing under the laws of the State of Maryland, with its principal place of business in the city of Baltimore, State of Maryland, owner of lighter *No. 1*, for damages alleged to have been caused by collision between the said lighter and United States tug *Winnesimmet*, in the Patapsco River on the 17th day of September, 1923, may be sued for by the Monumental Stevedore Co. in the United States District Court for the District of Maryland, 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 a suit and to enter a judgment or decree for the amount of such damages, if any shall be found to be due, against the United States in favor of the said Monumental Stevedore Co., or against the Monumental Stevedore Co. 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 such suit shall be brought and commenced within four months from the date of the passage of this act.

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

MECHANICS & METALS NATIONAL BANK

The bill (H. R. 7118) for the relief of the Mechanics & Metals National Bank, successor to the New York Produce Exchange Bank, was considered as in Committee of the Whole, and was read.

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

STREET RAILWAY MERGER, DISTRICT OF COLUMBIA

The bill (S. 4191) to permit the merger of street railway corporations operating in the District of Columbia, and for other purposes, was announced as next in order.

Mr. BALL. Mr. President, the Senator from Tennessee [Mr. MCKELLAR] has objected to this bill in the past, but with the amendments which I shall send to the desk he will not object.

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That any or all of the street railway companies operating in the District of Columbia be, and they are hereby, authorized and empowered to merge or consolidate, either by purchase or lease by one company of the properties, and/or stocks or securities of any of the others, or by the formation of a new corporation to acquire the properties and/or stocks or securities and to succeed to the powers and obligations of each or any of said companies under such terms and conditions as may be agreed upon by vote of a majority in amount of the stock of the respective corporations and as may be approved by the Public Utilities Commission of the District of Columbia. Such new corporation shall be incorporated under the provisions of Subchapter IV, Chapter XVIII of the Code of Law of the District of Columbia as far as applicable, with issues of stock at a stated par value and/or of no par value, as may be approved by the Public Utilities Commission.

SEC. 2. The inhibitions and restrictions contained in section 11 of the act of March 4, 1913 (commonly known as the antimerger law, Public, No. 435, 37 Stat. L. p. 1006), be, and the same are hereby, removed so far, and only so far, as they affect the acquisition by any corporation of the stocks or bonds of any of the corporations referred to in the foregoing section.

SEC. 3. Congress reserves the right to alter, amend, or repeal this act or any provision thereof.

Mr. BALL. I offer the following amendments.

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

The READING CLERK. On page 2, line 3, after the words "District of Columbia," insert a semicolon "and provided, that no merger of said companies shall be finally consummated until the same is approved by a joint resolution of Congress," and on page 2, line 14, after the word "section" to insert a comma and the words "under the terms and conditions of this act."

The amendments were agreed to.

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

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

FOOD CONTROL AND RENTS ACT

The bill (S. 4227) to extend the provisions of Title II of the food control and District of Columbia rents act, as amended; to prevent fraudulent transactions respecting real estate; to create a real-estate commission for the District of Columbia; to define, regulate, and license real-estate brokers and real-estate salesmen; to provide a penalty for a violation of the provisions hereof, and for other purposes, was announced as next in order.

Mr. CURTIS. Let that go over.

Mr. COPELAND. Mr. President, I wish the Senator who objected would withhold his objection for a moment.

It seems a great pity that we do not take some action to give relief to the rent situation in the District. I assume this bill is too long and too complicated to be acted on at this time, but I do contend that at some time before we adjourn we should give some consideration to this matter of relief to people who have occasion to rent places in the District of Columbia.

Mr. HEFLIN. I join with the Senator in that request.

The PRESIDENT pro tempore. Objection is made, and the bill will be passed over.

CLAIMS FOR OVERTIME IN NAVY YARDS

The bill (S. 2131) for the allowance of certain claims for extra labor above the legal day of eight hours at certain navy yards certified by the Court of Claims was announced as next in order.

Mr. KING. Let that go over.

Mr. COPELAND. I hope the Senator from Utah will withhold his objection a few minutes. Here are claims which have been pending since 1878, and the Presidents from time to time, including President Taft, called attention to them and said they should be adjudicated. They have been pressed in various Congresses—the Sixty-first, the Sixty-second, the Sixty-third, and others. I think Congress should take action, and I hope the Senate will take action to-night and pass this bill.

Mr. KING. I objected.

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

Mr. BRUCE. I feel bound to object to the bill, as I understand it undertakes to interfere with private contracts between landlords and tenants.

Mr. COPELAND. The Senator has the wrong bill before him. I am referring to Calendar 1060.

Mr. BRUCE. I withdraw my objection.

The PRESIDENT pro tempore. Objection is withdrawn.

Mr. KING. I objected, and my objection is not withdrawn, because the bill can not be considered in the short time we can devote to it to-night.

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

GRANT OF LANDS TO DELTA, COLO.

The bill (S. 3998) granting certain lands to the city of Delta, State of Colorado, for public park and recreational grounds, and for other purposes, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That upon payment therefor at the rate of $1.25 per acre the Secretary of the Interior be, and he is hereby, authorized and directed to issue patent as hereinafter limited to the city of Delta, Colo., for the following-described lands in township 12 south, range 95 west, sixth principal meridian: Lots 9, 10, 11, 12, the north half of the southwest quarter, and the north half of the southeast quarter, section 1; lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, the southeast quarter, and the southwest quarter section 2; lots 5 and 7, the south half of the northeast quarter, the southeast quarter, and the southwest quarter section 3; the southeast quarter of the southeast quarter section 4; the east half of the northeast quarter section 10; and the west half of the northwest quarter section 11; aggregating 1,588.48 acres more or less; such lands to be used and occupied solely for public park and recreational purposes: *Provided*, That there shall 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 if the grantee shall fail to use the land for park and recreational purposes or shall devote the same to other uses the title thereto shall revert to the United States, and the lands shall be restored to the public domain upon a finding of such failure by the Secretary of the Interior: *And provided further*, That the grant herein authorized shall be subject to any and all rights of way lawfully acquired over and across such lands under the laws of the United States.

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

DISTRICT OF COLUMBIA TRAINING SCHOOL

The bill (H. R. 9435) to provide for commitments to, maintenance in, and discharges from the District Training School and for other purposes, was considered as in Committee of the Whole, and was read.

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

REGULATION OF STEAM ENGINEERING, DISTRICT OF COLUMBIA

The bill (S. 4004) to amend the act entitled "An act to regulate steam engineering in the District of Columbia" approved February 28, 1887, was considered as in Committee of the Whole.

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

That the act entitled "An act to regulate steam engineering in the District of Columbia," approved February 28, 1887, be, and the same is hereby, amended so as to read:

"SECTION 1. That it shall be unlawful for any person to act as steam or other operating engineer in the District of Columbia who shall not have been regularly licensed to do so by the commissioners thereof.

"SEC. 2. All persons applying for such license shall be examined by a board of examiners composed as follows: The boiler inspector for the District of Columbia and two practical engineers to be appointed by the District Commissioners. Said examination shall be conducted in all respects under such rules and regulations as the Commissioners of the District of Columbia shall from time to time provide; and all engines and steam boilers shall be subjected to such tests as the said commissioners may prescribe.

"SEC. 3. Applicants for license as steam or other operating engineers must be 21 years of age and of temperate habits, and must have at least three years' experience in an engine room and boiler house under a bona fide licensed engineer, and furnish satisfactory proof under oath; must make application in writing, to which application must be attached a certificate as to character and moral habits signed by at least three citizens of the District of Columbia, themselves of moral standing.

"SEC. 4. The fee for a license as steam or other operating engineer shall be $3.

"SEC. 5. Any person employed as licensed steam or other operating engineer in the District of Columbia who is found under the influence of intoxicating liquor while on duty, shall, for the first offense, have his license revoked for 6 months; for the second offense, 12 months; and for the third offense, shall have his license revoked and be debarred from following the occupation of licensed steam or other operating engineer in the District of Columbia for the period of five years.

"SEC. 6. Any owner or lessee of any engine or steam boiler, or the secretary of any corporation, who shall employ a steam or other operating engineer as such who has not been regularly licensed to act as such, or any person operating without a license or in violation of the provisions of this act, shall on conviction thereof by the police court of the District of Columbia, be fined $40: *Provided*, That boilers used for steam heating, where the water returns to the boiler by gravity without the use of a pump and injector or inspirator, shall be exempt from the provisions of this section. Refrigerating engines and machinery of 1-ton capacity in 24 hours or less are exempt from the provisions of this section.

"SEC. 7. The foregoing section shall not apply to engineers who have been licensed by the United States Government or the laws of any State having reciprocity with the District of Columbia."

The amendment was agreed to.

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

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

BILLS PASSED OVER

The bill (S. 2663) to standardize the procedure with reference to surety bonds running in favor of the United States, and for other purposes, was announced as next in order.

Mr. WILLIS and others. Over.

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

The bill (S. 2820) authorizing appropriations for medical school building and equipment for Howard University was announced as next in order.

Mr. DIAL. Let the bill go over.

Mr. COPELAND. I hope the Senator will withdraw his objection.

Mr. DIAL. I am sorry, but I can not do it.

The PRESIDENT pro tempore. Objection is made and the bill will be passed over.

JAMES M'KAY

The bill (S. 2647) providing employees' compensation for James McKay, who was injured while in the service of the Quartermaster Corps, United States Army, was announced as next in order.

Mr. KING. Let the bill go over.

Mr. TRAMMELL. Mr. President, will the Senator withhold his objection until I can make an explanation?

Mr. KING. If it is the same explanation made the other evening and the bill has not been changed, I shall have to object.

Mr. TRAMMELL. There was not a very extensive explanation made because the Senator objected before I had the opportunity to explain.

Mr. KING. I am very familiar with the bill and the report, so that in its present form I regret to say I shall be compelled to object.

Mr. TRAMMELL. I desire to offer an amendment to give a certain amount of compensation for the injury received.

Mr. KING. I am perfectly willing if the Senator will offer an amendment putting him in the same category as others who have been injured under the compensation act.

Mr. TRAMMELL. He is in that class now. This is an unusual case. He was severely injured and ever since has been in a rolling chair or on crutches. I think the case had a great deal of merit in it. The other night when the bill was refused consideration and objection was made, the very next moment property was held more valuable than the physical well-being and welfare of a human being. The very next minute the Senate appropriated $2,200 to pay a man for a house that got burned, without any explanation for it except that it was occupied by somebody working for the Government.

Mr. HARRELD. Mr. President, why is it necessary to provide compensation by special act? When we get to doing that will it not establish a bad precedent?

Mr. TRAMMELL. I am a member of the Claims Committee, and I know of a number of instances in which claims were recommended and the Senate approved the payment of compensation in a fixed amount. I am willing to offer, and propose to offer if I have an opportunity, an amendment giving him $2,000 compensation for the injury. I have seen this body time and time again fritter away thousands of dollars in paying people for injuries that were nothing compared with the injury this man received.

Mr. HARRELD. I am just asking for information. Does the Senator propose to give him the same relief that he would receive under the workmen's compensation law, or is this a compensation claim under the veterans' relief act?

Mr. TRAMMELL. I had proposed to increase the compensation from $60 a month to $125 a month. That is objected to. I have noticed in other instances that have come before the Senate that we have not only increased the rate per month, but have paid to claimants certain fixed amounts in compensation for their injuries. Sometimes it was $1,000, sometimes it was $1,500, sometimes $2,000. I propose to take that course if I am permitted to offer the amendment.

The PRESIDENT pro tempore. Does the Senator from Oklahoma object to the consideration of the bill?

Mr. HARRELD. I do not want to be in the attitude of objecting unless I know what the bill is, and I do not understand what it is.

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

Mr. KING. I have objected.

The PRESIDENT pro tempore. The Chair understood the Senator from Utah to withdraw his objection.

Mr. KING. No; I did not. I object.

The PRESIDENT pro tempore. Objection is made and the bill will be passed over.

BILLS PASSED OVER

The bill (H. R. 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 was announced as next in order.

Mr. KING. Mr. President, the Senator from Louisiana [Mr. BROUSSARD] is in committee and asked me if the bill was called to object to its consideration.

The PRESIDENT pro tempore. Objection is made, and the bill will be passed over.

The bill (S. 4253) to create the Federal city planning commission was announced as next in order.

Mr. WADSWORTH. Let the bill go over.

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

JOHN I. CONROY

The bill (H. R. 5143) for the relief of First Lieut. John I. Conroy was announced as next in order.

Mr. KING. Let the bill go over.

Mr. COPELAND. I hope the Senator will withdraw his objection for a moment.

The PRESIDENT pro tempore. Objection is made, and the bill will be passed over.

Mr. COPELAND subsequently said: Mr. President, I was interrupted when we were considering Calendar No. 1118, House bill 5143.

Mr. KING. I objected to its consideration.

Mr. COPELAND. May I ask the Senator from Utah to withhold his objection?

The PRESIDENT pro tempore. The Chair is compelled in carrying out the unanimous-consent agreement to accept the objection of a Senator as conclusive of the matter. The bill has been passed over.

EMPLOYEES OF BETHLEHEM STEEL CO.

Mr. PEPPER. Mr. President, I ask unanimous consent to return to the consideration of Calendar No. 922, the bill (H. R. 5481) to provide for the carrying out of the award of the National War Labor Board of July 31, 1918, in favor of certain employees of the Bethlehem Steel Co., Bethlehem, Pa.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent to return to Calendar No. 922. Is there objection?

Mr. HEFLIN. I will have to ask that the bill go over.

The PRESIDENT pro tempore. Objection is made.

Mr. PEPPER. May I ask the Senator to withhold his objection for a moment?

The PRESIDENT pro tempore. Objection is made.

Mr. PEPPER. I am asking the Senator from Alabama to withhold his objection for a moment.

Mr. HEFLIN. I will not withhold it until I can get a chance to look into it. We had better go on through the calendar.

The PRESIDENT pro tempore. Objection is made, and the clerk will report the next bill on the calendar.

BILLS PASSED OVER

The bill (S. 2888) for the relief of James H. Kelly was announced as next in order.

Mr. DIAL. Let the bill go over.

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

The bill (S. 3572) relating to the use of the roads leading from the bridges across the Potomac River to Arlington National Cemetery and to Fort Myer, Va., was announced as next in order.

Mr. WADSWORTH. As the senior Senator from Virginia [Mr. SWANSON] wants to have an opportunity to consult the supervisors and constables of that part of his State this summer before the bill is considered, I ask that it may be passed over.

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

SWEND A. SWENDSON

The bill (S. 1208) for the relief of Swend A. Swendson was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 6, to strike out "$4,400" and insert "$2,500," so as to make the bill read:

Whereas Swend A. Swendson lost an arm while performing his duty as boatman under the United States Corps of Engineers in the course of the Mississippi River improvement on the 8th day of July, 1911: Therefore

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 Swend A. Swendson the sum of $2,500, to compensate him in full for the injury received by him in the Government employ.

The amendment was agreed to.

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

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

The preamble was agreed to.

PROTECTION OF WATERSHEDS AND NAVIGABLE RIVERS

The bill (H. R. 11886) to amend section 7 of an act entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," approved March 1, 1911, was announced as next in order.

Mr. KING. It will take some time to discuss the measure, I imagine, but I have no objection.

Mr. GEORGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah withdraw his objection?

Mr. KING. I did not object. I merely said it would take some time to consider it.

Mr. REED of Pennsylvania. May we have an explanation of the bill?

Mr. GEORGE. I shall be very glad to make a brief explanation. A bill was introduced in the Senate by the Senator from New Hampshire [Mr. KEYES]. The bill was favorably recommended by the Committee on Agriculture and Forestry. The bill now before the Senate was introduced in the House by Representative HAWLEY and passed the House and came over to the Senate. The bill does this, and this only: It makes applicable the land exchange act, which is applicable to all of the forests taken out of the public domain, to the lands purchased by the National Forest Reservation Commission under the Weeks Act. It was supposed that the general exchange law

applied to those forest reservations, but the Attorney General ruled in March of last year that it did not apply to land acquired under the Weeks Act. It is identical in terms with the general exchange law, which is applicable to the West, and this bill could only apply to the White Mountains and the Appalachians.

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

Mr. GEORGE. Certainly.

Mr. CURTIS. I notice the bill is on the calendar as not having come from a committee. Was there a different Senate bill on the calendar?

Mr. GEORGE. There was; introduced by the Senator from New Hampshire [Mr. KEYES].

Mr. CURTIS. Was it favorably reported?

Mr. GEORGE. It was favorably reported.

Mr. CURTIS. Identical with this bill?

Mr. GEORGE. Yes. We substituted the House bill for the Senate bill when the House bill came over from the House.

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

Mr. GERRY. Reserving the right to object, I would like to ask the Senator from Georgia a question. Does the bill apply only to lands purchased by the Government?

Mr. GEORGE. It has no other application.

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 section 7 of an act entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," approved March 1, 1911, be, and the same is hereby, amended by adding the following proviso thereto:

"*Provided further*, That with the approval of the National Forest Reservation Commission as provided by sections 6 and 7 of this act, and when the public interests will be benefited thereby, the Secretary of Agriculture be, and hereby is, authorized, in his discretion, to accept on behalf of the United States title to any lands within the exterior boundaries of national forests acquired under this act which, in his opinion, are chiefly valuable for the purposes of this act, and in exchange therefor to convey by deed not to exceed an equal value of such national forest land in the same State, or he may authorize the grantor to cut and remove an equal value of timber within such national forests in the same State, the values in each case to be determined by him: *And provided further*, That before any such exchange is effected notice of the contemplated exchange, reciting the lands involved, shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted, and in some like newspaper published in any county in which may be situated any lands or timber to be given in such exchange. Timber given in such exchanges shall be cut and removed under the laws and regulations relating to such national forests, and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands so accepted by the Secretary of Agriculture shall, upon acceptance, become parts of the national forests within whose exterior boundaries they are located and be subject to all the provisions of this act."

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

BILLS PASSED OVER

The bill (S. 3679) to protect the trade-marks used in commerce, to authorize the registration of such trade-marks, and for other purposes, was announced as next in order.

Mr. KING. Let the bill go over.

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

The bill (S. 4148) to provide a complete code of insurance law for the District of Columbia (excepting marine insurance, as now provided for by the act of March 4, 1922, and fraternal and benevolent insurance associations or orders as provided for by the act of March 3, 1901), and for other purposes, was announced as next in order.

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

Mr. CAPPER. Mr. President, I hope the Chair will withhold his objection to calendar 1136. The bill is sent here by the Commisisoners of the District of Columbia with the request that it be enacted promptly as there is urgent need for it. It simply provides a comprehensive insurance code for the District of Columbia, bringing it up to proper standard, and giving to the District of Columbia a standard insurance law in line with the insurance laws of 42 States. There has been no insurance legislation in the District of Columbia for something like 13 or 14 years.

Mr. SHEPPARD. Mr. President, I do not think there is any objection to the bill.

The PRESIDENT pro tempore. The Chair very distinctly heard an objection. The Chair will put the question again. Is there objection to the present consideration of the bill?

Mr. SHORTRIDGE. I ask that the bill go over.

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

The bill (H. R. 2688) providing for sundry matters affecting the naval service, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, that bill can not be considered to-night. It has several features that will require some discussion.

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

BELLE H. WALKER AND FRANK E. SMITH

The bill (S. 3109) for the relief of Belle H. Walker and Frank E. Smith was announced as next in order.

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

Mr. KING. I should like an explanation of the bill.

Mr. ROBINSON. Mr. President, the Senator from Maryland [Mr. BRUCE], who introduced this measure in the Senate, was compelled to leave the Chamber a few moments ago. He asked me to make an explanation of the provisions of the bill if any Senator called for one. I shall be glad to do that if it is desired.

It appears from the record that the Government acquired the property upon which the Printing Office is now located in 1898, and the year following authorized the construction of the Printing Office on the land thus acquired. By some error the Government encroached upon land belonging to the beneficiaries of this bill. The bill is intended to compensate them for the land which the Government took in that way, and which it has occupied for many years. As to the amount carried by the bill, I have examined it with some care since the Senator from Maryland spoke to me about the measure, and I believe that the sum is no more than fairly adequate to compensate the parties for the land which they are required to convey under the terms of the bill to the Government and for the damage to their property which has heretofore accrued.

Mr. WALSH of Massachusetts. What is the amount?

Mr. ROBINSON. The total amount is a little more than $48,000.

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments, on page 1, at the beginning of line 5, to strike out "$65,000, all of which, or so much thereof, if any, as may be agreed upon by the Secretary of the Treasury, after investigation and reasonable proof to the Secretary of the Treasury," and insert "$48,092.38, which sum"; in line 9 after the word "to," to insert "Belle H. Walker, widow of"; at the beginning of line 10, to insert the word "deceased"; in line 11 after the word "them," to insert "or Frank H. Walker, deceased"; on page 2, line 5, after the word "by," to strike out "Frank H. Walker," and insert "Belle H. Walker"; in line 9, after the name "Walker," to insert "or Belle H. Walker"; in line 11, after the word "said," to strike out "Frank H. Walker," and insert "Belle H. Walker"; and at the end of line 19 to insert, "*Provided further*, That the land so embraced shall be transferred to the Public Printer for the use of the Government Printing Office," so as to make the bill read:

Be it enacted, etc., That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $48,092.38, which sum shall be paid by the Secretary of the Treasury to Belle H. Walker, widow of Frank H. Walker, deceased, and Frank E. Smith for all damages howsoever sustained by them or Frank H. Walker, deceased, growing out of the construction of the foundation of the west wall or walls of the Government Printing Office, for their full length, running at right angles to G Street and Jackson Alley, in the city of Washington, D. C., upon and occupying a portion of the east part of the adjoining lots owned by Belle H. Walker and Frank E. Smith, without claim of title to said land by or payment therefor by the United States, and for all other damages which may be found to have been sustained by said Frank H. Walker or Belle H. Walker and Frank E. Smith by the operation of said Government Printing Office after its construction: *Provided*, That the said Belle H. Walker and Frank E. Smith, by a good and sufficient title, will convey to the

United States, clear of all encumbrances, the following-described land, together with the improvements thereon, being lots 75 and 76 and part of lots 19 and 20, including a private alley 3 feet 6 inches wide, containing 9,483 square feet, more or less, which embraces the property taken, used, or damaged, all situated in square 624: *Provided further*, That the land so embraced shall be transferred to the Public Printer for the use of the Government Printing Office.

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

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

The title was amended so as to read: "A bill for the relief of Belle H. Walker, widow of Frank H. Walker, deceased, and Frank E. Smith."

BOARD OF PUBLIC WELFARE IN THE DISTRICT

The bill (H. R. 12002) to establish a board of public welfare in and for the District of Columbia, to determine its functions, and for other purposes, was announced as next in order.

Mr. GERRY. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

AMENDMENT OF COTTON FUTURES ACT

The bill (S. 3107) to amend the United States cotton futures act, as amended, was announced as next in order.

Mr. KING. Have we not had this bill up before this evening?

Mr. HEFLIN. No. Mr. President, this bill has been amended as suggested by the Secretary of Agriculture——

SEVERAL SENATORS. Let the bill go over.

The PRESIDENT pro tempore. Objection is made.

Mr. HEFLIN. Mr. President, this bill is one of great importance to all the cotton producers of the United States.

It seeks to correct a grave injustice that is now being done to them by the New York and New Orleans Cotton Exchanges. I accepted the two amendments proposed by the Secretary of Agriculture and the Senate Committee on Agriculture approved it and reported it as amended to the Senate. Mr. President, this bill simply provides for a fair deal not only to the cotton farmer but to the merchant, manufacturer, and everyone else interested in legitimate transactions in cotton.

The bill is short, and I ask that it be read so that Senators may know just what its provisions are. The following is a copy of it as amended:

A bill (S. 3107) to amend the United States cotton futures act, as amended

Be it enacted, etc., That the United States cotton futures act, approved August 11, 1916, as amended, is amended by adding after section 13 two new sections to read as follows:

"SEC. 13a. That the record of the prices of each and every transaction and/or each and every bid or offer, whether resulting in a transaction or not, made on any cotton exchange, board of trade, or similar institution, or place of business, regardless of by whom collected and disseminated, shall be, and is hereby, charged and affected with a public interest, and shall be made available to all individuals, copartnerships, corporations, and associations on an equal basis, except where such information may be intended for an illegal purpose.

"SEC. 13b. Every person, copartnership, corporation, or association engaged in the business of, or in any manner exercising any control over the collection and/or dissemination of such records and/or information, shall, without any discrimination, supply the same and permit the same to be supplied in the same manner and upon the same terms to each and every person, copartnership, corporation, or association who shall apply therefor, except where such information is sought for an illegal purpose, and upon failure or refusal so to do, any person, copartnership, corporation, or association, whose business of dealing in commodities is restrained, hindered, or in any way made more difficult by such failure or refusal, may by appropriate action in any court of the United States having jurisdiction of the parties recover against the person, copartnership, corporation, or association so failing or refusing or responsible therefor, treble damages suffered by reason of such failure or refusal, and by appropriate suit in any such court, shall be entitled to injunctive relief against threatened or continued injury by reason of such failure or refusal."

Mr. President, this bill seeks to have the various prices of cotton produced each day by selling and buying on the exchange made available free of charge to every American citizen. If the cotton exchange is engaged in a legitimate business, why should it object to every citizen in the country knowing every hour in the day what cotton prices are being written upon the blackboard? And why should people interested in legitimate cotton transactions be denied the quotations of cotton prices on the exchange?

Why should the cotton producer and the merchant who buys cotton in the cotton-growing States be denied information unless they pay for it regarding the price being paid for cotton?

Mr. MOSES. Let the bill go over, Mr. President.

Mr. HEFLIN. Mr. President, then we ought to have a quorum to transact further business.

Mr. CURTIS. There are only a few more bills on the calendar.

Mr. HEFLIN. I understand that, and it would not make any difference if there were only one. You can pass bills here for the big interests and appropriate money out of the Treasury to pay them, but when it comes to a bill which affects the public weal and is of benefit to masses of the people generally somebody is on the job to object to such measures. I think the time has come when those of us who represent the people ought to assert ourselves, and I start the program now. I make the point of no quorum.

Mr. CURTIS. Mr. President——

The PRESIDENT pro tempore. The Secretary will call the roll.

Mr. CURTIS. I move that, in accordance with the unanimous-consent agreement, the Senate take a recess until 11 o'clock to-morrow morning.

The PRESIDENT pro tempore. The unanimous-consent agreement provides that at the conclusion of its business to-day the Senate shall take a recess until 11 o'clock to-morrow, and therefore the Chair can entertain the motion of the Senator from Kansas. The question is on that motion.

The motion was agreed to; and (at 9 o'clock and 20 minutes p. m.) the Senate took a recess until to-morrow, Saturday, February 28, 1925, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate February 27 (legislative day of February 26), 1925

UNITED STATES ATTORNEY

George Neuner, of Oregon, to be United States attorney, District of Oregon, vice John S. Coke, resigned.

POSTMASTERS

ALABAMA

Charles O. Johnson to be postmaster at Ensley, Ala., in place of R. S. Hickman. Incumbent's commission expired June 4, 1924.

ARKANSAS

Melvin E. Torrence to be postmaster at Atkins, Ark., in place of J. H. Johnson, resigned.

CALIFORNIA

Charles H. Quantock to be postmaster at Loma Linda, Calif., in place of I. L. Casey, resigned.

GEORGIA

McCamie C. Gettys to be postmaster at Ellaville, Ga., in place of Dollie Allen, resigned.

Henry G. Entrekin to be postmaster at Bremen, Ga., in place of J. D. Long. Incumbent's commission expired February 20, 1924.

INDIANA

Adolph A. Dassel to be postmaster at Elberfield, Ind., in place of R. F. Morris. Office became third class October 1, 1924.

IOWA

Marie Jones to be postmaster at Bussey, Iowa, in place of L. L. Anspach. Incumbent's commission expired June 5, 1924.

Ray Robertson to be postmaster at Maxwell, Iowa, in place of G. J. Boitnott. Incumbent's commission expired March 22, 1024.

KENTUCKY

Clarence Mathews to be postmaster at Maysville, Ky., in place of Z. W. Cochran, resigned.

MICHIGAN

Marie M. Baers to be postmaster at Walled Lake, Mich., in place of M. J. Long. Office became third class April 1, 1924.

MISSISSIPPI

Tamora C. Epperson to be postmaster at Raymond, Miss., in place of T. C. Epperson. Incumbent's commission expired June 4, 1924.

MISSOURI

Clifford R. Hayes to be postmaster at Salem, Mo., in place of T. H. Acuff, resigned.

NEBRASKA

Walter R. Martin to be postmaster at Bellevue, Nebr., in place of W. N. Trent. Office became third class October 1, 1923.

NORTH CAROLINA

David J. Lewis to be postmaster at Rocky Point, N. C., in place of P. H. Duncan. Office became third class October 1, 1924.

NORTH DAKOTA

Daisy Thompson to be postmaster at Carpio, N. Dak., in place of D. B. Stromstad, resigned.

Roy Wigness to be postmaster at Fortuna, N. Dak., in place of C. C. Gilday. Office became third class July 1, 1923.

Leland Q. Perkins to be postmaster at Wilton, N. Dak., in place of G. C. Gray, resigned.

OHIO

Hattie L. Davison to be postmaster at Magnolia, Ohio, in place of C. W. Kennedy, resigned.

OKLAHOMA

Albert H. Williams to be postmaster at Loco, Okla., in place of S. H. Singleton, resigned.

PENNSYLVANIA

Howard D. Rushong to be postmaster at Collegeville, Pa., in place of H. L. Saylor, resigned.

RHODE ISLAND

James T. Caswell to be postmaster at Narragansett, R. I., in place of E. W. P. Greenman. Incumbent's commission expired August 5, 1923.

TENNESSEE

Loyd T. Cornelius to be postmaster at Middleton, Tenn., in place of J. M. Antwine, deceased.

TEXAS

Robert C. Howard to be postmaster at Dodd City, Tex., in place of R. H. Mills. Office became third class October 1, 1924.

Mary P. Vernon to be postmaster at Hermleigh, Tex., in place of A. R. Vernon, deceased.

VIRGINIA

Nellie C. Trevey to be postmaster at Big Island, Va., in place of J. M. Denton, declined.

Virginia L. Harman to be postmaster at West Graham, Va., in place of J. F. Dudley. Office became third class July 1, 1924.

WISCONSIN

William S. Cochrane to be postmaster at Delavan, Wis., in place of Maurice Morrissey, deceased.

Leonard M. Foster to be postmaster at Grandmarsh, Wis., in place of L. M. Foster. Office became third class January 1, 1924.

Alfred Froseth to be postmaster at Washburn, Wis., in place of F. E. Wieman, declined.

Rufus A. Jones to be postmaster at Black River Falls, Wis., in place of J. H. Lewis. Incumbent's commission expired June 5, 1924.

Percy L. Miner to be postmaster at Pepin, Wis., in place of P. L. Miner. Incumbent's commission expired May 28, 1924.

Frank L. Rolson to be postmaster at Ellsworth, Wis., in place of M. M. Sanderson. Incumbent's commission expired March 22, 1924.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 27 (legislative day of February 26), 1925

COLLECTOR OF CUSTOMS

Irving A. Caswell to be collector of customs, district No. 35.

UNITED STATES ATTORNEY

George Neuner to be United States attorney, district of Oregon, vice John S. Coke, resigned.

PROMOTION IN THE NAVY

NAVAL RESERVE FORCE

George A. Berry to be lieutenant commander.

POSTMASTERS

COLORADO

William B. Edwards, Erie.

GEORGIA

Karleene Fowler, Acworth.
Wesley S. Kickliter, Alma.
Essie C. Ware, Austell.
Mae Gibbs, Broxton.
Henry F. Bullard, Cochran.
James L. Dunson, Commerce.
Luther A. Jenkins, Crumps Park.
Abbie F. Beacham, Glenwood.
Beulah L. McCall, Hinesville.
Stella Phelps, Nashville.
Mark A. Greene, jr., Tallapoosa.
William T. Pilcher, Warrenton.
James H. McWhorter, Wrightsville.

KENTUCKY

Morris Browning, Greasy Creek.

MARYLAND

Shadrach G. Sparks, Sparks.

MASSACHUSETTS

Richard B. Eisold, Ludlow.

MINNESOTA

Fred C. Nehring, Paynesville.
Joseph A. Schoenhoff, Sauk Center.

MISSISSIPPI

Will N. Guyton, Blue Mountain.
Scott H. Speck, Blue Springs.

MISSOURI

Minnie Rice, Irondale.

MONTANA

Ernest M. Hutchinson, Whitefish.

NEBRASKA

Catherine Tunberg, Verdel.
Ernest J. Kaltenborn, Waco.

NEW JERSEY

William H. Brown, Beachwood.
Harvey E. Harris, Bloomfield.

NEW YORK

Alexander Angyal, Monsey.

NORTH DAKOTA

Harry A. Hart, Ray.
Carrie E. Kempshall, Taylor.
Katherine Ritchie, Valley City.

SOUTH DAKOTA

Thomas A. Krikac, Dupree.
Emmett O. Frescoln, Winner.

TENNESSEE

Anna G. Spears, Normal.

WISCONSIN

Lawrence A. Fjelsted, Colfax.
Thomas D. Smith, Fairchild.
William F. Pflueger, Manitowoc.

HOUSE OF REPRESENTATIVES

FRIDAY, *February 27, 1925*

The House met at 10.30 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We thank Thee, our Heavenly Father, that all is well. Therefore we lift our breath to Thee in common thanksgiving and bless Thee for daily care. Gladden all hearts and direct all minds. Always lead us with a gentle constraint to bear and forebear. So abide with all of us that we may work with courage and understanding; endure all hardship with patience and crown all faithful service with success. May goodness and gratitude be the expressions of our daily conduct. Amen.

The Journal of the proceedings of yesterday was read and approved.

ONE HUNDRED AND FIFTIETH ANNIVERSARY OF THE BATTLE OF LEXINGTON AND CONCORD

The SPEAKER. By authority which was given to the Chair by a recent vote passed by the House the Chair appoints Mr. JOHN J. ROGERS, of Massachusetts, a member of the committee to attend the celebration of the one hundred and fiftieth anniversary of the Battle of Lexington and Concord. As the committee now stands it consists of Mr. ROGERS of Massachusetts, Mr. DALLINGER, Mr. MORTON D. HULL, Mr. GALLIVAN, and Mr. MONTAGUE.

REREFERENCE OF A BILL

Mr. JONES. Mr. Speaker, I desire to prefer a unanimous-consent request. Day before yesterday the Senate passed Concurrent Resolution No. 36, providing for a joint congressional commission to make an examination and audit of cotton statistics in the Bureau of the Census, and for other purposes. That

resolution was handled by the Committee on Agriculture in the Senate. A similar resolution was introduced in the House and referred to the Committee on Rules. I desire to ask unanimous consent that that resolution be rereferred from the Committee on Rules to the Committee on Agriculture.

The SPEAKER. The gentleman from Texas asks for a rereference of the resolution as indicated. Is there objection?

Mr. SNELL. Mr. Speaker, that would be entirely contrary to the custom and practice of the House, and therefore I shall have to object.

RESIGNATION FROM A COMMITTEE

The SPEAKER laid before the House the following letter:

FEBRUARY 26, 1925.

Hon. FREDERICK H. GILLETT,
Speaker, House of Representatives,
Washington, D. C.

MY DEAR MR. SPEAKER: I hereby resign as a member of the Committee on the Post Office and Post Roads.

Respectfully,

FIORELLO H. LAGUARDIA.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

CONSENT CALENDAR

The SPEAKER. The Clerk will call the Consent Calendar.

Mr. BLANTON. Mr. Speaker, I make the point of order there is no quorum present. We ought to have the membership of the House here to take up these bills, some of which are very important. I insist on the point of order.

The SPEAKER. It is clear there is no quorum present.

Mr. LONGWORTH. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 88]

Anthony	Edmonds	Kunz	Roach
Barbour	Evans, Mont.	Lampert	Robinson, Iowa
Berger	Fairchild	Langley	Rogers, Mass.
Boies	Fairfield	Lee, Ga.	Rogers, N. H.
Britten	Favrot	Lilly	Salmon
Browne, N. J.	Fitzgerald	Linthicum	Sanders, Ind.
Browne, Wis.	Fredericks	Logan	Sanders, Tex.
Buckley	Freeman	Lowrey	Schall
Butler	Fulbright	McLeod	Scott
Byrnes, S. C.	Funk	McNulty	Sears, Fla.
Canfield	Gallivan	Madden	Sites
Carter	Gambrill	Magee, Pa.	Snyder
Casey	Garber	Milligan	Sproul, Ill.
Celler	Garner	Mills	Sullivan
Clancy	Gasque	Minahan	Sweet
Clark, Fla.	Geran	Moore, Ill.	Swoope
Cole, Ohio	Green	Nelson, Wis.	Taylor, Colo.
Cooper, Ohio	Greenwood	Nolan	Tinkham
Corning	Guyer	O'Brien	Tucker
Croll	Howard, Okla.	O'Sullivan	Tydings
Crowther	Hull, William E.	Peavey	Vare
Curry	Hull, Tenn.	Perkins	Voigt
Davey	Johnson, Ky.	Phillips	Ward, N. Y.
Dempsey	Johnson, S. Dak.	Prall	Wolff
Dickstein	Johnson, W. Va.	Quayle	Wood
Dominick	Jost	Ransley	Wurzbach
Doyle	Kent	Rathbone	
Drane	Kiess	Reed, Ark.	
Eagan	Kindred	Reed, W. Va.	

The SPEAKER. Three hundred and sixteen Members have answered to their names; a quorum is present.

Mr. LONGWORTH. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its Chief Clerk, announced that the Senate had agreed to the reports of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 11444. An act 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; and

H. R. 10020. An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1926, and for other purposes.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 2879. An act for the relief of James E. Jenkins;

S. 2503. An act for the relief of W. H. King;

S. 1573. An act for the relief of Samuel S. Weaver;

S. 2527. An act for the payment of claims for damages to and loss of private property incident to the training, practice, operation, or maintenance of the Army; and

S. 1237. An act 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 message also announced that the Senate had passed the following Senate concurrent resolution:

Senate Concurrent Resolution 34

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 five Senators appointed by the President of the Senate, and five 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 the cession of the public lands to the States, 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 100 words. It shall be the duty of any governmental establishment, upon request by 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 properly approved. The commission shall make 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.

Attest:

GEORGE A. SANDERSON, *Secretary.*

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 1948. An act for the relief of Samuel Friedman, as trustee for the heirs and devisees of B. Friedman, deceased, and Henry Mills, as trustee for the heirs and devisees of Emanuel Loveman, deceased;

H. R. 5261. An act to repeal and reenact chapter 100, 1914, Public, No. 108, to provide for the restoration of Fort McHenry, in the State of Maryland, and its permanent preservation as a national park and perpetual national memorial shrine as the birthplace of the immortal Star-Spangled Banner, written by Francis Scott Key, for the appropriation of the necessary funds, and for other purposes; and

H. R. 12300. An act to amend section 281 of the revenue act of 1924.

SENATE BILLS REFERRED

Under clause 2, Rule XXIV, Senate bill and Senate concurrent resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4264. An act authorizing the Secretary of War to convey certain portions of the military reservation of the Presidio of San Francisco to the city and county of San Francisco for educational, art, exposition, and park purposes; to the Committee on Military Affairs.

S. Con. Res. 34. Concurrent resolution providing for joint commission for investigation of the public domain; to the Committee on Rules.

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. 5236. An act for the relief of Mrs. M. J. Adams;

H. R. 5261 An act to repeal and reenact chapter 100, 1914, Public, No. 108, to provide for the restoration of Fort McHenry, in the State of Maryland, and its permanent preservation as a national park and perpetual national memorial shrine as the birthplace of the immortal Star-Spangled Ban-

ner, written by Francis Scott Key, for the appropriation of the necessary funds, and for other purposes; and

H. R. 12300. An act to amend section 281 of the revenue act of 1924.

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. 8522. An act granting to certain claimants the preference right to purchase unappropriated public lands;

H. R. 12192. An act to authorize the creation of game refuges on the Ozark National Forest in the State of Arkansas;

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;

H. R. 11706. An act to authorize the construction of a bridge across the Pend d'Oreille River at or near the Newport-Priest River Road crossing, Washington and Idaho;

H. R. 9634. To provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve;

H. R. 9535. An act 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; and

H. R. 11753. An act 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 CONSENT CALENDAR

The SPEAKER. The Clerk will call the Consent Calendar.

The first business on the Consent Calendar was the bill (S. 4015) to authorize the Secretary of the Interior to sell to the city of Los Angeles certain lands in California heretofore purchased by the Government for the relief of homeless Indians.

The Clerk read the title of the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized in his discretion to sell and to convey title on behalf of the United States of America, to the city of Los Angeles, certain lands in California heretofore purchased by the Government for the relief of homeless Indians, namely: Lot 55 of the Owens Valley Improvement Co.'s subdivision No. 1, as shown on a map filed in book No. 1, page 41, of the map records of Inyo County, containing approximately 16.61 acres; and the northerly 429 feet of lot 141 of the Owens Valley Improvement Co.'s subdivision No. 2, as shown on a map filed in book No. 1, page 42, of the map records of Inyo County, containing approximately 13 acres: *Provided*, That the consideration to be received for the lands shall be determined by the Secretary of the Interior and the amount for which the entire area may be sold shall not be less than the total cost of the lands and of the improvements to the Government: *Provided further*, That the sum of $1,060.75 shall be segregated from the proceeds of this sale and deposited in the Treasury to the credit of the reimbursable appropriation by the act of May 24, 1922 (42 Stat. L. p. 560), for irrigation work on miscellaneous projects in district No. 4: *Provided further*, That the Secretary of the Interior be, and he is hereby, authorized to use the remainder of the proceeds, exclusive of the sum of $1,060.75 expended for irrigation improvements, in purchasing other land in California, with such improvements as may be appurtenant thereto, for the relief of homeless Indians of that State, and the money when deposited in the Treasury shall be set apart and reserved for that purpose.

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

REIMBURSEMENT OF CERTAIN CIVILIAN EMPLOYEES

The next business on the Consent Calendar was the bill (H. R. 6723) to provide for reimbursement of certain civilian employees at the naval torpedo station, Newport, R. I., for the value of personal effects lost, damaged, or destroyed by fire.

The Clerk read the title of the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to reimburse civilian employees at the naval torpedo station, Newport, R. I., for the value of personal effects lost, damaged, or destroyed through the fire which occurred in the light-drill department of said station on February 20, 1923: *Provided*, That the expenditures herein authorized shall be paid from the unexpended balance of the appropriation "Pay, miscellaneous, 1923."

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

ISSUANCE OF MEDALS OF HONOR, DISTINGUISHED SERVICE CROSSES, ETC.

The next business on the Consent Calendar was the bill (H. R. 10526) to extend the limitations of time upon the issuance of medals of honor, distinguished-service crosses, and distinguished-service medals to persons who served in the Army of the United States during the World War.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I would like to ask the gentleman reporting the bill if there is any particular reason why that should be extended to this time? I desire to point out to the gentleman that as time passes on friendships, connections, and all sort of factors enter into the awards of these medals, and I believe there should be a dead line sometime, somewhere.

Mr. REECE. Well, it was the idea of the committee that a dead line ought to be made at the expiration of two years.

Mr. LAGUARDIA. Does not the gentleman believe that now, when it is seven years since the armistice, another year would give the War Department an opportunity? Would the gentleman accept such an amendment?

Mr. REECE. Yes. If the House thinks that is sufficient time, it will be agreeable to me.

Mr. LAGUARDIA. I will offer an amendment at the proper time, if the House does not object.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the eighth paragraph under the caption "Medals of honor, distinguished-service crosses, and distinguished-service medals," Army appropriation act approved July 9, 1918, to the extent that it establishes limitations of time as a condition of issuance or a condition precedent to issuance of such medals and crosses to persons or the representatives of deceased persons who served in the Army of the United States from April 7, 1917, to November 11, 1918, inclusive, is amended so as to extend such respective limitations for a period of three years from and after the approval of this act.

SEC. 2. Proportional representation on the board of awards shall be given to all component parts of the Army of the United States.

Mr. LAGUARDIA. Mr. Speaker, I have an amendment, to strike out "three" and insert "one."

The SPEAKER. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 2, line 2, strike out "three" and insert "one."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. DYER. Mr. Speaker, I offer an amendment at the end of line 10, on page 1.

The SPEAKER. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DYER: Page 1, at the end of line 10, insert "or to any person otherwise entitled to receive it who distinguished himself during the World War by exceptionally meritorious services rendered to the Government, and a civilian in a position of great responsibility."

Mr. BLANTON. Mr. Speaker, I make a point of order against that. It is not germane to the purposes of the bill or of any paragraph in it.

The Speaker will note that this bill is only for ex-service men who were engaged in one of the branches of the service. The amendment of the gentleman from Missouri [Mr. DYER] seeks to extend this privilege not only to ex-service men but to civilians, and this bill has no connection whatever with civilians. It is not to grant any relief whatever to civilians or to confer any distinction on them.

The SPEAKER. The Chair will hear the gentleman from Missouri.

Mr. DYER. Mr. Speaker, the provision I have offered is contained in the original statute under which the medals were formerly issued, and this is only to extend the time of the

whole statute instead of a part of the statute. Service medals have been issued to civilians as well as to those who served in the Military Establishment, and while under the bill of the gentleman from Tennessee [Mr. REECE] it limits it to military men, this is to extend it to both, as the statute originally provided, and is satisfactory to the gentleman from Tennessee.

The SPEAKER. Is the original statute the same, both in war and in peace?

Mr. DYER. The original statute provided for the issuance of these service medals to those who served in the Military Establishment and to those who had rendered distinguished service.

The SPEAKER. Is it in one section?

Mr. DYER. It is in the same section.

The SPEAKER. The Chair overrules the point of order.

Mr. LAGUARDIA. Mr. Speaker, I wish to be recognized in opposition to the amendment.

The SPEAKER. The gentleman from New York is recognized.

Mr. LAGUARDIA. Mr. Speaker, in the confusion and noise perhaps some gentlemen have not realized the purpose of the amendment offered by the gentleman from Missouri [Mr. DYER].

Under the statute the President is authorized to award distinguished-service crosses for conduct in action over and beyond the call of duty; also the distinguished-service medal, as the name of the medal implies, for distinguished military service.

Now, gentlemen, the War Department has been rather careful in awarding these crosses. It is now seven years since the armistice, and if you are going to open the doors so that civilians, Y. M. C. A. representatives, and contractors, if you please, can come in seven years after the war and make claims to medals of honor, then you are going to so lower the value of that medal that boys who risked their lives to get it will not consider it worth anything.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BLANTON. They will soon be granting these medals to these cost-plus 10 per cent cantonment men?

Mr. LAGUARDIA. Yes.

Mr. DYER. The gentleman knows that under the law the President can not issue these medals except to those who are otherwise entitled to receive them and who have rendered exceptionally meritorious service. It can not be tendered to anybody.

Mr. LAGUARDIA. If any civilian rendered meritorious service, I think we should know about it before this time.

Mr. HILL of Maryland. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. HILL of Maryland. Mr Speaker, I want to say to the gentleman, although it is somewhat embarrassing for me to object to this bill, that I am not in favor of it for the reason that we ought to know by this time that there were a great many men in the division who got awards who ought to have had them, and others who did not get them because it was put on the same comparative basis. I do not like to see the whole thing opened up and put upon a different basis.

Mr. McKEOWN. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. McKEOWN. The purpose of the present bill is simply to extend the time granted in a former bill, and not to take in a lot of other people?

Mr LAGUARDIA. Yes. I hope the amendment will be voted down.

Mr. GARRETT of Tennessee. Mr. Speaker, of course the gentleman from Missouri [Mr. DYER] is within his parliamentary rights in offering this amendment, and I make no criticism of him for so doing. But if it had been known that this amendment was to be offered I am sure it would have been objected to if there had been any probability of the amendment being adopted. Now, there is bitter opposition to the amendment, and I am wondering if the gentleman would be willing to withdraw it.

Mr. DYER. If the gentleman will permit——

Mr. GARRETT of Tennessee. The gentleman from New York has the floor.

Mr. LAGUARDIA. I will yield to the gentleman from Missouri.

Mr. DYER. This only extends the act itself, instead of a part of the act, as is contemplated by the bill of the gentleman from Tennessee. That bill extends a part of the act to the military, while this amendment extends the whole act, just as the law itself.

Mr. JEFFERS. Will the gentleman from New York yield?

Mr. LAGUARDIA. I yield to the gentleman from Alabama.

Mr. DYER. Mr. Speaker, at the suggestion of the gentleman from Tennessee I am perfectly willing to withdraw the amendment.

The SPEAKER. The gentleman withdraws the amendment. 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.

RELIEF OF PERSONS IN THE NAVAL SERVICE DURING THE WAR EMERGENCY FROM CLAIMS FOR OVERPAYMENT

The next business on the Consent Calendar was the bill (H. R. 11924) to relieve persons in the naval service of the United States during the war emergency period from claims for overpayment at that time not involving fraud.

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, this bill affects 100,000 accounts which have been passed upon by the Comptroller General adversely. Some of them are meritorious, but there are many of them, involving large amounts, which are not meritorious, and for that reason I object.

Mr. ANDREW. Will the gentleman withhold his objection long enough for me to make an explanation?

Mr. BLANTON. I will withhold my objection if the gentleman wants to make a speech.

Mr. ANDREW. I do not want to make a speech, but I would like to make an explanation of the bill.

The SPEAKER. Does the gentleman from Texas intend to object?

Mr. BLANTON. I do.

The SPEAKER. Then the Chair thinks the gentleman ought not to take up the time of the House.

Mr. McSWAIN. I trust the gentleman from Texas will withhold his objection long enough for me to make a statement which, I think, will appeal to his good judgment.

Mr. BLANTON. I have some of these accounts in my office which I know the gentleman himself would not approve.

Mr. DENISON. Mr. Speaker, I ask for the regular order.

The SPEAKER. The regular order is demanded.

Mr. BLANTON. I object, Mr. Speaker.

CURRENT AND CONTINGENT EXPENSES OF THE BUREAU OF INDIAN AFFAIRS

The next business on the Consent Calendar was the bill (H. R. 5935) to amend section 26 of an act entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1922."

The Clerk read the title of the bill.

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

Mr. CRAMTON. Mr. Speaker, because of the attitude of the department concerning this matter, I object.

MEDAL COMMEMORATIVE OF THE NORSE-AMERICAN CENTENNIAL

The next business on the Consent Calendar was the bill (H. R. 12160) to authorize the Secretary of the Treasury to prepare a medal with appropriate emblems and inscriptions commemorative of the Norse-American Centennial.

The Clerk read the title of the bill.

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

Mr. BEGG. Mr. Speaker, reserving the right to object, is there anyone who can give me some information about this bill? Unless I can get some information about it I shall object.

Mr. KVALE. Mr. Speaker, I can give the gentleman information about the bill.

Mr. BEGG. What does the Secretary say about it?

Mr. KVALE. The Secretary is very willing to have this bill pass, I will say to the gentleman.

The SPEAKER. Is there objection?

Mr. BEGG. I shall not object, Mr. Speaker.

Mr. KVALE. Mr. Speaker, I ask unanimous consent to substitute Senate bill 4230.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to substitute a Senate bill. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That a medal, not to exceed in number 40,000, with appropriate devices, emblems, and inscriptions commemorative of the arrival in the United States of the first shipload of Norse immigrants on board the sloop *Restaurationen*, which event is to be celebrated at the Norse-American Centennial on the Minnesota State Fair Grounds June 6 to 9, 1925, inclusive, shall be prepared under the direction of the Secretary of the Treasury at the United States Mint at Philadelphia. The medals herein authorized shall be manufactured, subject to the provisions of section 52 of the coinage act of 1873, from suitable models to be supplied by the Norse-American Centennial (Inc.). The medals so prepared shall be delivered at the Philadelphia Mint to a designated agent of said Norse-American Centennial (Inc.) upon payment of the cost thereof.

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

The SPEAKER. Without objection, a similar House bill will be laid on the table.

There was no objection.

PENALTIES FOR VIOLATION OF THE NAVIGATION LAWS

The next business on the Consent Calendar was the bill (S. 2399) to provide and adjust penalties for violation of the navigation laws, and for other purposes.

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 there be added at the end of section 4472, Revised Statutes, as amended, the provision: "That the owner of any automobile in which all fire has not been extinguished and the motors stopped immediately after the automobile has taken its position on any vessel found on navigable waters of the United States and in which such fires do not remain extinguished and the motors remain idle until the vessel is made fast to the wharf or ferry bridge at which she lands shall incur a penalty of not more than $500, for which the automobile shall be liable."

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

AMENDMENT TO THE JUDICIAL CODE

The next business on the Consent Calendar was the bill (H. R. 5194) to amend the Judicial Code by adding a new section to be numbered 274D.

The Clerk read the title of the bill.

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

Mr. WINGO. Mr. Speaker, reserving the right to object, what is the legal effect of this bill?

Mr. MONTAGUE. If the gentleman will permit, this is a bill to incorporate into the Federal procedure a practice adopted by some 12 States of the Union, by a great many foreign countries, by Great Britain for about 35 years, and by Scotland for nearly 400 years, for the rendition of "declaratory judgments." It is intended to simplify, expedite, and economize Federal procedure by the exercise in the main of preventive remedies. It is to be put into effect by rules to be promulgated by the Supreme Court. It is a most wholesome and just procedure.

Mr. SABATH. And this has been recommended by the American Bar Association?

Mr. MONTAGUE. Yes.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. MONTAGUE. Yes.

Mr. MOORE of Virginia. Does it apply only to procedure in the District courts?

Mr. MONTAGUE. It applies to Federal district courts and the courts of the District of Columbia.

Mr. MOORE of Virginia. I mean, does it only apply to courts of original jurisdiction?

Mr. MONTAGUE. Yes.

The SPEAKER. Is there objection?

Mr. COLLINS. I object, Mr. Speaker.

Mr. GRAHAM. Will not the gentleman reserve his objection?

Mr. COLLINS. I will reserve it.

Mr. GRAHAM. I would like to say that this bill was approved by the American Bar Association. It received the approval of the Judiciary Committee, and I understand is generally approved in the Department of Justice and also by the courts. It comes to us thus recommended, and in addition I want to say to the gentleman that a bill similar to the provisions of this measure is in force in Scotland and has been for four centuries.

Mr. COLLINS. Mr. Speaker, I know what is in the bill, and I object.

BRIDGE ACROSS RAINY RIVER, MINN.

The next business on the Consent Calendar was the bill (H. R. 11702) granting the consent of Congress to the village of Spooner, Minn., to construct a bridge across the Rainy River.

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 consent of Congress is hereby granted to the village of Spooner, in the county of Lake of the Woods, State of Minnesota, and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Rainy River at a point suitable to the interests of navigation, between the village of Spooner, in the county of Lake of the Woods, State of Minnesota, and Rainy River, Ontario, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, such construction to be made only with the consent and approval of the Dominion of Canada.

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

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

BRIDGE ACROSS THE SABINE RIVER NEAR ORANGE, TEX.

The next business on the Consent Calendar was the bill (H. R. 11920) to authorize the construction of a bridge across the Sabine River at or near Orange, Tex.

The Clerk read the title of the bill.

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

There was no objection.

Mr. BOX. Mr. Speaker, I ask unanimous consent to substitute an identical Senate bill, S. 4087.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the act approved May 13, 1920, authorizing the Orange Chamber of Commerce, its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Sabine River at or near the city of Orange, Tex., be, and the same is hereby, revived and reenacted: *Provided*, That this act shall be null and void unless the actual construction of the bridge be commenced within one year and completed within three years from the date of approval hereof.

SEC. 2. The States of Texas and Louisiana, or either of them, or any political subdivision or subdivisions thereof, within or adjoining which said bridge is located, may at any time acquire all rght, title, and interest in said bridge and approaches thereto constructed under the authority of this act, for the purpose of maintaining and operating such bridge as a free bridge, by the payment to the owners of the reasonable value thereof, not to exceed in any event the construction cost thereof: *Provided*, That the said State or States, or political subdivision or divisions, may operate such bridge as a toll bridge not to exceed five years from date of acquisition thereof.

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

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

The title was amended to read as follows: "A bill to revise and reenact the act entitled 'An act to authorize the construction of a bridge across the Sabine River at or near Orange, Tex.'"

A similar House bill was laid on the table.

LEASING OF RESTRICTED INDIAN ALLOTMENTS NOT OVER 10 YEARS

The next business on the Consent Calendar was the bill (H. R. 10983) providing for the leasing of restricted Indian allotments for a period not exceeding 10 years.

The Clerk read the title of the bill.

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

Mr. BEGG. I object, Mr. Speaker.

Mr. WILLIAMSON. Will the gentleman withhold his objection a moment?

Mr. BEGG. I withhold it.

Mr. WILLIAMSON. By the act of June 25, 1910, there was a law passed which provided for a leasing period of five years. It has been found that that leasing period for all practical purposes can not be utilized upon the Indian reservations.

Mr. BEGG. That is the question that is causing the objection. Why is not a five-year period long enough time for any man to lease for grazing?

Mr. WILLIAMSON. It is long enough to lease for grazing, but the purpose of this bill is to lease it for purely agricultural purposes and to get white people to break up the land and cultivate it and put improvements on it and put it in shape for the Indians.

Mr. BEGG. Then I am certainly against it. I object, Mr. Speaker.

INDIANS OF CALIFORNIA TO SUBMIT CLAIMS TO COURT OF CLAIMS

The next business on the Consent Calendar was the bill (H. R. 12123) authorizing any tribe or band of Indians of California to submit claims to the Court of Claims.

The Clerk read the title of the bill.

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

Mr. SABATH. I reserve the right to object, Mr. Speaker.

Mr. FREE. I make the objection, Mr. Speaker.

TO AUTHORIZE THE CROW TRIBE OF INDIANS OF MONTANA TO SUBMIT CLAIMS TO THE COURT OF CLAIMS

The next business on the Consent Calendar was the bill (H. R. 12129) authorizing the Crow Tribe of Indians of Montana to submit claims to the Court of Claims.

The Clerk read the title of the bill.

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

Mr. RAKER. Mr. Speaker, reserving the right to object, this bill is practically identical with the one we just passed over, and would not the gentleman from California withhold his objection a moment to the other bill?

Mr. FREE. I intend to object to both of these bills. If the gentleman wants to make a statement, I will withhold the objection; but I am going to object to both of them.

The SPEAKER. If the gentleman is going to object, I do not think he ought to take up the time of the House by withholding it.

Mr. FREE. I object, Mr. Speaker.

APPROPRIATING MONEY TO PURCHASE LANDS FOR THE CLALLAM TRIBE OF INDIANS IN THE STATE OF WASHINGTON

The next business on the Consent Calendar was the bill (S. 1707) appropriating money to purchase lands for the Clallam Tribe of Indians in the State of Washington, and for other purposes.

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 there is hereby authorized to be appropriated, out of moneys in the Treasury of the United States not otherwise appropriated, the sum of $600,000, to be paid per capita to the Clallam Indians of the State of Washington upon enrollment of said Indians to be made under the direction of and to be approved by the Secretary of the Interior: *Provided*, That before payment to the individual Indians they shall relinquish in writing all claims of any nature against the United States under any treaty, agreement, or act of Congress and agree to accept such payment in full satisfaction of any and all claims whatsoever against the United States: *And provided further*, That the shares of minor children shall be retained in the Treasury of the United States, where they shall draw interest at the rate of 3½ per cent per annum until such minors reach the age of majority under the laws of the State of Washington, after which such minors shall be paid their shares upon application to the Secretary of the Interior; that not more than 10 per cent of the amount appropriated, and in no event not more than $15,000 thereof, shall be paid to the attorney employed by the tribe under contract approved by the Secretary of the Interior.

The Clerk read the following committee amendments:

Page 1, line 5, strike out "$600,000" and insert "$400,000."

Page 2, line 3, strike out the word "and."

Page 2, line 5, strike out "3½" and insert "4."

Page 2, line 9, after the word "Interior," insert *"And provided further*, That the interest accumulated at the end of any fiscal year to the credit on the shares of any minor child may be disbursed, under the direction of the Secretary of the Interior, to the parent or parents or guardians of such minor child or children."

Page 2, line 9, after the word "That," strike out all down to and including the word "event" in line 10.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

The title was amended.

GEORGE W. ENGLISH

The next business on the Consent Calendar was the joint resolution (H. J. Res. 347) providing for an investigation of the official conduct of George W. English, district judge for the eastern district of Illinois.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. BLANTON. Reserving the right to object, I call attention of the House to the futility of investigating Federal judges. We appointed a special committee to investigate Judge Baker, of West Virginia. That committee spent a lot of the people's money investigating. The evidence showed that whisky and intoxicating liquors confiscated by the court was used by the court and his officers personally, yet there has not been a single move made to remove this man from office. What is the use of investigating Federal judges just when we are about to adjourn, unless some move is made for the removal of the offenders? Is it just for a junket? I object to taking this bill up. And under the permit granted me to extend my remarks, I want to show enough about the investigation of Judge Baker to show my reason for objecting. With all due respect to the subcommittee handling this Baker investigation, I firmly believe that they have whitewashed this Federal judge, when they should have taken action to remove him from office.

THIRTY-THREE SPECIFIC CHARGES AGAINST JUDGE BAKER

Hon. T. A. Brown is the United States attorney in that district. In April, 1924, he sent to the Speaker of this House a letter and complaint, which letter I quote as follows, to wit:

DEPARTMENT OF JUSTICE,
OFFICE OF THE UNITED STATES ATTORNEY,
Parkersburg, W. Va., April 19, 1924.

Hon. FREDERICK H. GILLETT,
Speaker of the House of Representatives, Washington, D. C.

SIR: I herewith inclose you copy of charges preferred against William E. Baker, judge of the United States District Court for the Northern District of West Virginia, concerning which I called to see you a short time since. I am sending these charges direct to you, hoping that you may find some way whereby action may be taken thereon.

The conditions existing in this judicial district have become a notorious scandal, not only a disgrace to the judiciary but a disgrace to the country that "smells to heaven."

I will not attempt to review these charges in this communication; I only ask you to read them. They speak for themselves. I believe you will agree with me that if these charges are true and can be sustained by proof that Judge Baker should be impeached and removed from office. If they are not true and are falsely made against him, then I as a public official should be unceremoniously dismissed from the office that I now hold. If Judge Baker is an innocent man, he and his friends at this moment—in fact, long ago—should have demanded a hearing on these charges, to the end that he might be vindicated; but instead of them pursuing this course they have been moving heaven and earth to prevent a hearing.

These charges, in the form of a report on conditions in this district, were filed by me with the Attorney General more than a year ago. The Department of Justice regarded the document with such seriousness that it was transmitted to the Judiciary Committee of the House of Representatives, the Attorney General saying at the time, as I am informed, that the Department of Justice would not take the responsibility of withholding the report from Congress. What recommendation or what communication accompanied my report when the same was filed with the Judiciary Committee I am unable to say, as I have never seen it nor have I had any intimation as to its contents. The Department of Justice took the position that the only power that could act in a matter of this kind affecting a Federal judge was through Congress. I am therefore formally calling your attention to these charges, which can be established by competent evidence.

As United States attorney, it is my duty to enforce the Federal laws to the best of my ability in this judicial district against all offenders, high and low, rich and poor, and the powerful as well as the weak. In presenting the case of Judge Baker to the Congress of the United States I am appealing to the only tribunal that possesses the power, under the Constitution, to enforce the law against a Federal judge as to offenses of the kind and character involved in these charges.

The substance of these charges is generally known and discussed not only throughout this judicial district but throughout the State of West Virginia. From time to time they have been mentioned and, in a veiled way, discussed in the public press of the State. If they are untrue and can not be substantiated by competent evidence, an investigation of them can in no way injure Judge Baker, but under the circumstances a vindication will relieve him of the stigma under which he now rests. On the other hand, if they are true, his punishment should be speedy and decisive.

When I felt compelled from a sense of duty and decency to file with the Department of Justice a report as to conditions in this judicial district involving the judge of the district court, it was not a pleasant task; it is not a pleasant task on my part now to formally file these charges with you, but as an officer of this Government it is my duty to do so, and that duty is now performed.

T. A. BROWN, *United States Attorney.*

The charges made by said United States attorney against said Judge Baker, which he originally filed with the Department of Justice, embraced in detail 33 specific charges of misconduct, and were duly sworn to by said attorney, under the following form of affidavit, viz:

T. A. Brown personally appeared before me this — day of April, 1924, and being by me first duly sworn, did depose and say that he is now the United States attorney for the northern district of West Virginia; that he has read and inspected the charges above set forth against William E. Baker, judge of the district of West Virginia Court of the United States for the Northern District of West Virginia, and that he believes said charges to be true as is therein alleged; that the same can be sustained by ample and proper proof; that he has personal knowledge of many of the offenses and violations charged therein, and that he has interviewed various persons residing in West Virginia relative to said charges, who state that they are familiar with the said charges and the facts of the same, and that said charges are true, and that the said persons are ready to appear and testify to the truth of the same before any committee or other body authorized to administer oaths, and that in many instances information concerning said charges have been voluntarily brought to this affiant by persons who apparently thought it was their obligation as a citizen of the United States and of the State of West Virginia to give such information that justice should be done in the premises. (P. 387 of hearings.)

I wish that I had the time to analyze the evidence given before the subcommittee and to explain its probative effect, but at this particular moment I have not the time. I do want to call attention to some of the evidence submitted relative to this Federal judge drinking intoxicating liquor, being under its influence, and confiscating to his own use liquor taken from others by prohibition officers.

SWORN EVIDENCE OF J. FRED CLAYTON

STATE OF WEST VIRGINIA,
County of Ohio, to wit:

This day personally appeared before me the undersigned authority, J. F. Clayton, who, being of lawful age and by me first duly sworn, deposes and says as follows: That for several years prior to January 1, 1924, he was a State prohibition officer for the State of West Virginia, and as such appeared frequently as a witness in the Federal court over which William E. Baker presided as judge; that he frequently appeared as such witness in cases of violations of the Volstead Act, assisting Federal prohibition officers, and by reason of his frequent appearance in the said Federal court became quite well acquainted with the officers thereof, and particularly the said Judge William E. Baker.

Affiant further says that during the ——— term, 1922, of the Federal court held at Wheeling he was asked by an attaché of said court to get some whisky or liquor for the said Judge Baker, and in accordance with said request on the same evening went with the said attaché to a certain room in the McLure Hotel in the city of Wheeling, taking with him 2 quarts of Canadian whisky and 1 quart of Gordon dry gin. Affiant says that shortly after he went into said room with the said attaché Judge Baker made his appearance herein with another attaché of the court, and at that time a bottle of the whisky was opened and all persons present took a drink therefrom, including the said Judge Baker. Affiant says that shortly afterwards he withdrew from the said room, leaving the said liquor and gin in the possession of Judge Baker and the said attachés.

Affiant further says that on another occasion, while the said William E. Baker was attending a term of the Federal court in Wheeling as the presiding judge thereof, affiant saw him in an intoxicated condition in the lobby of the said McLure Hotel; that affiant's attention had been called to the said Judge Baker's condition by Charles Sharp, a night officer or watchman in the business district of the city of Wheeling, and in company with the said Charles Sharp affiant went into the said hotel lobby and saw the said Judge Baker in the condition just described. Affiant says that the said Judge Baker's condition was so apparent that affiant and the said Charles Sharp commented on it at the time.

And further affiant sayeth not.

[SEAL.] WM. J. GOMPERS,

Taken, sworn to, and subscribed before me, the undersigned authority, this 6th day of May, 1924.

[SEAL] WM. J. GOMPERS,
Notary Public of, in, and for Ohio County, W. Va.

My commission expires November 21, 1924.

This State prohibition officer, Clayton, either told the truth or he did not. If he told the truth, Judge Baker ought to be removed from office. If he did not tell the truth, then Clayton should be prosecuted for false swearing. Clayton corroborated in every detail the sworn evidence of United States Attorney Brown.

TESTIMONY OF GEORGE L. HANNEN

I quote excerpts from the testimony of Witness Hannen:

Mr. SCHUCK. When was it that you quit work as Federal prohibition officer?

Mr. HANNEN. On the last day of September, 1921.

Mr. SCHUCK. Previous to that time, I will ask you what, if any liquor, any bonded liquor, had come into your charge as Federal prohibition agent in the northern district?

Mr. HANNEN. I had bonded liquor.

Mr. SCHUCK. Shortly before the time that you quit your work as Federal prohibition officer, I will ask you if you had any bonded liquor in your charge; and if so, how much?

Mr. HANNEN. Well, I had quite a lot of it; I think around 800 quarts.

Mr. SCHUCK. Eight hundred quarts?

Mr. HANNEN. Yes.

Mr. SCHUCK. What was the kind of liquor that you had at that time that composed those 800 quarts?

Mr. HANNEN. Well, we had many different brands. We had Old Crow, McGuiness Bros., and Old Horsey liquor.

Mr. SCHUCK. Did you have any Overholt liquor?

Mr. HANNEN. Yes; Old Taylor liquor. We had quite an assortment.

Mr. SCHUCK. Sam Thompson liquor?

Mr. HANNEN. Yes; we had Sam Thompson. We had almost every good brand on the market.

Mr. SCHUCK. I will ask you how you had obtained that liquor.

Mr. HANNEN. Well, we captured it in different places, different parts of the district.

Mr. SCHUCK. As I understand, you were the agent in charge?

Mr. HANNEN. Yes, sir.

Mr. SCHUCK. And as such had charge of this liquor?

Mr. HANNEN. Yes, sir.

Mr. SCHUCK. Just tell fully what became of the 800 quarts, so far as you know.

Mr. HANNEN. I had an order of court to turn them over to the United States marshal, Mr. Smith.

Mr. SCHUCK. What do you mean by an order of court?

Mr. HANNEN. It was an order issued at Martinsburg, dated September 27.

Mr. SCHUCK. By Judge Baker?

Mr. HANNEN. By Judge Baker, and signed by Mr. Coffman, his clerk.

Mr. SCHUCK. Have you still got that order?

Mr. HANNEN. Yes, sir.

Mr. SCHUCK. Where is it now?

Mr. HANNEN. I think I have it here.

Mr. SCHUCK. Will you let us see it, please?

Mr. HANNEN. This is it.

Mr. SCHUCK. How was this liquor packed or crated, if you know?

Mr. HANNEN. That liquor was in suit cases, in grips, and gunny sacks, and boxes. There were, if I remember rightly, 10 cases that never had been broken, in pints. They were Old Chickencoop liquor that had never been opened. I had captured them just that way and stored them away.

Mr. SCHUCK. After the time that the liquor was surrendered, did you at any time see the liquor again?

Mr. HANNEN. Yes, sir.

Mr. SCHUCK. By the way, who were the marshals, if you know, that came for the liquor; who got it?

Mr. HANNEN. Mr. Adams—Howard Adams.

Mr. SCHUCK. You say that you saw the liquor subsequent to that; where was it?

Mr. HANNEN. In the city of Clarksburg.

Mr. SCHUCK. How long was that after you had surrendered the liquor?

Mr. HANNEN. I do not know. I had an office in that building and I came down one day out of the building and there was Howard Adams and John Koontz with a lot of liquor.

Mr. SCHUCK. Both of them were United States deputy marshals?

Mr. HANNEN. Yes, sir.

Mr. SCHUCK. Did you identify or recognize the liquor that you had turned over to them as being the same liquor you saw there?

Mr. HANNEN. Yes; lots of the suitcases and grips were still there; sacks, boxes, and there were 8 or 10 of those pints. They were right there just like they had received them.

Mr. SCHUCK. Where had it been stored in the meantime, after you had delivered it up to the time you saw it, if you know?

Mr. HANNEN. I do not know; they brought it out of the bank.

Mr. SCHUCK. Was there any necessity for holding or keeping that liquor?

Mr. HANNEN. I did not think so.

Mr. SCHUCK. Was there, so far as you know, any use for it in the trial of cases?

Mr. HANNEN. We had no use for it at all.

Mr. SCHUCK. They were going to take part of it to Elkins?

Mr. HANNEN. Yes, sir.

Mr. SCHUCK. Is that where Judge Baker was living at that time?

Mr. HANNEN. I presume he was.

Mr. SCHUCK. I will ask you whether there was any liquor that had been taken and held at Wheeling?

Mr. HANNEN. Yes, sir.

Mr. SCHUCK. How much was that?

Mr. HANNEN. Sixty-four quarts.

Mr. SCHUCK. I will ask you, Mr. Hannen, if you were present one night in the McClure Hotel during a term of court at Wheeling, I believe, in May, 1921?

Mr. HANNEN. Yes, sir.

Mr. SCHUCK. I will ask you if you saw Judge Baker and others there in the lobby of the hotel that night?

Mr. HANNEN. Yes, sir.

Mr. SCHUCK. Who were there, that you saw, that were connected with the United States court?

Mr. HANNEN. There were Judge Baker; Mr. Coffman.

Mr. SCHUCK. Mr. Wade Coffman?

Mr. HANNEN. Yes.

Mr. SCHUCK. You mean the clerk of the court?

Mr. HANNEN. The clerk of the court. And Mr. Barrett here, the deputy clerk; Tom Joyce.

Mr. SCHUCK. Who was at that time a deputy marshal?

Mr. HANNEN. He was deputy marshal; and myself. I do not remember any others.

Mr. SCHUCK. What occurred that night, if you know, with reference to the taking of any liquor upstairs in the hotel by any of those gentlemen?

Mr. HANNEN. We were sitting around the hotel lobby in different squads, talking. Judge Baker and Mr. Coffman left the lobby, walked out. I did not pay any attention to where he was going. They were not gone but a few minutes until Tom Joyce went out, and while he was gone Judge Baker and his clerk came in and went upstairs on the elevator. Young Mr. Barrett here and myself sat around a little while and after a few minutes we decided that we would go to bed and retire. We walked over to the elevator, but before we got there Tom Joyce had entered from the street, coming in this way [illustrating]. I do not know what street it is from, toward the post office, and he had a package under his arm. It was a big envelope, like the one the judge has here. It was perhaps that big and it had the appearance of looking like bottles—quart bottles. Of course, I could not see; it was under his arm. When we got there and pushed the button to go up on the elevator, instead of Mr. Joyce going up on the elevator with us, he stepped back, and we went up on the elevator, but he did not go on the elevator with us. I do not know where Mr. Barrett went, but I went to my room.

Mr. SCHUCK. What did you do the next morning about that?

Mr. HANNEN. I did not do anything about it.

Mr. SCHUCK. What did you do with reference——

Mr. HANNEN (interposing). Oh, yes; I went over to see Mr. Conrad.

Mr. SCHUCK. Who was Mr. Conrad?

Mr. HANNEN. He was the deputy clerk that had this 64 quarts.

Mr. SCHUCK. That was part of this 800 quarts you are talking about?

Mr. HANNEN. Yes; part of the 800. I said to him, "John, you let the marshal have 2 quarts of that liquor last night, didn't you?" He said, "Yes. He came over and got a couple of quarts of it."

Mr. SCHUCK. Who did he say sent him for it?

Mr. HANNEN. He said Judge Baker wanted it.

Mr. SCHUCK. I will ask you if you saw Judge Baker on the bench the next morning?

Mr. HANNEN. Yes, sir.

Mr. SCHUCK. What did his appearance indicate to you?

Mr. HANNEN. Well, he looked like he had a little party.

Mr. SCHUCK. What do you mean by that?

Mr. HANNEN. He looked like he had been drinking.

Mr. SCHUCK. What were the indications that led you to that conclusion?

Mr. HANNEN. Well, his eyes were red and he looked just like a man that had had too much liquor.

Mr. SCHUCK. Did you smell any fumes of liquor on him at that time?

Mr. HANNEN. No, sir.

Mr. SCHUCK. What have you to say with reference to an occurrence at Clarksburg sometime previous to that, to a demand made on you for liquor for Judge Baker?

Mr. HANNEN. There was a man came to me and wanted 2 pints of liquor for Judge Baker. I told him he could not get it.

Mr. SCHUCK. Who was that man?

Mr. HANNEN. It was the commissioner over there, Mr. A. L. Lohn.

Mr. SCHUCK. You mean the United States commissioner at that time?

Mr. HANNEN. I do not know whether he was commissioner at that time or not. I do not know whether he had left office or not; whether he had resigned or whether he was out.

Mr. SCHUCK. Were you in court at Clarksburg the next morning?

Mr. HANNEN. After he wanted the liquor?

Mr. SCHUCK. Yes.

Mr. HANNEN. Yes, sir.

Mr. SCHUCK. What took place there? Did the court open at the usual hour?

Mr. HANNEN. No, sir; we stood around waiting for Judge Baker quite a little bit. He came in about 11 o'clock or a little later.

Mr. SCHUCK. What was his condition at that time?

Mr. HANNEN. Well, he looked like he had had another party.

Mr. DYER. Mr. Hannen, what do you mean by a party?

Mr. HANNEN. He looked like he had been drinking.

ABLE BRIEF FILED WITH COMMITTEE BY ATTORNEYS

I have not time now to quote other similar testimony from other witnesses, but after the subcommittee had taken 387 pages of testimony, most of the defensive evidence being of such character that little probative force and effect may be given to same, Messrs. J. Bernard Handlan, Charles J. Schuck, H. O. Hiteshew, and Howard D. Matthews, as attorneys for United States Attorney Brown, complainant, filed with the Committee on the Judiciary an able brief, showing that action should be taken against Judge Baker to remove him from office. They called attention to the fact that from Judge Baker's own defense witness, whom Judge Baker called to the stand, Mr. Welch, it was proven that Judge Baker drank liquor while holding court. Quoting:

Mr. SCHUCK. Did you ever smell it out of court?

Mr. WELCH. I have smelled his breath at the office at one time, in the evening, when I thought he had had a drink, but I don't know.

Mr. SCHUCK. From what you smelled, you felt reasonably sure he had?

Mr. WELCH. Well, it smelled like other people's breath when they take a drink once in a while.

Mr. SCHUCK. And that was during the term of court, was it not?

Mr. WELCH. It was in this office over there.

Mr. SCHUCK. It was during a term of court, was it not?

Mr. WELCH. Yes, sir.

I quote further from this able brief the following:

Charles Sharp, a disinterested witness, testified that he saw Judge Baker drunk in the McLure House in Wheeling during a term of court in October, 1922. Fred Clayton, a former prohibition agent, testified to the same fact. A. T. Barrett, chief clerk in the office of the United States marshal, testified to the same fact. W. B. Pierce, a Federal prohibition agent, testified that he saw Judge Baker in the Waldo Hotel in Clarksburg, during a term of Federal court, in April, 1924, under the influence of liquor. Charles J. Schuck, former special assistant in the United States attorney's office, Howard D. Matthews, former assistant in said office, H. O. Hiteshew, a former special assistant in said office, neither of whom are any longer connected with that office, all testified to having seen Judge Baker under the influence of liquor, and with the odor of liquor upon his breath while in the discharge of his official duties, not to mention the testimony of other persons still connected with the office of the United States attorney.

It is inconceivable that all of these persons would deliberately swear falsely against Judge Baker. No fair-minded person can read this testimony without coming to the conclusion that Judge Baker has indulged in the use of intoxicating liquor since he has been on the bench in violation of the law and of the Constitution. Indeed he admits having drank in private homes. In the absence of proof that such liquor was possessed by the owners of said homes prior to the adoption of the eighteenth amendment, the presumption is that the liquor was possessed in violation of the law. (See sec. 38 of title 2, national prohibition act.)

We insist that Judge Baker has not put himself in a position to claim that he was justifiable, under the law, in the use of the intoxicating liquor which he admits he did use. If the liquor which he admits he consumed in private homes was not in the lawful possession of his hosts, he not only violated the national prohibition act but he was guilty of being a party to a conspiracy to violate a Federal statute. He has not cleared his skirts on this point, and in the absence of evidence showing that the liquor he consumed was legally in the possession of his hosts, he stands convicted by his own testimony. The record as it now stands would justify a grand jury in

returning an indictment against him for violating the national prohibition act and for violating section 37, Federal Penal Code, which makes it a violation for two or more persons to conspire together to violate any Federal statute.

CONFISCATION OF 800 QUARTS OF CONTRABAND LIQUOR

In reference to this charge we submit that the evidence taken before the subcommittee clearly shows that this large quantity of liquor seized by the prohibition agents was confiscated and converted to their own use by Judge Baker; John Koontz, United States deputy marshal; I. Wade Coffman, clerk of the district court, and others. It is true there is no direct evidence given by any witness who actually saw Judge Baker receive or have in his possession any part of this liquor, but it is shown that this liquor was in the possession of Federal Prohibition Agent Hannen, at Clarksburg, in April, 1921, and that it was no longer necessary to hold said liquor as evidence, as all of the cases in which it was involved had been disposed of. The prohibition agent informed Judge Baker personally of this fact and asked him for an order directing its destruction. It is further shown that the same prohibition agent importuned the court for a destruction order at the Wheeling May term, 1921, and also at the Elkins July term, 1921.

This order was refused. An order was entered at the Martinsburg September term, 1921, directing this agent to turn this liquor over to the United States marshal. This order was complied with. At the October Wheeling term, 1921, an order was entered by Judge Baker upon his own motion directing that all liquors seized by the Federal officers under the national prohibition act should be delivered into the custody of the United States marshal at Elkins, and there to be stored in a fireproof vault. There was no fireproof vault in the marshal's office in Elkins, the only one available being in the clerk's office. In fact, the marshal's office was at that time located at Fairmont. Upon this order Judge Koontz, who had been appointed a deputy at the special request of Judge Baker, and whose home is in Elkins, the same town in which Judge Baker resides, went to Clarksburg and took possession of the greater part of this liquor, took it to Elkins, stored it in the vault in the clerk's office, from which it disappeared.

It is shown by the testimony of A. T. Barrett, chief clerk in the marshal's office, that Koontz said Judge Baker sent him to Clarksburg after the liquor, and when asked what had become of the liquor, Koontz replied, " That they drank some of it, gave some of it to their friends, and that they still had some of it up there yet." This conversation took place more than a year after the liquor had been removed to Elkins.

Without going further into the evidence on this question, we submit that the facts before this committee are sufficient to convince any set of fair-minded men that Judge Baker and his associates are guilty of a conspiracy to obtain possession of this liquor for the purpose of converting it to their own use.

JUDGE BAKER SHOULD BE IMPEACHED

It is my candid judgment that United States Attorney Brown made out his case against Judge Baker by evidence additional to his own and that this judge should be put out of office. I do not believe in whitewashes. I believe in applying the same rules to the high and low alike. If we are to spend thousands of dollars investigating judges and then whitewash them, the money is wasted. The foregoing are my reasons for objecting to this bill to have another investigation. Very likely Judge English deserves it. If he does, there will still be plenty of time when we convene again. But we are now almost ready to adjourn, and this investigation, after all, may turn out to be a junket sojourn in Chicago for several months during recess.

Mr. DYER. Mr. Speaker, I wish to say a word with reference to the statement made by the gentleman from Texas, which does not correspond with the facts in reference to the investigation of Judge Baker. I do not think it is proper that a charge of that kind should be spread upon the records of the House, and I ask permission to address the House for one minute.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. DYER. Mr. Speaker, in pursuance of the resolution of the House the Judiciary Committee made an investigation of the charges against Judge Baker. The subcommittee took the testimony of numerous witnesses, and there was no testimony presented to show that Judge Baker at any time had anything to do, directly or indirectly, with the use of any confiscated liquor. The report of the committee, composed of Democrats and Republicans, the subcommittee and the full committee, was unanimous.

Mr. BOWLING. Mr. Speaker, I ask unanimous consent for one minute on this proposition.

The SPEAKER. Is there objection?

There was no objection.

Mr. BOWLING. Mr. Speaker, in that connection I merely want to say that the charge that Judge Baker had anything to do with the consumption of liquor confiscated was abandoned by the prosecution and withdrawn on their own motion.

Mr. BLANTON. I object.

MEDALS OF AWARD TO EXHIBITORS OF INTERNATIONAL EXPOSITION AT CHICAGO, ILL.

The next business on the Consent Calendar was House joint resolution (H. J. Res. 348) authorizing the Secretary of Agriculture to award suitable medals to exhibitors winning first and championship prizes at the twenty-fifth anniversary show of the International Livestock Exposition of Chicago, Ill., held in December, 1924.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Resolved, etc., That the amount of the appropriation for the fiscal year 1925 for all necessary expenses for investigation and experiments in animal husbandry, authorized to be used for the purpose of awarding medals to exhibitors of champion and first prize winners at the International Livestock Exposition held in Chicago in December, 1924, with the view of stimulating livestock production along purebred lines and to commemorate the twenty-fifth anniversary of that great international exposition, is hereby authorized to be increased from $1,000 to $4,048.

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

SALE OF CORPUS CHRISTI HOSPITAL

The next business on the Consent Calendar was the bill (S. 2100) authorizing the sale of the United States Veterans' Hospital at Corpus Christi, Tex.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. BEGG. Reserving the right to object, I would like to ask who purchased this veterans' hospital, when it was liable to be inundated and it never had a patient in it?

Mr. GIBSON. Answering the gentleman, at the close of the war this hospital was taken over by way of lease by the Public Health Service.

Mr. BEGG. I would like to know what officer was responsible for such a blunder.

Mr. GIBSON. Later, by act of Congress, an appropriation was made for its purchase.

Mr. BEGG. Under and by whose recommendation?

Mr. GIBSON. I can not say; but it was purchased under an act of Congress for $120,000. It has since been practically destroyed by a tropical storm. It is not now in use and there is no intention of using it.

Mr. BEGG. I would like to have it passed over, and I would like to find out something about it. What are they going to get for it?

Mr. GIBSON. From $150,000 to $160,000.

Mr. BEGG. Mr. Speaker, I withdraw my objection.

Mr. LAGUARDIA. Further reserving the right to object, at this same period of time there were others authorized, and now they are after authority to sell them. I shall not object to this, because I think it is the best thing for us to do, but I hope the membership of the House will be more careful in appropriating for these things hereafter.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Director of the United States Veterans' Bureau is hereby authorized to have appraised and after advertisement to sell to the highest bidder or bidders as a whole or in parcels, in his discretion and on such terms as he deems proper, the United States Veterans' Bureau hospital reservation at Corpus Christi, Tex., and to make, execute, and deliver all needful conveyances. The director shall have the right to reject any and all bids. The net proceeds of such sale or sales shall be paid into the Treasury of the United States as miscellaneous receipts.

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

REGULATING STEAM ENGINEERING IN THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (H. R. 11701) to amend the act entitled "An act to regulate steam engineering in the District," approved February 28, 1887.

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 act entitled "An act to regulate steam engineering in the District of Columbia," approved February 28, 1887, is amended:

(a) By inserting in the title, after the word "steam," the words "and other operating."

(b) By inserting in section 1, after the word "steam," the words "and other operating."

(c) By inserting in section 2, before the words "steam boilers," the words "engines and " and by omitting after the words "steam boilers" in such section the words "and engines."

(d) By inserting in section 3, after the word "steam," the words "or other operating."

(e) By inserting in section 4, after the word "steam," the words "or other operating."

(f) By inserting after the word "steam," in both places where it occurs in section 5, the words "or other operating."

(g) By striking out in section 6 the words "steam boiler or engine" and inserting in lieu thereof the words "any engine or steam boiler," and by striking out the word "knowingly," in such section.

(h) By inserting after the word "such" where it occurs for the second time in section 6 the following: "or any person operating without a license or in violation of the provisions of this act."

(i) Insert between the words "steam" and "engineer" the words "or other operating."

(j) Change the word "fifty" in section 6 to "forty."

(k) Omit the following words in section 6: "and in default of payment of such fine shall be confined for a period of one month in the workhouse of the District of Columbia."

(l) After the words "where the water returns to the boiler," in section 6, insert the words "by gravity" and omit the words "and which are worked automatically."

(m) By striking out the period at the end of section 7 and adding the words "having reciprocity with the District of Columbia."

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

DONATIONS OF FURNITURE TO THE WHITE HOUSE

The next business on the Consent Calendar was S. J. Res. 163, to accept donations of furniture and furnishings for use in the White House.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

The Clerk read the joint resolution, as follows:

Resolved, etc., That with a view to conserving in the White House the best specimens of the early American furniture and furnishings, and for the purpose of maintaining the interior of the White House in keeping with its original design, the officer in charge of public buildings and grounds is hereby authorized and directed, with the approval of the President, to accept donations of furniture and furnishings for use in the White House. All such articles thus donated to become the property of the United States and to be accounted for as such.

SEC. 2. The said officer in charge of public buildings and grounds is further authorized and directed, with the approval of the President, to appoint a temporary committee composed of one representative of the American Federation of Arts, one representative of the National Commission of Fine Arts, one representative of the National Academy of Design, one member of the American Institute of Architects, and five members representing the public at large; the said committee to have full power to select and pass on the articles in question and to recommend the same for acceptance.

Mr. BLANTON. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. BLANTON: Page 1, line 4, after the word "American," insert the word "all."

Mr. BLANTON (when the Clerk had read section 1). Mr. Speaker, I shall not take more than a moment. There ought not to be some one between the American people and the President to say what furniture shall be accepted and what shall be rejected. It ought to be left to the President himself, and furniture that is donated to the White House and sent there for the use of the President ought at least to reach the notice and attention of the President of the United States. Some intermediary officer ought not to be authorized to stop it and to never let it come to the attention of the President. I understand that some patriotic American citizen in the city of Baltimore sent to the White House a piece of furniture for the use of the President of the United States, for his own personal benefit and use, and that a secretary stopped it and will not even let the President know about it.

Mr. WINGO. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. WINGO. I have examined the gentleman's amendment, and I think he has it in the wrong place. As it is now it would read, if adopted, "specimens of the early American all furniture." I think it must be in the wrong place.

Mr. BLANTON. But this was American furniture that I refer to. It was a hobbyhorse sent here from Baltimore.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Texas.

The amendment was rejected.

The Clerk concluded the reading of the joint resolution.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

MEMORIAL TO JOHN ADAMS AND JOHN QUINCY ADAMS

The next business on the Consent Calendar was the bill (H. R. 12261) authorizing the appropriation of $5,000 for the erection of tablets or other form of memorials in the city of Quincy, Mass., in memory of John Adams and John Quincy Adams.

The Clerk read the title of the bill.

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

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, are there any precedents for appropriating money for the erection of memorials in the home cities of former Presidents?

Mr. LUCE. Not that I am aware of. We have taken notice of the burial places of former Presidents. We have just passed a resolution, which I think the President has signed within the last two or three days, in the matter of President Zachary Taylor at Louisville. Of course, the conditions differ in different places. President Taylor was interred in a field at some distance from the center of any town or city. The two Adamses, father and son, are interred in the Unitarian Church in Quincy, and, of course, in such a situation as that it is difficult to make the same provision as was made in the case of President Taylor.

Mr. FROTHINGHAM. Mr. Speaker, on the matter of precedents I cite to the gentleman that the same thing was done in the case of Thomas Jefferson, and $10,000 was appropriated in the case of John Tyler.

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 sum of $5,000, or so much thereof as may be necessary, is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War in the erection of tablets or other form of memorials in the city of Quincy, Mass., in memory of John Adams and John Quincy Adams.

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

BRIDGE ACROSS THE HUDSON RIVER BETWEEN NEW YORK AND NEW JERSEY

The next business on the Consent Calendar was the bill (S. 4178) to authorize the Port of New York Authority to construct, maintain, and operate a bridge across the Hudson River between the States of New York and New Jersey.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I would like to ask the gentleman in charge of the bill if either the Legislature of the State of New York or the Legislature of the State of New Jersey has appropriated the initial expense to the port authority for the construction of any of these bridges?

Mr. PARKER. Mr. Speaker, in answer to the gentleman, I wish to state these are ordinary bridge bills in the ordinary form. The first step always in building a bridge over a navigable stream is to get the consent of the Congress to build a bridge. After that the money is raised, never before that I have ever known anything about. These bills are absolutely in the form that all bridge bills come before the House.

Mr. LAGUARDIA. The gentleman will recall a positive statement made on the floor of this House by the gentleman from New York [Mr. MILLS] that the New Jersey Legislature had passed one house and within two days from the time he was speaking that the New Jersey Legislature would appropriate the initial expenses. Since that time I am informed that the State of New Jersey sent back one of those bills and no action has been taken by the New Jersey Legislature.

Mr. PARKER. In answer to the gentleman, I wish to state that all we are doing anywhere is granting to the Port Authority of New Jersey and New York the right to build a bridge; that is all we do, and we are not depriving anybody else of any rights whatsoever.

Mr. LAGUARDIA. How is that? The gentleman says we are not depriving anyone of their rights whatsoever?

Mr. PARKER. Absolutely.

Mr. LAGUARDIA. Is the gentleman willing to put the time at two years?

Mr. PARKER. The ordinary period is three years.

Mr. LAGUARDIA. The gentleman knows you can not compare this project with any bridge bill that has ever been introduced in the history of the country.

Mr. PARKER. The gentleman wants me to confine it to two years or one year, but here is a project which entails an expenditure of probably $150,000,000.

Mr. LAGUARDIA. Exactly.

Mr. PARKER. And it is absolutely impossible to limit it to less than the specified time of three years. I do not desire to take up the time of the House; if the gentleman is going to object, let him object.

SEVERAL MEMBERS. Regular order!

Mr. BEGG. If the gentleman will permit, the gentleman says nobody can be harmed by this bill at all.

Mr. PARKER. Not a bit.

Mr. BEGG. Now, we can grant this permit to the two States who are to build this bridge, and if there is any favoritism or anything liable to happen, the place for the gentleman to fight is in his own legislature.

Mr. PARKER. Absolutely.

Mr. LAGUARDIA. I am going to offer an amendment to reduce the term to two years.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Port of New York Authority to construct, maintain, and operate a bridge and approaches thereto across the Hudson River, at a point suitable to the interests of navigation, and connecting a point between One hundred and seventieth Street and One hundred and eighty-fifth Street, borough of Manhattan, New York City, with a point approximately opposite thereto in the borough of Fort Lee, Bergen County, N. J., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. Construction of the said bridge shall be commenced within three years and it shall be completed within seven years from the date of the passage of this act, and in default thereof the authority hereby granted shall cease and be null and void.

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

Mr. LAGUARDIA. Mr. Speaker, I offer the following amendment: Page 2, line 4, strike out the word "three" and insert the word "two"; and on that I would like to be heard.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 4, strike out the word "three" and insert in lieu thereof the word "two."

Mr. LAGUARDIA. Mr. Speaker and gentlemen, I ask for an audience and a hearing on my amendment. Gentlemen, this project can not be compared with the ordinary bridge bill that comes before us and passes as a matter of routine.

Mr. BEGG. Will the gentleman yield?

Mr. LAGUARDIA. In just a moment. I will in a moment. This is a bridge which will span the Hudson River and will be the largest bridge in the world. A few days ago the gentleman from New York [Mr. MILLS] made the positive statement on the floor of the House that the New Jersey Legislature had already appropriated for the initial expenses for the construction of this bridge. I took issue with him at the time. To date the New Jersey Legislature has not appropriated one cent, and neither has the Legislature of the State of New York. Now, what you are doing is you will delay for three years the bridge by passing this bill instead of expediting its construction. I submit to the House that if the State of New York and State of New Jersey are really in earnest about construction of this bridge, that two years' time is sufficient to grant the authority provided for in the bill before us now. There is no need of a three-year period. Gentlemen, I can understand your attitude, because you are not familiar with the local situation surrounding the so-called port authority.

Mr. WATKINS. Will the gentleman yield?

Mr. LAGUARDIA. There has not been one cent appropriated to date for construction purposes, and all they will do with this authority is to peddle it on the market as they have peddled the Shore Line Railroad, even before we authorized it. Now, in all good faith I appeal to the proponents of this bill, if they are really in earnest about it, not to oppose this amendment; and I say that two years' time granted to the Legislatures of the States of New Jersey and New York is sufficient to start this project going.

Mr. BEGG. The question I wanted to ask the gentleman is, Why is not this bridge project entitled to three years if every other bridge project gets three years?

Mr. LAGUARDIA. Because, I say to the gentleman, the time is ripe now to build this bridge and that the personnel of this agency that we are selecting is simply playing with it; that they have neither the ability nor the requirements to build this bridge or any other bridge.

Mr. BEGG. I will say to the gentleman that that is to be fought out in the States and not in a legislative tribunal like Congress.

Mr. LAGUARDIA. You gentlemen should be willing to at least hear the facts from the Representatives in the locality. I hope the amendment will be accepted.

Mr. PARKER. Mr. Speaker, I simply want to make a plain statement: That the whole delegation from New York State and the delegation from New Jersey are in favor of this proposition with the exception of the gentleman from New York [Mr. LAGUARDIA].

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

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.

Mr. KING. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. The Chair will count. [After counting.] A quorum is present. The Clerk will report the next bill.

BRIDGES ACROSS ARTHUR KILL BETWEEN NEW YORK AND NEW JERSEY

The next business on the Consent Calendar was the bill (S. 4179) to authorize the Port of New York Authority to construct, maintain, and operate bridges across the Arthur Kill between the States of New York and New Jersey.

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 consent of Congress is hereby granted to the Port of New York Authority to construct, maintain, and operate two bridges and approaches thereto across Arthur Kill, one of said bridges to be located at a point suitable to the interests of navigation in or near Perth Amboy on the New Jersey side and Tottenville on the New York side, and the other to be located at a point suitable to the interests of navigation in or near Elizabeth on the New Jersey side and Howland Hook, Staten Island, on the New York side, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. Construction of the said bridges shall be commenced within three years, and they shall be completed within six years from the date of the passage of this act, and in default thereof the authority hereby granted shall cease and be null and void.

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

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.

BRIDGE ACROSS THE KILL VAN KULL

The next business on the Consent Calendar was the bill (S. 4203) to authorize the Port of New York Authority to construct, maintain, and operate a bridge across the Kill Van Kull between the States of New York and New Jersey.

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 consent of Congress is hereby granted to the Port of New York Authority to construct, maintain, and operate a bridge and approaches thereto across the Kill Van Kull, at a point suitable to the interests of navigation, at or near Bayonne, on the New Jersey side, and at or near Port Richmond, on the New York side, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. Construction of the said bridge shall be commenced within three years, and shall be completed within six years from the date of the passage of this act, and in default thereof the authority hereby granted shall cease and be null and void.

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

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.

BRIDGE ACROSS THE RIO GRANDE

The next business on the Consent Calendar was the bill (H. R. 11818) granting the consent of Congress to the construction of a bridge across the Rio Grande.

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 consent of Congress is hereby granted to W. J. Stahmann, Edgar D. Brown, L. N. Shafer, and associates, their successors and assigns, to construct, maintain, and operate a bridge, and approaches thereto, across the Rio Grande, at a point suitable to the interests of navigation, at or near a point 2 miles south of the town of Tornillo, Tex., in the lower San Elizario Grant, in the county of El Paso, on the American side of the river, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, such construction to be made only with the consent and approval of the Republic of Mexico.

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

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.

PAN AMERICAN CONGRESS OF HIGHWAYS

The next business on the Consent Calendar was the resolution (H. J. Res. 336) to provide for the expenses of delegates of the United States to the Pan American Congress of Highways.

The title of the resolution was read.

The SPEAKER. Is there objection?

Mr. BLANTON. I object.

The SPEAKER. Objection is made. The Clerk will report the next bill.

BRIDGE ACROSS THE ST. LOUIS RIVER

The next business on the Consent Calendar was the bill (H. R. 12025) to authorize the construction, maintenance, and operation of a bridge across the St. Louis River between the cities of Superior, Wis., and Duluth, Minn.

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 Twin Ports Bridge Co., a Wisconsin corporation, its successors and assigns, be, and it is hereby, authorized to construct, maintain, and operate a toll bridge and approaches thereto, for street railway, wagons, carriages, automobiles, vehicles, animals, foot and other passengers, across the St. Louis River, between the city of Superior, Wis., and the city of Duluth, Minn., said bridge to be constructed as a lift bridge or pivot drawbridge, from Belknap Street, or within one-half mile north or south thereof, in the city of Superior, Wis., to Leseur Street, or the vicinity thereof, in the city of Duluth, Minn., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges across navigable waters," approved March 23, 1906: *Provided*, That it shall be optional with the owners of said bridge as to whether the same is constructed so as to provide for street railway.

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

Amend the title so as to read: "A bill granting the consent of Congress for the construction, maintenance, and operation of a bridge across the St. Louis River between the cities of Superior, Wis., and Duluth, Minn."

Mr. DENISON. Mr. Speaker, there was so much confusion that I did not hear the title of the bill read. If the Clerk is now reading No. 735 on the calendar, I desire to ask unanimous consent to take up the Senate bill in lieu of the House bill, The Senate bill is S. 4325, now on the Speaker's table.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Twin Ports Bridge Co., a Wisconsin corporation, its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto, across the St. Louis River at a point suitable to the interests of navigation, from Belknap Street, or within one-half mile north or south thereof, in the city of Superior, Wis., to Le Seur Street, or the vicinity thereof, in the city of Duluth, Minn., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The cities of Duluth, Minn., and Superior, Wis., may jointly, or either may, with the consent of the other, at any time after 10 years after the completion of said bridge, purchase the same. The purchase price shall be the reasonable value of said bridge, including approaches, right of way, and accessory works. In such value the bridge shall be considered as having the license to continue, but such license or franchise shall not be considered to have a value of exceeding $1,000, and nothing shall be allowed for going concern value. The item of cost of financing the construction shall be considered, but it is not intended that any specific sum of money therein expended must be added to the purchase price otherwise determined. Such value shall be determined by such board of arbitration as may be selected by the corporation and said cities, and in the event of disagreement, then upon request of either the bridge company or the cities by the Secretary of War. When such determination is made it shall be filed with the city clerks of the respective cities of Duluth, Minn., and Superior, Wis. The said bridge company shall file with the Secretary of War and the city clerks of the cities of Duluth and Superior within six months after the completion of said bridge and works an accurate report, verified by its treasurer, of the expenditures made by the company in such construction and purchase of right of way and accessories and cost of financing construction, and likewise shall file with the Secretary of War and the city clerks of such cities within said time after the expenditure thereof, verified report of any additional improvements afterwards made thereon. The books of said company shall be open to audit by either city at any time upon demand of proper officials.

In the event of any incumbrances upon said bridge property, the amount thereof, with accrued interest, but not to exceed the purchase price, shall be first paid direct to the owners or holders thereof and applied upon the purchase price: *Provided*, That if the amount of such incumbrances exceeds the purchase price, then the payment of such purchase price to the owners or holders of such encumbrances shall fully extinguish the same, and same shall be paid in order of their priority of lien.

Upon payment of said purchase price, within four months after the filing with said city clerks of the determination thereof, the said Twin Ports Bridge Co., its successors and assigns, shall execute and deliver a conveyance of said bridge to the purchaser or purchasers and assign all rights and grants hereunder. The limitation herein as to the four months shall not bar subsequent purchase under the provisions of this act.

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

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. Without objection, the similar House bill will lie on the table.

There was no objection.

The SPEAKER. The Clerk will report the next bill.

SALARIES OF OFFICERS AND EMPLOYEES OF DISTRICT OF COLUMBIA COURTS

The next business on the Consent Calandar was the bill (H. R. 8210) to fix the salaries of officers and employees of the Court of Appeals of the District of Columbia, the Supreme Court of the District of Columbia, the United States Court of Claims, and the United States Court of Customs Appeals.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BLANTON, Mr. MOORE of Virginia, and Mr. LOZIER objected.

Mr. GRAHAM. I hope the gentlemen will withhold their objection.

Mr. BLANTON. Five or six of us will object.

The SPEAKER. The Chair thinks if gentlemen are going to object, no more time should be taken on it.

Mr. GRAHAM. Mr. Speaker, not to pass this bill would be a great injustice to the employees of the Supreme Court of the District of Columbia.

Mr. BLANTON. We have abandoned all hope of cutting down taxes for the taxpayers of the United States unless we can stop some of these bills from passing.

Mr. GRAHAM. That statement is just about as reliable as the statements that the gentleman usually makes.

Mr. BLANTON. And that statement of the gentleman is just about as reliable as the bills he reports and the statements he usually makes.

The SPEAKER. Objection is made.

ADDITIONAL JUDGE IN THE DISTRICT OF MARYLAND

The next business on the Consent Calendar was the bill (H. R. 5083) to create an additional judge in the District of Maryland.

The Clerk read the title of the bill.

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

Mr. BLANTON, Mr. MOREHEAD, and Mr. ALLEN objected.

Mr. HILL of Maryland. Mr. Speaker, I ask the gentlemen to reserve their objection for just a moment.

Mr. BLANTON. We are unalterably opposed to the bill.

Mr. HILL of Maryland. I want to call the gentlemen's attention to the fact that this bill is unanimously reported favorably by the Judiciary Committee, both Democrats and Republicans. I ask the gentlemen to give us a chance to have the bill brought up for a vote.

The SPEAKER. Is there objection?

Mr. SUMNERS of Texas. Mr. Speaker, I shall also have to object.

PAYMENT OF CLAIMS ARISING OUT OF THE OCCUPATION OF VERA CRUZ, MEXICO

The next business on the Consent Calendar was the bill (S. 2506) authorizing an appropriation for the payment of claims arising out of the occupation of Vera Cruz, Mexico, by American forces in 1914.

The Clerk read the title of the bill.

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

Mr. KING, Mr. BLANTON, and Mr. MOREHEAD objected.

PUBLIC BUILDING AT DECATUR, ALA.

The next business on the Consent Calendar was the bill (H. R. 374) to increase the limit of cost of public building at Decatur, Ala.

The Clerk read the title of the bill.

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

Mr. BEGG, Mr. LOZIER, and Mr. LEAVITT objected.

PURCHASE OF A PAINTING ENTITLED "PEACE"

The next business on the Consent Calendar was the bill (H. R. 4848) to purchase a painting of the several ships of the United States Navy in 1891 and entitled "Peace."

The Clerk read the title of the bill.

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

Mr. BLANTON, Mr. MOREHEAD, and Mr. KING objected.

DISCHARGE OR RETIREMENT OF CERTAIN WARRANT OFFICERS OF THE ARMY MINE PLANTER SERVICE

The next business on the Consent Calendar was the bill (H. R. 204) to authorize the Secretary of War to reappoint and immediately discharge or retire certain warrant officers of the Army Mine Planter Service.

The Clerk read the title of the bill.

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

There was no objection.

Mr. BLAND. Mr. Speaker, I ask unanimous consent to substitute Senate bill 3977, which is an identical bill.

The SPEAKER. The gentleman from Virginia asks unanimous consent to substitute an identical Senate bill. Is there objection?

There was no objection.

The Clerk read the Senate bill as follows:

Be it enacted, That the Secretary of War is hereby authorized and directed to reappoint and immediately discharge or retire as hereinafter directed all warrant officers, Army Mine Planter Service, discharged from such service pursuant to the act entitled "An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes," approved June 30, 1922: *Provided*, That warrant officers of the Army Mine Planter Service of less than 10 years' service be discharged with payment of one year's pay; or those of more than 10 years' and less than 20 years' service be placed on the unlimited retired list with pay at the rate of 2½ per cent of their active pay, multiplied by the number of complete years of such service; or those of more than 20 years' service be placed on the unlimited retired list with pay at the rate of 3 per cent of their active pay, multiplied by the number of complete years of such service, not exceeding 75 per cent of their active pay: *Provided further*, That in computing length of service for retirement and in computing longevity pay under the provision of this act service on boats in the service of the Quartermaster Department as well as service in the Regular Army shall be counted: *And provided further*, That this act shall not apply to any discharged warrant officer, Army Mine Planter Service, who has been reappointed a warrant officer, Army Mine Planter Service.

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

A similar House bill was laid on the table.

PROBATION SYSTEM IN UNITED STATES COURTS

The next business on the Consent Calendar was the bill (S. 1042) to provide for the establishment of a probation system in the United States courts, except the District of Columbia.

The Clerk read the title of the bill.

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

Mr. BLANTON, Mr. MOREHEAD, and Mr. KING objected.

RELIEF OF SUFFERERS FROM THE FIRE AT NEW BERN, N. C.

The next business on the Consent Calendar was the bill (H. R. 12029) for the relief of sufferers from the fire at New Bern, N. C., in December, 1922.

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 action of the War Department in directing the issue and the issuance of quartermaster stores out of the reserve stores for the field service of the Army, of a value not exceeding $10,546.56, and in directing the expediture of $11.74 from "Signal service of the Army, 1923," and of $17.28 from "Army transportation, 1923," for the relief of sufferers from the fire at New Bern, N. C., in December, 1922, is approved; and credit for all such supplies so issued and funds so disbursed shall be allowed in the settlement of the accounts of the officers of the Army.

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

RELIEF OF SUFFERERS FROM CYCLONE IN NORTHWESTERN MISSISSIPPI

The next business on the Consent Calendar was the bill (H. R. 12030) for the relief of sufferers from cyclone in northwestern Mississippi in March, 1923.

The clerk read the title of the bill.

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

Mr. LEAVITT. Mr. Speaker, I reserve the right to object in order to ask unanimous consent that H. R. 12123, No. 721 on the calendar, and H. R. 12129, No. 722 on the calendar, retain their places on the calendar, the gentleman from California [Mr. FREE] having withdrawn his objection.

The SPEAKER. The gentleman from Montana asks unanimous consent that H. R. 12123 and H. R. 12129, to which the

gentleman from California [Mr. FREE] objected, be returned to the calendar, the gentleman from California having withdrawn his objection. Is there objection?

There was no objection.

The SPEAKER. Is there objection to the bill last reported?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That the action of the War Department in directing the issue and the issuance of quartermaster stores out of the reserve stores for the field service of the Army of a value not exceeding $4,582.33 for the relief of sufferers from cyclone in northwestern Mississippi in March, 1923, is approved; and credit for all such supplies so issued shall be allowed in the settlement of the accounts of the officers of the Army.

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

POSTHUMOUS APPOINTMENT TO COMMISSIONED GRADES OF CERTAIN ENLISTED MEN

The next business on the Consent Calendar was Senate Joint Resolution 124, to provide for the posthumous appointment to commissioned grades of certain enlisted men and the posthumous promotion of certain commissioned officers.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the present consideration of the Senate joint resolution?

Mr. HUDDLESTON. Mr. Speaker, reserving the right to object, I would like to ask the gentleman in charge of the resolution for some explanation of it.

Mr. WAINWRIGHT. Mr. Speaker, this resolution has a purely sentimental significance. It will require the expenditure of no public moneys. Its purpose is simply to authorize the Secretary of War to issue these posthumous commissions as a measure of solace to the bereaved families of those soldiers who had been actually appointed to commissioned grade or in the case of commissioned officers who had been recommended for promotion but died before actually receiving their commissions. It covers the cases of enlisted men who for valor or other meritorious service were appointed to commissioned grade, or who after having successfully completed the course at an officer's training camp were recommended for commission by the officer in charge; and in the case of officers, those who for similar cause were recommended for promotion where the recommendation was approved by higher authority. It has the full approval of the War Department and is reported unanimously by the Committee on Military Affairs.

Mr. HUDDLESTON. May I ask the gentleman a question? Will it affect the compensation to be paid to any of the dependents of these men?

Mr. WAINWRIGHT. Not at all. I call the gentleman's attention to the last paragraph of the bill, where it is provided that the enactment of this measure shall entitle no one to a bonus, gratuity, or any public money.

Mr. HUDDLESTON. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the joint resolution, as follows:

Resolved, etc., That the President be, and he is hereby, authorized to issue, or cause to be issued, an appropriate commission in the name of any person who, while in the military service of the United States during the war between the United States and Germany and Austria-Hungary, had been duly appointed to a commissioned grade, or had successfully completed the course at a training school for officers and had been recommended for appointment to a commissioned grade by the officer commanding or in charge of such school, and through no fault of his own, was unable to accept the commission for such grade by reason of his death in line of duty; and any such commission shall issue as of the date of such appointment, and any such person's name shall be carried upon the records of the War Department as of the grade and branch of the service to which he would have been promoted by such commission, from the date of such appointment to the date of his death.

SEC. 2. That the President be, and he is hereby authorized to issue, or cause to be issued, an appropriate commission in the name of any person who, while in the military service of the United States during the war between the United States and Germany and Austria-Hungary, may have been officially recommended for appointment or for promotion to a commissioned grade, which recommendation shall have been duly approved by the Secretary of War, or by the commanding general American Expeditionary Forces, as the case may be, and who shall have been unable to receive and accept such commission by reason of his death in line of duty; and any such commission shall issue as of the date of such approval, and any such person's name shall be carried upon the records of the War Department as of the grade and branch of the service to which he would have been promoted by such commission, from the date of such approval to the date of his death.

SEC. 3. That the President be, and he is hereby, authorized to issue, or cause to be issued, an appropriate commission in the name of any officer of the Army of the United States who, after having been examined and found duly qualified for promotion, died or shall die in line of duty after the occurrence of the vacancy entitling him, by virtue of seniority, to such promotion and before the issue or acceptance of a commission therefor; and any such commission shall issue with rank as of the date of said vacancy, and any such officer's name shall be carried upon the records of the War Department as of the grade and branch of the service shown in such commission, from the date of such vacancy to the date of his death.

SEC. 4. That no person shall be entitled to receive any bonus, gratuity, pay, or allowances by virtue of any provision of the resolution.

With the following committee amendments:

Page 1, line 8, after the word "grade," insert the following: "or had successfully completed the course at a training school for officers and had been recommended for appointment to a commissioned grade by the officer commanding or in charge of such school."

Page 1, line 9, after the word "accept," strike out the word "such" and insert in lieu thereof the word "the."

Page 1, line 9, after the word "commission," insert the words "for such grade."

Page 2, line 11, after the word "for," insert the words "appointment or for."

Page 3, line 2, at the end of the line strike out the words "since April 6," and the figures "1917" on line 3.

The committee amendments were agreed to.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

GARABED FREE-ENERGY GENERATOR

The next business on the Consent Calendar was the joint resolution (H. J. Res. 190) to amend section 3 of the joint resolution entitled "Joint resolution for the purpose of promoting efficiency, for the utilization of the resources and industries of the United States, and so forth," approved February 8, 1918.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection?

Mr. BLANTON, Mr. MOREHEAD, and Mr. MERRITT objected.

APPROACH ROADS TO NATIONAL CEMETERIES AND NATIONAL MILITARY PARKS

The next business on the Consent Calendar was the bill (S. 2745) to authorize the Secretary of War to convey to the States in which located Government owned or controlled approach roads to national cemeteries and national military parks, and for other purposes.

The Clerk read the title of the bill.

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

Mr. BEGG. Mr. Speaker, reserving the right to object, I would like to have a little information about this. Why is this necessary?

Mr. HILL of Alabama. This simply saves the Federal Government spending money in the maintenance of these roads that are not used entirely for these parks.

Mr. BEGG. Where is this expected to be done?

Mr. HILL of Alabama. The Secretary of War did not so state in his letter. You will recall that last year this House appropriated $50,000 for a road of this kind in Mississippi. Some of these roads are used for general purposes much more than for egress from or ingress to these military parks and cemeteries. Lots of them are parts of State highways or National highways, and this is to save the Government this money in maintenance.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized in his discretion, subject to such conditions as may seem to him proper, to convey by proper quitclaim deed to any State, county, municipality, or proper agency thereof, in which the same is located, all the right, title, and interest of the United States in and to any Government owned or controlled approach road to any national cemetery or national military park: *Provided*, That prior to the delivery of any conveyance under this act the State, county, or municipality to which the conveyance herein authorized is to be made

shall notify the Secretary of War in writing of its willingness to accept and maintain the road or roads included in such conveyance: *Provided further*, That upon the execution and delivery of any conveyance herein authorized, the jurisdiction of the United States of America, which has been heretofore ceded to the United States by a State over the roads conveyed, shall thereby cease and determine and shall thereafter vest and be in the particular State in which such roads are located.

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

APPOINTMENT OF A LEADER FOR THE ARMY BAND

The next business on the Consent Calendar was the bill (H. R. 11253) to provide for the appointment of a leader of the Army band.

The Clerk read the title of the bill.

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

There was no objection.

Mr. HILL of Alabama. Mr. Speaker, I ask unanimous consent to substitute the bill (S. 3824) which is similar to the House bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized to appoint a warrant officer of the Regular Army leader of the Army band, who, while holding such appointment, shall receive, in lieu of any and all pay and allowances as warrant officer, the base pay and the allowances of a captain of the Regular Army in the third pay period and shall be entitled to longevity pay provided for an officer for each three years of service under such appointment plus any previous active commissioned service under a Federal appointment which the appointee may have had, but shall not be entitled to pass to a higher pay period. The leader of the Army band may be relieved from his appointment as such and returned to his former status at the discretion of the Secretary of War. Upon retirement he shall be retired as a warrant officer and shall receive the retired pay to which he would have been entitled had he not been appointed and received the pay and allowances of leader of the Army band: *Provided*, That no back pay or allowances shall be allowed to the leader of the Army band by reason of the passage of this act: *And provided further*, That nothing contained in this act shall operate to increase the authorized number of commissioned officers or warrant officers of the Regular Army, nor to decrease the number of warrant officers authorized by law.

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.

RELIEF OF PERSONS IN MILITARY SERVICE OF THE UNITED STATES DURING WAR EMERGENCY FROM CLAIMS FOR OVERPAYMENT NOT INVOLVING FRAUD

The next business on the Consent Calendar was the bill (H. R. 11923) to relieve persons in the military service of the United States during the war emergency period from claims for overpayment at that time not involving fraud.

The Clerk read the title of the bill.

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

Mr. BLANTON, Mr. HUDDLESTON, and Mr. BRIGGS objected.

WILD LIFE AND FISH REFUGE ON THE UPPER MISSISSIPPI RIVER

The next business on the consent calendar was the joint resolution (H. J. Res. 335) to amend section 10 of the act entitled "An act to establish the upper Mississippi River wild life and fish refuge."

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the present consideration of the resolution.

Mr. SCHNEIDER, Mr. HUDDLESTON, and Mr. SCHAFER objected.

PROVIDING FOR THE EXTENSION OF PAYMENT ON HOMESTEAD ENTRIES, FORT PECK INDIAN RESERVATION

The next business on the Consent Calendar was the bill (H. R. 11752) to provide for extension of payment on homestead entries on ceded lands of the Fort Peck Indian Reservation, State of Montana, and for other purposes.

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 all homestead entrymen (or entrywomen) being actual settlers within the boundaries of the said Fort Peck Indian Reservation are hereby granted an extension of time for payment of one-half the amount, including principal and interest, due and unpaid on their homestead entries until the 1st day of November, 1925, and for payment of the other half until the 1st day of November, 1926; all such amounts to bear interest until the payment dates, at 5 per cent per annum: *Provided*, That upon failure to make complete payment of either installment by any entryman (or entrywoman) the entry shall be canceled and the land revert to the status of other tribal lands of the Fort Peck Indian Reservation.

SEC. 2. All entrymen (or entrywomen) who have abandoned residence on and cultivation of their entries and who are in arrears in any amounts are hereby required to make payment in full of both principal and interest on or before the 1st day of November, 1925: *Provided*, That all delinquent amounts of both principal and interest shall draw interest at the rate of 5 per cent per annum until paid: *Provided further*, That upon failure to make full and complete payment of both principal and interest on or before the 1st day of November, 1925, said entry or entries shall thereupon be canceled, and the land revert to the status of other tribal lands of the Fort Peck Indian Reservation.

With the following committee amendments:

Page 1, line 3, strike out the words "homestead entrymen or entrywomen" and insert in lieu thereof "persons who have made homestead entries."

Page 1, line 4, strike out the word "said."

Page 2, line 3, after the word "any" insert "such persons."

Page 2, in lines 3 and 4, strike out "entrymen or entrywomen."

Page 2, line 7, strike out the words "entrymen or entrywomen" and insert in lieu thereof "such persons."

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.

TO PAY CLAIMS TO SIOUX INDIANS FOR LOSS OF HORSES

The next business on the Consent Calendar was the bill (H. R. 12005) authorizing an appropriation for the payment of certain claims due certain members of the Sioux Nation of Indians for damages occasioned by the destruction of their horses.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BEGG, Mr. BLANTON, and Mr. HILL of Maryland objected.

MERGER OF STREET RAILWAY CORPORATION, DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (H. R. 12087) to permit the merger of street railway corporations operating in the District of Columbia, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, I want to ask the gentleman does he not believe that the bill is rather broad, there being no provision requiring a physical valuation or fixing the conditions on which nonpaying railroads may be assumed?

Mr. ZIHLMAN. That is taken care of in the general law giving the Public Utilities Commission the power to fix the valuation. This has been reported unanimously by the District Committees of the Senate and the House, and represents all that we can do this session.

Mr. LAGUARDIA. I am not familiar with the public service utility law, but if the gentleman will assure me that the Public Utilities Commission has the power to control the price at which the stock is taken over, I will not object.

Mr. ZIHLMAN. In the general law with reference to the Public Utilities Commission they are given the power to make a physical valuation, and any return is based on the physical valuation and not on the stock.

Mr. HUDDLESTON. Further reserving the right to object, this is a very important piece of legislation, and too important to be passed without consideration.

Mr. ZIHLMAN. This bil was on the calendar to be considered by the committee on District day, but it was impossible to get to it. It is a unanimous report from the District Committees of the House and of the Senate.

Mr. HUDDLESTON. The gentleman will remember that we had up a bill on this subject and it was highly controversial in its provisions. We have no time to consider it now.

Mr. ZIHLMAN. Let me remind the gentleman that this is merely permissive legislation.

Mr. HUDDLESTON. Mr. Speaker, I am constrained to object.

The SPEAKER. Objection is heard. The Clerk will report the next bill.

MEMORIAL TO AVIATORS KILLED IN WORLD WAR

The next business on the Consent Calendar was the joint resolution (S. J. Res. 167) authorizing the erection on public grounds in the city of Washington, D. C., of a memorial of those who gave their lives to their country in the aviation service of the Army and Navy and Marine Corps in the World War.

The Clerk read the title of the bill.

The SPEAKER. Is there objection.

Mr. BLANTON, Mr. LOZIER, and Mr. HILL of Maryland objected.

CREATION OF A LIBRARY OF CONGRESS TRUST FUND BOARD

The next business on the Consent Calendar was the bill (H. R. 12125) to create a Library of Congress trust fund board, and for other purposes.

The Clerk read the title.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill and committee amendments.

Mr. BLANTON. Mr. Speaker, I want to say a word on these committee amendments for the benefit of the other body that is to pass on this bill. Let it be understood that it is important, because there has been a donation of $100,000 made to the Congressional Library. There is no trustee to receive it. Unless this bill passes we can not take charge of that donation. It is a very important bill, and I hope both Houses will consent to pass it.

Mr. LUCE. Mr. Speaker, I ask unanimous consent that the Senate bill be substituted for the House bill.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the Senate bill be substituted for the House bill. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That a board is hereby created and established, to be known as the Library of Congress trust fund board (hereinafter referred to as the board), which shall consist of the Secretary of the Treasury, the chairman of the Joint Committee on the Library, the Librarian of Congress, and two persons appointed by the President for a term of five years each (the first appointments being for three and five years, respectively). Three members of the board shall constitute a quorum for the transaction of business, and the board shall have an official seal, which shall be judicially noticed. The board may adopt rules and regulations in regard to its procedure and the conduct of its business.

No compensation shall be paid to the members of the board for their services as such members, but they shall be reimbursed for the expenses necessarily incurred by them out of the income from the fund or funds in connection with which such expenses are incurred. The voucher of the chairman of the board shall be sufficient evidence that the expenses are properly allowable. Any expenses of the board, including the cost of its seal, not properly chargeable to the income of any trust fund held by it, shall be estimated for in the annual estimates of the librarian for the maintenance of the Library of Congress.

The board is hereby authorized to accept, receive, hold, and administer such gifts or bequests of personal property for the benefit of, or in connection with, the Library, its collections, or its service, as may be approved by the board and by the Joint Committee on the Library.

The moneys or securities composing the trust funds given or bequeathed to the board shall be receipted for by the Secretary of the Treasury, who shall invest, reinvest, or retain investments as the board may from time to time determine. The income as and when collected shall be deposited with the Treasurer of the United States, who shall enter it in a special account to the credit of the Library of Congress and subject to disbursement by the librarian for the purposes in each case specified; and the Treasurer of the United States is hereby authorized to honor the requisitions of the librarian made in such manner and in accordance with such regulations as the Treasurer may from time to time prescribe: *Provided, however,* That the board is not authorized to engage in any business nor to exercise any voting privilege which may be incidental to securities in its hands, nor shall the board make any investments that could not lawfully be made by a trust company in the District of Columbia, except that it may make any investments directly authorized by the instrument of gift, and may retain any investments accepted by it.

Should any gift or bequest so provide, the board may deposit the principal sum, in cash, with the Treasurer of the United States as a permanent loan to the United States Treasury, and the Treasurer shall thereafter credit such deposit with interest at the rate of 4 per cent per annum, payable semiannually, such interest, as income, being subject to disbursement by the Librarian of Congress for the purposes specified: *Provided, however,* That the total of such principal sums at any time so held by the Treasurer under this authorization shall not exceed the sum of $5,000,000.

SEC. 3. The board shall have perpetual succession, with all the usual powers and obligations of a trustee, except as herein limited, in respect of all property, moneys, or securities which shall be conveyed, transferred, assigned, bequeathed, delivered, or paid over to it for the purposes above specified. The board may be sued in the Supreme Court of the District of Columbia, which is hereby given jurisdiction of such suits, for the purpose of enforcing the provisions of any trust accepted by it.

SEC. 4. Nothing in this act shall be construed as prohibiting or restricting the Librarian of Congress from accepting in the name of the United States gifts or bequests of money for immediate disbursement in the interest of the Library, its collections, or its service. Such gifts or bequests, after acceptance by the librarian, shall be paid by the donor or his representative to the Treasurer of the United States, whose receipts shall be their acquittance. The Treasurer of the United States shall enter them in a special account to the credit of the Library of Congress and subject to disbursement by the librarian for the purposes in each case specified.

SEC. 5. Gifts or bequests to or for the benefit of the Library of Congress, including those to the board, and the income therefrom, shall be exempt from all Federal taxes.

SEC. 6. Employees of the Library of Congress who perform special functions for the performance of which funds have been entrusted to the board or the librarian, or in connection with cooperative undertakings, in which the Library of Congress is engaged, shall not be subject to the proviso contained in the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, approved March 3, 1917, in Thirty-ninth Statutes at Large, at page 1106; nor shall any additional compensation so paid to such employees be construed as a double salary under the provisions of section 6 of the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917, as amended (39 Stat. L. p. 582).

SEC. 7. The board shall submit to the Congress an annual report of the moneys or securities received and held by it and of its operations.

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

RELIEF OF PERSONS IN THE MILITARY SERVICE OF UNITED STATES DURING WAR EMERGENCY PERIOD

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent that Calendar No. 749, to relieve persons in the military service of the United States during the war emergency period from claims of overpayment not involving fraud may be placed back on the calendar, one of the Members who objected having withdrawn his objection.

Mr. BRIGGS. Mr. Speaker, I withdraw my objection.

Mr. HUDDLESTON. I object to the bill being returned.

The SPEAKER. Objection is heard.

EXTENDING WAR FRAUD CASES

The next business on the Consent Calendar was the bill (S. 3913) to extend for an additional period of three years the effective period of the act entitled "An act to amend section 51 of chapter 4 of the Judicial Code," approved September 19, 1922, and an act entitled "An act to amend section 876 of the Revised Statutes," approved September 19, 1922.

The Clerk read the title of the bill.

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

Mr. WINGO. Mr. Speaker, reserving the right to object, the Department of Justice has agreed to accept an amendment of one year, which I understand the gentleman from Pennsylvania is going to offer.

Mr. GRAHAM. Mr. Speaker, that is correct.

Mr. WINGO. With that amendment there is no objection to the bill on this side of the House.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the last proviso of section 51 of the Judicial Code, as amended by the act entitled "An act to amend section 51 of chapter 4 of the Judicial Code," approved September 19, 1922, is amended to read as follows: *"Provided further,* That this act shall be effective for a period of six years after September 19, 1922, after which said section 51, chapter 4, as it exists in the present law shall be and remain in full force and effect."

SEC. 2. That the last paragraph of the act entitled "An act to amend section 876 of the Revised Statutes," approved September 19, 1922, is amended to read as follows:

"This amendment shall be effective for a period of six years after September 19, 1922, after which section 876 as it exists in the present law shall be and remain in full force and effect."

Mr. GRAHAM. Mr. Speaker, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. GRAHAM: Page 1, line 7, strike out the word "six" and insert in lieu thereof the word "four."

The amendment was agreed to, and the bill as amended was ordered to be read a third time, was read the third time, and passed.

EXCHANGE OF LANDS IN CUSTER NATIONAL FOREST, MONT.

The next business on the Consent Calendar was the bill (S. 3666) for the exchange of lands in the Custer National Forest, Mont.

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 lands of the United States within the Custer National Forest, Mont., which have been withdrawn or classified as coal lands or are valuable for coal, may be exchanged under the provisions of the act of March 20, 1922 (42 Stat. L. p. 465), with a reservation to the United States of the coal in such lands and of the right to prospect for, mine, and remove the same.

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

STATUS OF CERTAIN RETIRED OFFICERS, UNITED STATES ARMY

The next business on the Consent Calendar was the bill (H. R. 11546) to define the status of retired officers of the Regular Army who have been or may be detailed as professors and assistant professors of military science and tactics at educational institutions.

The Clerk read the title of the bill.

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

There was no objection.

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent to substitute for the House bill the Senate bill No. 2865, an identical bill.

The SPEAKER. The gentleman from Georgia asks unanimous consent to substitute an identical Senate bill. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the authority for detail of retired officers of the Regular Army contained in section 40b and section 55c of the national defense act of June 3, 1916, as amended by the act of June 4, 1920, shall, in either case, be construed to include authority to so detail retired officers of the Philippine Scouts.

SEC. 2. Duty performed by retired officers of the Regular Army and duty performed by retired officers of the Philippine Scouts pursuant to War Department orders issued under section 40b or section 55c, respectively, of said national defense act of June 3, 1916, as amended by the act of June 4, 1920, including in either case temporary duty for attendance on any course of preparatory instruction required by such order, shall be construed to be active duty for the purpose of increase of longevity pay of such retired officers within the meaning of the national defense act of June 3, 1916, as amended by the act of June 4, 1920, and the act of May 12, 1917, entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes," and the act of June 10, 1922, entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service."

SEC. 3. Duty heretofore performed by retired officers of the Philippine Scouts pursuant to War Department orders purporting to have been issued under section 40b or section 55c, respectively, of said national defense act of June 3, 1916, as amended by the act of June 4, 1920, including in either case temporary duty for attendance on any course of preparatory instruction required by such order, shall be construed to be active duty for the purpose of increase of longevity pay of such retired officers within the meaning of the aforesaid act of June 3, 1916, as amended by the act of June 4, 1920, and the aforesaid act of May 12, 1917, and the aforesaid act of June 10, 1922.

SEC. 4. Duty performed prior to July 1, 1922, by retired officers of the Regular Army and duty performed prior to June 10, 1922, by retired officers of the Philippine Scouts pursuant to War Department orders issued or purporting to have been issued under section 40b or section 55c, respectively, of said national defense act of June 3, 1916, as amended by the act of June 4, 1920, including in either case temporary duty for attendance on any course of preparatory instruction required by such order, shall be construed to be active duty for the purpose of promotion of such retired officers on the retired list within the meaning of the aforesaid act of June 3, 1916, as amended by the act of June 4, 1920, and the aforesaid act of June 10, 1922.

SEC. 5. Any administrative action heretofore taken by the War Department dependent for validity upon the above-mentioned constructions of the indicated statutes, or a like construction of any other statute authorizing the detail of retired officers of the Army to educational institutions, is hereby ratified and confirmed; and that any pay otherwise due to any retired officers of the Regular Army or the Philippine Scouts but heretofore withheld by reason of a construction of any of the indicated statutes inconsistent with those foregoing shall be considered due and payable.

Mr. REECE. Mr. Speaker, I offer the following amendment, which I send to the desk, to be added as a new section to the bill. The amendment consists of a bill which has already passed the House.

The SPEAKER. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 4, after line 4, add the following as a new section:

"That the act entitled 'An act for making further and more effectual provisions for the national defense, and for other purposes,' approved June 3, 1916, as amended by the national defense act of June 4, 1920, be further amended by inserting after the words 'per cent,' in line 27 of section 24 thereof, the following: '*Provided*, That any officer so appointed, who has been or may hereafter be retired for physical disability incident to the service, under the provisions of section 1251, Revised Statutes, shall receive, from the date of such retirement, retired pay at the rate of 75 per cent of his active pay at the time of such retirement: *Provided*, That no officer shall be retired for any cause unless the Secretary of War shall certify in writing that such officer is unable to render effective service in any branch or division of the Military Establishment.'"

Mr. McKENZIE. Mr. Speaker, I make the point of order against the amendment that it is not germane to the bill. The bill under consideration is a bill affecting the active duty of retired Army officers, while the proposed amendment is a proposition to change the retirement law now in force in the Army.

Mr. BEGG. And it incorporates additional branches of the service.

The SPEAKER. The Chair will hear the gentleman from Tennessee.

Mr. REECE. Mr. Speaker, this section and previous sections of the bill amend the act of June 4, 1920.

The SPEAKER. Does this amend the same section?

Mr. BEGG. No.

Mr. REECE. I am not quite sure whether it amends the same section of the act or not, but both have to do with the status of retired officers of the Regular Army.

The SPEAKER. The Chair thinks it very clear that the amendment is not germane, and the Chair sustains the point of order.

The question is on the third reading of the Senate bill.

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

The bill H. R. 11546, a similar bill, was ordered to lie on the table.

INDEPENDENT OFFICES APPROPRIATION BILL—CONFERENCE REPORT

Mr. WOOD. Mr. Speaker, I call up the conference report upon the bill (H. R. 11505) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1926, and for other purposes.

The SPEAKER. The gentleman from Indiana calls up a conference report upon the independent offices appropriation bill, which the Clerk will report.

The Clerk read the conference report.

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. 11505) making appropriations for the Executive office and sundry independent executive bureaus, boards, commissions, and offices, 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 amendment numbered 12.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 6, 7, 8, 9, 13, 14, and 15, and agree to the same.

Amendment numbered 3: 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: On page 7 of the bill, in line 7, strike out "$20,880" and insert in lieu thereof "$26,880" and the Senate 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: "$90,000, of which not to exceed $7,000 shall be available for printing the report of the American Historical Association"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 2, 5, and 11.

WILL R. WOOD,
EDWARD H. WASON,
JOHN N. SANDLIN,
Managers on the part of the House.

F. E. WARREN,
REED SMOOT,
W. L. JONES,
LEE S. OVERMAN,
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. 11505) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1926, and for other purposes, 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: Appropriates $50,000, as proposed by the Senate, for extraordinary repairs to and refurnishing the Executive Mansion, to be expended by contract or otherwise, as the President may determine.

On Nos. 3 and 4, relating to the Civil Service Commission: Appropriates $32,000, as proposed by the Senate, instead of $26,000, as proposed by the House, for the examination of presidential postmasters, and makes $26,880, as proposed by the Senate, instead of $20,880, as proposed by the House, available for personal services in the District of Columbia; and appropriates $24,592, as proposed by the Senate, instead of $21,875, as proposed by the House, for rent of the Civil Service Commission building.

On Nos. 6, 7, 8, 9, and 10, relating to the Smithsonian Institution: Makes $26,840, as proposed by the Senate, instead of $19,600, as proposed by the House, available for personal services in the District of Columbia in the appropriation for the astrophysical observatory; appropriates $77,560, as proposed by the Senate, instead of $74,560, as proposed by the House, for heating, lighting, electrical, telegraphic, and telephonic service for the National Museum, and makes $41,580, as proposed by the Senate, instead of $40,780, as proposed by the House, available for personal services in the District of Columbia; corrects a total in the bill; and appropriates $90,000, as proposed by the Senate, instead of $67,000, as proposed by the House, for printing and binding of the Smithsonian Institution, and makes $7,000 of this sum available for expenditure in the printing of the report of the American Historical Association.

On No. 12: Appropriates $9,500, as proposed by the House, instead of $13,500, as proposed by the Senate, for printing and binding for the Tariff Commission, and strikes out the language inserted by the Senate making $4,000 of the appropriation available for printing an edition of the Dictionary of Tariff Information.

On Nos. 13, 14, and 15, relating to the Emergency Fleet Corporation: Provides for seven employees for the Emergency Fleet Corporation who may receive compensation at a rate not exceeding $18,000 per annum, as proposed by the Senate, instead of five, as proposed by the House; and corrects the language of the bill.

The committee of conference have not agreed upon the following amendments of the Senate:

On No. 2, relating to the detail to the Civil Service Commission of one part-time employee in New York City.

On No. 5, relating to the amendment of paragraph 4 of section 1 of the interstate commerce act, making it unlawful for any carrier to charge or collect a surcharge for accommodations in parlor or sleeping cars.

On No. 11, relating to the participation of members of the Tariff Commission in any proceeding before that commission in which he or any member of his family has any special, direct, and pecuniary interest.

WILL R. WOOD,
EDWARD H. WASON,
JOHN N. SANDLIN,
Managers on the part of the House.

Mr. WOOD. Mr. Speaker, I move the adoption of the conference report.

Mr. OLDFIELD. Mr. Speaker, before that is done I have a question or two I want to ask the gentleman from Indiana. I notice on page 26 of the bill amendment No. 11 is with regard to the Tariff Commission. Do the lines from 6 to 13, inclusive, represent what the conferees have agreed upon?

Mr. WOOD. That is an amendment which was brought back to the House.

Mr. OLDFIELD. Does the gentleman expect to move to concur in amendment No. 11?

Mr. WOOD. Yes, with an amendment.

Mr. OLDFIELD. I want to concur in it without an amendment.

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:

Page 6, line 17, after the figures "$330,000," add the following:

"Except for one person detailed for part-time duty in the district office at New York City, no details from any executive department or independent establishment in the District of Columbia or elsewhere to the commission's central office in Washington or to any of its district offices shall be made during the fiscal year ending June 30, 1926; but this shall not affect the making of details for service as members of boards of examiners outside the immediate offices of the district secretaries. The Civil Service Commission shall have power in case of emergency to transfer or detail any of its employees herein provided for to or from its office or field force."

Mr. WOOD. Mr. Speaker, I move to recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Page 20, amendment No. 5: After line 6 insert:

"That paragraph (4) of section 1 of the interstate commerce act, as amended, is hereby amended by adding at the end thereof a new sentence to read as follows:

"'It shall be unlawful for any such carrier to demand, charge, or collect from any person for transportation, subject to the provisions of this act, in any parlor car or sleeping car, any fare in addition to that demanded, charged, or collected for transportation in a day coach, but this shall not prevent just and reasonable charges for the use of accommodations in parlor cars or sleeping cars by companies owning such cars.'"

Mr. WOOD. Mr. Speaker, I move that the House further insist upon its disagreement to the Senate amendment, No. 5.

Mr. BARKLEY. Mr. Speaker, I make a preferential motion. I move that the House recede and concur.

Mr. WOOD. Mr. Speaker, I move to divide the the question.

The SPEAKER. Without objection a division is made. The gentleman from Indiana is recognized.

Mr. OLDFIELD. How about time?

Mr. WOOD. I would like to agree upon time. Now is the time for us to agree upon time for discussing this proposition.

Mr. SANDLIN. What time would the gentleman suggest?

Mr. WOOD. I have been conversing with gentlemen both for and against the proposition, and the demands for time will consume about three hours. I ask unanimous consent that the debate upon this proposition be limited to three hours.

Mr. SANDLIN. How divided?

Mr. WOOD. One-half to be controlled by the gentleman from Louisiana and to be divided by him between those who are for and against, and the other half to be controlled by myself on this side, to be divided between those who are for and those against equally.

Mr. SANDLIN. Equally divided?

Mr. WOOD. Yes.

Mr. SANDLIN. That will be satisfactory to me.

The SPEAKER. The gentleman from Indiana asks unanimous consent that there be three hours of debate on this motion, that the time be divided, half to be controlled by the gentleman from Indiana and half by the gentleman from Louisiana, and each half to be divided equally between those for and against. Is there obection?

Mr. WINGO. Mr. Speaker, reserving the right to object, what is the necessity at this time when time is precious that there should be three hours debate on this proposition? It will not change a vote and every man in the House knows now how he will vote upon this proposition.

Mr. WOOD. So far as I am concerned I am willing to vote now. [Cries of "Vote!"]

The SPEAKER. Is there objection? [After a pause]. The Chair hears none.

Mr. WOOD. I yield 10 minutes to the gentleman from Kansas [Mr. HOCH.]

Mr. BEEDY. Mr. Speaker, a parliamentary inquiry?

The SPEAKER. The gentleman will state it.

Mr. BEEDY. I do not understand, and I do not think the House understood what the question is on which we are to vote.

The SPEAKER. The vote is on the question of receding from the House disagreement.

Mr. BEEDY. And the proposition to debate the proposition for three hours was abandoned?

The SPEAKER. No; that motion will come at the end of three hours.

Mr. HILL of Maryland. The question was divided?

The SPEAKER. Yes. The motion is simply to recede first.

Mr. CHINDBLOM. A parliamentary inquiry? Is this debate of three hours only on the question of receding?

The SPEAKER. It will be on the whole question.

Mr. WOOD. I yield 10 minutes to the gentleman from Kansas.

Mr. BEEDY. Is a motion in order at this time to proceed to vote on the conference report?

The SPEAKER. The House has just agreed to debate the question for three hours.

Mr. BEEDY. The House was in a position to agree to vote without wasting three hours.

The SPEAKER. That was suggested, but the House agreed to the three hours' debate unanimously.

Mr. BEEDY. I move to reconsider the vote.

The SPEAKER. The Chair does not think the gentleman can make that motion. The House agree to the motion unanimously.

Mr. BEEDY. Then I ask unanimous consent——

Mr. BLANTON. I object.

The SPEAKER. The gentleman from Kansas is recognized for 10 minutes.

Mr. HOCH. Mr. Speaker and gentlemen of the House, I appreciate the mood of the House and if you will give me your attention I will endeavor in a very few words to set out what seem to me to be the primary issues involved in this case. I shall take no time to refer to the criticisms which have been spoken in reference to the committee, for all committees are criticized at times, sometimes justly, and sometimes unjustly, and I believe that any man who will take the trouble to look into the facts will conclude that the criticism in this case is unjust. I want to devote myself entirely to the merits of this proposition. I want to state, in the first place, that there seems to be a considerable misapprehension in reference to when this surcharge was imposed. I have heard it frequently referred to here as a tax put on during the war. Now, it is true that there was a tax put on during the war, but this present surcharge has no relation to that tax and nothing to do with it. That tax was during the war for six months and removed in 1918, while this surcharge was put on by the Interstate Commerce Commission in 1920.

Mr. STEPHENS. Will the gentleman yield?

Mr. HOCH. Let me make my statement and then I will yield. In 1920 the commission had before it the whole matter of revenues affecting the railroads, and in the proceeding, which is known as Ex parte 74, or Increased rates, 1920, the commission determined upon a number of rate increases. In that proceeding the commission increased the basic passenger fare 20 per cent for the whole country—from 3 to 3.6 cents—which is still the fare throughout the country. In that same proceeding the commission increased by a flat horizontal increase all of the freight charges of the country from 25 per cent in some sections of the country to 40 per cent in other sections of the country.

In that same proceeding there was an increase of certain commodity rates, and in that very same proceeding the commission imposed, as a part of this general rate increase, this so-called surcharge upon passengers riding in Pullman cars. And so we have before us not a tax question, but we have simply a rate question.

Now, my friends, it seems to me there are two primary questions presented to us here upon which we are called to act. I have not the time to go into the various technical phases of this question, but I will say in passing that it is a very technical question, and other men here will perhaps go into the various technical phases of the matter.

But I think the issues before us as a legislative body to-day are comparatively simple. They are two, namely, first, Is it wise for the Congress to enter upon a policy of direct, specific, railroad rate making? That is the fundamental question presented to us. The second question is this: If we are, as a legislative body, to enter upon a policy of direct rate making, would we want, if we had the whole matter before us, to go into these increases made in 1920 and give from $35,000,000 to $40,000,000 relief to the people who ride in Pullman cars and give not a dollar of relief to anybody else who is burdened by freight or other rates in this country? In my opinion, there can only be one answer to both questions.

Now, it has been said that this is not a rate-making measure.

Mr. CONNALLY of Texas. Mr. Speaker, will the gentleman yield?

Mr. HOCH. In a moment I will yield, if I have time. It is claimed that it is not a rate question. There is nothing in the hearing before the Interstate Commerce Commission to justify any such conclusion. When this extra rate, which amounts to about 10 per cent of the basic passenger fare, was imposed in 1920 the commission considered it a rate question, and always considered it to be a rate question. The Interstate Commerce Commission recently decided, after more than a year's investigation into this highly technical question, against at this time removing this surcharge. It is a simple rate question.

Now, let us consider very seriously what it would mean for us to embark upon a policy of specific rate making. Here we have set up a great commission to deal with the whole technical subject. There is none more complex before the Government. That commission is provided with facilities and expert help to go into a question of that sort. But here it is proposed, without those facilities and without that hearing, that Congress shall make an invasion into this domain of rate making and make a sole reduction for the benefit of people who travel in Pullman cars. If we enter upon that sort of policy, we can not consistently say to any other dissatisfied interest which may be dissatisfied with some other decision of the Interstate Commerce Commission or with any existing rates, we can not say to them when they come to us, "No; that is a matter for the Interstate Commerce Commission to determine." And if we establish the policy here proposed, we will have, my friends, railroad rate making not based upon facts, not based upon judicial hearings, but rate making based upon propaganda and politics. Do we propose, my friends, to enter upon that course?

Mr. CONNALLY of Texas. Mr. Speaker, will the gentleman yield there?

Mr. HOCH. Not quite yet.

So much for my first proposition. The second proposition is, assuming that we are to enter upon a rate-making policy by direct legislation, is it the desire of this Congress that we shall look with such preferential favor upon those who ride in Pullman cars? Every man that I speak to now knows, and especially my colleagues from the section of country from which I come know, of the burden of freight rates. You say, "This can be done without interfering with the general revision of freight rates." Gentlemen, we can not deceive ourselves about that. Can anyone contend that we can take from $35,000,000 to $40,000,000 from the railroads without affecting freight problems before the commission?

We have now before the Interstate Commerce Commission, for instance, nearing its conclusion, a hearing upon the livestock rates. I need not take time to tell you about the deplorable condition of the livestock industry, where the freight burden is unusually heavy. Its freight burden should be lessened. The need is urgent. Suppose we were to take $40,000,000 off the revenues of the railroads to-day, now imposed upon people who travel in Pullman cars——

Mr. CONNALLY of Texas. Mr. Speaker, may I interrupt the gentleman now?

Mr. HOCH. In a moment.

We may very well have a situation where the Interstate Commerce Commission would say, "We might have been able to give some relief in this livestock case, but Congress has entered this field and taken away $35,000,000 to $40,000,000 from the railroads, and we very greatly regret the fact that we can not grant relief to the livestock industry."

Mr. CONNALLY of Texas. Will the gentleman guarantee that if the House refuses this relief the commission will reduce the rates on livestock? Can the gentleman answer that?

Mr. HOCH. I will answer that question. If we take $40,000,000 of revenue away from the railroads and give it all to Pullman travelers, we shall have inevitably postponed and lessened relief to the livestock and other farm interests. [Applause.]

If the railroads can stand a reduction of $40,000,000, then let us give it to those classes who are in most urgent need of a reduction, and not give it all to the favored few who ride in Pullman cars. [Applause.]

The SPEAKER. The time of the gentleman from Kansas has expired.

Mr. SANDLIN. Mr. Speaker, I yield 45 minutes to the gentleman from Kentucky [Mr. BARKLEY].

Mr. BARKLEY. Mr. Speaker, I do not want to use all of that time myself, but I am to have control of it. I yield five minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. The conference report on the independent offices appropriation bill for 1926 asks the House to reject the Senate amendment relating to the amendment of paragraph 4, section 1, interstate commerce act, making it unlawful for any carrier to charge or collect a surcharge for accommodations in parlor or sleeping cars. The House must squarely vote on the question whether we want the Pullman surcharge of 50 per cent on Pullman rates, which the Pullman Co. collects and turns back to the railroads, to remain in effect or whether we want it repealed. The words of the amendment are as follows:

> It shall be unlawful for any such carrier to demand, charge, or collect from any person for transportation, subject to the provisions of this act, in any parlor car or sleeping car, any fare in addition to that demanded, charged, or collected for transportation in a day coach, but this shall not prevent just and reasonable charges for the use of accommodations in parlor cars or sleeping cars by companies owning such cars.

This matter was previously considered by the Interstate Commerce Commission (No. 14785, in the matter of charges for passenger traveling in sleeping and parlor cars; submitted November 24, 1924; decided January 26, 1925). The commission by a peculiar vote of its 11 members sustained the surcharge. Five voted to sustain, four voted to repeal, and two decided that the charge was unjustified to the extent of one-half the amount. It really is a verdict against the surcharge to the extent of one-half. Technically it is a majority opinion in favor of not disturbing the present arrangement.

The decision is most unjust to both sides. It resolves itself into a stalemate. The matter is now up to Congress, therefore, as a sort of appellate court where we shall either affirm or reverse the decision, as it were, of the Interstate Commerce Commission.

1. It is argued by the gentleman from Kansas [Mr. HOCH] and others that if Congress sustains this appeal Congress will then be going into the business of making railroad rates. It is argued that we created the Interstate Commerce Commission with administrative and judicial powers to go into all the facts and circumstances attendant upon rate making and that we did this because Congress had neither the time, inclination, nor the proper facilities for hearing and determining matters appertaining to charges and rates. With all that I quite agree, but this is not a proposition of rate making. It is a question of fixing a policy or principle, in pursuance of which the commission shall hereafter act. The amendment states that the Interstate Commerce Commission shall no longer have the authority to superimpose upon an established rate any additional charge for Pullman car accommodations.

Furthermore, this supercharge is really a tax and not a rate. The idea of this supercharge harks back to the time of the war in 1918 when the Director General of Railroads (see opinion of Interstate Commerce Commission ex parte 74, in the matter of the applications of carriers in official, southern, and western classification territories for authority to increase rates, 1920, vol. 58, I. C. C. Reports, p. 241) on June 10, 1918, ordered a tax of one-half a cent per mile for Pullman service. The primary purpose of the Director General in setting this tax was to discourage travel. The purpose was to make riding on Pullman cars prohibitive because of the tax. All possible car space was to be used for mobilization purposes. Because of the howl and hue and cry all over the country the tax was repealed on December 1, 1918, after less than six months duration.

This tax was never heard of again until 1920 when the railroads made their general application for increased rates on practically all the kinds of service. Hearings were thereupon had and were about terminated when the Railway Labor Board issued its order increasing railroad labor costs over a half a billion of dollars. The railroads then talked the Interstate Commerce Commission into imposing a tax or surcharge of 50 per cent of the cost of Pullman service, which charge or tax was to be collected by the Pullman Co. and turned over to the railroads. There were no exhaustive hearings on this proposition and little or no deliberation.

The Interstate Commerce Commission had to find a source of revenue and permitted the reinstitution of this Pullman surtax. It was to be of temporary expediency. (See opinion of Interstate Commerce Commission ex parte 74, in the matter of increased rates, vol. 58 I. C. C. Reports, p. 245.) It was to be impermanent, for the duration of the period during which the high labor costs would have to be paid. The commission did not take into consideration actual railroad costs, including overhead, maintenance of way, salaries, interest on investment, and all other costs of operation, in determining this 50 per cent Pullman surtax. It just hit upon a flat tax. Ordinarily when the commission fixes a rate for milk or for railway-mail pay or for express or for any other service it definitely assigns or allocates to that part of the service the expenses reasonably incident to that service. There was no such application of expense incident to the Pullman surcharge. We are not, therefore, engaging upon an enterprise of fixing a rate; we are, more properly speaking, engaged in repealing a tax imposed temporarily, because of conditions which no longer obtain. It is interesting in this connection to note that from 1920 to 1924 the operating revenues of the carriers increased something like $181,000,000, while during the same period the gross operating expenses decreased something like $866,000,000. It is undeniable that the Pullman surtax was imposed primarily because of increase in wages granted by the labor board.

> If there had been no decrease in railroad wages, or in other expenses making up the gross expenses of operating the roads, there might be some weight to the contention that the carriers need this revenue to meet the increases still in effect. But since the decision of the labor board in 1920, the same board, through its various decisions, has brought about a reduction in railroad labor wages of approximately $575,000,000, or more than the increases granted in 1920 upon which this surcharge and other increased rates were based.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. BARKLEY. Mr. Speaker, I yield the gentleman five minutes more.

Mr. CELLER. I thank the gentleman.

Mr. HUDSPETH. Will the gentleman yield for a brief question?

Mr. CELLER. Yes.

Mr. HUDSPETH. What per cent of this surcharge, or of the $40,000,000, do the railroads get? I want to get that clear.

Mr. CELLER. All of it; they get all of this amount.

The Interstate Commerce Commission in its decision, attached Appendix B, wherein it is conclusively shown that of the $37,490,869 raised by surtax in 1923 more than half thereof, or $19,089,564, went to those great railroads earning over 5 per cent on their book values. I herewith insert this appendix:

APPENDIX B

Rate of return and surcharge collections of class I roads having sleeping or parlor car service and earning over 5 per cent on their book values in 1923

Name of road	Book value, 1923	Net railway operating income, 1923	Rate of return on book value, 1923	Sleeping and parlor car surcharge collections, 1923
			Per cent	
Detroit, Grand Haven & Milwaukee	$8,833,912	$646,654	7.32	$13,100
Michigan Central	176,281,254	19,388,175	11.00	904,951
New York Central	1,169,916,004	70,667,192	6.04	4,135,789
Pittsburgh & Lake Erie	96,819,040	15,574,595	16.09	38,749
Cleveland, Cincinnati, Chicago & St. Louis	255,076,532	16,691,901	6.54	712,468
Philadelphia & Reading	224,547,213	21,813,109	9.71	72,500
Chesapeake & Ohio	321,907,452	19,135,359	5.94	321,902
Norfolk & Western	336,326,515	19,877,677	5.91	237,572
Richmond, Fredericksburg & Potomac	25,803,310	2,811,335	10.90	187,956
Alabama & Vicksburg	6,995,350	554,723	7.93	15,004
Alabama Great Southern	30,209,043	2,469,543	8.17	68,017
Atlanta & West Point	5,283,841	345,712	6.54	29,429
Atlantic Coast Line	225,972,920	15,496,609	6.86	736,445
Cincinnati, New Orleans & Texas Pacific	56,047,359	4,856,706	8.67	152,891
Georgia Railroad	13,989,113	1,193,095	8.53	35,931
Louisville, Henderson & St. Louis	9,585,008	589,999	6.16	23,929
Northern Alabama	4,415,475	308,171	6.98	32
Tennessee Central	5,324,147	366,926	6.89	7,739
Western Railway of Alabama	7,178,089	505,889	7.05	39,153
Duluth, Missabe & Northern	47,634,369	10,632,786	22.32	798
Fort Worth & Denver City	30,418,296	2,877,039	9.46	73,923
Union Pacific	387,286,045	28,844,300	7.45	1,115,842
Beaumont, Sour Lake & Western	3,379,409	362,274	10.72	8,283
Gulf, Colorado & Santa Fe	61,082,942	3,963,151	6.49	105,510
Louisiana & Arkansas	13,482,045	850,188	6.31	81
Louisiana Western	10,114,219	932,136	9.22	45,684
New Orleans, Texas & Mexico	18,613,886	1,176,275	6.32	12,060
St. Louis, Brownsville & Mexico	16,568,842	1,905,563	11.50	38,585
St. Louis Southwestern	79,527,914	6,111,138	7.68	29,052
Texarkana & Fort Smith	4,906,527	854,269	17.41	4,854
Vicksburg, Shreveport & Pacific	10,103,160	690,832	6.84	16,820
Wichita Valley	6,033,384	398,106	6.60	1,714
Bangor & Aroostook	31,637,327	1,712,074	5.41	7,266
Delaware & Hudson	120,730,077	6,512,344	5.39	97,344
Delaware, Lackawanna & Western	239,455,375	13,443,543	5.61	248,488
Monongahela	18,038,287	915,772	5.08	2,928
New York, Chicago & St. Louis	182,096,826	9,198,854	5.05	43,528
Pere Marquette	132,012,752	7,086,372	5.37	121,709
Baltimore & Ohio	767,692,447	42,133,130	5.49	906,385
Buffalo & Susquehanna	11,071,602	564,699	5.10	19
Chicago, Indianapolis & Louisville	46,083,572	2,353,034	5.11	129,528
Virginian	122,727,076	5,872,092	5.02	5,266
Florida East Coast	60,867,811	3,165,911	5.20	262,683
Illinois Central	469,324,829	22,906,244	5.65	726,935
Louisville & Nashville	374,031,933	20,673,143	5.53	725,267
Mobile & Ohio	49,420,267	2,695,009	5.45	22,698
Southern Railway	532,521,275	28,128,137	5.28	1,209,894
Duluth & Iron Range	30,848,074	1,758,480	5.70	376
Great Northern	478,399,304	24,731,992	5.17	401,121
Atchison, Topeka & Santa Fe	786,527,018	40,815,194	5.19	2,660,740
Southern Pacific (Pacific system)	884,979,271	45,412,504	5.13	2,258,582
International-Great Northern	42,221,673	2,176,504	5.15	72,044
Total				19,089,564

This conclusively shows that this surcharge is intended for the benefit of the larger railroads that yield the greatest dividends. It also proves that the surcharge benefits those railroads who do not need this advantage. I am informed by officials of the Interstate Commerce Commission that the dividend yield in the above quotations are really higher than indicated. The book values of the company are always higher than the values determined upon by the Interstate Commerce Commission. In general, using the valuations of the commission, at least one-half of 1 full per cent can be added to the dividend yield indicated in the above figures. Note that the Michigan Central, which has a dividend yield of 11 per cent on its own valuation, receives almost $1,000,000 of this surcharge. The Union Pacific, which on its own valuation yields 7.45 per cent dividend, received over $1,000,000 of this surcharge. The New York Central, which yields on its own valuation 6.04 per cent dividends, received over $4,100,000 of the surcharge.

Furthermore, I am informed by Examiner Keeler, Statistician Lorenz, and Commissioner Campbell, of the Interstate Commerce Commission, that in addition the above railroads receive from the Pullman Co. approximately $12,000,000 for the services the Pullman Co. renders them. Thus these powerful roads who do not need this surcharge receive not only $19,089,564 as their share out of the surcharge fund, but also $12,000,000 more per annum.

Mr. WELLER. Will the gentleman yield?

Mr. CELLER. Yes.

Mr. WELLER. Is the gentleman familiar with the provision of the interstate commerce act which provides that the commission shall have reasonable latitude in modifying or adjusting any particular rate which it may find to be unjust or unreasonable and to prescribe different rates for different sections of the country?

Mr. CELLER. I am very familiar with that provision, but what of it?

In a great many instances the smaller roads in their contracts with the Pullman Co. are compelled to pay the Pullman Co. before the Pullman Co. will allow the said smaller roads the use of the Pullman cars. In such cases the surcharge or a good portion of it does not go to the railroad company, but really goes to the Pullman Co.

The whole purpose of the surcharge in such instances is practically defeated. It is true that a number of the railroad companies have made disadvantageous contracts with the Pullman Co., and, therefore, in order to recoup the losses sustained as a result of improvident contracts, agitate against the repeal of this surcharge. There are all manners and kinds of contracts and arrangements existing between the Pullman Co. and the various railroads. For example, the Baltimore & Ohio Railroad in 1922 received no revenue from the Pullman Co., whereas in 1923 it received less than $500 per car per annum, while its chief competitor, the Pennsylvania Railroad, received for each of those years $2,500 per car per annum. The reason for the discrepancy is found in the fact that the Baltimore & Ohio had a much less favorable contract than its formidable competitor, the Pennsylvania Railroad.

It is earnestly desired that the Interstate Commerce Commission insist upon greater uniformity in the contracts between the Pullman Co. and the railroads. There is no good reason why, for example, the Southern Pacific should only participate in the Pullman earnings after the earnings average $7,250 per car per annum, whereas on the Santa Fe there is no participation by the railroad until the average exceeds $9,000 per car per annum.

3. Under the provisions of the Interstate Commerce Commission act there is due the United States each year under the "recapture clause" one-half of the net railroad operating income in excess of 6 per cent. In a publication known as the "Recapture Clause," printed by the Senate, Sixty-eighth Congress, second session, there is contained a communication by Doctor Lorenz, statistician of the Interstate Commerce Commission, addressed to the chairman of the Interstate Commerce Commission, dated December 19, 1924, which indicates the following figures as estimates of the amount of earnings subject to recapture by the Government:

1920	$5,568,000
1921	12,500,000
1922	15,000,000
1923	36,000,000
Total	69,068,000

The figures for 1924, which are not included in this communication, are about $37,000,000.

This would make a total of $105,068,000 for the entire period 1920 to 1924, inclusive, subject to recapture. This $105,068,000 is but half of the net railroad operating income in excess of 6 per cent for class 1 railroads. The full amount in excess would be twice that sum, or $210,136,000. During that same period the same railroads received $185,000,000 as Pullman surcharges (using $37,000,000 as average per annum). Thus if there had been no surcharge these same railroads would have probably earned as net railroad operating income in excess of 6 per cent the difference between $210,136,000 and $185,000,000. Surely the roads therefore would not need this surcharge since the net railroad operating income in excess of 6 per cent was over $25,000,000 beyond the total amount of the surcharge.

It is passing strange that the proponents of this surtax are using arguments appealing to class prejudice. Usually railroad owners wince and complain bitterly when class bias is directed against them. The railroads argue that only the wealthy use Pullman service. They can well afford to pay the extra charge. Since when do we charge for service in proportion to the ability of the passenger to pay? Since when do we subscribe to the proposition of charging what the traffic will bear? Shall we hereafter require from each passenger desiring to use a Pullman sleeper a copy of his income-tax return, if he has filed one, in order that a proper charge may be fixed? I shall not discriminate against Pullman riders even if it were true that only the wealthy ride in Pullman sleepers and parlor cars. I know and all of the Members of this House know, Mr. Speaker, that poor men also travel on Pullman cars at night.

Farmers, merchants, and thousands of commercial travelers—all of whom are in the main far from opulent—must travel at times across great distances in Pullman sleepers in their various callings and for a myriad of purposes.

Yesterday I received a communication from the Railroad Owners' Associaton's executive committee, stating in part, as follows:

> According to our reports 75 per cent of the Pullman receipts of the Delaware & Hudson Railroad are derived from the week-end Montreal traffic, in which place many thousands of wealthy Americans are accustomed to spend one or two days each week in order that they may enjoy relaxation from the restrictions of the prohibition law.

I call this specious argument. It is also brazen effrontery. It is an appeal to the avowed prohibitionists in Congress. Is it not assinine, though, to contend that because a few journey on Pullmans to the land where the Wurzburger flows that the many thousands of users of Pullman service must be taxed. I wonder how many railroad officials and owners of railroad securities make the periodic hegira to Canada to get their rye and scotch and other delectable refreshments. It is interesting to note that recently the private car of a railroad vice president was seized in New York because it contained a quantity of contraband liquor.

5. If the Pullman rates are insufficient in amount let a separate application be made before the commission to increase them. Nobody would complain at that. It is, however, a rank subterfuge to charge the passenger his regular railroad transportation and then his regular Pullman fare and then superimpose upon those two charges an additional 50 per cent of the amount of the Pullman fare. In 1920 the regular transportation rate was increased from three cents to 3.6. The Pullman fare was increased 20 per cent. Now in addition you make the passenger pay 50 per cent of his Pullman fare which had heretofore been increased 20 per cent. In other words he pays his 50 per cent surcharge not only on the normal Pullman fare but also on the Pullman increase. Furthermore it is estimated that Pullman riders ride ten times as far as ordinary passengers and it is also estimated that 40 per cent of the regular passenger fares are paid also by the Pullman riders. They, therefore, deserve better treatment than they receive.

In conclusion let me quote from the opinion of Commissioner Campbell in his dissent from the majority opinion in the case before the Interstate Commerce Commission:

> Although it is shown that, as compared with coach traffic, there is little in the record to justify the surcharge either from the standpoint of revenue or operating expense, there are additional reasons why in my judgment it should be discontinued. These are as follows: (1) Because it accrues principally to those roads which are receiving relatively the heaviest divisions of the Pullman charges proper; (2) because a large part of the $37,000,000 collected in 1923 accrued to lines which earned in excess of the return contemplated by the interstate commerce act; (3) because it is unfair as an extra charge against passengers using principally the lanes of travel of greatest traffic destiny, when, under the system of making passenger fares in this country, a practically uniform fare is charged for both the sparse and dense lanes of travel; and (4) because it is illogical to permit railroads to collect a separate charge for an alleged extra service, which is not shown to exist, the regular fare being collected for the transportation of the passenger and the Pullman fare for the extra conveniences afforded.

Mr. WOOD. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. COOPER].

Mr. COOPER of Ohio. Mr. Speaker, the effect of the adoption of the amendment which is now before the House for consideration, would be to withdraw about $37,000,000 from the annual net revenue of the railroads of the country. This would affect not only the roads which are making the standard return of 6 per cent, but it would also affect the less prosperous roads which are not now making the standard return. While this is an important question which is involved in the consideration of this amendment, yet to my mind there is another question involved which is of greater importance. It is the question as to whether or not in the future to come the power of Government regulation of railroad rate making is to be exercised by the Interstate Commerce Commission, who have the time and opportunity to inform itself before acting, and with a knowledge gained by long experience to guide them, or is Government regulation of railroad rate making to be exercised by direct action of Congress, which is not in any way qualified to pass upon the difficult and intricate problem of railroad rate making.

Again, it is important in this connection, to consider what will be the effect on the public if Congress passes legislation of this character. There are many different organizations and groups in our country to-day which maintain that the railroad rates which they have to pay are too high. They would like to secure reductions. Of course, if Congress passes a law reducing the passenger rates on Pullman-car travel, other classes who want reductions will insist that Congress act to relieve them from what they believe to be excessive rates. Again, if the House adopts this amendment which we now have before us it will be a radical departure from the existing methods of railroad regulation which has been in effect for many years, and brings Congress into the field of direct rate making, which I must confess Congress knows very little about.

Congress has delegated the rate-making power to the Interstate Commerce Commission. This is clearly revealed by the fact that not only have the duties and responsibilities of that commission been specifically increased from time to time, but also the tenure of office has been lengthened and the membership has been increased. To-day the commission represents an expert and experienced body of men equipped with facilities for investigation, for carrying on hearings, and for a thorough analysis of facts and details with respect to the many complicated questions that are referred to them.

A brief outline of their activities will reveal clearly the importance and the complexity of the economic problems which they face. Among the chief problems which the commission has to handle are the following:

1. The questions relating to the liquidation of Government operation of railroads.
2. The problems involved in the consolidation of railroads into systems, the coordination of rail-and-water routes, division of joint rates, control of extensions, and abandonments of line.
3. The problem of maintaining reasonable rates, adequate facilities, establishing proper classifications, and supervising the practice with respect to these questions.
4. The problems involved in contingent activities, such as the valuation of railroad property, the authorization of security issues, the standardization of accounts, the collection and analysis of statistics, and the making of special investigations as special problems arise.
5. The promotion of safety of employees, passengers, and property.

It would appear that Congress has wisely left more and more to the discretion and judgment of this experienced and informed administrative body. This is particularly true with regard to rate adjustments. In the complicated rate system of the country it is not possible to select and isolate a single rate and deal with it without disturbing a great part, if not the entire, rate system of the country. Rate adjustments today demand a comprehensive survey of rates and economic conditions as they exist throughout the country. Congress has neither the facilities, the accumulated and organized information, the experience, nor the time to make proper investigations required for a wise and sound solution of rate problems.

Since Congress has determined the guiding principles under which the commission is to determine just and reasonable rates, it would certainly be most demoralizing to that administrative body if Congress should overrule a decision of the commission, which had been arrived at after thorough and long-continued investigation and which had been made in accordance with the guiding principles established by Congress.

Again, it has been recognized that the determination of an individual rate by an act of legislature would practically result in "freezing" that rate into the rate system of the country. Direct legislative action, with respect to rates, means an inflexible and frozen rate system.

It has never been seriously suggested that the Congress, which by legal enactment created an administrative body such as the commission, should later act in the character of an appellate court from that commission.

If Congress should break away from its traditional attitude and undertake to specify individual rates or rate adjustments, nothing would more quickly undermine and destroy the financial and credit position of the carriers in the money market.

This fact undoubtedly has been one of the convincing arguments which have led Congress to rely upon its duly constituted administrative body and to supply that administrative body with the facilities and the personnel to carry on its regulative duty.

I have given a great deal of thought and careful consideration to this question. It may be that there are some grounds for seeking the removal of the surcharge, but I am convinced that it would be unwise for Congress at this time to embark

upon the difficult and intricate problem of railroad rate making. Therefore I can not support this amendment, which proposes to wipe out the Pullman surcharge by direct action of Congress.

Mr. BARKLEY. Mr. Speaker, I yield five minutes to the gentleman from Arkansas [Mr. OLDFIELD].

Mr. OLDFIELD. Mr. Speaker, we hear a good deal in these speeches about rate making by Congress. Judge TUCKER, of Virginia, just made the suggestion to me before I rose to speak that he does not think the Congress ever intended to have the Interstate Commerce Commission make superrates. So I dare say that Congress had no notion of permitting the Interstate Commerce Commission to write these supersurcharges on Pullman fares or anything else.

We are in this situation, gentlemen: The Interstate Commerce Commission has failed to function on this question. Only 5 of the 11 members of the commission have said in this decision that the surcharge on Pullman fares is proper.

Mr. BURTNESS. Will the gentleman yield?

Mr. OLDFIELD. Four of them said it was improper and two of them said it ought to be cut in half, and therefore a majority of the commission has failed and refused to function on this proposition.

Mr. BURTNESS. Will the gentleman yield now?

Mr. OLDFIELD. I can not yield. I have only five minutes.

I think the Congress made a mistake in 1920 when they wrote the transportation act. I think the railroads themselves had more to do with writing the transportation act than anybody else, and they have now a powerful lobby throughout this country trying to defeat this proposition. They are having everybody telegraphed to. They are appointing people as railroad doctors, railroad lawyers, railroad bondsmen, and they are getting everybody they can to see the chambers of commerce as well as some of the leaders of the farm organizations.

The gentleman from Kansas [Mr. HOCH] says if you do this there will be no chance to get any reduction in freight rates. If you leave it to the Committee on Interstate and Foreign Commerce of this House, of which Mr. HOCH is a member, you will never get any reduction, and if you leave it to the Interstate Commerce Commission you will never get any sort of reduction, and everybody in this House knows it, so why talk that kind of "bunk."

I heard the gentleman from Kansas [Mr. TINCHER] say the other day, "Oh, wait until they operate under the Hoch resolution." Hoch resolution! My goodness, the Hoch resolution does not do anything but authorize the Interstate Commerce Commission to do now what they already have the right and the power to do.

Thirty-seven million dollars will be lost to the railroads, $20,000,000 of which is not needed by the railroads that lose it. There is no question about that. Interstate Commerce Commissioner Campbell was sent by the Interstate Commerce Commission all over the country to make this investigation. He took his experts and went to the various railroads, and went all over the country and made a thorough investigation, and when he came back and reported to the Interstate Commerce Commission they did not back him up and they have had a dog fall. They do not even have a majority against repealing the surcharge.

As to $17,000,000 out of this $37,000,000, Mr. Campbell, in his decision, here states that that amount is largely gobbled up by the contracts of the Pullman companies with the weaker railroads. They make their contracts with the weaker railroads on one basis and they make their contracts with the big railroads on an entirely different basis, and yet you say we ought not to take off this surcharge because only 4 per cent of the people use the Pullmans. Somebody has said and will say again here to-day that Pullman riding is de luxe riding. Silly argument! Everybody in this country when they travel, or when they do not travel, has the right to have some place to sleep, and they have the right to have this at a reasonable charge. The idea of charging a man 50 per cent extra for no service on earth. No one will say in this debate that they are giving any additional service for this 50 per cent. They do not even claim that. They simply say, "Oh, we do not want to have the Congress do any rate making"; yet the Interstate Commerce Commission will not do the rate making. They have failed and refused. They can not even get a majority on either side of this proposition; and I hope the membership of this House will vote to remove this surcharge. [Applause.]

Mr. WOOD. Mr. Speaker, I yield 10 minutes to the gentleman from Nebraska [Mr. MCLAUGHLIN].

Mr. MCLAUGHLIN of Nebraska. Mr. Speaker and gentlemen of the House, as has been stated before, the chief contention of those who are opposed to the recommendation of this surcharge is, first, that it might lead Congress into the field of rate making, and second, that if you remove this $37,000,000 to $40,000,000 income from the carriers you will have to put it on somewhere else and that it will be impossible for you to get a reduction of freight rates on that account.

I wish to submit first, gentlemen, that we can not reasonably contend that the removal of this surcharge, whereby we establish the principle that it is wrong for our rate-making body to tack onto one part of the railroad service in order to give it back to another one, we lay down the theory to them that we do not believe in that sort of a subterfuge. We are not going into the field of rate making. We have no notion of going into the field of rate making. As the gentleman from New York said awhile ago, when near the close of the hearings in 1920, the Railroad Labor Board brought in a report that the rates would have to be increased $618,000,000 over what they had been before, the commission reached over in order to get a little more, without doing it in a scientific way, and adopted the surcharge on Pullman passengers and instructing the Pullman Co. to give it back to the railroads.

One of the errors that has been placed in the report of the committee, as was also shown in a letter that came out from a corporation in the District of Columbia, whose sole purpose it is to spread propaganda at the proper time, when railroad legislation is under consideration, says that only 3 per cent of the passengers of the railroads are Pullman passengers. The fact is that the fare paid and the miles traveled is 40 per cent instead of 3 or 4 per cent.

I was talking yesterday to one of the commissioners of the Interstate Commerce Commission, and he told me that in 1922, when they had up the question of the reduction of freight rates, the railroads came before the commission and made the plea that if the freight rates were reduced at all anywhere along the line it would ruin the roads; that they could not stand it. This commissioner told them that if the rates were reduced he was satisfied that the increase in tonnage would be more than enough by increase in the volume of business to make up for the revenue they lost. He told me that the record shows that the income to the railroads has been vastly more than they have before.

Mr. HAWES. Will the gentleman put the name of that commissioner in the RECORD?

Mr. MCLAUGHLIN of Nebraska. It was Mr. Cox. At the last session of Congress we passed a bill requiring the railroads to issue interchangeable mileage books for the convenience of busy passengers. That was a mandate of Congress. Have they done it? No. They fought it, as they fight every effort of Congress or the commission or everybody else to get a reduction in cost or an increased service.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. MCLAUGHLIN of Nebraska. Yes.

Mr. NEWTON of Minnesota. Did not the Supreme Court of the United States sustain them in their suit?

Mr. MCLAUGHLIN of Nebraska. Oh, yes; probably as Congress may do in this case. I hear some of my colleagues say that there has been such a large number of letters and telegrams coming from organizations of various kinds for the past few days that some of those who were very strongly in favor of repealing the surcharge, who were against the principle of rate making, find themselves in grave doubt as to what they are going to do. I began to get telegrams after the hasty hearing was called on this subject a few days ago from organizations, chambers of commerce, and bankers, and I wrote back to them telling them why I was in favor of a repeal of the surcharge. I stated to them that undoubtedly they had been making a study of it and that they could likely give me information; that maybe I was wrong and they could set me right. One of my friends wrote back and said that the railroad station agent had requested him to write, and that a representative of the railroad went through the town and asked them to write letters and send telegrams against this repeal. He said that undoubtedly I knew more about the subject than he did and to go ahead and use my own judgment.

I know that last spring, when bills were introduced for amendment of the transportation act, I began to get letters and telegrams systematically all down the line—all of the same kind. You got them by the hundreds, of course. They were all of the same tenor, namely, that they did not believe it advisable at this time to make any change in the Esch-Cummins Act. I wrote to them and stated why I believed there should be one or two changes and invariably when the answer came they said they knew nothing about it, that a representative of the railroad had gone through the town, and asked them as a personal favor to send the letter or telegram.

As a result of this propaganda, which is small when it comes to a comparison, I have received perhaps 100 telegrams from my district, where there are around 40,000 voters. On that basis that would be one-fourth of 1 per cent that seem to be interested in this, and that one-fourth of 1 per cent have been asked by the railroads to send in their telegrams. On a national basis that would be 250,000 telegrams coming in to Members of this House, about 500 each, which would mean one-fourth of 1 per cent of the population of the United States.

Mr. HASTINGS. Mr. Speaker, will the gentleman permit me to supplement what he says by stating further that if he investigated, he would find that nearly all those telegrams and letters were already prepared for the people to send, and the telegraphic charges were paid for them.

Mr. McLAUGHLIN of Nebraska. I am aware that the gentleman has stated a fact. The gentleman has stated the truth. These gentlemen to whom I wrote, and who wrote back and told me that they had no interest in it at all and knew nothing about it, were simply telegraphing at the request of somebody else. The question in my mind is this: Can members of a body like this, who, to all intents and purposes seemed two or three weeks ago to have their minds made up as to what they believed was right and wrong in this proposition, afford as a result of propaganda of this kind to turn face about? I know men here who are fighting this repeal of the Pullman surcharge who a year ago introduced bills to repeal it. How they can turn such complete somersaults I do not quite understand.

With reference to the contention that if this $37,000,000 is taken from the railroads we shall be unable to reduce freight rates, because it will have to immediately make up that loss from some other source, we have shown, and this is a matter of record, that the decrease in operating expenses of the railroads since 1920 is around a billion dollars in round figures, and their increase in operating receipts is almost a billion dollars. Then they come right back to you, and seem to be serious when they say that if you take away this petty $37,000,000 from that almost billion dollars increase in revenue, you never can reduce freight rates to the farmers. Oh, I have heard this. What do these railroad operatives and magnates say to the farmer when he comes to them for a reduction in freight rates. They say that they have thousands of widows and orphans who hold their stock, and that they have got to live on the income from that stock, and if you make a reduction in the rates they can not pay these stockholders a satisfactory amount of interest on which to live, and they make the plea to the farmer that they are doing a favor to the widows and orphans when they refuse a reduction of rates. Ordinarily we hear people say that the great industrial interests are against the interests of the farmer, and that what is to the interest of the industrialist is not to the interest of the farmer.

I do not agree to that, but we hear it all of the time. We hear about the influence of big business, and how it stands in opposition to the interests of the farmer, and now, when we are asking to establish the principle that the Interstate Commerce Commission should not be to "Rob Peter to pay Paul," that they should not take without reason from one class of service and tack it onto another and then give it back to the other—in other words, they should have had hearings and established rates in a scientific manner—we find that we are getting telegrams from the big business interests of the cities, from the manufacturers and the industrialists, and at the same time getting telegrams from the farmers to vote against the repeal of this surcharge. Nobody but the railroads could have brought about a situation like this, I am quite sure.

Mr. BURTNESS. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN of Nebraska. Yes.

Mr. BURTNESS. Does the gentleman agree to the general principle that the public should pay for a service that is rendered by the carrier?

Mr. McLAUGHLIN of Nebraska. I do.

Mr. BURTNESS. And should pay a reasonable amount?

Mr. McLAUGHLIN of Nebraska. I do.

Mr. BURTNESS. If it is a fact that it costs the transportation company more to carry a passenger in a Pullman coach——

Mr. McLAUGHLIN of Nebraska. And that is not a fact, according to the hearings.

Mr. BURTNESS. Than it does to carry a passenger in a day coach, would the gentleman admit that the charge ought to be more for the Pullman service?

Mr. McLAUGHLIN of Nebraska. I admit that he ought to pay to the transportation company, to the carrier, what it costs to carry him and a reasonable profit; and I believe this, that if the Interstate Commerce Commission finds, after hearings, that you should pay more for Pullman service to the Pullman Co., then nobody is going to object to doing that, but the objection is to tacking that on without any apparent reason or showing why it should be done.

Mr. BURTNESS. The gentleman's contention is that if additional charges should be made, they should be made by the Pullman Co. and then by the Pullman Co. in turn paid over to the carrier?

Mr. McLAUGHLIN of Nebraska. No; not by any means. They are two separate companies.

Mr. BURTNESS. Assuming the present basic rate of 3.6 per mile would not pay the actual cost to the carrier in transporting the passenger in the Pullman coach——

Mr. McLAUGHLIN of Nebraska. Let me remind the gentleman that the cost of carrying a Pullman train or a Pullman coach by the carriers, as shown by these hearings by the experts that put the figures into the record down there at the Interstate Commerce Commission, is 3.75 less per coach-mile to haul a Pullman car than a day coach.

Mr. BURTNESS. The gentleman, of course, is mistaken in that, and he refuses to accept the opinion of the Interstate Commerce Commission upon the proposition, a board which is perhaps better fitted than any one else to determine what the facts are, and the question is whether Congress is going into the rate-making business or whether they are going to leave that with the Interstate Commerce Commission.

Mr. McLAUGHLIN of Nebraska. Congress is not going into the rate-making business, but by repealing this surcharge we are saying to a creature we created, "We have a right to direct you when you adopt a false principle of rate making."

But, Mr. Speaker, I am convinced that no amount of reasoning at this time can offset the effective work the railroad lobbyists have done here in the past 10 days. Two weeks ago two-thirds of the Members of this House, in my judgment, would have voted to repeal the Pullman surcharge. Probably to-day the vote will be in the same proportion against its repeal, verifying the statement of those who claim that Congress will not pass any legislation the railroads do not want.

As I have previously stated, at the back of the railroads a few farmers and farm organizations have joined with the large industrial interests and sent similar protest to Members of Congress opposing the repeal. In this excited program of propaganda at the last hour it may be said that "The lion and the lamb have lain down together." But time will prove that "Righteousness and peace have not kissed each other," by the action that will be taken in the oncoming vote on this measure.

The SPEAKER. The time of the gentleman has expired.

Mr. SANDLIN. Mr. Speaker, I yield five minutes to the gentleman from Oregon [Mr. WATKINS].

Mr. WATKINS. Mr. Speaker and gentlemen, the amendment to the pending appropriation bill which proposes to abolish Pullman surcharges, in my humble opinion, is unsound, and during the brief time at my disposal let me submit to you the reasons prompting me in my stand. The proposed amendment is vicious for four reasons.

First, and foremost, it is an attempt by Congress to fix and regulate rates—a function within the purview of the Interstate Commerce Commission, whose authority is ample and the members of which are experts.

Secondly, in my opinion, it is class legislation, improvidently proposed and arbitrarily executed. If enacted into law an additional burden would automatically shift to the shoulders of those now staggering with high freight rates on agricultural products and similar freight. As it is, the load rests on those best able to bear it. Let it remain there until properly placed elsewhere and by the proper body—the Interstate Commerce Commission.

In this connection, however, let me say that I think this Congress has voted enough money into its own pockets. We did not have the courage to stand up and have a roll call on the salary increase, because it would not have carried if a roll call had been obtained, but just like weaklings voted for it and then went back in the cloakrooms and congratulated ourselves on doing something smart. I hope the President vetoes it, for I know that then Congress will show its yellow streak.

Now, my third reason is that the experts, the commissioners of the Interstate Commerce Commission, after a somewhat thorough investigation of the matter, could not agree on what ought to be done; therefore, surely Congress with no experts and without any investigation would not be so foolish as to sweep aside with one swoop approximately $40,000,000 revenue of the carriers of this country.

But for fear that you are adamant and refuse to listen to us who are opposing this method of legislation, let me challenge your attention and check you, if I can, in your mad, unreasonable rush by saying that this amendment does not accomplish the purpose you desire.

I now come to my fourth reason for opposing this amendment. The amendment in substance states that a passenger in a parlor car can not be charged more than a day-coach passenger. In other words, the wealthy fellow who now rides from New York to Palm Beach in a drawing-room is now required to pay for two railroad tickets, whereas if the amendment prevails he will only be required to purchase one ticket. The same is true of the passenger who secures a compartment, for under the present law he must at least pay one and one-half fares, whereas under the proposed law only one fare could be exacted. These two illustrations entail thousands and thousands of dollars, and the loss thereof would be in addition to the $37,000,000.

Now, I venture to say that the proponents of this amendment do not want to go that far in serving the well-to-do, and yet that is the very essence of the proposal.

Let me give you another application of the proposed amendment. A few weeks ago the President and his wife and party went to Chicago. On that trip each one had to have a ticket, pay for a berth or compartment and the surcharge thereon. Under this amendment Mr. Coolidge could pay the Pullman Co. for the Pullman space, buy a ticket for himself and one for his wife, and occupy the entire car alone, and the railway company would only get two railway fares. Surely nobody is so foolish as to champion that kind of legislation. Let us vote it down. [Applause.]

Mr. WOOD. I yield five minutes to the gentleman from Michigan [Mr. MAPES].

Mr. MAPES. Mr. Speaker, the gentleman from Arkansas [Mr. OLDFIELD] a few moments ago said that the Interstate Commerce Commission had failed to function in this matter. That is what every lawyer thinks when he tries a lawsuit and loses; he thinks the court has failed to function. The commission functioned and it found against the proponents of this legislation. The gentleman from Nebraska [Mr. MCLAUGHLIN] says that it is unscientific rate making to have it done by the Interstate Commerce Commission. He evidently thinks it is more scientific to have the Congress of the United States do it without the necessary information and without the facilities to secure the information. The fact is, and the testimony before the Interstate and Foreign Commerce Committee so shows, that the petition to have this surcharge abolished was filed before the Interstate Commerce Commission in June, 1923; the commission held hearings in several of the large cities of the country, and the question was pending before the commission until January 25, 1925, over a year and a half, when it handed down its decision and found that the cost of carrying a passenger in a Pullman car was more than the cost of carrying a passenger in an ordinary day coach, and that the surcharge should not be abolished. It costs more in addition to the Pullman conveniences which the passenger pays the Pullman Co. for. It actually costs the railroad more to carry a Pullman passenger than it does a coach passenger.

There seems to be some dispute about that. Here is what the majority report of the commission says about it:

> The evidence before us shows clearly, as already stated, that respondents—

That is the railroads—

> earn less per car-mile on the average upon their Pullman business than they earn from their coach business, even when the surcharges and the various financial benefits accruing upon the Pullman contracts are taken into consideration. This showing justifies the conclusion that at least there is less warrant for eliminating the surcharge than for reducing the basic passenger fare, which means traveling in mixed trains of freight and passenger cars.

Now, there is not any question about the findings of the Interstate Commerce Commission. This proposal to usurp the function of the Interstate Commerce Commission and to prohibit the Pullman surcharge by congressional enactment would not receive a passing thought if it were not for the fact that the proponents of it are well organized. The fact that the proposal is before us in the shape it is is another illustration of the power of an active and well-organized bloc.

Congress created the Interstate Commerce Commission and delegated to it the power to fix just and reasonable rates. The Commercial Travelers of America very properly, if they thought it unreasonable, petitioned the Interstate Commerce Commission to eliminate the Pullman surcharge. The commission after holding hearings in several of the large cities of the United States and considering the matter for nearly a year and a half found the surcharge under existing conditions to be just and reasonable. Congress is now asked by legislative mandate to veto the findings of the commission.

Congress has neither the information nor the facilities for securing the same to enable it to render an intelligent judgment on the question.

If we override the judgment of the commission in this case, what excuse will there be if we fail to do it in other cases? A year or so ago the agricultural interests in the so-called Grain, Grain Products, and Hay case asked the commission to reduce the freight rates on certain agricultural products. The amount involved in that case was less than the amount involved here, and the commodities upon which the commission was asked to reduce the rates were basic, and yet the commission concluded that the reduction could not be made. No appeal was made to Congress in that case to override the commission's findings. If Congress is justified in abolishing these Pullman surcharges, which affect only 4 per cent of the traveling public, it certainly can not escape the responsibility of investigating the merits of the findings of the Interstate Commerce Commission as to freight rates on the necessities of life and the adequacy or inadequacy of passenger rates generally.

A great many people think that the freight rates for the transportation of coal are altogether too high. Why should not Congress lower those rates?

Many people think that 3.6 cents per mile for a regular passenger ticket too much. Why should not Congress fix a lower amount if it once goes into the business of adjusting fares and charges?

Even the spokesman of the commercial travelers before the Committee on Interstate and Foreign Commerce, Mr. David K. Clink, rebelled at this idea.

On page 18 of the hearings Mr. RAYBURN asked him this question:

> Mr. RAYBURN. Now, you are here asking Congress to legislate on one part of the rate structure. Would you be willing that Congress legislate with reference to rates on all things—passengers and freight—and take that authority away from the Interstate Commerce Commission, or would you as a matter of policy leave it with the Interstate Commerce Commission?
>
> Mr. CLINK. * * * I will say this, after listening to the arguments in both the Senate and House on the mileage-ticket question, that it would not be advisable for Congress to go into the rate-making business.

On page 21, of the hearings, Mr. Denison asked Mr. Clink:

> Mr. DENISON. But suppose that $35,000,000 or $37,000,000 is taken away and it turns out that those $35,000,000 or $37,000,000 are needed by the roads to get along. Would you then be in favor of having Congress legislate to increase both passenger and freight rates to make that up?
>
> Mr. CLINK. No, sir. Let the rates be made by the authority functioning in that direction.

The principle of this proposal is not only indefensible and vicious but, action by Congress in the matter, can not be defended upon its merits. The Interstate Commerce Commission in the surcharge case well said to quote again from the majority opinion:

> At a time when whatever capacity the railroads may have for rate reduction should be utilized for the benefit of other forms of traffic we ought to scrutinize with great care any proposal to collect less revenue from those who ride in sleeping cars or from those who are able to afford the luxury of parlor cars. They ought to meet the full cost and value of the service furnished and a reasonable return on property value. This record does not show that they are paying any more.

Commissioner Lewis, in a concurring opinion, says:

> To reduce the passenger fare of the traveler who gets more transportation and, as a rule, can pay for more, and not to reduce the fare of the traveler who sometimes gets very little and whose ability to pay often makes it impossible for him to patronize the superservice, would seem to be a form of rank discrimination.

There is no new principle involved in the Pullman surcharge. The Interstate Commerce Commission finds that it costs more to carry a passenger in a Pullman car than it does a passenger in the ordinary coach. If that is so, why should not a person who prefers to ride in a Pullman be required to pay the extra cost of transportation as well as for the Pullman conveniences? It has always been the practice to require a person who desires the convenience of luxury of having a

drawing room to himself in a Pullman sleeper to buy two tickets. If he wants a private car he must buy 25 regular passenger tickets in addition to paying for the Pullman reservations. Of course, it costs more to carry a passenger with a private car or a drawing room to himself than it does a passenger in an ordinary coach, who takes his chance of getting even a seat.

The Interstate Commerce Commission goes further and finds that it costs more to carry a passenger in a Pullman car with a seat or berth, as the case may be, reserved for his exclusive use than it costs to carry a passenger in an ordinary coach. Is there any man here who has sufficiently investigated the question to be willing to set up his judgment against that of the commission and say that this finding of the commission is wrong? Until he is willing to do that it seems to me he must vote against this legislation even upon its merits.

It was argued before the Committee on Interstate and Foreign Commerce and I think with some force that the language of this amendment might require the railroads to carry a passenger in a private car or a drawing-room to himself on one regular passenger ticket, that he would only be required to pay for the regular Pullman reservations in addition to his single transportation ticket. A careful reading of the amendment certainly makes one feel that the language is open to that construction.

The other day we all received a copy of a letter from the president of the Virginia Farm Bureau Federation addressed to Mr. Winslow, Chairman of the Interstate and Foreign Commerce Committee. I do not know the president of the Virginia Farm Bureau Federation, but in his letter to Mr. Winslow, he states the issue here in very clear and forcible language:

Should the surcharge be eliminated, he says, "the benefits the travelers on the Pullmans would receive therefrom would be just that much loss to the rest of society, for the railroads would eventually have to add to other transportation charges the amount of the loss so sustained by them. It is the hope of those engaged in agriculture that the industry will receive at the hands of those in authority some consideration in freight reduction on their shipments and freight receipts, for they are vastly more in need of such help than that part of the public who are able to use the Pullman cars. Do you not think so?

"This is a piece of legislation which brings forcibly to the front the power Congress has to take from one and to give to another, and the necessity of knowing from whom you will take. The beneficiary in this case is not the unfortunate poor."

The SPEAKER pro tempore (Mr. MICHENER). The time of the gentleman from Michigan has expired.

Mr. SANDLIN. Mr. Speaker, I yield seven minutes to the gentleman from Virginia [Mr. MOORE].

The SPEAKER pro tempore. The gentleman from Virginia is recognized for seven minutes.

Mr. MOORE of Virginia. Mr. Speaker and gentlemen of the House, I speak here without any interest in this matter except that of one Member of this House. I have no personal interest in any railroad company. I am uninfluenced by representations of the kind designated as propaganda that have come in from either one side or the other; and so far as I am conscious of my own attitude, I have endeavored to reach and am now trying to express a conclusion based upon the best thought that I could give to this subject.

Gentlemen may talk endlessly about this so-called surcharge not being a part of the passenger fares now in effect. It is merely an element of any passenger fare, and that is a fact that is not open to any denial. Years and years ago, or perhaps more recently, the carriers themselves or the Interstate Commerce Commission might have made up their fares by not calling any particular element by any particular name, but in the more ordinary manner. But however viewed, the thing spoken of as a surcharge is as much a factor in passenger fares as a demurrage charge or a switching charge, for instance, are factors in freight rates.

Anyone who reads the hearings; in fact, anyone who reads the literature on the subject from the time that Mr. Brandeis—now a member of the Supreme Court, but then counsel for the Interstate Commerce Commission—years ago discussed this matter until now, can have no sort of doubt that it costs the railroad companies more to transport a passenger in a Pullman coach than it does in a day coach. And if that be true, why should there not be a charge to take care of the increased cost?

Since I have been in Congress there has been much said about the importance of reducing freight rates. The appeal has been made here frequently and with great force that the farmers are suffering from excessive freight rates that ought to be cut down. And yet we find that the first bill brought in by the majority or the minority of the House seriously affecting transportation charges is not designed to help the farmers directly or indirectly, but is designed to help the people who are best able to pay. [Applause.]

Mr. SEARS of Florida. Mr. Speaker, will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. SEARS of Florida. My colleague just made a statement respecting the cost to the railroad company of transporting a Pullman passenger as compared with a coach passenger. The charge for riding in a day coach is 3¼ cents a mile, and sometimes the day coach is not full, and therefore that goes on the Pullman charge.

Mr. MOORE of Virginia. I do not catch the question, but because of the time limit I can not enter into a debate with my friend, but I repeat that if we are to credit human testimony it does cost a railroad company more to haul a passenger in a Pullman coach than in a day coach, and I say again that in view of the continual insistence upon dealing with rates that affect the mass of the people, we will place ourselves in a rather absurd attitude by beginning the work at the luxury end and ignoring the necessities of those upon whom transportation charges most heavily bear. The Hoch resolution has become a law. It directs the Interstate Commerce Commission to consider the freight-rate structure and if possible reduce the rates on the products in which agriculturists are interested.

I do not predict that the Hoch resolution is going to accomplish any substantial results, but I do say this, that if there is a possibility of relief in the Hoch resolution that possibility you will diminish to-day if you repeal the surcharge. [Applause.]

Mr. WOOD. Mr. Speaker, I yield five minutes to the gentleman from Kentucky [Mr. ROBSION].

Mr. BARKLEY. Mr. Speaker, I also yield five minutes to the gentleman.

The SPEAKER pro tempore. The gentleman from Kentucky is recognized for 10 minutes.

Mr. ROBSION of Kentucky. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Kentucky asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. ROBSION of Kentucky. Mr. Speaker and gentlemen of the House, the matter up for consideration is, Shall we or shall we not adopt the Senate amendment to H. R. 11505, which proposes to remove what is known as the Pullman surcharge? I believe that railroad rates ought to be fixed so that the railroads with proper management may have sufficient income to pay their workers good wages, with proper working conditions, give good service to the public, and pay a reasonable return on the value of its investment.

The highways, waterways, and railroads are the veins and arteries of commerce. It is just as essential to have a vigorous, healthy circulation as means of transportation for the commerce of the country as it is to have a healthy circulation for the human body, and I am always willing to provide for the railroads such income as may be necessary to enable them to function properly and efficiently, take care of their employees properly, and pay a fair return on their investments. To meet these conditions it is not necessary to continue this unfair, unjust surcharge, and I therefore shall vote for this amendment.

WHAT IS THE PER CENT SURCHARGE?

Everyone who rides in a day coach must have a railroad ticket; and if he rides in a Pullman car, he must have a railroad ticket. The railroad company gets all the money for these railroad tickets both in the day coach and in the Pullman coach. The railroads furnish the day coach, with its equipment, conductor, and other helpers. But the Pullman Co. furnishes its own coach, equipment, conductor, and helpers. The Interstate Commerce Commission has fixed what they consider a fair charge for the Pullman service. Now, in addition to this, the Interstate Commerce Commission has arbitrarily put on an additional 50 per cent on the Pullman charges, and this is called the Pullman surcharge. For instance, if the Interstate Commerce Commission should say that $3 is a fair charge for service on a Pullman from Middlesboro, Ky., to Louisville, Ky., they have, we shall point out later, put on an additional 50 per cent, or $1.50, which would make the total Pullman charge $4.50 instead of $3. We must bear in mind this extra 50 per cent does not go to the Pullman Co. that furnishes the Pullman coach and the service in the Pullman coach, but under this rule of the Interstate Commerce Commission the Pullman Co.

is forced to collect this additional 50 per cent from the Pullman passengers and turn it over to the railroads. In other words, the railroad company is allowed to collect a full railroad fare from each Pullman passenger and this additional 50 per cent on the Pullman ticket, although all that the railroad company does is to pull the Pullman coaches. In addition to this, every year the Pullman Co. pays the railroad companies $12,000,000 or more for pulling their Pullman coaches. As the railroads do not furnish the Pullman coaches, equipment, or employees, we think the railroads ought to be satisfied with collecting the regular fare from each Pullman passenger and with receiving this $12,000,000 or more annually for hauling the Pullman coaches. Under present conditions each person who rides in a Pullman coach must pay the railroad fare and must pay what has been held by the Interstate Commerce Commission as a fair charge for the Pullman service and on top of this pay an additional 50 per cent on his Pullman ticket to the railroads. The traveling public objects to paying this unjust and unfair 50 per cent surcharge.

In May, 1924, the Senate, by practically a unanimous vote, passed a bill removing this 50 per cent surcharge. This bill then came to the House and was referred to the Interstate and Foreign Commerce Committee of the House, and there it has slept peacefully because of the failure of that committee to act on the bill and make a report to the House. The Senate realizing that that committee of the House had failed to act and likely would continue to fail to act, has tacked this amendment on this appropriation bill (H. R. 11505) to remove this 50 per cent surcharge; and because this amendment is tacked on this appropriation bill, the Members of the House for the first time have an opportunity to act on this important question. This 50 per cent surcharge is unwarranted and unjust to the traveling public and I am glad to have an opportunity to register my voice and my vote in favor of cutting it out. [Applause.]

WHY WAS SURCHARGE PUT ON?

This 50 per cent surcharge was first put on in June, 1918, during the war, by the United States Railroad Administration, for the reason, they stated, to discourage travel on the trains by the general public during the war so that the railroads could be used more exclusively for war purposes. The general public felt so outraged over this unfair and unreasonable charge that a few weeks after the close of the war, about the 1st of December, 1918, the United States Railroad Administration took it off.

About the 1st of March, 1920, Congress passed what is known as the transportation act, which returned the railroads to their owners. In May, 1920, the railroads filed an application with the Interstate Commerce Commission urging a 30 per cent increase on freight rates. The new transportation act gave the Interstate Commerce Commission the authority to adjust the rates of the railroads, so as to enable them to take care of the necessary operating expenses, and provide for a fair return upon the actual value of their properties; but their net return should not exceed 6 per cent.

The railroads stated they needed this increase of 30 per cent on freight rates so they could earn a fair return on their investments. Extensive hearings were had before the Interstate Commerce Commission on this application to grant to the railroads this 30 per cent increase on freight rates alone, and the hearings were closed, but in all of these hearings there was no demand or claim made by the railroads for any increase on passenger rates or for this Pullman surcharge. The new transportation act created the United States Railroad Labor Board. The railroad workers had applied to this labor board for an increase of wages under the new transportation act, and the Railroad Labor Board rendered a decision on or about the 20th of July, 1920, granting the railroad workers an increase in wages. The labor board stated this increase of wages would amount to $618,000,000 per year. It was then the railroad companies filed an additional application before the Interstate Commerce Commission urging an increase of 20 per cent on passenger rates and a 50 per cent surcharge on Pullman rates, this income to be paid to the railroads for the purpose of providing for this increase of wages to the railroad workers. The passenger rate at that time was 3 cents per mile. The Interstate Commerce Commission gave the railroads the 20 per cent increase asked for on passenger rates—this made the passenger rate 3⅙ cents per mile—and also granted the 50 per cent Pullman surcharge. These increases have been on ever since and are now on, and I think they will continue to remain on, unless Congress takes vigorous action to remove them.

WAGES TAKEN OFF

You will bear in mind the 30 per cent increase on freight rates was put on to enable the railroads, as they claimed, to earn a fair return on their investments. The 20 per cent on passenger rates and 50 per cent surcharge on Pullman rates were to take care of the increase of wages. It was claimed this increase amounted to $618,000,000 per year. It turned out as a matter of fact that the increase of wages amounted to only $565,000,000 per year. This was $53,000,000 less than the amount claimed, and for each year the railroads have been permitted to collect this $53,000,000 in passenger and surcharges more than the amount of the wages. Now, what has happened since this increase of wages to the workers was granted? The railroads have been busy reducing their working forces. There are nearly 200,000 less workers on the railroads of the country to-day than there were in July, 1920, when this increase was granted, and the wages of the workers have been reduced from time to time. So that the railroad workers of America now are receiving about $700,000,000 a year less than they did in 1920. You will observe that the decrease in wages is more than the increase that was granted in July, 1920. You will further observe that the railroads while reducing the number of workers and the wages of the workers, have been and are now clinging tenaciously to the 20 per cent increase granted on railroad fares and the 50 per cent surcharge on Pullman fares. The railroads have been telling the public that they must reduce the number of workers and reduce the wages of the workers so that they could reduce freight and passenger rates, and in this way cut down the high cost of living. Many classes of railroad workers have been reduced in wages beyond the point where they can provide a decent living for an American family. The entire increase of wages for the railroad workers has been more than wiped out. What excuse in the name of high heaven is there for permitting the railroads to continue to collect this increase on railroad fares and the Pullman surcharge from the people? These increases were granted to pay the workers. I think we ought to return a part of it to those who have been cut too low and the balance should be passed on to the American people, and my vote shall be recorded to do this. [Applause.]

OPERATING INCOME INCREASES, OPERATING EXPENSE DECREASES

The railroads are forced to admit that the increase in wages granted to the railroad workers has been wiped out by reducing the number of workers and reducing the wages, and the reason for grant ng the increase on fares no longer exists. The railroads now advance a new reason for retaining these excessive charges. They claim, and it is true, that the 50 per cent Pullman surcharge brings to the railroads about $37,000,000 per year. They say if we adopt this amendment and cut out this $37,000,000 of surcharge that it will greatly cripple the railroads of the Nation and perhaps force them into bankruptcy. There is absolutely no truth in this claim. If it were true, I would be one of the last to ask that this be done. Railroad statistics have not been brought up to date, but we do have the complete statistics up to and including the year ending 1923. The cost of operating the railroads, including the increase of wages in 1920, was $5,830,327,000. The cost of operating the railroads in 1923 was $4,943,928,000. In other words, it cost $886,399,000 less to operate the railroads of America in 1923 than it did in 1920. Here is a saving for a single year of nearly $1,000,000,000 in operating expenses. This was brought about by cutting off nearly 200,000 workers and in reducing the wages of others. We find that the income of the railroads for 1920 was $6,175,417,000 and their income for 1923 was $6,356,981,000. In other words, the income of the railroads in 1923 was $178,474,000 more than it was in 1920. This increase of income and decrease of operating expenses together amount to $1,064,873,000. There is a difference in favor of the railroads in 1923 over 1920 of more than $1,000,000,000. Yet the railroads have the gall to stand up and say if we take off this $37,000,000 unjust surcharge that it will cripple the railroads or perhaps drive them into the bankruptcy courts. [Applause.] And if you will observe the current business reports of the day you will find that the operating expenses of the railroads are even less to-day than they were in 1923, and in many instances the volume of business is greater than in 1923. The railroad business is getting better all the time. Every time the railroads attempt to reduce the number of workers and to reduce the wages they urge the support of the public by saying that this action is necessary in order to reduce railroad rates. They have succeeded in cutting down the number of workers and cutting down the wages, yet they persist in holding on to every increase.

When we passed the transportation act in 1920 it was insisted by all the proponents of that measure that the railroads could not receive under the law a net income exceeding 6 per cent and that no amount of income under the law was guaranteed to any railroad. This is the letter and spirit of the law. But

the law has been and is being grossly violated and disregarded. We find on investigation the admitted net earnings of many of the railroads have been greatly exceeding this amount. I submit the list of the following with their net earnings for 1923:

	Per cent
Philadelphia & Reading Ry	9.86
Richmond, Fredericksburg & Potomac R. R	11.85
Cincinnati, New Orleans & Texas Pacific Ry	9.05
Texarkana & Fort Smith Ry	17.61
Duluth, Missabe & Northern Ry	22.76
Alabama & Vicksburg Ry	8.14
Alabama Great Southern R. R	9.66
Georgia R. R	8.90
Tennessee Central R. R	8.95

Many others of the big railroads are making sums greatly in excess of that authorized under the transportation act, according to their own admissions. We have ample evidence to show many of the big railroads have resorted to many tricks and devices to conceal their actual net income. Millions of dollars have been put into capital construction and equipment and have been reported as operating expenses. There is what is known as the recapture clause in the transportation act, which provides that where a railroad earns more than authorized by law that the excess be paid into the United States Treasury. It is admitted that more than $40,000,000 is being paid into the Treasury of the United States every year by these railroads from their net earnings, because their earnings were in excess of the amount authorized by law. Some claim that this amounts to nearly $100,000,000 a year. How can anyone say if you take off this $37,000,000—50 per cent surcharge—it would cripple the railroads of the country and they would not be able to earn a fair return?

COMMERCIAL TRAVELERS

The Commercial Travelers of America have been criticized on the floor of this House for making a strenuous fight to have this 50 per cent surcharge removed. In my time I have come in contact with thousands of commercial travelers. I am sure I have never had the pleasure of coming in contact with a better bunch of fellows. They are, as a rule, intelligent, industrious, progressive, loyal, enterprising citizens, and leaders in their respective communities. There is no class of men that mean more to the commercial life of the Nation than this great army of men; they represent the first-line trenches in the great commerce and business of the Nation; they are the "go-getters" of business on every part of the globe. It is true they are interested in this problem. Some say to reduce this 50 per cent surcharge would benefit the rich. The traveling men as a rule are not rich. If they were, they would not leave their homes and families and suffer the hardships and discomforts of a traveling salesman's life. Forty per cent of the mileage travel in America is in a Pullman car. Nearly every person who makes a journey to-day involving night travel, if he or she can possibly afford it, travels in a Pullman. Thousands of traveling men and others sleep on a Pullman in order that they may save time. On account of the present excessive surcharge, it is almost impossible for persons of ordinary means to take a berth at night on the train. I want to see this surcharge taken off, not only because it is unjust but so that people everywhere of ordinary means who travel at night may have an opportunity to sleep. [Applause.]

RAILROAD PROPAGANDA

I venture the assertion that there have been more railroad lobbyists in Washington during the last two or three weeks than there have been before in many a day. They have been working day and night to prevent the House from passing this Senate amendment and thereby remove this 50 per cent surcharge, and I have heard it said that some of these lobbyists have become so bold as to declare that nothing can go through the House that is opposed by the railroads. The short-line railroads get none of this 50 per cent surcharge. It all goes to the big railroads. The big railroads resist the building of short-line railroads in every way that they can, and when the short-line railroads are built the big railroads try to strangle and starve them to death. The big railroads never have any use for the short-line railroads, except when they desire the short-line railroads to use their influence with the Senator and Congressman. The big railroads are now, and have been for several years, following a very clever line of propaganda. In this fight they are attempting to line the farmers up against the traveling public. They tell the farmers that if this 50 per cent surchage is taken off, they can not take anything off the farmers' freight rates. They tell the business men that if they take anything off the farm products, they can not take anything off the coal, iron, lumber, and other products of the business interests. They have been very successful in lining up one class of citizens against the other. They are sending out men to Kiwanis clubs, Rotary clubs, and commercial clubs to make speeches and to tell the business and professional men in all of the towns, both large and small, that if any attempt is made to secure relief for the people from the railroads, it will destroy the railroads and ruin business.

They have a perfect right to send people out to make speeches, but I am calling upon the farmers, traveling public, and business people to look at the other side of the question. You will find that the values of railroad stocks have been climbing by leaps and bounds and their net earnings have been mounting higher and higher above the rates allowed by law, and the cost of operation continues to decrease, yet, with all this, the railroads resist with every means at their command any relief in freight or passenger rates for the benefit of the people. I would prefer to see the rates reduced on coal, lumber, and so forth, and on farm products, but we have been unable to get these questions before the Congress. The only question before us is this unjust 50 per cent surcharge that is collected from the Pullman passengers and paid to the railroad companies. You can bet your last dollar that the big railroads will not willingly take off any of these exorbitant rates. They resist every effort made by the people and their representatives to reduce rates in the courts and in the legislative halls of the Nation, and if any Member of Congress dares to raise his voice for the people he may depend upon meeting with their determined resistance when he offers himself for reelection. I have been in Congress long enough to know that a man must be 100 per cent for the big railroads if he desires his record to please the big railroads. While many of the big railroads are making from 8 to 20 per cent profits on their stocks after they have charged off everything that they can charge off as operating expenses, we find the coal and some other industries lying prostrate. Many of them would be satisfied if they were coming out even. They are losing money every day, and one of the things that is greatly hurting the coal industry is the high freight rates. I want to see the railroads prosper, but I do not want to see them oppress the people and be placed in a favored class to themselves. The people must have some relief. Within the last year the Senate has passed this measure twice by almost unanimous vote. I trust that a majority of the Members of this House will vote to sustain this action of the Senate. [Applause.]

NOT RATE MAKING

It is contended that Congress should not act on this matter. We should leave it to be determined by the Interstate Commerce Commission. It is contended here that Congress does not have sufficient knowledge to fix rates. It can not be contended that Congress has not the power to fix railroad rates. This power is given to Congress by the Constitution. I should like to see the Interstate Commerce Commission take some action for the relief of the people. This matter was before the Interstate Commerce Commission. Commissioner Campbell with the commission's expert, Mr. Keeler, went to all parts of the country and occupied many months in taking testimony from people in all walks of life on this very question. They made their report to the Interstate Commerce Commission. They declared in this report that this 50 per cent surcharge should be taken off, that it is not only unnecessary but it is an unjust and unfair discrimination against the traveling public. The question was then brought before the whole commission; five of them declared that all of this surcharge should be taken off, two of them declared that one-half of it should be taken off, and four of them were opposed to taking any off. We can see that a majority of the 11 members of the Interstate Commerce Commission are opposed to this 50 per cent surcharge as it now is. It seems that the commission will not give relief. I think it can be fairly contended that this 50 per cent surcharge is not a rate. A rate is a fair charge made for services rendered. While the railroads get this 50 per cent surcharge from persons riding in the Pullman cars, the railroads do not furnish the car, equipment, employees, or the service. It seems that it is in the nature of a penalty. Outside of this, the Pullman passenger pays his railroad transportation, and pays what has been fixed as a fair charge by the Interstate Commerce Commission for service in the Pullman car. While this 50 per cent surcharge is collected by the Pullman Co., and, although the Pullman Co. renders the service, it does not receive a cent of the money. I think we have shown clearly that the railroad company does not need this surcharge to pay their workers, operating expenses, or to make a fair return on their investments. It is not based on any services rendered by the railroad company. The time has come when the country needs relief from the big railroads on freight rates and on passenger rates, and I shall

record my vote in favor of giving the traveling public this just and meritorious relief. [Applause.]

Mr. SANDLIN. Mr. Speaker, I yield 10 minutes to the gentleman from Missouri [Mr. HAWES].

Mr. HAWES. Mr. Speaker, we are about to discuss a matter of great seriousness, and it should not be decided through sentiment, appeal to passion, or discussions of propaganda. I heard a gentleman speak a few moments ago who discussed the enormous propaganda opposing the removal of this surcharge. I sent to my office and secured the 33 telegrams I had received, and find that 30 of them are in favor of removing the surcharge; 28 of the 30 are identical in the language used. No one objects to a commercial traveler fighting to reduce the cost of his travel, but what the House needs to-day are facts. What are the facts?

Some 20 years ago or more 48 States were trying to make rates for railroads. They put nearly every railroad in the western country into the hands of receivers, and when the supreme courts of the States rendered final decisions they found that the legislatures had in many cases exceeded their powers. They had exceeded their powers because the Constitution of the United States protects a man in his property as it does in his life and in his liberty. Every man who owns a pig, or a horse, or a cow, or a sheep, or a wagon, or an automobile, or a railroad may not under our law have it taken from him without due process of law or without just compensation.

The States having failed in their attempt at rate regulation, the National Government assumed charge. It had the experience of the States before it, so it created a commission to investigate, to ascertain facts, and upon the facts to regulate rates. Finally, under the transportation act everything that belongs to a railroad came under the regulation of the United States Government. A railroad can not make a rate, it can not issue a share of stock, it can not issue a bond, it can not employ a fireman except with the approval of the Interstate Commerce Commission, and it must comply with safety regulations as set up by that commission.

There is nothing connected with a railroad that is not regulated by law.

Having regulated the railroads in these various ways, we said to them, "After you have earned above a certain per cent, you shall pay it back to the Government," part of it for the betterment of the road—and this only upon the approval of the commission—and a part for the support of the weaker roads.

Gentlemen have stated that of this $37,000,000, $20,000,000 comes from railroads that have exceeded the earnings allowed under the recapture clause. This is not the fact. The facts are that of the $37,000,000 or $40,000,000 only $8,600,000 comes from that class of roads, and these are the figures reported by all members of the Interstate Commerce Commission and not by a part of the commission.

Following the period of the war, two years after the war was over, or in the year 1920, when the boys were home and peace was being enjoyed, when the cost of living was going up, the cost of coal rising, the cost of everything materially increased, the Labor Board increased the wages of railroad employees $618,000,000 annually.

Mr. SCHAFER. Will the gentleman yield there?

Mr. HAWES. In a few moments.

This was a proper increase. It was made necessary by a 70-cent dollar.

Everything that enters into the cost of operation of a railroad went up, and the commission, representing you and the American people, were faced by a situation in which they could either permit the roads to increase rates or go into bankruptcy. If they went into bankruptcy, they would still have to be operated and could only have been operated with a Government subsidy, which would mean a Government tax. At that time, among other new sources of railroad revenue, an additional charge was placed upon the use of Pullman cars, dining cars, and parlor cars, a charge to be paid to the railroads and not the Pullman Co. It was placed there because the cost to the railroad of handling that kind of car was greater than it was for hauling the ordinary day coach. The Pullman car weighs approximately 40,000 pounds more than the day coach. Its passenger capacity is limited. The carrier does not make as much net to-day carrying a passenger in a Pullman coach as it does carrying a passenger in a day coach.

But the commission used an unfortunate term. It called the new charge a "surcharge." This created a psychological revolt in America. It brought a protest. Men began to say, "This is a war tax. You have taken it off in other directions, take it off of us."

It is not a war tax. It was a rate placed on that branch of the service, just as new rates were placed on other branches of the service and upon the cattle and the beef and the corn and the things we haul to our markets. Then what happened?

The organization of commercial travelers, splendid fellows, commenced their fight for the abolishment of this charge. Just as the farmer makes his fight and the cattleman makes his fight and the coal man makes his fight, they took their case before the Interstate Commerce Commission, and what happened? The commission occupied 18 months in an examination of this question.

The SPEAKER pro tempore. The time of the gentleman from Missouri has expired.

Mr. SANDLIN. Mr. Speaker, I yield to the gentleman five more minutes.

Mr. HAWES. The Interstate Commerce Commission took nearly 3,000 pages of testimony, and during this discussion a strange thing has happened that only two or three pages of the 3,000 pages have been used in this record as tables and figures from the Interstate Commerce Commission.

After holding hearings in several of the large cities, long arguments were heard by the commission as a whole. Mr. Blumberg, a very able lawyer, and Mr. Loeb, and other very able counsel appeared before the commission with their experts, as they appeared before our committee with their experts, to demand a removal of the surcharge, as representatives of the traveling men's organization.

Finally the commission spoke. There are 11 of these commissioners. Seven of them supported the surcharge in principle, and two of the seven thought it should be reduced. Mr. McChord gave no expression of opinion.

Commissioner Lewis, in a splendid argumentative opinion, asked the direct question, Why, if the $37,000,000 is to be removed, it should not be removed from all classes alike instead of this special one? Mr. McManamy thought the theory of the surcharge was wrong, but all the figures and facts that will be quoted to you to-day on this floor came from one commissioner, Mr. Campbell, whose report was approved by Mr. Cox, and not by another single one of the 11 commissioners.

Bills had been introduced in the House and in the Senate at an earlier date, and the Senate passed one of these bills without a hearing and without an ascertainment of the facts by a committee. These bills were before our committee but we suspended judgment, and we suspended hearings until the commission had reported. Any other course would have been intellectual dishonesty.

But when the Senate again sent over to this House, attached to a great appropriation bill involving nearly half a billion dollars, a rider proposing a reduction of $37,000,000 in railroad revenues without a hearing before a Senate committee our committee did discuss it.

Our or your committee is composed of men representing 21 sovereign States, and out of the 21 men on this committee, 19 are in agreement and only 2 dissent. This is the fact relating to the position of the only committee that has heard this question discussed either on the Senate or the House side.

Gentlemen try to disguise the facts, but they can not be disguised. Only three or four men and women out of every hundred travel in a Pullman coach. The fact can not be disguised that if you take $37,000,000 away from these people you will have to put it on the people who travel in the coaches or somewhere else or you will have retarded to the extent of $37,000,000 any freight reduction to producers and shippers that may be had in this country. [Applause.]

Mr. BARKLEY. I have one more speech, and I shall probably conclude the argument, on my motion to concur.

Mr. WOOD. Is the gentleman to have only one more speech on his side?

Mr. SANDLIN. The gentleman from Kentucky controls the time in opposition, and I have a few minutes more.

Mr. BARKLEY. I will yield one minute to the gentleman from Georgia [Mr. UPSHAW].

Mr. WOOD. And I yield two minutes to the gentleman from Georgia.

The SPEAKER pro tempore. The gentleman from Georgia is recognized for three minutes.

Mr. UPSHAW. Mr. Chairman and gentlemen, last night a friend of mine went to Boston. He said to me, "It is an outrage that I have to pay $5.63 to sleep, going on the Federal Express." I looked at his ticket, and it read "Of this money the Pullman Co. gets $3.75, and the railroad gets $1.88." Now he had already paid his regular fare on the railroad, and the $1.88 over and above what he paid for reasonable rates on the Pullman tells the story of this long-continued injustice

that the people of this country are opposed to all over the land.

Not because I received this telegram—for I have been committed to this repeal ever since we got away from the war conditions that brought it about, but I read to you this message from Robert A. Broyles, chairman of the National Travelers' Protective Association, who is one of my most honored constituents:

ATLANTA, GA., *February 26, 1925.*

Hon. W. D. UPSHAW,

Congressman Fifth Georgia District, Washington, D. C.:

Over one hundred thousand of Travelers' Protective Association are insistent in their demands for elimination of surcharge on Pullman and parlor cars. Hope you will aid in passage of measure for its discontinuance.

R. A. BROYLES,
National Railroad Chairman.

For several years this large and worthy element among our progressive citizenship have been battling for this relief to which the traveling public are entitled. The gentlemen who have preceded me have seemed greatly afraid that Congress will transgress its functions by becoming a rate-making body. I do not conceive at all that any dangerous thing is being done by the proposal to repeal this surcharge. Congress certainly has the right to act as a guardian of the rights of the people when Government bureaus fail to function in their behalf. Not merely the commercial travelers but millions besides them have vigorously protested against the vicious practice of continuing war-time excesses six years after the close of the war. It is a weak answer for the opponents of this repeal to say that we who favor repeal are legislating for only 4 per cent of the traveling public—we are legislating for the rights of 100 per cent. Every man and woman who travels on a train ought to be permitted to provide for health and comfort by going to bed at night without being penalized in peace time by such a tantalizing and unnecessary relic of war.

After the Pullman Co. pays the railroads $12,000,000 a year for hauling the Pullman cars, it is an unthinkable proposition that we should vote here to-day to add thirty-seven millions more to the comfortable and mounting railroad earnings through this outrageous surcharge. And it is certainly poor and improvident argument to say that we should not grant the public this relief, because, forsooth, we can not here and now reduce all railroad fare to a pre-war basis. It is common sense and humanity for us to take what we can get in this Congress and do our further duty when we come face to face with it in the next Congress.

If Congress has any function at all it has the right and it faces the duty of protecting the traveling public—all of the traveling public—against these galling rates which the Interstate Commerce Commission has refused to correct.

I honor the able personnel of the commission, and I want to give a square deal to the railroads, but I am more anxious to give a square deal to the entire traveling public. This surcharge has been on us just about five years too long. We ought to play a game of old-fashioned "clubfish" to-day concerning this war-time injustice. If they will not "take it off" we ought to "knock it off." [Applause.]

Mr. SANDLIN. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. RAYBURN].

Mr. RAYBURN. Mr. Speaker and gentlemen of the House, I have no quarrel with anybody, be he called a propagandist or otherwise, who has sent me a telegram or who has written me a letter with reference to this Pullman surcharge. Because a man writes me a letter that he is in favor of the repeal of the surcharge, I do not assume that he is actuated wholly by a selfish motive—because a man or organization sends me a telegram opposing the repeal of the Pullman surcharge, I do not think that he is actuated by any railroad propaganda. I think that we should approach this question from as much a fundamental standard as is possible, unswayed, if we may be, by our prejudices or our own personal convenience or inconvenience.

This measure has passed the Senate of the United States twice—in the form of a bill last summer, and in the form of a rider on an appropriation bill during the short session of Congress.

Neither one of these measures ever had a hearing in any Senate committee. They were passed, and I presume that without argument and without discussion they would probably have passed in the House, but the fact remains that when the proposition came to the House it was referred to a committee and that committee chose to try to get the facts before they reported upon it. After hearing both sides and exercising their judgment, after all the facts had been produced, the committee of the House of Representatives that had heard this reported adversely on it by a vote of 19 to 2. It must be admitted, even after the aspersions that are cast by some unknowing people upon the membership of that committee, that the men upon it are as patriotic as you are—probably not as wise as some of you think you are, but it must be conceded that after investigation by patriotic men their judgment probably is as good as is the judgment of wiser men without investigation.

I think it would be a serious blunder for the Congress of the United States to resolve itself into a rate-making body; and if I needed any evidence whatever to convince me of the fact that the House of Representatives and its membership is not capable of going into the finer technicalities of rate making, some of the speeches that have been made this afternoon would have absolutely convinced me of that fact. [Applause and laughter.]

I have been much amused by some of the speeches made this afternoon by some of the supporters of this amendment. Along with them I was opposed to the Mellon tax plan, because it reduced the taxes of the rich more than it did the less able to pay. They seem to be going in a different direction on this proposition, as this amendment proposes to take a railroad charge off of the 3 per cent of the people who ride the Pullman cars and leave all of the charge against the people who ride in the day coaches and who pay the freight. It would be a great blunder, in my opinion, for the Congress to push aside the practice of nearly 40 years of leaving this delegated power in the hands of an expert body and embarking on the unchartered sea of congressional rate making.

Mr. AYRES. Mr. Speaker, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. AYRES. At the time this so-called surcharge was put on there was also 0.6 of a cent per mile added to coach passengers, was there not? That is, the rate per mile was increased from 3 cents to 3.6 cents?

Mr. RAYBURN. Yes.

Mr. AYRES. Would it be just as reasonable to argue for a repeal of that as for a repeal of the surcharges on the Pullman trains? Would it not affect a great many more people?

Mr. RAYBURN. If you repeal part of the charge upon the passenger fare on a railroad you will reduce the fare paid by 100 per cent of the people who travel, whereas, if you remove these Pullman surcharges you reduce the fare of only 3 per cent of the people who travel, because only 3 per cent of the people who ride on trains ride in Pullman cars. If Congress is going into the business of rate making, why not reduce the rate on freight and on the man who rides in the day coach? Gentlemen say that if this is left on we have no assurance that the Interstate Commerce Commission will either reduce the rates upon those who use the day coaches or reduce the freight rates of the country. There is one thing, however, of which we may with certainty assure ourselves and assure the country, and that is that if we take these $37,000,000 from the railroads of the country, then in that proportion we will reduce the opportunity and the chance for the Interstate Commerce Commission to take off any or that much from the freight payers of the United States. [Applause.]

Mr. McLAUGHLIN of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. RAYBURN. Not now. The cattlemen of the United States are to-day in probably the most dire circumstances of any one class of shippers that we have. They have now before the commission an application for a decrease in rates. I am hoping that the commission will be able, after investigation, to reduce their rates; but if we take $37,000,000 off the income of the railroads at this time, I seriously doubt that they will be able to do it.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. RAYBURN. Not now. If the cattlemen of the country, the livestock producers of the country, had the charge of the railroads taken off them—not $37,000,000, not half of $37,000,000, but, let us say, even $10,000,000—then I think my friend from Texas [Mr. HUDSPETH], who understands that question, would say that that $10,000,000 would put the cattlemen of the country upon their feet.

Mr. HOCH. In the cattlemen's case the amount of revenue involved is only $20,000,000, approximately half of what is involved in this case.

Mr. RAYBURN. But even $10,000,000 taken off the cattlemen would in all probability put that industry upon its feet.

Gentlemen, this proposition is bad from a practical standpoint, and it is worse from a fundamental standpoint. Let

me say to some of you gentlemen who think it is such an easy thing to do this, an easy thing to pass this on, that when you go home now and somebody says that the freight rates on such and such a product are too high, you reply that Congress has nothing to do with that; that that is a matter that was turned over to the Interstate Commerce Commission; but pass this amendment, and that alibi will never be yours again, and the next time the Congress meets not one bill but a hundred bills will flood its hoppers to reduce the rates on various commodities. [Applause.]

Both freight and passenger fares should, in my opinion, be materially reduced, and I trust that the Interstate Commerce Commission will in its wisdom be able to do so at an early date and give relief to everybody who uses the railroads; but let the matter be done in an orderly and lawful way by an expert body, and not by piecemeal in an unscientific body that does not and can not know much, if anything, about the finer technicalities of the whole subject.

Mr. WOOD. Mr. Speaker, I yield five minutes to the gentleman from Kansas [Mr. TINCHER].

Mr. TINCHER. Mr. Speaker and gentlemen of the House, I am going to ask for some information, and I know that the gentleman who will close the debate in favor of this amendment will be good enough to give me that information. The gentleman from Kentucky who spoke here clearly and forcibly in favor of this amendment called attention to two railroads that had rather large incomes last year. He called attention, first, to a northern railroad which had an income of 22.32 per cent. That is rather a large per cent, rather a large earning. However, their income from the sleeping and parlor car surcharges collected amounted to only $793, so that we know that that little railroad has its income from something else besides Pullman surcharges.

The other road is the Texarkana & Fort Smith, which earned 17.41, and they took in a little over $4,000 in Pullman charges, so we know those two roads did not obtain their income from surcharges on Pullmans. Well, that was called to your attention for the purpose of showing you the railroads were earning so much that we could take off this surcharge and still have freight reduction. All of us are more or less selfish. I am interested personally, I admit, in the reduction of the freight rate on livestock in the application that is pending. My people are interested in an industry that is absolutely on the rocks, and that is the livestock industry. The two railroads I know anything about where I want to see a reduction on, I am frank to say, are the Santa Fe and the Southern Pacific. That same year the Santa Fe had an income of only 5.19 per cent, while the Southern Pacific had an income of 5.13 per cent, and those are trunk-line railroads; and the Santa Fe had over $2,660,000 income from the surcharge, while the Southern Pacific had $2,258,000 plus. If we take the surcharge off of those two lines, based on those figures, their income would be less than 5 per cent, while on the 17.22 per cent railroads cited here the surcharge does not affect. I anticipate their short lines have some advantages in charges. Does my friend from Kentucky believe that the people, with the applications pending before the Interstate Commerce Committee for a reduction in rates on grain, for reduction in rates on livestock, will be embarrassed at all by the fact we took off $40,000,000 by an overt act of Congress when we go there to continue that hearing which is pending? Is it demagogy to claim that we will furnish an alibi, at least, to the Interstate Commerce Commission for denying us these reductions by taking this off the other class? But you say this was never meant for a permanent rate, this surcharge, but more than a 20 per cent flat freight increase and six-tenths of a cent a mile passenger increase was included in this same order by the Interstate Commerce Commission. I just thought when we start the rate making or start to disturb that order we start on the freight, and I will vote for it. [Applause.]

Mr. WOOD. I desire to say to the gentleman from Kentucky that I was under the impression that I had a right to close the debate.

Mr. BARKLEY. The motion to concur is a preferential motion, and I having made that motion have the right to conclude.

Mr. WOOD. That does not follow.

Mr. BARKLEY. I think it does.

Mr. WOOD. I think I still have charge of this bill.

Mr. BARKLEY. And I have charge of this amendment.

Mr. WOOD. Under the rule I have a right to close the debate——

Mr. BARKLEY. I think I am entitled to close on the motion to concur.

Mr. WOOD. Because of the fact that I have control of this bill.

Mr. BARKLEY. The gentleman is against the motion that has been made. Now, the mover of the motion certainly has the right to conclude the debate and the motion which I made was to concur.

Mr. HOCH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HOCH. Who has the right to close debate?

The SPEAKER pro tempore. The gentleman in charge of the bill, according to the precedents.

Mr. BARKLEY. Then I have a right to conclude debate on behalf of those who are in favor of my motion.

Mr. WOOD. And I have the right to close the whole debate. My only purpose in calling attention to the fact was that I felt the gentleman thought he had the right to close debate upon the proposition.

Mr. BARKLEY. I was under that impression.

Mr. WOOD. Well, the gentleman has not.

Mr. BARKLEY. According to the ruling of the Chair I would be entitled to speak just before the man speaks who does close debate, and whenever that time comes I shall be ready.

Mr. SANDLIN. I yield three minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, the country ought to know that the Congress is not responsible for the Pullman surcharge. Congress has had nothing whatever to do with it. Congress and the families of Members have suffered by paying this extra surcharge just like everybody else. But we have a governmental rate-making body. We have 11 members of the Interstate Commerce Commission who each draw $12,000 a year, $132,000 that we pay them in salaries alone for making rates for railroads. Let me show you what you spend on this Interstate Commerce Commission in salaries annually. They have a secretary at $7,500. They have a chief counsel at $10,000. They have a director of service at $7,500. They have a director of the bureau of signals at $7,500. They have a director of statistics at $7,500. They have an acting director of valuation at $9,000. They have a director of traffic at $10,000. They have a chief of the bureau of locomotive inspection at $6,000. They have a director of the bureau of safety at $6,000. They have a chief of the bureau of inquiry at $6,000. They have an assistant secretary at $4,000. They have assistants to the secretary at salaries ranging from $2,700 to $3,600. They have a chief clerk at $3,000. They have a disbursing clerk at $3,600. They have an appointment clerk at $3,300. They have a director of accounts at $7,500. And they have besides the above a whole army of employees. And yet, with all that machinery of rate making, we are presuming here to assume the functions of that commission. We created this commission that costs the people a lot of money, a bureau that knows its business; and then we presume to do their business for them. [Applause.]

Mr. WOOD. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. DICKINSON].

The SPEAKER pro tempore. The gentleman from Iowa is recognized for five minutes.

Mr. DICKINSON of Iowa. Mr. Speaker, last fall in the campaign I remember it was declared by practically every man on the so-called progressive platform that we ought to have a legislative review of Supreme Court decisions. Now, to-day, we are being asked to review the work of a commission that is organized expressly for the purpose of covering a certain field of work that is far more technical, more intricate, and a great deal harder to reach a scientific conclusion on. Congress is now asked to come in here and enter a field of endeavor where it has already set up a commission and equipped it with men and money to perform a particular service. We are asked to enact class legislation, and do something that is the function of the commission to do, because the commission is the one that has the authority to do it. We ought not to do it, especially on an appropriation bill, coming in as an amendment of this kind.

Mr. McLAUGHLIN of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON of Iowa. No. I have only five minutes, and the gentleman from Nebraska has had 15 minutes all to himself.

Now, I want to say to you that the western section of this country includes the principal rural sections of the country, and that is where the people need a reduction in freight and passenger rates, if any reduction is to be given. There we have a certain number of people riding in the Pullman sleepers, but they are usually people coming from somewhere out of that territory, into that territory, or through it, and occasionally a Congressman who comes home at the close of a session. He is about the only one who has to pay a surcharge.

If you consider the average return from all those roads, the total revenue derived, including the surcharge, amounts to

only 3.90 per cent, while 28⅓ per cent of that return is gained from freight rates on livestock and on agricultural products. So you have there pretty nearly a third of the return of those roads involved in those commodities..

Take, for illustration, the Chicago & North Western Railroad. It had practically $1,000,000 return from the Pullman surcharge, and its total returns are a little less than $4,000,000. Twenty-five per cent of its revenues are from the Pullman surcharge and about one-third of its net revenues are the freight rates on agricultural products and livestock; so that if you take from that road 25 per cent of its return, what hope have we that you are going to get a reduction in the freight rates that the farming people and the livestock people of this country need so badly?

Mr. HUDSPETH. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. HUDSPETH. Recently I was for this proposition, but after going into the matter I have thought differently. In the gentleman's opinion, which industry needs the reduction worse, the livestock industry and the farming industry or those who ride on the Pullman?

Mr. DICKINSON of Iowa. I think the livestock industry and the farming industry need a reduction.

Take the Michigan Central Railroad as another illustration. It runs through Battle Creek, Mich. We send our wheat and our oats to Battle Creek, to be converted into breakfast foods. I wonder whether we should reduce the surtax or the surcharge on the traveling salesman who goes out of Battle Creek to sell his breakfast foods, or on the farmer who sends his grain into that locality to be converted into breakfast foods?

Mr. HUDSPETH. Does the gentleman think the farmer has the same chance to get a reduction if this is done?

Mr. DICKINSON of Iowa. No. It will be a serious handicap to further freight and passenger reduction.

The amount of revenue accruing to the railway companies from the Pullman surcharge was as follows, by districts in 1923 and 1924:

District	1924	1923
Eastern	$16,029,454	$16,041,391
Southern (including Pocahontas)	5,959,298	5,760,463
Western	15,034,798	15,695,402
United States	37,023,550	37,497,256

The significance of these sums in comparison with proposals for reductions in freight revenues may be shown by the following illustrations drawn from a statement of freight revenue by commodities in 1923:

In the western district the Pullman surcharge revenue amounts to more than a 10 per cent reduction in the rates on corn, wheat, flour, hay, straw, and alfalfa. It is over two-thirds of the entire revenue the railroads get for hauling potatoes. It is nearly equal to a 25 per cent reduction in rates on all cattle, calves, and hogs hauled in that district by railways. It is nearly equal to a 10 per cent reduction in lumber revenues. It is over one and a half times all the money the railroads receive for hauling agricultural implements in that district.

In the southern district the amount of the Pullman surcharge is as great as 25 per cent of all the revenue derived from hauling fertilizer and cotton.

In the East the surcharge is more than a 20 per cent reduction in revenue from lumber. It is over 7 per cent of the revenue from anthracite coal.

The removal of the surcharge would cause as much loss in revenue as a reduction in all less-than-carload rates of over 7 per cent in the East, over 5 per cent in the South, and over 8 per cent in the West.

It is true that the removal of the surcharge would not hit each road in the same degree as the changes in freight rates above indicated, but some of the surcharge goes to weak roads. Thus, to the nearly bankrupt Chicago, Milwaukee & St. Paul the loss of three-quarters of a million is appreciable—$761,806 in 1923 and $695,540 in 1924. In the case of the stronger roads it increases the sums to be recaptured.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SANDLIN. Mr. Speaker, I yield three minutes to the gentleman from Minnesota [Mr. WEFALD].

The SPEAKER pro tempore. The gentleman from Minnesota is recognized for three minutes.

Mr. WEFALD. Mr. Speaker, I want to say I am approaching a vote on this question with a good deal of difficulty. I am asking for a chance to speak simply to explain my vote. I feel that I shall have to vote to sustain the committee, although I have heard many good reasons assigned why I might have voted otherwise. I know it will be impossible for me to go back to my farmers, although I was elected on the promise that I would come down here and do what I could to bring about the revision of the Esch-Cummins law—I will not be able to go back to my farmers and tell them that I voted to reduce the Pullman surcharge or to take it away when those same farmers now have to pay about twice as much freight on their potatoes which they ship to Chicago and Kansas City as they did before.

I am not one of those who are very much worried over the argument that is used here that if we vote to do away with the Pullman surcharge we are putting Congress into the rate-making business. I say something must be done in order that the freight rates on farm commodities may be reduced, and if the Interstate Commerce Commission can not see fit to do that, then I will say that I, in the next Congress, will be willing to vote for something that will put Congress into the rate-making business. [Applause.]

But now I am going to sustain the committee. I shall vote to sustain the Committee on Interstate and Foreign Commerce in this instance, although that committee is known as the graveyard of much proposed good legislation. This committee has not since I took my seat here turned out one single piece of legislation designed to reduce the cost of transportation, although some good bills have been before it. In the last session of Congress I signed the petition that asked that the freight-reduction measure introduced by the gentleman from Nebraska [Mr. SHALLENBERGER] be withdrawn from the committee and be acted upon by the House. This was not accomplished, but had that measure received favorable action by Congress freight rates would have been materially reduced, and the first step would have been taken toward the reduction of the cost of living. The Republican Party must take the responsibility for the failure of Congress not doing anything toward adjustment of railroad freight rates.

It has been said here that if we adopt the Senate amendment and the Pullman surcharge is done away with that it will mean a loss of revenue to the railroads of $37,000,000, some gentlemen think the railroads can not stand such a loss of revenue. Other gentlemen say that it will mean a saving of that much money to the people. At this time I am not so much concerned with the question of whether or not the railroads will suffer by reason of any action we may take here, it is my opinion that the railroads would be able to keep on doing business even at a far greater reduction in revenue, but I am unable to see where this reduction in railroad revenue would be reflected in a saving to the great bulk of the people that pay the freight. Those who do the most traveling in Pullman cars are either the leisure class or at least those whose work is not closely connected with production in farming or industry. It is said that between three and four persons out of a hundred travel in Pullman cars, not more than half of those can be commercial travelers, so at the best only half of the saving effected would have a chance at all to be considered as a reduction in the cost of doing business through the saving in traveling expenses. Of these commercial travelers only a third, perhaps, work on a commission basis of compensation and would be personally benefited by the reduction of the surcharge; it would mean a saving of about $6,000,000 to these people, the other $31,000,000 no one would seriously consider would affect business cost at all. But under the present system of rate making if the railroad revenues were reduced by $37,000,000 the railroads would go to their friends, the Interstate Commerce Commission, with tears in their eyes and ask for help and that body, judging by what we know of them, would increase freight rates on necessities of life; very likely put the greatest increase on farm products, for farmers do not employ the best lawyers in the land at enormous salaries to make the commission see things their way.

Mr. Speaker, I am a business man, I know something about business, and I know the condition of the farmers. I know that freight rates are eating up the farmers, and it is hurting business, too, in the farm sections of the country. I know the traveling salesmen, also; I have come in contact with hundreds of them every year for many years. They are good fellows; most of them are sensible fellows; almost without exception they will admit that reduction in freight rates on the goods they sell will benefit them much more than will the reduction of Pullman rates. All traveling salesmen traveling in the farming Northwest know that reduction in freight rates on farm products like potatoes, livestock, grain, and such will mean

much more even to them than anything that can happen. In the Red River Valley the farmers have to pay more than 20 cents a bushel in freight on the potatoes they sell; what they pay in freight is more than half of what the crop brings them. It has happened often during the last few years that farmers shipping cattle had to pay more in freight charges than what the whole shipment brought them. These farmers would be glad to have me vote to put the Congress or somebody besides the Interstate Commerce Commission into the rate-making business, and I shall gladly so vote; but this will not be accomplished by me voting to abolish the Pullman surcharge. The farmer has now all the burdens that he can carry; he can not stand any further increase in freight charges. The last Republican platform promised the farmers lower freight rates; that promise was plain and specific. No attempt has been made to keep it in this session; let us hope that it will not be forgotten in the next Congress—perhaps a promise made in the last campaign would not be binding until the next Congress, or how?

My vote was not actuated either by prejudice against those who ride in Pullman cars or for those who can not afford it, but I think of those who sweat and toil, especially farmers, who receive so little for their toil that they can never travel even in a day coach unless some sad circumstance compels them to do so. I wish to do the fair thing by them.

I travel in a Pullman car occasionally, it has not come to my lot to travel very much in a Pullman car. I have traveled many nights in a day coach and I would like at this time to be able to vote to take away the Pullman surcharge because, from the little experience I have had of traveling in that manner, I like it, and I would be extremely glad to know that every farmer in the country, when they had to make a journey and travel at night, would be in a position to ride in a Pullman car. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Minnesota has expired.

Mr. BARKLEY. Mr. Speaker, how does the time stand at this time?

The SPEAKER pro tempore. The gentleman from Kentucky has 24 minutes remaining, the gentleman from Louisiana 5 minutes, and the gentleman from Indiana 36 minutes.

Mr. WOOD. Mr. Speaker, I yield five minutes to the gentleman from North Dakota [Mr. BURTNESS].

Mr. BURTNESS. Mr. Speaker and gentlemen of the House; personally I am prejudiced against the so-called Pullman surcharge; I would prefer not to pay it, to get rid of it, and I presume most of the Members of the House feel the same way about it, but that is not the question before us to-day.

I am forced after careful consideration to vote against the rider or Senate amendment making the collection of such surcharge illegal for a number of reasons, and I can briefly touch on but two or three of them in the few minutes I have.

First, such a proposal ought not to be attached to an appropriation bill in the form of a rider at all but should come before Congress through the regular legislative committees of the two Houses. The second main objection is that it has been established clearly and plainly that this is rate-making and, as has already been suggested, some of the arguments made on the floor of the House for this proposition plainly show some of the reasons why we ought not to engage in a policy of rate-making on the floor of the House. This is not a judicial body in the very nature of things. We have not the time, the patience, nor the facilities to ascertain what is a fair and reasonable rate in this and hundreds of similar issues which will come before us if we start in to declare any one rate as a reasonable or an unreasonable charge. Oh I note the question has been asked by one or two, when the argument has been made that this would delay the needed reduction of freight charges, "Well, when will the Committee on Interstate and Foreign Commerce reduce freight rates?" or, "When will they reduce passenger rates?" Of course, neither the committee nor Congress has anything to do with such rates and should not have directly. We have a judicial body for that purpose, the Interstate Commerce Commission which has for its guidance general policies laid down by Congress. Yet there are some, apparently, who stand ready to vote for any reductions whatsoever on the floor of the House, regardless of what the facts may be.

Third, I am opposed to the proposal because it means that we would act as an appellate court upon a decision which has been rendered by the Interstate Commerce Commission, and that commission has far better opportunities and facilities at its disposal to judge of the merits than we have. We can not possibly take the time to consider the tremendous amount of evidence and statistical data submitted to the commission. And this is a technical and a difficult proposition. The very fact that there were four separate opinions written by as many commissioners representing various viewpoints and conclusions upon that commission shows that it is technical and difficult and that it is hard under the very best of conditions, after hearing all the evidence and the argument of trained counsel, for even trained experts to arrive at a fair and just conclusion. The proponents of this proposition desire that we start in on a procedure to pass judgment upon the decision of the commission as though we were an appellate court. Merely stating the fact should show the folly thereof.

Lastly I oppose the amendment because the facts themselves, do not sustain the contention that is made in favor of a repeal of the so-called surcharge.

Gentlemen, what are the merits? I am not so much concerned with the exact percentage of the people who may use one or the other facility, but I am concerned with this question particularly: What service is rendered by the carrier to the Pullman passenger and what is the cost of the service that is rendered? Surely, if there is anyone who ought to be willing to pay for the cost of the service rendered and ought to be willing to contribute a fair proportion to that fund which is required in order for the investment to yield a fair return, it is the people who use these special services. What do we find? If the formula used by the Interstate Commerce Commission for ascertaining the cost of the service and the net revenue to the carrier is correct, then we find this: That of every 3.6 cents that a day-coach passenger pays to be hauled one mile upon the railroad there is a net revenue to the railroad of 0.636 cent, while for every mile that a Pullman passenger is hauled, from the railroad fare including the surcharge, but not including a small contribution from Pullman companies by contract, there is a net revenue to the railroad of only 0.377 cent. In other words, there is almost twice as much net revenue for the railroads from hauling a day-coach passenger per mile as there is for hauling a Pullman passenger a mile. Take away the surcharge and the revenue to the railroad will be only 0.085 cent. Yet the suggestion is made that the charge made to a Pullman passenger which goes to the carrier itself, should be reduced rather than the charge to the ordinary day-coach traveler.

Let me give it to you in another form, and I want to submit for the RECORD this entire exhibit, which places the matter before you in a nutshell. Let us compare the operating expense of some of these types of service to the total of revenue received therein and what do we find? We find that 89.48 per cent of the total income including surcharge received from sleeping and parlor cars goes out in expense, while only 80.63 per cent of the revenue received from the ordinary day coach is used in expense.

Abolish the surcharge and 97.43 per cent of the revenue from Pullman passengers will be used for the expense of hauling them, leaving practically no net revenue. This could not help but delay lower rates, both freight and passenger, where the need for decrease seems more urgent to me than for this special class.

Under leave granted to extend my remarks I insert the following tables, which give the most pertinent facts in small compass and which have been accepted as truly representing the facts by a majority of the Interstate Commerce Commission.

The revenues per car-mile, based on carriers' Exhibit B–14, and the expenses per car-mile, based on Mr. Elmore's formula, Exhibit B–26, and the per cent of the revenue which is absorbed by the expenses is shown in the following table:

Average revenues and expenses per car mile

Class of traffic	Revenue (Exhibit B–14)	Expenses (Exhibit B–26)	Operating ratio	Net revenue
	Cents	*Cents*	*Per cent*	*Cents*
All passenger traffic	49.24	43.33	88.00	5.91
Same excluding surcharge	47.63	43.33	90.97	4.30
Sleeping and parlor car	48.68	43.56	89.48	5.12
Same excluding surcharge	44.71	43.56	97.43	1.15
Coach and commutation	49.63	43.18	87.00	6.45
Coach excluding commutation	53.52	43.18	80.63	10.34

The revenue per passenger-mile from the passengers in Pullman cars and in day coaches, utilizing the average revenue per passenger-mile as shown on Exhibit B–14 and the average cost per car-mile in Mr. Elmore's Exhibit B–26, divided by the average passenger miles per passenger-carrying car-mile as shown on Exhibit B–14, are as follows:

Average revenues and expenses per passenger-mile

Class of traffic	Revenue (Exhibit B-14)	Expenses (Exhibit B-26)	Operating ratio	Net revenue
	Cents	*Cents*	*Per cent*	*Cents*
All passenger traffic	3.019	2.657	88.01	0.362
Same excluding surcharge	2.920	2.657	90.99	0.263
Sleeping and parlor car	3.582	3.205	89.48	0.377
Same excluding surcharge	3.290	3.205	97.42	0.085
Coach and commutation	2.731	2.376	87.00	0.355
Coach excluding commutation	3.290	2.654	80.67	0.636

The SPEAKER pro tempore. The time of the gentleman from North Dakota has expired.

Mr. BARKLEY. How many more speeches has the gentleman from Indiana?

Mr. WOOD. I have about 20.

Mr. BARKLEY. If the gentleman has 20 more speeches, he is not going to ring me in now.

Mr. WOOD. I would suggest to the gentleman from Kentucky that he use some of his time, because he has more time than anybody else.

Mr. BARKLEY. I am going to use all of it myself, and I am going to use it just before the man who concludes on your side.

Mr. WOOD. Mr. Speaker, I yield five minutes to the gentleman from Minnesota [Mr. NEWTON].

Mr. NEWTON of Minnesota. Mr. Speaker, we have before us an amendment to one of the great appropriation bills in a provision repealing the the Pullman surcharge. It was attached as a rider to this bill over in the Senate. No committee in that body conducted any hearings and 3½ pages covers the consideration given in the Senate. If we concur in the Senate amendment, we reverse a decision of the Interstate Commerce Commission, wherein that commission refused to do the very thing that this amendment provides. Furthermore, we would reverse an almost unanimous report from the Interstate Commerce Committee of this House, for it will be observed that of the 21 members, and following a hearing covering 129 printed pages of record, 19 of those members signed an adverse report and but 2 signed a favorable report.

Mr. Speaker, I would like to get rid of paying this Pullman surcharge. I must confess that I approached the consideration of this question in a very sympathetic frame of mind, but in the consideration of any question of this kind I must be governed by the evidence. From the evidence submitted there was no doubt in my mind as to what I should do.

Let me briefly rehearse a bit of history connected with the institution of this charge. The transportation act became a law in February of 1920. It provided that the railways of the country should have a fair return upon the aggregate value of their property. The railroads, generally speaking, were in a serious condition. They needed additional revenues. With the power given the commission over rates, and the duty to provide rates which would furnish a fair return, the commission conducted extensive hearings in the so-called increased rate case of 1920. In those hearings it developed that railway operating revenues from 1916 to and including 1920 had increased 70 per cent. Railway operating expenses had increased 150 per cent. The pay roll itself had increased slightly over 150 per cent. During the same period the net railway operating income had shrunk from over $1,000,000,000 in 1916 to but $17,000,000 in 1920. The following table, pertaining to class I roads, are the figures furnished me by the Interstate Commerce Commission, substantiating this general statement:

Class I roads

[Thousands of dollars]

Year	Railway operating revenues	Railway operating expenses	Pay roll	Net railway operating income
1916	$3,596,866	$2,357,398	$1,468,576	$1,040,085
1917	4,014,143	2,829,325	1,739,482	934,069
1918	4,880,953	3,982,068	2,613,813	638,569
1919	5,144,795	4,399,716	2,843,128	454,985
1920	6,178,438	5,827,591	3,681,801	17,227
1921	5,516,598	4,562,668	2,802,749	600,937
1922	5,559,093	4,414,522	2,672,157	760,187
1923	6,356,891	4,943,928	3,043,161	977,657

Mr. Speaker, it is perfectly obvious that with this condition confronting the railroads of the country and the duty imposed upon the commission by the transportation act, that rates were due for a general increase. This general increased rate case of 1920 is reported in 58 I. C. C. 220, and the opinion was handed down on July 28 of that year. In the order (Ex parte 74) freight rates were increased from 25 per cent to 40 per cent, furnishing an estimated revenue of $1,088,000,000. Passenger fares were increased from 3 cents per mile to 3.6 cents per mile (a 20 per cent advance), with an estimated increase in revenue of $233,000,000. At the same time, and as a part of the same proceedings, the Pullman surcharge of one-half cent per mile was authorized by the commission, with an estimated revenue of from thirty-five to thirty-eight million dollars. While this case was under consideration by the commission, the United States Railroad Labor Board handed down a decision, increasing generally throughout the country wages of railway employees and estimated the total of that increase to be $618,000,000. Obviously, railroad revenues must be increased materially, and the commission provided for the increase from these three different sources.

The year following the Railroad Labor Board in decision 147 and collateral changes thereof, reduced railroad wages. The total reduction was estimated to be $448,000,000. In their decisions 1028, 1036, and 1074, and collateral changes, a further reduction was made, amounting to $185,000,000. In 1923 certain further changes were made, due to the settlement of the shopmen's strike. These involved increases estimated at $190,466,000.

During this period, the Interstate Commerce Commission substantially reduced some of the freight rates. As a result of the decision of the commission, found in 68 I. C. C. 676 there became effective July 1, 1922, a general freight rate reduction of 10 per cent. Prior to this reduction the rates on freight in this country in 1922 were 111 per cent above what they were in 1913. The effect of the reduction was to make them 90 per cent above what they were in 1913. The commission estimated that this 10 per cent reduction of 1922, would aggregate $400,000,000 annually. In 63 I. C. C. 107 the commission required a 20 per cent reduction on nearly all rates on livestock in the West. In 64 I. C. C. 85 the commission required the removal of one-half of the increases of 1920 as to all rates on grain, grain products, and hay. Furthermore, on coarse grain it made an additional 10 per cent reduction, resulting in rates on wheat, hay, and their products in the western group, approximately 45 per cent, and in the mountain-Pacific group approximately 40 per cent in excess of the 1913 level, and on coarse grains and their products approximately 30 per cent and 25 per cent, respectively, in excess of that level. It will be observed, therefore, that since the rate increase of 1920 the commission has made very substantial increases in freight rates, and especially in agricultural products. It more than offsets the wage reductions.

Mr. Chairman, a further reading of this Exhibit, which I mentioned a few moments ago, will show that at the close of the year 1923 railway operating revenues were 75 per cent above what they were in 1916. Railway operating expenses were 110 per cent above the 1916 figure, and that is likewise true of railroad wages, but it will be observed that the net railway operating income has not quite reached the 1916 figure.

Probably as a result of the favorable action by the commission on these applications for decrease in freight rates application was filed in June of 1923 by various commercial travelers' organizations for a repeal of the Pullman surcharge. Testimony was taken by the commission in every part and portion of our country. The case was argued and submitted in November of 1924. A decision was made public and available February 9 of this year. This is decision 14785, and will be found in 95 I. C. C. It will be observed that following this extensive hearing seven commissioners decided against a repeal of the surcharge while four dissented and favored the repeal.

Mr. Chairman, when the Interstate Commerce Commission, consisting of 11 members, following an 18 months' consideration of the case, render a decision, Congress certainly ought not to interfere unless it has been clearly established that the decision of the commission is wrong. Appreciating the intricacy involved in rate making, Congress created the Interstate Commerce Commission as its agent. The principal, of course, has the right to reverse the decision of the agent, but clearly Congress in determining a rate question ought to be governed by the law of the land and the evidence submitted. I want to submit to the Members gathered here that there has not been one bit of real honest-to-goodness evidence submitted here to-day which would warrant us in assuming jurisdiction and in passing legislation taking away this $37,000,000 of revenue.

Mr. JACOBSTEIN. Will the gentleman yield for a question?

Mr. NEWTON of Minnesota. I am sorry I can not yield.

In the face of that, gentlemen, ought we to turn aside from the decision of the Interstate Commerce Commission? Ought we to turn down the recommendation of the committee of Congress, voting 19 to 2, and simply do this because we have been asked to do it, or as some one expressed it, because it is demanded that this be done?

Mr. SCHAFER. Will the gentleman yield?

Mr. NEWTON of Minnesota. I am sorry I can not yield.

Mr. Speaker, I am opposed to the enactment of this legislation; first, because it involves Congress in direct legislative rate making. This charge was put into operation to provide additional revenues to the railways. It was put into effect at the same time that general freight and passenger rate increases were made effective. To-day there is insistent demand from various sections of our country for further reductions in rates. There is no question in my mind that if Congress opens the door by passing this legislation it will then be asked to legislate directly providing for freight and passenger reductions. Congress is not constituted so it can take evidence and judicially consider questions of this kind. We have the power to act. I do not say we ought never to exercise it, but certainly we ought not, except upon the clearest reason for doing so and in a judicial manner.

In considering this, we must remember this case has been submitted to the Interstate Commerce Commission. The proponents of this legislation themselves brought the proceedings before the commission. The case was decided against them. They now seek to have Congress act as a Court of Appeals to review the decision. The fact is, that even while this case was pending before the commission, and while testimony was being taken by the commission, the proponents of this legislation were seeking direct legislation by Congress. It seems to me that Congress would be making a very serious mistake to constitute itself as a reviewing court of the decisions of the Interstate Commerce Commission, in reference to the rate structure of the country.

However, some of my colleagues may differ with me as to one or both of these propositions, but they ought to agree, however, to this: It is undisputed that only 3 to 4 per cent of the passengers who travel in the country use the Pullman cars. It will be recalled that before the war, passenger rates in this country were, generally speaking, 2 cents per mile. During the war they were increased to 3 cents, and in 1920 the increase was to 3.6 cents per mile. If a reduction is to be made in railroad revenues, then it would seem to me that this reduction ought to come off from the freight and passenger traffic generally, so that all of the people would receive the benefit therefrom, instead of just 3 or 4 per cent. This, of course, is especially true, unless it is clearly proven that the surcharge provides more than a fair and reasonable return for the service rendered.

Then, there is this further observation that I want to make. The gentleman from Kentucky [Mr. ROBSION] called attention to several railroads that are making a very substantial return from their investment. These, were isolated cases. The great bulk of the railways of the country are not making any such returns. Furthermore, it just happens that these particular roads that he referred to are obtaining very little revenue from the Pullman surcharge. It would have been much fairer if he had taken those roads that derive substantial revenues from this source, and then tell the House what they were making. There was collected in 1923 on the Pullman surcharge from all roads, $37,609,062. From this total roads earning 6 per cent or over, only received $8,627,289. Those roads earning 5 per cent or over, but under 6 per cent, received from this source $10,462,275. The roads earning less than 5 per cent received $16,519,498. It will be observed, therefore, that the well-paying roads got less than 25 per cent of the revenue from the surcharge. Let me call attention to the railways of the country with surcharge collections during the year 1923 of more than $200,000 each. The statement is as follows:

Rate of return on investment in road and equipment, Class I roads, with surcharge collections of more than $200,000, calendar year 1923

Region and road	Investment in road and equipment, 1923	Surcharge, 1923	Net railway operating income, 1923	
			Amount	Rate of return
New England region:				*Per cent*
Boston & Maine	$237,677,701	$292,484	$2,987,415	1.26
New York, New Haven & Hartford	[1] 504,090,337	1,333,070	15,614,928	3.10

[1] Investment figures as shown for the New Haven are partially based on tentative value.

Rate of return on investment in road and equipment, Class I roads, with surcharge collections of more than $200,000, calendar year 1923—Continued

Region and road	Investment in road and equipment, 1923	Surcharge, 1923	Net railway operating income, 1923	
			Amount	Rate of return
Great Lakes region:				*Per cent*
Delaware, Lackawanna & Western	$261,044,874	$248,488	$13,742,999	5.26
Lehigh Valley	237,824,706	211,090	6,573,121	2.76
Michigan Central	176,281,254	904,951	19,388,175	11.00
New York Central R. R.	1,169,916,004	4,135,789	70,667,192	6.04
Wabash	233,114,916	286,672	8,941,275	3.84
Central Eastern region:				
Baltimore & Ohio	753,130,840	906,385	42,133,129	5.59
Cleveland, Cincinnati, Chicago & St. Louis	255,076,532	712,468	16,691,901	6.54
Pennsylvania System	2,196,947,406	5,704,031	88,065,480	4.01
Pocahontas region:				
Chesapeake & Ohio	329,703,287	321,902	19,135,357	5.80
Norfolk & Western	352,451,316	237,572	19,877,676	5.64
Southern region:				
Atlantic Coast Line	225,972,920	736,445	15,496,609	6.86
Florida East Coast	58,094,674	262,683	3,165,911	5.45
Illinois Central	470,441,576	726,935	22,906,244	4.87
Louisville & Nashville	366,887,123	725,267	20,673,143	5.63
Seaboard Air Line	206,027,428	411,900	7,957,963	3.86
Southern Ry	532,521,275	1,209,894	28,128,137	5.28
Northwestern region:				
Chicago & North Western	484,818,748	912,242	15,843,375	3.27
Chicago, Milwaukee & St. Paul	717,219,852	761,866	20,167,713	2.81
Great Northern	509,871,217	401,121	24,731,992	4.85
Minneapolis, St. Paul & Sault Ste. Marie	212,863,879	242,917	8,204,096	3.75
Northern Pacific	558,799,156	582,457	17,100,557	3.06
Central western region:				
Atchison, Topeka & Santa Fe system	872,026,846	2,806,733	46,492,844	5.33
Chicago & Alton	149,244,904	249,245	5,319,568	3.56
Chicago, Burlington & Quincy	564,276,870	918,358	25,365,567	4.50
Chicago, Rock Island & Pacific	389,414,128	796,774	14,121,465	3.63
Denver & Rio Grande Western	197,131,320	281,361	3,231,816	1.64
Southern Pacific Co	884,979,271	2,258,582	47,147,343	5.33
Union Pacific system	809,807,463	1,979,303	39,840,005	4.92
Southwestern region:				
Galveston, Harrisburg & San Antonio	82,346,248	277,610	2,281,548	2.77
Missouri, Kansas & Texas of Texas	72,424,196	202,412	1,256,035	1.73
Missouri Pacific	399,630,349	485,832	8,893,245	2.23
St. Louis-San Francisco	395,846,710	551,825	18,484,459	4.67
Texas & Pacific	132,597,718	270,520	5,237,535	3.95

SOURCE.—Exhibit No. B-9, Pullman Surcharge Case, and Appendix B, I. C. C. Decision No. 14785.
FEBRUARY 24, 1925.

It will be observed that only four of these roads have a rate of return exceeding 6 per cent. They are: Michigan Central; New York Central; Cleveland, Cincinnati, Chicago & St. Louis; and Atlantic Coast Line. The first three mentioned belong to the New York Central group. It must be quite apparent, therefore, that it is not the roads that are earning substantially on their investment who derive substantial revenue from the Pullman surcharge. It would seem to follow, therefore, that if this $37,000,000 is taken off by repeal of the surcharge that rates either on freight or passenger service will have to be increased. This certainly would seem to follow as to some sections of the country. Take the northern transcontinental roads, for example. In 1923 they collected from Pullman surcharges as follows:

Chicago, Milwaukee & St. Paul	$761,866
Great Northern	401,121
Northern Pacific	582,457
Minneapolis, St. Paul & Sault Ste. Marie (Soo Line)	242,917

None of these roads had been making the fair return of 5¾ per cent, as prescribed by the Interstate Commerce Commission, during any of the years 1921 to 1924, inclusive. The net railway operating income on these roads from 1921 to 1924, inclusive, is shown on the following table:

Net rate operating income

	Per cent
Chicago, Milwaukee & St. Paul:	
1921	0.73
1922	1.85
1923	2.73
1924	[1] 2.57
Great Northern:	
1921	2.53
1922	3.37
1923	4.59
1924	[1] 4.49

[1] Data as shown for 1924, based on property investment as shown for preceding year.

	Per cent
Northern Pacific:	
1921	1.93
1922	3.47
1923	2.93
1924	[1] 3.40
Minneapolis, St. Paul, & Sault Ste. Marie:	
1921 (deficiency, $696,585).	
1922	3.31
1923	3.75
1924	[1] 3.10

It will be observed that none of these roads have reached the 5¾ per cent prescribed by the commission. Of course, the taking away of the Pullman surcharge would materially reduce this return, because they derive substantial revenue from the charge.

Out of the net railway operating income the railway companies must pay interest on funded and unfunded debts and take care of one or two other items of expense that can not be charged up in figuring net railway operating income. It is out of net corporate income that dividends are paid. During the years 1921 and 1922 there was a very substantial deficit in the Milwaukee road on net corporate income. In 1923 that income was but $350,196. If the surcharge had been taken away, amounting to over $700,000, there would have been a deficit in 1923. In 1923 the Soo Line had a net corporate income of $950,663. If the $240,000, which was the amount they obtained from the surcharge, had been taken away, I submit it would have been a very substantial reduction. Following my remarks, I am submitting a table showing the income accounts of these four northern transcontinental roads. They all derive a substantial income from the surcharge, and it must be perfectly obvious that if this revenue is taken away that additional revenue must be provided by the Interstate Commerce Commission. That additional revenue can only come through the increasing of freight rates. A very substantial portion of the revenue from freight on these four roads is from the carrying of agricultural products. Clearly, then, the increase would have to come on agricultural products. The feeling has been throughout the country that on account of the condition of agriculture that, if possible, freight rates on agriculture should be still further reduced, even if it was necessary to increase the rates on certain classified rates. Congress, in January, passed the Hoch resolution, the substantial portion of which is as follows:

> In view of the existing depression in agriculture, the commission is hereby directed to effect, with the least practicable delay, such lawful changes in the rate structure of the country as will promote the freedom of movement by common carriers of the products of agriculture affected by that depression, including livestock, at the lowest possible lawful rate compatible with the maintenance of adequate transportation service.

In January we directed the Interstate Commerce Commission to further reduce freight rates on agricultural products. If we pass this we would prevent any decrease and probably necessitate an increase.

Mr. Speaker, it seems to me that not only have the proponents of this legislation failed to substantiate their case warranting Congress in going into the rate-making business, but that these figures show that it would be futile for Congress to take action, excepting upon the idea of increasing other rates to make up the loss in revenue. For these reasons I shall oppose the amendment.

[1] Data as shown for 1924, based on property investment as shown for preceding year.

Income account, four selected roads, 1921 to 1924

Item	Chicago, Milwaukee & St. Paul				Great Northern			
	1921	1922	1923	1924	1921	1922	1923	1924
Average miles operated	10,808.63	11,029.86	11,010.74	10,986.92	8,163.44	8,260.71	8,254.21	8,251.44
Total operating revenues	$146,765,766	$156,950,628	$169,628,338	$158,366,459	$101,317,204	$103,452,937	$120,077,772	$110,243,101
Freight	104,894,848	116,005,731	127,953,106	120,070,603	74,709,241	78,065,563	93,672,147	86,144,671
Passenger	26,915,456	24,261,499	24,175,892	21,768,171	16,460,280	15,112,453	15,305,242	13,683,383
Mail	3,159,611	3,139,601	3,009,691	3,000,944	2,856,978	2,849,623	2,971,703	3,009,146
Express	3,009,236	4,350,006	4,533,037	4,227,796	2,460,104	2,709,959	2,915,272	2,599,113
All other	8,786,615	9,193,791	9,956,612	9,298,945	4,839,601	4,715,339	5,213,408	4,806,791
Total operating expenses	127,957,002	129,596,696	134,999,228	125,550,061	80,496,913	79,636,038	86,750,523	75,212,058
Freight service	90,936,868	94,854,817	100,636,820	----------	55,553,276	57,943,015	64,170,784	----------
Passenger and allied services	37,020,134	34,741,879	34,362,408	----------	24,943,637	21,693,023	22,579,739	----------
Operating ratio (per cent)	87.18	82.57	79.59	79.28	79.45	76.98	72.25	68.23
Net operating revenue	$18,808,764	$27,353,932	$34,629,110	$32,816,398	$20,820,291	$23,816,899	$33,327,249	$35,031,046
Railway tax accruals	8,762,089	9,654,738	8,614,180	9,014,061	8,291,223	8,097,725	9,113,227	10,257,741
Uncollectible railway revenues	283,546	6,534	3,112	127,830	48,080	15,534	20,982	12,267
Equipment rents, net	[1] 3,266,120	[1] 2,977,205	[1] 4,400,583	[1] 3,290,608	[2] 739,997	[2] 1,799,023	[2] 806,631	[1] 304,269
Joint facility rents, net	[1] 1,379,680	[1] 1,431,210	[1] 1,443,522	[1] 1,411,793	[1] 354,574	[1] 226,065	[1] 267,679	[1] 255,481
Railway operating income (per cent)	0.73	1.85	2.73	2.57	2.53	3.37	4.59	4.49
Net railway operating income	$5,117,329	$13,284,245	$20,167,713	$18,972,106	$12,866,411	$17,276,598	$24,731,992	$24,201,288
Other income	3,804,658	1,574,700	1,710,996	----------	31,731,123	10,487,007	5,085,536	----------
Total income	8,921,987	14,858,945	21,878,709	----------	44,597,534	27,763,605	29,817,528	----------
Fixed charges:								
Rents for leased roads	459,504	919,423	947,230	----------	13,710	106,413	116,623	----------
Interest on funded debt	16,969,623	18,073,451	19,443,503	----------	13,747,509	16,242,953	16,348,339	----------
Interest on unfunded debt	1,988,462	1,148,976	586,161	----------	1,161,806	236,009	212,483	----------
Other deductions	476,904	716,802	551,619	----------	1,204,583	312,558	299,857	----------
Total deductions	19,884,603	20,858,652	21,528,513	----------	16,127,608	16,897,933	16,977,302	----------
Net corporate income	[3] 10,962,616	[3] 5,999,707	350,196	----------	28,469,926	10,865,672	12,840,226	----------

Item	Minneapolis, St. Paul & Sault Ste. Marie				Northern Pacific			
	1921	1922	1923	1924	1921	1922	1923	1924
Average miles operated	4,298.09	4,383.57	4,396.49	4,402.53	6,658.03	6,640.64	6,668.99	6,679.94
Total operating revenues:	$42,745,440	$47,107,105	$49,345,337	$47,945,360	$94,538,059	$96,076,066	$102,002,060	$95,292,404
Freight	31,090,375	35,529,522	37,604,190	37,349,105	69,246,505	71,725,006	77,610,570	73,422,540
Passenger	8,082,848	7,378,176	7,666,758	6,575,906	17,015,155	15,551,897	15,438,784	13,167,942
Mail	936,175	869,249	834,537	896,951	1,699,835	1,657,162	1,660,115	1,726,712
Express	835,437	1,176,916	998,873	996,040	2,081,542	2,157,177	2,059,449	2,033,957
All other	1,800,605	2,153,242	2,240,979	2,127,358	4,495,022	4,984,824	5,233,142	4,941,253

[1] Debit. [2] Credit [3] Deficit.

Income account, four selected roads, 1921 to 1924—Continued

Item	Minneapolis, St. Paul & Sault Ste. Marie				Northern Pacific			
	1921	1922	1923	1924	1921	1922	1923	1924
Total operating expenses	$39,755,399	$36,442,851	$37,615,134	$36,813,855	$77,630,867	$72,654,711	$80,364,810	$70,533,064
Freight service	28,772,201	26,357,085	28,186,752	----------	54,208,628	50,604,691	58,164,840	----------
Passenger and allied services	10,983,198	10,085,766	9,428,382	----------	23,422,239	22,050,020	22,199,970	----------
Operating ratio (per cent)	93.01	77.36	76.23	76.78	82.12	75.62	78.79	74.02
Net operating revenue	$2,990,041	$10,664,254	$11,730,203	$11,131,505	$16,907,192	$23,421,355	$21,637,250	$24,759,340
Railway tax accruals	2,823,376	3,056,289	2,956,439	3,082,722	9,014,120	8,430,583	8,462,890	8,546,758
Uncollectible railway revenues	11,844	12,593	27,127	16,629	17,896	24,983	19,429	16,396
Equipment rents, net	[1] 118,160	[2] 312,090	[2] 153,700	[1] 540,391	[3] 1,445,606	[2] 2,596,625	[2] 2,404,238	[2] 2,130,763
Joint facility rents, net	[1] 733,246	[1] 728,490	[1] 696,241	[1] 715,605	[3] 1,523,044	[3] 1,918,100	[3] 1,541,388	[3] 1,534,128
Railway operating income (per cent)	----------	3.31	3.75	3.10	1.93	3.47	2.93	3.40
Net railway operating income	[3] $696,585	$7,178,972	$8,204,096	$6,776,158	$10,843,826	$19,450,514	$17,100,557	$19,861,077
Other income	996,280	655,446	131,000	----------	26,552,683	11,271,730	11,181,675	----------
Total income	299,695	7,834,418	8,335,096	----------	37,396,509	30,722,244	28,282,232	----------
Rents for leased roads	[3] 1,055,923	2,247,004	2,211,693	----------	51,321	51,321	51,321	----------
Interest on funded debt	4,040,422	4,641,025	4,731,862	----------	14,480,680	14,992,473	14,707,679	----------
Interest on unfunded debt	330,449	281,204	273,250	----------	10,631	67,646	258,855	----------
Other deductions	456,905	166,139	167,628	----------	788,478	553,874	282,951	----------
Total deductions	3,771,853	7,335,372	7,384,433	----------	15,331,110	15,665,314	15,300,806	----------
Net corporate income	[3] 3,472,158	499,046	950,663	----------	22,065,399	15,056,930	12,981,426	----------

[1] Debit. [2] Credit. [3] Deficit.

NOTE.—"Net railway operating income" is the residue of total operating revenues after payment of operating expenses, taxes, equipment and joint facility rentals, but before payment of fixed charges or dividends. It is the item defined in the transportation act as the amount to be used in calculating the rate of return on property valuation.

Source: Reports to the Interstate Commerce Commission.
FEBRUARY 24, 1925.

Mr. WOOD. Mr. Chairman, I yield to the gentleman from Iowa [Mr. COLE].

Mr. COLE of Iowa. Mr. Speaker, in this hurried debate on a senatorial rider, I want simply to say a few words to make my views of record. As I read the railroad returns I see as yet no warrant for serious decreases in their incomes. This is especially true of the roads that serve the agricultural regions. The Northwestern last year earned an income of only 2½ per cent, and the St. Paul fell a million and a half short of its fixed charges. To cripple these roads in income by reducing Pullman charges would only defer the hopes of lowered freight rates, ultimately, if it might not result in the necessity of increasing freight rates that affect all.

So soon as the railroad incomes can be decreased I am in favor of extending the first benefits to the shippers, and last of all to those who can travel in super cars.

The Congress has wisely delegated its rate-making powers to the Interstate Commerce Commission. It should not now disturb that function of the commission by undertaking to make piecemeal rates for the benefit of a limited class. If the Congress should reundertake to make rates upon this tumultous floor it would be tantamount to subjecting to political influences a work that should be done more scientifically, and upon the most detailed evidence and mature consideration.

I shall therefore vote against the proposed repeal of these Pullman surcharges, being both opposed to the procedure involved and the results sought to be obtained.

Mr. WOOD. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. SANDLIN. Mr. Speaker, I also yield the gentleman five minutes.

Mr. HUDDLESTON. Mr. Speaker, I have no conscientious scruples against making rates by act of Congress. But, of course, I want first to be sure that the rate to be made by Congress is a proper rate.

Members excuse their intended vote for this reduction by saying that this is the only chance that they have to reduce rates; that they are going to strike down this charge because they have no chance to strike down other railroad charges, and that this proposal is all that is in front of them. They assert that if they were given the opportunity they would vote to reduce other rates, such as the general passenger fare.

I want to call to the attention of those gentlemen the fact that for more than three years I have had pending in this House a bill to force down all railroad charges to what they were at the time of the increase in August, 1920. My bill proposes to force down, by horizontal decreases, the rates which were horizontally increased in 1920.

My bill has been pending before the Committee on Interstate and Foreign Commerce, but of course the committee has not favorably reported it. A year ago the gentleman from Nebraska [Mr. SHALLENBERGER] entered a motion upon the records by which he prayed the discharge of the committee from the consideration of that bill and sought to bring it before the House so that those who, like myself, have no scruples against making right rates by congressional action might have an opportunity for action. Yet the gentleman from Nebraska was able to secure only 30 to 40 signers out of 435 Members of this House to that motion—the balance of the Members were afraid of it—and it died for lack of sufficient signers. Members were either not in favor of reducing rates or they were not in favor of direct congressional action. Now, if any of those who are in favor of direct action to-day can go down to the desk and point with their finger to their signatures to that motion, then their position is consistent; but no Member can claim that he is consistent in voting to take off the Pullman surcharge, which will benefit only a small group, when he failed to sign the motion when he had the chance and was not willing to force down rates so as to have been of benefit to all the people.

During the closing days of the last session we had an effort on behalf of the farmers to have direct congressional action which would gain for them some decrease in agricultural rates. They pressed for that purpose the so-called Hoch-Smith resolution. I opposed that measure because I was not willing to yield to the demand of any group, no matter how powerful politically, nor how well organized, nor how well represented in this House—for a reduction which would benefit merely that group and ignored the interests of other users of the railroads.

My attitude toward the drummers to-day is exactly what it was toward the farmers a year ago. I am willing to reduce railroad charges and I have proven the faith that is in me, but I want the reductions which will be of benefit to all the people of this country and not merely benefit a small group.

You would never have heard of this bill had it not been that the commercial travelers are well organized, are up on their feet fighting, and have great political influence. Other people in this country have rights, other people are paying excessive railroad charges. Why do you not try to do something for them? Why not try to do something for all of the people? Why do you not try to bring down the basic passenger fare of 3 cents a mile so as to benefit not only the commercial travelers but the farmers and everybody else that travel on the trains? Why do you want to favor merely a small class? Can any of you give a sufficient answer?

The hearings before the Interstate Commerce Commission resulted in a finding of fact by the majority that the man who rides in the Pullman and pays the surcharge gets more for his money than the man who rides in the day coach, and that the railroad company derives less profit from the man

who rides in the sleeping car than from him who rides in the day coach. That was the finding after long and exhaustive hearings.

We had a railroad lawyer before our committee. He came to represent the railroads, and here is what he said: It was Mr. Coleman, of Chicago:

One of the vice presidents of the National Council of Traveling Men's Association testified that he rides in a parlor car—that is pure luxury travel, the parlor car—because the people in the day coach eat bananas and peanuts, and they are not personally agreeable to him. Now, in that day coach which was so intolerable to him, I suppose there were a great many poor people, perhaps very good citizens, but in the unfortunate walks of life, for a time at least; and at the time of which he speaks I suppose there were a great many widows of men who had died with their faces toward the Rhine; and that man who scorned to sit in that car because of the bananas and the peanuts, and because of the presence of those people that man wants to make those poor people pay for his ride in the parlor car.

That is all there is to this case. If the man that rides in the parlor car can not have his fare paid by the man who rides in the day coach, he wants the farmer and the cattleman and the shipper of freight to pay his fare. He seems to have picked out everybody that can not afford to pay it, and he wants it to be given to him and to the de luxe traveler, who of all people in the United States are best able to pay for the services which they get. But you know that the rich are not accustomed to paying things, and you know that they have always tried to make the poor bear their burdens.

The railroad lawyer said that—the Chicago lawyer representing millions of invested capital. It was not the wild utterance of an anarchist or an agitator. The lawyer said it before a dignified committee of Congress, and no one denied his statement.

I am not willing, my friends, that the poor farmer who uses the freight trains to ship his products, and the common people who ride in the day coaches shall be taxed to afford luxury to those who ride in the Pullman cars. The issue is plain. The choice is before you. Are you on the side of the man in the Pullman or of the man in the day coach? Choose which you will. I go with my own crowd. [Applause.]

Mr. WOOD. Mr. Speaker, we have only one more speech on this side.

Mr. HILL of Maryland. Mr. Speaker, the Senate has added to the bill making appropriations for the executive offices for the fiscal year ending June 30, 1926, an amendment which would have been out of order if it had been offered in the House. This amendment proposes to make of the Congress of the United States a court of appeals for those who have tried their cases and submitted their claims before the Interstate Commerce Commission and gotten licked. This amendment proposes to establish Congress as a rate-making body and to substitute Congress itself for the Interstate Commerce Commission, which it created to handle the difficult, intricate, and vital problems of rate making. I am absolutely against such a proposal.

If the Interstate Commerce Commission is inefficient or unfair, correct the Interstate Commerce Commission. If it is not performing the functions for which it was created, abolish it; but while it exists, do not overrule its decisions by acts of Congress. Personally, I consider the Interstate Commerce Commission a very fair and impartial court; but let us not mistake the meaning of the Senate amendment. The commission heard, considered, and decided the question raised by the Senate amendment, and this is an attempt to override and overrule the judicial act by legislative act. I am glad that there has been full discussion to-day and that in the main this discussion has been on the subject, "Shall Congress supersede the Interstate Commerce Commission as the rate-making body?" That is the real question, and the merits or demerits of the Pullman surcharge are quite secondary.

The proposed amendment is as follows:

That paragraph (4) of section 1 of the Interstate Commerce act, as amended, is hereby amended by adding at the end thereof a new sentence to read as follows:

"It shall be unlawful for any such carrier to demand, charge, or collect from any person for transportation, subject to the provisions of this act, in any parlor car or sleeping car, any fare in addition to that demanded, charged, or collected for transportation in a day coach, but this shall not prevent just and reasonable charges for the use of accommodations in parlor cars or sleeping cars by companies owning such cars."

Let us look at the law to which this radical and vitiating change is made. The act to regulate commerce, passed by the Forty-ninth Congress, was approved February 4, 1887. It has been amended many times, but its fundamental conception has never been changed. It created the Interstate Commerce Commission, a judicial body, and put it in a position, independent of the executive departments of the Government, on the same status as a Federal court. Its creation was hailed as a great reform in the interest of fair treatment of the public by the railroads. The Senate amendment strikes out the foundation of the Interstate Commerce Commission. It seeks to amend paragraph (4) of section 1 of the interstate commerce act, the paragraph of the act that declares the purpose of the act.

We are considering fundamentals to-day. Let us, therefore, look at the exact wording of the paragraph we are asked to overrule. It is as follows:

All charges made for any service rendered or to be rendered in the transportation of passengers or property as aforesaid, or in connection therewith, or for the receiving, delivering, storage, or handling of such property, shall be reasonable and just; and every unjust and unreasonable charge for such service is prohibited and declared to be unlawful.

Here the Congress of the United States stated the governing rule as to rates. It placed regulation of rates with the Interstate Commerce Commission. If you agree with the Senate amendment, you will be besieged, and properly so, by all those who lose their cases before the Interstate Commerce Commission. Recently certain maritime interests tried to destroy the so-called port differentials, but after voluminous hearings the commission adhered to the rulings and the rates of the past 50 years. What happens? To-day there is pending a Senate bill the purpose of which is to make Congress overrule and override the decision of the commission. Just as some Member of the Senate, by the pending amendment, attempted to overrule the decision of the commission on the Pullman surcharge, so another Senator is trying now to overrule the decision of the commission on the port differentials. As an illustration of what we may expect if we adopt the pending Senate amendment and take over the Interstate Commerce Commission's duties, look at Senate bill 3927, introduced January 5, 1925, which is as follows:

A bill to promote the flow of foreign commerce through all ports of the United States and to prevent the maintenance of port differentials and other unwarranted rate handicaps.

Be it enacted, etc., That it is hereby declared to be the policy of Congress to promote, encourage, and develop ports and port facilities and to coordinate rail and water transportation; to insure the free flow of the Nation's foreign commerce through the several ports of the United States without discrimination, to the end that reasonable development of the said ports shall not be handicapped by unwarranted differences in transportation rates and charges, and to provide as many routes as practicable for the movement of the Nation's export and import commerce.

SEC. 2. On and after June 1, 1925, it shall be the duty of common carriers by railroad to establish and maintain for the transportation between United States ports on the Atlantic Ocean, the Pacific Ocean, and the Gulf of Mexico, respectively, of all property exported to or imported from any nonadjacent foreign country, rates that shall be the same as between ports on the same seaboard upon the respective classes or kinds of property: *Provided*, That the Interstate Commerce Commission may define the territory tributary to any port or group of ports from and to which the rates and charges applicable to such export and import traffic may be lower than the corresponding rates and charges to and from other port or ports on the same seaboard.

On and after June 1, 1925, it shall be unlawful for any common carrier by railroad to maintain or apply to or from any port in the United States from and to nontributary territory any rate or charge for the transportation of property for export to or imported from a foreign country not adjacent to the United States which is higher than the corresponding rate contemporaneously maintained to or from any other port on the same seaboard, or to prefer any port by the maintenance of port differentials or other differences in rates;

It is hereby made the duty of common carriers by water in foreign commerce, other than tramp vessels, to maintain and apply for the transportation of property imported into or exported from the United States to or from foreign countries not adjacent thereto rates that shall be the same for transportation from and to all United States ports on the Atlantic seaboard, the Pacific seaboard, and the Gulf of Mexico, respectively;

On and after June 1, 1925, it shall be unlawful for any common carrier by water in foreign commerce to maintain or apply to or from any port of the United States to or from foreign countries not adjacent thereto any rate applicable to the transportation of property imported into or exported from the United States that shall be higher than the corresponding rate contemporaneously maintained to or from any other port on the same seaboard, or to prefer any port by the maintenance of port differentials or other differences in rates.

SEC. 3. Any steamship line or vessel serving any port of the United States shall be permitted, in its discretion, to establish and maintain to and from such port ocean rates as low as those maintained by any other steamship line or vessel between any other port in the United States and the same foreign port, and any contract or agreement to the contrary is hereby declared to be unlawful.

If we agree to the pending Senate amendment on Pullman surcharge we will do away with the rate-making power of the Interstate Commerce Commission. We shall be inundated by all sorts of attempts to overrule the commission and to consider in Congress all kinds of rates. The pending Senate amendment is the Rubicon. If we pass it we destroy the Interstate Commerce act. I feel confident you will not agree to the Senate amendment.

Mr. TYDINGS. Mr. Speaker, under leave granted me to extend my remarks on the repeal of the Pullman surcharge, I wish to say, that we should be mindful of just what rate making by congressional action means. It means that we throw to the winds the judicial determination of the Interstate Commerce Commission; that we fix rates without a thorough consideration of the facts; that we open the door to the fixing of all rates by Congress in the future; that fair regulation gives way to prejudice and spurred by clamor will eventuate in chaos for the roads and evils of all sorts to the business and people of the country.

If such a bill passes reduction of wages may follow with strikes and economic loss following. The gain to the traveler by the repeal of the surcharge would be swallowed up in the business chaos resulting. As long as a duly constituted body, which has considered the evidence, deems it unwise to take action in the interest of all concerned, I shall refuse to pass upon so weighty and important a matter in a few hours and until I feel better able to pass upon it than those whose duty it now is to do so.

A day or so ago I voted against the Haugen-Capper bill and for the Dickinson amendment. I did so on the advice that the President had advocated the measure for agricultural relief. Introduced and passed in haste, without time for us to know the scope of the Dickinson amendment, there was no adequate way of ascertaining its contents except by the brief statement made by its sponsor of its provisions. This I find, contrary to my belief, creates new offices, adds to the pay roll a lot of useless employees, and will, in my judgment, do no good for the farmer. I hear the bill as amended will not pass. I hope not. I shall vote against it when opportunity again presents itself.

Further, all this legislation hurried through in such a manner is unjustifiable. Such important measures should not be acted upon until Members have a chance to read for themselves and not be forced to take someone's word for it. The Haugen-Capper bill and the Dickinson amendment are both vicious pieces of legislation. The Pullman surcharge repeal is in line with them and I feel the best interest of the public, business, the railroad employees, and the Government are best served by letting the Interstate Commerce Commission and not Congress handle these railroad matters.

Mr. WOOD. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. DENISON].

Mr. DENISON. Mr. Speaker, the basic fare for passenger travel in all coaches is 3.6 cents per mile. The Interstate Commerce Commission after a full hearing decided that in view of the additional expense to the railroads in the transportation of parlor and Pullman cars, and in view of the additional service furnished to those who travel in parlor and Pullman cars, a higher rate per mile should prevail and would not be unreasonable. So they fixed a rate for those who travel in the parlor cars and in Pullman cars at 3.96 cents per mile. The Interstate Commerce Commission, with all its facilities for investigating costs, and so forth, has found and declared that that difference was just and reasonable to the traveler and it was needed by the carriers in view of the fact that is costs the carriers more to carry those in parlor and Pullman cars than those who ride in day coaches. Congress has not the facilities for going into such an investigation. Our committee had a hearing, but we merely scratched the surface of the subject, while the Interstate Commerce Commission, with all its facilities, took a year and a half to make a complete investigation. Congress could not make a thorough investigation of such a question in a few days, and neither the House nor the Senate could do so in debate on the floor.

So you can see the difficulty and fallacy of bringing these questions here to be settled on the floor of the House and the Senate.

I am opposed to this bill because I do not think we ought to establish the precedent of making Congress an appellate tribunal from the Interstate Commerce Commission. If we pass this bill, if we approve it, we have established that precedent, we have made Congress an appellate tribunal in rate making. That is all there is to it. The Interstate Commerce Commission said that the surcharge was made in that form largely as a matter of convenience. How else could you do it? Let each of us answer that question. If you do not collect the additional fare for those who travel in parlor cars in the form of a surcharge and let the Pullman Co. collect it for the railroad, then you would have to purchase two separate railroad tickets, which would be both inconvenient and impractical. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired; and the gentleman from Kentucky [Mr. BARKLEY] is recognized for 24 minutes.

Mr. BARKLEY. Mr. Speaker, the gentleman from Illinois [Mr. DENISON], who has just addressed the House in opposition to the Senate amendment, at the present time is very much opposed to congressional rate making, and he is especially opposed to Congress making rates on Pullman surcharges; but I hold in my hand House bill 5326, introduced by the gentleman from Illinois [Mr. DENISON] on the 12th day of January, 1924, repealing the surcharge and prohibiting its collection forever afterward. [Laughter.] I also hold in my hand House bill 527, introduced by the gentleman from Minnesota [Mr. NEWTON], who also addressed the House a few moments ago against the Senate amendment, on the 5th day of December, 1923, in which he proposed to repeal the Pullman surcharge and and prohibit its collection in the future. These distinguished gentlemen are both members of the Committee on Interstate and Foreign Commerce.

Mr. DENISON. Mr. Speaker, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. DENISON. I understand the gentleman refers to a bill that I introduced?

Mr. BARKLEY. Yes; repealing the surcharge.

Mr. DENISON. I filed that bill on request.

Mr. BARKLEY. It does not say so.

Mr. DENISON. But I say so; and I am saying this, that at the time I filed it I did not know a thing about it, but I have learned something since then.

Mr. BARKLEY. The gentleman has seen the light since then?

Mr. DENISON. I have learned something, and I am hoping that the gentleman from Kentucky will learn the same.

Mr. BARKLEY. I accept the gentleman's apology. Hereafter I hope the gentleman will add a footnote to his bills, advising us whether he is for them or against them. Mr. Speaker, I shall discuss this matter not from the standpoint of the number of men or women and children who travel in Pullman cars or the percentage of those who travel in all kinds of cars. I hope that I may never be required to stoop to the expediency of passing on legislation solely in accordance with the number of men and women it may affect. My position on this bill is dictated by sentiments of justice and equality among all our people, and without any effort, I hope, to becloud the issue or deceive my colleagues, or to attempt to play the demagogue because we are told that a smaller percentage of people travel in Pullman cars than in other cars.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. BARKLEY. I am not going to yield to anybody from now on, and I shall treat all alike. There are some things that I must get before the House, and if I yield to one I will have to yield to others.

It is true that about 4 per cent of the people who travel on the railroads of this country travel in Pullman cars. If it were not for that fact the railroads or some other company would have to furnish many more cars than are furnished now for the passengers who desire those accommodations; but it also developed in the hearings before the Committee on Interstate and Foreign Commerce that the average Pullman passenger travels ten times as far as the average day-coach passenger, and therefore pays ten times as much railroad fare, and that out of the total passenger income of the railroads of the United States 40 per cent is paid by those who ride in Pullman coaches, either in the day time or in the night time. Therefore it is not fair to say that only four out of every hundred of those who travel on passenger trains travel in Pullman coaches; but even if it were true, I submit to you, as intelligent, honest men, desiring to exercise intellectual as well as political integrity, that we owe it to those who are compelled or desire to travel in sleeping cars to be fair to them and not allow them to be discriminated against merely because they seek to make themselves comfortable on long journeys. These people have rights, and I propose to give them the consideration to which they are entitled.

We are told that politics makes strange bedfellows. But politics never brought together stranger elements than has the proposition now before us.

My friend HUDDLESTON, from Alabama, finds himself locked in the fond embrace of my genial friend from Massachusetts [Mr. WINSLOW] for the first time in his history. [Laughter.]

Mr. WINSLOW. Mr. Speaker, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. WINSLOW. Does the gentleman know any better embrace for him to get into than mine? [Laughter.]

Mr. BARKLEY. The gentleman's embrace is no doubt alluring to some. But I do not find the gentleman's embrace quite enticing enough to suit my own taste for embraces.

Mr. WINSLOW. But the gentleman has been in it more than once.

Mr. BARKLEY. Once in a while; but it has never become habitual. Mr. Speaker, the gentleman from Massachusetts is against the repeal of this surcharge and the gentleman from Alabama is against the repeal of the surcharge, but not for the same reason. The gentleman from Massachusetts opposes it because he does not desire the amount of revenue involved to be taken from the railroads, while the gentleman from Alabama opposes it because, congenitally and inherently, he is against any man who has money enough to buy a Pullman ticket [laughter], and, therefore, he is in favor of keeping the charge on, not because he loves the railroad more, but because he loves the Pullman traveler less.

What are the facts about this matter? I want to give you a little history about this resolution. Mr. McAdoo, in July, 1918, I think it was, as Director General of Railroads, put this surcharge on the traffic in the Pullman cars. It was put on as a war measure, and its chief object was for the purpose of discouraging travel on the railroads; but although it was put on in war time by the action of the Government when the people were willing to stand for almost any inconvenience, it was so obnoxious and objectionable that in December of that same year it was taken off, and was not heard of any more until 1920.

In May of 1920 the railroads filed an application with the Interstate Commerce Commission for the right to increase rates—not passenger rates, not surcharges, but freight rates—and they represented that it was necessary for them to have an increase of 30 per cent in freight rates in order that they might make the standard return fixed by Congress, which was 6 per cent, in the transportation act passed by Congress at that time. The hearings on the application were concluded. Nothing was said about increasing the passenger rates from 3 cents to 3.6 cents. In the meantime the railroad labor board, which had been set up by the transportation act and was in session at Chicago, on the 20th of July, I think it was, rendered a decision on an application of the railroad employees for an increase in wages, in which decision they increased the railroad wages, they said, about $618,000,000. After that order was issued by the railroad labor board, the railroads amended their petition for an increase in rates and asked that in addition to an incease in freight rates they be allowed to increase the passenger rates 20 per cent above the rates then in existence, and that in addition to that 20 per cent, which was to apply not only to those who ride in day coaches but in the parlor cars and in the Pullman cars, they be allowed also to revive this Pullman surcharge, which was placed on Pullman traffic by the Director General of Railroads during the war. While that matter was pending and before the Interstate Commerce Commission rendered its decision, the railroad labor board was asked to estimate how much the increase in wages would amount to, which the railroads were using as a reason for an increase in passenger rates. The railroad labor board replied that the increase in the railroad wages at that time amounted to about $618,000,000 as best they could estimate it, and based on that increase in the railroad labor wages, the Interstate Commerce Commission increased the freight rates all over the country and added 20 per cent to the passenger fares in all kinds of cars and at the same time permitted the railroads to put this surcharge on Pullman traffic.

It turned out that instead of increasing railroad wages to the amount of $618,000,000, the Railroad Labor Board's estimate, they amounted to $565,600,000, $53,000,000 less than the amount used by the Interstate Commerce Commission as a basis for these increased rates.

Now let us see what has happened since then. During the time which elapsed after July, 1920, when these railroad wages were increased by the labor board, they were rendering various decisions decreasing the wages of railroad labor, until now they have taken off not only all they added on in 1920, but they have taken off more than $10,000,000 in the wages of American railroad workers more than they put on in 1920. Yet the increases in rates based on the increased wages are still in effect. The actual increase in railroad wages was $565,000,000; and during the time which has elapsed from that time until now they have decreased the railroad wages until the decrease, either by direct decrease in pay or by amending the rules and working conditions, the decreases have amounted to $576,000,000, $11,000,000 more than the increase amounted to in 1920 on which those rates were based. That is not all. The railroad operating revenues for 1923 were $181,000,000 more than in 1920, when this increase in rates, passenger, freight, and surcharge, were added to the railroad revenues. Not only that, my friends, but the operating expenses of the railroads—and these figures are taken from the reports before the Interstate Commerce Commission—show that while the Railroad Labor Board has been decreasing railroad wages $576,000,000 the railroads themselves have been increasing their operating income $181,000,000 and they have reduced the operating expenses $886,399,000, which, added to the $181,476,000 increase in revenue, makes a difference of $1,067,875,000 in their favor in a period of three years. Yet we are asked not to remove this little $37,000,000 which they claim to be necessary to keep them out of the bankruptcy courts of the United States, although in 1923 their gross operating revenues amounted to $6,356,891,000.

Let us see. Not only that; but, my friends, there are not as many railroad employees on railroads now as there were in 1920, when the increased rates were inaugurated. In 1923 the number of railroad employees had been reduced 174,000 on the railroads of the United States. If these statements are correct—and they have not been denied—there is no longer any need for the retention of this $37,000,000. It is not a rate in the real sense, but a tax. It is a penalty against the requirements of nature, and it can be described in no other terms. Let us see what are the facts about the cost of hauling passengers.

Commissioner Campbell of the Interstate Commerce Commission was the only member of the commission who went out all over the country and heard witnesses. He looked them in the face, he examined them, he sized up their connections, and knew their credibility. He traveled with Mr. Keeler, the expert analyst of the Interstate Commerce Commission, from one end of this country to the other as examiner and as commissioner representing the Interstate Commerce Commission. They came back to Washington and filed a report with the Interstate Commerce Commission, both of them recommending that this surcharge was not only unnecessary but was an unjust discrimination against the passengers who travel on the trains of the United States. [Applause.]

In his most able dissenting opinion, Commissioner Campbell, who had heard all the witnesses, which no other commissioner had done and was not expected to do, among other things, said:

> In my judgment the surcharge is wrong in principle and should be abolished. It was established in Increased Rates, 1920, 58 I. C. C. 220, as an expedient way of raising additional revenue then needed to meet wage increases authorized by the United States Labor Board subsequent to the termination of the hearings in that case. There was no hearing at that time on the reasonableness of the charge and no order from us that it be established. Its propriety as a permanent charge was not considered. It has been generally looked upon as a war emergency measure, and under section 15 of the interstate commerce act the burden of justifying its continuance rests upon the railroads. Although extensive hearings were held and the railroads were afforded every opportunity to establish their contentions, they have failed to show either that they furnish two separate and distinct services for the Pullman passenger which justify the exaction by them of two separate and distinct charges, i. e., the passenger fare proper and the surcharge or if, as found by the majority, the surcharge is to be considered as a part of the transportation fare, that the cost to them of furnishing transportation to the Pullman passenger, as compared with the coach passenger, justifies a higher fare for the former.
>
> That there is no separate service between the transportation service and the Pullman service proper is apparent. The railroads furnish the transportation service and the Pullman Co. the hotel service.

And yet the Interstate Commerce Commission, by as hopeless a division, I imagine, as ever occurred in any body of the same size and character, rendered a so-called decision. There are 11 members of the Interstate Commerce Commission. Five of them favor leaving the surcharge on. Four of them favor removing it entirely; and two of them say they believe one-half of it ought to be taken off; so that a majority of the commission believe that this surcharge as it now exists is unjust; and while a majority of them were not in favor of taking all of it off, a majority were against leaving it as it is. We

are told that the Interstate Commerce Commission has rendered a decision, but because of its division, because they were hopelessly divided, they rendered no decision, and therefore the railroads are permitted not only to retain the 20 per cent increase in all passenger rates, which is, of course, not in question here, but they are allowed to retain the 50 per cent extra charge upon Pullman passengers which they were allowed to inaugurate for a temporary emergency purpose to meet a temporary need. They are allowed to retain this tax on sleep, this penalty against the requirements of nature, this extra burden borne by every invalid in search of health, every parent who, after years of toil and hardship, wishes to accompany a son or daughter to a modest school of learning, and every man or woman whose business calls them to distant points in our country. [Applause.]

Mr. WATKINS. Will the gentleman yield?

Mr. BARKLEY. I can not yield; I am sorry. Now, my friends, I want you to bear in mind that these Pullman cars are not furnished by the railroad. They are built by the Pullman Car Co. All the capital investment that represents their value and cost is made by the Pullman Car Co. Not only that, but they are furnished and equipped by the Pullman Car Co. Not only that, but the conductor and the porter and all the employees on that car are furnished and paid by the Pullman Car Co. Not only that, but when they reach their destination they are cleaned out not by the railroad that hauls them but by the agents and employees of the Pullman Car Co.

All the expense of their operation is borne by the Pullman Car Co., except the physical act of hauling the cars over the tracks, and for this hauling the railroads, with few exceptions, are paid by the Pullman Car Co. The total amount paid the railroads by the Pullman Co. is more than $12,000,000 annually.

So that, my friends, while the railroad companies have paid nothing for the construction or equipment or maintenance of those cars, and get $12,000,000 a year for hauling them up and down the road, you are asked here to sanction a proposal which allows them to retain this old relic of the war, which was not instituted as a part of any scientific system of rates, but merely as a temporary expedient to meet an after-the-war emergency, and was never expected or intended to become permanent.

My friends have talked about the cost of hauling passengers in Pullman cars. Commissioner Campbell and Examiner Keeler and Mr. Elmore, a statistician employed in the Interstate Commerce Commission, in a summary of all the testimony had before the commission found that it actually cost less per car-mile to haul Pullman coaches than it cost to haul day coaches. Mr. Elmore, a statistician and analyst employed by the commission, found and reported that it cost 44.81 cents per car-mile to haul an average day coach, while it cost 41.06 cents per car-mile to haul a sleeping car, making a difference of 3.75 cents per car-mile in favor of the Pullman car. But if it is to cost passengers more to travel because they ride in a heavy car, then we should go down the line and say that men who ride in steel day coaches which are heavier than wooden coaches, should be charged more than those who ride in a small out-of-date wooden day coach.

But it is proposed that we refuse to take off the Pullman surcharge because it is being paid by those who are able to pay it. That is a new rule in rate-making. We are asked here seriously to continue a thing that is discriminatory, that is a relic of the war, that is unjust, that is unnecessary, a charge for which the railroads, as is suggested, render no service whatever. We are asked to keep it on the public because those who ride in Pullman cars are able to pay it. I denounce such an argument as that, as being unworthy of the Congress of the United States. [Applause.]

If we are to charge men who ride in our passenger trains in accordance with their ability to pay, let us provide that every purchaser of a ticket shall have an inventory of his property and bank account ready to submit to the ticket agent when he buys a ticket and be charged according to his ability to pay. [Laughter and applause.] If, also, it costs more to haul a heavy steel coach than a light coach, perhaps made of wood, then it costs more to haul a heavy man than a light man, and therefore every passenger should be charged according to his weight; and if that is to be the rule of rate making, my friend from Kansas [Mr. TINCHER] will pay four times as much as I will [laughter], and my friend from Alabama [Mr. HUDDLESTON] will not pay anything. [Laughter.]

We are asked not to repeal this surcharge because Congress is unable to act intelligently upon it and because it is rate making. Why, my friends, when we passed the transportation act, in that very act we instructed the Interstate Commerce Commission to increase rates in the United States, and we did it by instructing the commission to fix rates sufficiently high to produce a return of 6 per cent net for a period of two years "upon the value of the railroads as a whole," and permitted the commission to fix a different return after the expiration of the two years. This provision was a mandate to the Interstate Commerce Commission and the commission has so recognized it ever since. That was rate making by Congress, for while the commission was permitted to work out the minute details, its effect was to give congressional instruction to the commission to increase rates all over the country.

I ask you if that was not rate making? In the Hoch resolution which is talked about here, my friend from Kansas got impatient with the Interstate Commerce Commission and said, "You are not doing anything for the farmer," and he brought in a resolution requiring the Interstate Commerce Commission to make a survey of the rate situation in the country with a view to reducing rates on farm products. That was rate making, because Commissioner Esch said if that resolution was passed he would take it as mandatory on the commission to reduce rates on agricultural products in the United States.

My friend from Kansas [Mr. TINCHER] talks about rate making as a cattle raiser and a farmer. I am as much a farmer as he is, and my father is a farmer to-day, and I live in an agricultural district. I have voted on every occasion for the benefit of the farmer; but while my friend from Kansas is a friend of the farmer, he is allowing himself to be blinded, while the farmer is being used for the purpose of doing a special favor to the railroads and an injustice is being done to a large number of American citizens. [Laughter.] I am unwilling to invoke the farmer here in the effort to do injustice to any class of people in the United States, and I apprehend that if an application for a reduction in freight rates on the livestock industry, in which my friend from Kansas is interested, shall result in five members of the Interstate Commerce Commission saying that it ought not to be reduced, and four of them saying it ought to be reduced, and two of them saying it ought to be cut in two, my friend from Kansas will be here with a bill instructing them to reduce freight rates on agricultural products before the next Congress is a week old. [Applause.]

My friends, I think we need not be swept off our feet here. Congress has the power to pass this law. Complaint has been made by my genial and distinguished friend from Missouri [Mr. HAWES], because the Senate gave no hearings on this proposition. There were 25 bills introduced into this House in the first session of the present Congress to repeal this surtax. Bills were also introduced in the Senate. Efforts were made in the Committee on Interstate and Foreign Commerce of the House to secure consideration of this legislation. But you gentlemen know how hard it is in that committee to get any consideration for legislation that is opposed by the railroads of the United States. In order that you may understand how widespread was the agitation for the removal of this surcharge, the House may be interested in the following list of bills introduced in the last session of this Congress on this subject. I give the number of the bill, the date of its introduction, and the author:

Date introduced	Number of bill	Introduced by—
Dec. 5, 1923	H. R. 312	Mr. Kahn.
Do	H. R. 465	Mr. Clark of Florida.
Do	H. R. 527	Mr. Newton of Minnesota.
Do	H. R. 693	Mr. Woodruff.
Do	H. R. 715	Mr. Wurzbach.
Do	H. R. 717	Mr. Wolff.
Dec. 6, 1923	H. R. 2685	Mr. Graham of Illinois.
Do	H. R. 2697	Mr. McLaughlin of Nebraska.
Dec. 10, 1923	H. R. 3196	Mr. Burdick.
Dec. 13, 1923	H. R. 3249	Mr. Doyle.
Dec. 20, 1923	H. R. 4146	Mr. Schall.
Jan. 12, 1924	H. R. 5325	Mr. Denison.
Jan. 28, 1924	H. R. 6295	Mr. Dallinger.
Feb. 1, 1924	H. R. 6539	Mr. Oldfield.
Feb. 18, 1924	H. R. 7080	Mr. Shallenberger.
Feb. 20, 1924	H. R. 7147	Mr. Boylan.
Feb. 28, 1924	H. R. 7355	Mr. Keller.
Mar 8, 1924	H R. 7756	Mr. Hammer.
Mar. 26, 1924	H. R. 8232	Mr. Crisp.
Apr. 25, 1924	H. R. 8881	Mr. Hull of Tennessee.
May 17, 1924	H. R. 9292	Mr. Jacobstein.
Dec. 17, 1923	H. R. 3908	Mr. Barkley.
	S. 862	

Notwithstanding the efforts which were made to get the committee to consider these measures, all of which had the same purpose and most of which were in the same language, it was impossible to secure their consideration.

The Senate passed this bill last May and sent it over here; it was referred to the Committee on Interstate and Foreign

Commerce; efforts were made then to have that bill taken up, but with like success; then this session came on and the Senate, out of patience, no doubt, with the House, and hopeless of any consideration on the part of the House, attached this bill as a rider to an appropriation bill. Then when it came over the committee got busy and held farce hearings for the purpose of doing what it never did before, namely, making an adverse report to the House on the measure referred to it in the hope that it might influence Members to vote against the Senate amendment.

I ask you to vote for the amendment because it is just, because it is fair, because it recognizes no class, but recognizes that all people are entitled to a square deal in the Congress of the United States. [Applause.]

Efforts have been made to create the impression that if this surcharge is removed reductions can not be made hereafter in rates on passengers generally or on agricultural products or other classes of freight. This is a specious claim and is designed to deceive the gullible. No man in this Congress is more anxious than I am to see freight rates reduced on the products going to and from the farm. But I venture to suggest that if, instead of this being a controversy over Pullman surcharges, it were a controversy over the reduction of freight rates on farm products the same insidious influence, the same lobby would be here against that which is here now against this, and their efforts would be centered around the claim that the farmer pays little freight any way, and that he ought not to be singled out as a special class for the receipt of congressional or governmental favors. I have heard that sort of claim made before when the interests of agriculture were involved.

But the adoption of this amendment, the removal of this surcharge, will not and need not retard or interfere with any downward adjustment of freight rates on agriculture. It is claimed by those who seek this removal, that the roads, under the recapture clause of the transportation act are turning back to the Government between $80,000,000 and $100,000,000 per annum, which represents an amount equal to one-half their surplus earnings over the fair return fixed by law. The roads themselves admit that this amount being returned is more than $40,000,000 per annum. If this amount be correct, then there is an additional $40,000,000 which they are receiving over and above the fair return, because they are required to return only one-half of the surplus and not all of it.

Whatever the correct amount may be, we know that many of the roads are earning largely in excess of the lawful return. We know that based on present earnings and future prospects railroad stocks have risen in value in the past four months beyond all expectations. We know that the fair return as fixed under the law by the commission at present is based, not on actual value but on book value, which may be taken generally as being in excess of actual value; so that the forty or the eighty millions subject to recapture as a surplus may not, and in all probability does not, represent the true amount that is subject to be returned. When the actual valuation of railroad property is ascertained, and the rates shall be fixed with that knowledge as a basis, I am confident that the commission will be able to reduce freight rates on the products of the farm, and the means of bringing forth these products from the earth, and that the removal of the discrimination and the penalty now involved in the payment of three separate fares by those who must travel long distances and at night will in no respect retard such relief to the farmer or to any other deserving or suffering interest or industry in this Nation. [Applause.]

Let us do justice to all classes as opportunities are presented. This is an opportunity to do justice to a large portion of the traveling public. I shall grasp this opportunity to render to those whose calling and needs take them far from home the justice to which I believe they are entitled. When other opportunities are presented to deal with other phases of transportation charges, I hope I may be equally zealous in trying to see that the same character of equal justice is meted out to all who need and deserve the protection of the Congress of the United States. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Kentucky has expired.

Mr. WOOD. Mr. Speaker, I yield the balance of my time to the gentleman from Massachusetts [Mr. WINSLOW]. [Applause.]

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 15 minutes.

Mr. WINSLOW. Mr. Speaker and Members of the House, as it fell to the lot of my associate from Kentucky [Mr. BARKLEY] to be the last speaker on his side of this question, so it has fallen to me to be the last speaker on the other side. For obvious reasons I can not answer in kind his gymnastic presentation of his speech. [Laughter and applause.]

Based on what I have had an opportunity to learn, and believe I have learned, as to facts supported by figures in connection with this whole problem, I will give my good friend—and we always speak in a friendly way—more credit for handling figures than I would give a prestidigitator to pull a bunch of rabbits out of a thimble. He has done a wonderful job, but whether by accident or study I do not know. [Laughter.]

If I had the time to answer accurately his easy statements, I think I could present the case more as it should be presented, but I have not that time. My colleague talked so fast and said so many things that I shall not be able in 15 minutes to more than approach his assertions. I have been happy to note that the gentleman from Alabama [Mr. HUDDLESTON] has been credited with being in my fond embrace. I am glad of it; I am proud of it, and I say to my good friend from Kentucky [Mr. BARKLEY] that I would welcome him there under all circumstances, but after hearing his speech I wish it to be known that I particularly do it on the proposition of "Suffer little children to come unto me." [Laughter and applause.]

You may be interested to have an idea what some of us think, at all events what I think, of the history of this proposed legislation. I shall give you that idea to the best of my ability.

After tracing the source I have long since been convinced that it was originated in the minds of men connected with the very honorable occupation known as that of the commercial traveler. It was originally presented through scores and scores of our fellow Members, who put in bills much to the same effect, through the instrumentality of the United Commercial Travelers' Association, of which, for many years, I have been a member, and my dues are all paid to date. But a little care in looking into the problem, with reference to finding the real source, long ago convinced me, and I have never had occasion to change my mind, that the whole body of commercial travelers is not vitally interested in this proposed legislation. It started, I believe, and with honorable intent, I think—I take no exception to it—among those commercial travelers who are known as travelers working entirely on commission. They are but a small part of the commercial traveling public which pays railroad fares and surcharges on account of Pullman travel.

The correspondence which has come to our committee and the testimony and all the rest that would tend to give knowledge have failed to demonstrate that the traveling salesmen whose expenses are paid by their employers' office care very much about it. They have stood by, like good fellows in the organization, and we do not blame them for that; but the main interest has been on the part of those who sell wholly on commission and who would get the whole benefit of the proposed legislation. There is not one of those all-commission traveling salesmen or any other salesmen—who would take the benefit of this surcharge for himself if he could get it, as all of us would—who would contend for a minute that by virtue of the removal of the surcharge he would quote his goods to any customer 1 cent below the schedule prices which would be charged if the surcharge remains. There will be no advantage coming to the consuming public by virtue of the removal of the surcharge. So the demand for the removal of the surcharge, so far as the commercial travelers are concerned, comes mainly from the all-commission travelers and, to a small degree, from the houses which hire them. Those houses are not represented by any considerable number of letters or communications of any kind. But, on the contrary, large money business houses and organizations of business houses have protested against the removal of the surcharge as being unnecessary, likely to disturb railway economics and likely more than that—and do not forget this, my friends—to disturb the condition and trend of business as it is going to-day, and it is not going up the ladder. If you will consult the business people of this country—the manufacturers, the merchants, the wholesalers, and the retailers—you will find that that fine paper spurt which was to come January 1 and continue on during the year has not materialized.

The writers on economics and all employers of salesmen know that there has been a lull and that if there is a move at all it is receding rather than advancing. Under these conditions business men do not desire a great structure, like the rate structure, monkeyed with, and certainly not by people, such as ourselves, who do not know what they are doing. The very fact that 4 commissioners—if that is so, and it is no matter whether it is or not—out of 11 voted one way and 2 another, and four different ways, is an evidence that the

problem is a mighty complicated proposition. How can we—more brilliant, may be, personally than the members of the Interstate Commerce Commission, if you please, but crowded with other work and obligations as we are—undertake each one to be a specialist and an analyst of figures in determining the economics entering into the railroad business better than the members on the Interstate Commerce Commission who do nothing else? We not only pay them to do such work, but we set them up by order of the Congress itself. If we do not like the way they are doing it, do let us not muss into one detail of the great big job they are engaged upon, but if they are not doing a good job let us get rid of them. Let us not have such controversy as we are having on the floor as to whether this bill is for or against the rich or for the poor or against the poor. We want our rate making done as well as we can have it done, and if we are not getting it so done let us go to the foundation of it all and establish a new system and method of doing it.

In the meantime here is the railroad institution. Some railroads are making more than some of us would like to have them. Far more are making less than we would like to have them. We must act on averages and not pick out one road here and say we will give you this rate and to another we will give you a different rate, and so on. On the average the roads are not making 5 per cent. If you take off this surcharge, you will reduce the earnings of some of the roads to a loss because their earnings are even now so small. You can take one road, for example, in New England—I do not speak of it because of pride of location, but to illustrate—the New York, New Haven & Hartford, which has been going through the very devil in respect of work and effort to hold together. They have gone from a state of making an annual deficit to a point where they made last year the magnificent sum of $3,000,000. That is all they made net, and out of that about $1,300,000 came from surcharges. If you take this surcharge off, you will reduce their earnings by that amount.

The subject is too vast for any man to discuss fully in five minutes or five hours or five weeks, but to show the absurd extreme to which this proposition can be worked, if this law is removed, so said a witness before our committee, we might have this proposition come to pass, and he believed it would, and nobody has said that it would not, either in testimony before the committee or in debate on this floor. Given a young man with more money than he knows how to spend wisely, and there are those, or some absurd person who wants to be exclusive—this is an extreme case—if this law is modified as proposed here, that one person can go to the railroad office and buy one railroad fare from New York to Chicago—one fare, mind you—and can then go to the Pullman office and buy the whole Pullman car.

Mr. BARKLEY. Will the gentleman yield?

Mr. WINSLOW. If it is a personal question, of course I shall yield, but I can not enter into an argument with the gentleman.

Mr. BARKLEY. Does not the gentleman know you can not even buy a drawing room in a Pullman car without buying two railroad tickets?

Mr. WINSLOW. Now, yes; but under the proposed law, no—one.

Mr. BARKLEY. We are operating under this law.

Mr. WINSLOW. I know we are, but we shall have to operate under a worse one, if we change it as proposed.

That person with the one ticket, New York to Chicago, can buy the whole Pullman car to indulge his fancy, and he gets the whole car drawn from New York to Chicago by the railroad company for the price of one fare; but the Pullman Co., under this remodified law, would get their full fare for 25 people, and the railroads would have to drag the car the entire distance and there is no way to reimburse the railroad for a single other cent of expense under the law, if modified as proposed here to-day.

We have a great country and I agree with my friend, the gentleman from Kentucky [Mr. BARKLEY] that we should not talk about classes, but we should talk about the masses, and the masses are everybody. With everybody in your mind and in your desire to do the right thing by the masses, what better can you do than to protect 96 per cent against the invasion of the 4 per cent. I do not understand that in looking after the masses you must expect that you are going to do it on a 100 per cent basis.

There are a thousand and one things that can be said on this matter. We have, I believe, a good Interstate Commerce Commission. They have been appointed by Congress. We do not know their business to the extent of knowing enough to show that we would get into anything better than we have now if we changed the law. We find nobody representing the organizations of traveling people who travel for pleasure, no business organizations to speak of that hire salesmen, we have no representatives of agriculture, labor, or whatever you will coming to us and asking for this legislation; but only the appeal of a small portion of the commercial travelers, a high-grade body, but I think in this case misguided. [Applause.]

The SPEAKER. The question is on receding from the insistence of the House.

Mr. BARKLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr BARKLEY. As I understand it, on this motion those who favor the repeal of the surcharge would vote aye.

The SPEAKER. Yes, of course.

The question was taken; and on a division (demanded by Mr. BARKLEY) there were—ayes 67, noes 177.

Mr. BARKLEY. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from Kentucky demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 124, nays 255, not voting 52, as follows:

[Roll No. 89]

YEAS—124

Abernethy	Cooper, Wis.	Kerr	Ragon
Allgood	Crisp	King	Rainey
Almon	Cullen	LaGuardia	Raker
Aswell	Cummings	Lampert	Rankin
Bankhead	Davey	Larsen, Ga.	Reed, Ark.
Barbour	Davis, Tenn.	Lazaro	Reid, Ill.
Barkley	Deal	Lee, Ga.	Richards
Beck	Dickstein	Logan	Robsion, Ky.
Bell	Doughton	Lyon	Schafer
Black, N. Y.	Drewry	McClintic	Schneider
Bloom	Driver	McDuffie	Sears, Fla.
Boles	Fisher	McKeown	Sherwood
Bowling	Frear	McLaughlin, Nebr.	Sinclair
Boylan	Fulmer	McReynolds	Smithwick
Brand, Ga.	Gallivan	McSwain	Steagall
Briggs	Garrett, Tex.	Martin	Stedman
Browne, Wis.	Gasque	Mead	Stengle
Browning	Griffin	Minahan	Stephens
Burdick	Hammer	Moore, Ga.	Stevenson
Byrnes, S. C.	Hastings	Morehead	Tague
Byrns, Tenn.	Hayden	Morrow	Taylor, Tenn.
Canfield	Hill, Ala.	Murphy	Thomas, Ky.
Carew	Hooker	O'Connell, N. Y.	Tillman
Celler	Howard, Okla.	O'Connor, La.	Tucker
Christopherson	Hull, Tenn.	Oldfield	Upshaw
Clancy	Jacobstein	Oliver, Ala.	Volgt
Collier	James	Oliver, N. Y.	Ward, N. C.
Collins	Jeffers	Park, Ga.	Weaver
Colton	Johnson, Ky.	Parks, Ark.	Wilson, La.
Connally, Tex.	Johnson, Tex.	Perlman	Wingo
Connery	Keller	Pou	Wright

NAYS—255

Ackerman	Dyer	Humphreys	Mooney
Aldrich	Elliott	Johnson, S. Dak.	Moore, Ill.
Allen	Evans, Iowa	Johnson, Wash.	Moore, Ohio
Anderson	Evans, Mont.	Johnson, W. Va.	Moore, Va.
Andrew	Fairchild	Jones	Moores, Ind.
Anthony	Fairfield	Kearns	Morgan
Arnold	Faust	Kelly	Morin
Ayres	Favrot	Kendall	Morris
Bacharach	Fish	Kent	Nelson, Me.
Bacon	Fitzgerald	Ketcham	Nelson, Wis.
Beedy	Fleetwood	Kiess	Netwon, Minn.
Beers	Foster	Kincheloe	Newton, Mo.
Begg	Fredericks	Knutson	Nolan
Bixler	Free	Kopp	O'Connell, R. I.
Black, Tex.	Freeman	Kurtz	O'Connor, N. Y.
Bland	French	Kvale	O'Sullivan
Blanton	Frothingham	Lanham	Paige
Box	Fuller	Lankford	Parker
Boyce	Funk	Larson, Minn.	Patterson
Brand, Ohio	Gambrill	Lea, Calif.	Peery
Britten	Gardner, Ind.	Leach	Perkins
Brumm	Garrett, Tenn.	Leavitt	Phillips
Buchanan	Geran	Lehlbach	Porter
Bulwinkle	Gibson	Lineberger	Prall
Burtness	Gifford	Linthicum	Purnell
Burton	Gilbert	Longworth	Quayle
Busby	Goldsborough	Lozier	Quin
Cable	Graham	Luce	Ramseyer
Campbell	Green	McFadden	Ransley
Cannon	Greenwood	McKenzie	Rathbone
Carter	Griest	McLaughlin, Mich.	Rayburn
Chindblom	Guyer	McLeod	Reece
Clague	Hadley	McSweeney	Reed, N. Y.
Clarke, N. Y.	Hall	MacGregor	Robinson, Iowa
Cleary	Hardy	MacLafferty	Romjue
Cole, Iowa	Harrison	Madden	Rouse
Connolly, Pa.	Hawes	Magee, N. Y.	Rubey
Cooper, Ohio	Hawley	Magee, Pa.	Sanders, Ind.
Corning	Hersey	Major, Ill.	Sanders, N. Y.
Cramton	Hickey	Major, Mo.	Sanders, Tex.
Crosser	Hill, Md.	Manlove	Sandlin
Crowther	Hill, Wash.	Mansfield	Sears, Nebr.
Dallinger	Hoch	Mapes	Seger
Darrow	Holaday	Merritt	Shallenberger
Davis, Minn.	Huddleston	Michaelson	Shreve
Dempsey	Hudson	Michener	Simmons
Denison	Hudspeth	Miller, Ill.	Sinnott
Dickinson, Iowa	Hull, Iowa	Miller, Wash.	Smith
Dickinson, Mo.	Hull, Morton D.	Milligan	Snell
Dowell	Hull, William E.	Montague	Snyder

Strong, Kans.	Thomas, Okla.	Vinson, Ga.	Williams, Ill.
Strong, Pa.	Thompson	Vinson, Ky.	Williams, Mich.
Sullivan	Tilson	Wainwright	Williams, Tex.
Summers, Wash.	Timberlake	Ward, N. Y.	Williamson
Sumners, Tex.	Tincher	Wason	Wilson, Ind.
Swank	Tinkham	Watkins	Wilson, Miss.
Sweet	Treadway	Watres	Winslow
Swing	Tydings	Watson	Winter
Sweope	Underhill	Wefald	Wood
Taber	Underwood	Weller	Woodruff
Taylor, Colo.	Vaile	Welsh	Woodrum
Taylor, W. Va.	Vare	Wertz	Wyant
Temple	Vestal	White, Kans.	Yates
Thatcher	Vincent, Mich.	White, Me.	

NOT VOTING—52

Berger	Eagan	Leatherwood	Sabath
Browne, N. J.	Edmonds	Lilly	Salmon
Buckley	Fenn	Lindsay	Schall
Butler	Fulbright	Lowrey	Scott
Casey	Garber	McNulty	Sites
Clark, Fla.	Garner, Tex.	Mills	Speaks
Cole, Ohio	Glatfelter	O'Brien	Spearing
Cook	Haugen	Peavey	Sproul, Ill.
Croll	Howard, Nebr.	Reed, W. Va.	Sproul, Kans.
Curry	Jost	Roach	Stalker
Dominick	Kindred	Rogers, Mass.	Wolff
Doyle	Kunz	Rogers, N. H.	Wurzbach
Drane	Langley	Rosenbloom	Zihlman

So the motion to recede was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Spearing (for) with Mr. Butler (against).

General pairs:

Mr. Roach with Mr. Dominick.
Mr. Mills with Mr. Garner of Texas.
Mr. Fenn with Mr. Cook.
Mr. Curry with Mr. Browne of New Jersey.
Mr. Leatherwood with Mr. Sites.
Mr. Stalker with Mr. Lindsay.
Mr. Zihlman with Mr. Kindred.
Mr. Sproul of Illinois with Mr. Howard of Nebraska.
Mr. Rogers of Massachusetts with Mr. Rogers of New Hampshire.
Mr. Sproul of Kansas with Mr. Drane.
Mr. Wurzbach with Mr. Casey.
Mr. Scott with Mr. Eagan.
Mr. Reed of West Virginia with Mr. Fulbright.
Mr. Cole of Ohio with Mr. Kunz.
Mr. Garber with Mr. Lowrey.
Mr. Edmonds with Mr. Glatfelter.
Mr. Haugen with Mr. Lozier.
Mr. Speaks with Mr. Sabath.
Mr. Schall with Mr. Buckley.
Mr. Peavey with Mr. Doyle.

The result was announced as above recorded.

Mr. WOOD. Mr. Speaker, I move that the House insist on its disagreement.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 11, page 26 of the bill: "*Provided*, That no part of this appropriation shall be used to pay the salary of any member of the United States Tariff Commission who shall participate in any proceedings under said sections 315, 316, 317, and 318 of said act, approved September 21, 1922, wherein he or any member of his family has any special, direct, and pecuniary interest, or in respect to the subject matter of which he has acted as attorney, legislative agent, or special representative."

Mr. WOOD. Mr. Speaker, I move that the House recede and concur with the following amendment.

The Clerk read as follows:

Mr. WOOD moves that the House recede from its disagreement to the amendment of the Senate No. 11, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "*Provided*, That no part of this appropriation shall be used to pay the salary of any member of the United States Tariff Commission who shall hereafter participate in any proceedings under said sections 315, 316, 317, and 318 of said act, approved September 21, 1922, wherein he or any member of his family has any special, direct, and pecuniary interest, or in which he has acted as attorney or special representative."

Mr. OLDFIELD. Mr. Speaker, I move to recede and concur in the Senate amendment.

The SPEAKER. The gentleman from Arkansas move to recede and concur in the Senate amendment.

Mr. WOOD. I demand a division of the question.

The SPEAKER. The gentleman from Indiana demands a division of the question. The first question is on the motion to recede.

The question was taken; and on a division (demanded by Mr. OLDFIELD) there were 200 ayes and 6 noes.

So the motion to recede was agreed to.

The SPEAKER. The question now is on the motion of the gentleman from Indiana to concur with the amendment, which the Clerk has reported.

The question was taken; and on a division there were 183 ayes and 83 noes.

So the motion to concur with an amendment was agreed to.

CONFERENCE REPORT ON DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. DAVIS of Minnesota. Mr. Speaker, I call up the conference report on the bill (H. R. 12033) making appropriations for the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1926, and for other purposes.

The Clerk read the conference report, 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.

Mr. DAVIS of Minnesota. Mr. Speaker, there are three amendments in disagreement, and of them I might say that there is no controversy with respect to amendment numbered 28, relating to the police force and the traffic situation. On Tuesday the House further insisted upon its disagreement to the amendments of the Senate numbered 1, 28, and 46. The House at that time requested a further conference with the Senate on amendment numbered 1, and on a division the vote was 104 to 4, for further insistence. The Senate has not had more than a vive voce vote on this proposition. I move that the House further insist upon its disagreement to the three amendments which are in disagreement.

The SPEAKER. The question is on the motion of the gentleman from Minnesota that the House further insist on its disagreement to the Senate amendment.

The motion was agreed to.

Mr. DAVIS of Minnesota. Mr. Speaker, I move that the House ask for a further conference with the Senate and ask that the Speaker appoint the conferees.

The motion was agreed to.

The SPEAKER appointed the following conferees: Mr. DAVIS of Minnesota, Mr. FUNK, and Mr. AYRES.

DISTRICT OF COLUMBIA TRAFFIC ACT

Mr. ZIHLMAN. Mr. Speaker, I call up the conference report upon the bill (S. 4207) to provide for the registration of motor-vehicle traffic in the District of Columbia, increase the number of judges of the police court, and for other purposes.

The SPEAKER. The gentleman from Maryland calls up a conference report, which the Clerk will report.

The Clerk read the conference report.

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House 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, 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 amendments numbered 10, 11, 12, 13, 15, 16, 17, 23, and 30.

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 3, 5, 6, 9, 14, 18, 19, 21, 22, 24, 25, 26, 27, 28, and 31, and agree to the same.

Amendment numbered 4: That the Senate recede from its disagreement to the amendment of the House numbered 4, and agree to the same with an amendment as follows: In the second line of the matter proposed to be inserted by the House amendment strike out "Code of Law for the District of Columbia" and in lieu thereof insert "District of Columbia Code"; and on page 10, line 16, of the Senate bill, strike out "7" and in lieu thereof insert "8"; and on page 11, line 9, of the Senate bill, strike out "6" and in lieu thereof insert "7"; and on

page 12, line 9, of the Senate bill, strike out "6" and in lieu thereof insert "7"; and on page 20, line 19, of the Senate bill, strike out "5" and in lieu thereof insert "6"; and the House agree to the same.

Amendment numbered 7: That the Senate recede from its disagreement to the amendment of the House numbered 7, and agree to the same with an amendment as follows: On page 6, line 17, of the Senate bill, strike out "chief" and in lieu thereof insert "major and superintendent"; and the House agree to the same.

Amendment numbered 8: That the Senate recede from its disagreement to the amendment of the House numbered 8, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "which regulations shall remain in force until revoked by the director with the approval of the commissioners" and a comma; and the House agree to the same.

Amendment numbered 20: That the Senate recede from its disagreement to the amendment of the House numbered 20, and agree to the same with an amendment as follows: On page 12, line 16, of the Senate bill, after "hour," insert "except in such outlying districts, and on such arterial highways, as the director may designate"; and the House agree to the same.

Amendment numbered 29: That the Senate recede from its disagreement to the amendment of the House numbered 29, 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:

"SEC. 14. For the purpose of expediting motor-vehicle traffic the director is authorized and directed to designate and establish as arterial highways or boulevards such public highways as he deems advisable, to provide for the equipment of any such highway or boulevard with such traffic-control lights and other devices for the proper regulation of traffic thereon, as may be appropriated for by the Congress from time to time."

And the House agree to the same.

F. N. ZIHLMAN,
E. W. GIBSON,
HENRY R. RATHBONE,
THOMAS L. BLANTON,
RALPH GILBERT,
Managers on the part of the House.

L. HEISLER BALL,
W. L. JONES,
ARTHUR CAPPER,
W. H. KING,
MORRIS SHEPPARD,
Managers on the part of the Senate.

STATEMENT

The conferees agreed on the House amendment to provide for the changing of the code relative to jury trials and the language as inserted by the House remains in the bill.

The annual issuing of vehicle operators' permits is retained in the bill.

The speed limit established of 22 miles per hour is retained with the provision that the director of traffic may provide by regulation for a rate of speed in outlying districts and on arterial highways, which he is authorized and directed to establish.

The change of penalty provided by the House amendments relative to fine and imprisonment for fleeing from scene of accident and driving under the influence of liquor is retained.

In cases where the vehicle strikes or causes damage to another vehicle this is modified to conform to the Senate language and leaves same in the discretion of the court.

The conferees agreed on the elimination of the section providing for the impounding of vehicles, and on the section relating to arterial highways or boulevards—the provisions of the House amendment designating certain streets and avenues as arterial highways is eliminated and the director is authorized and directed to establish such highways.

The Senate provision for 100 additional privates for the Metropolitan police force is retained.

On minor amendments to the bill relating to the change in the hours of court, and an increased personnel for the police court, the House provisions are retained.

The other amendments are of a clerical nature.

F. N. ZIHLMAN,
E. W. GIBSON,
HENRY R. RATHBONE,
THOMAS L. BLANTON,
RALPH GILBERT,
Managers on the part of the House.

Mr. ZIHLMAN. Mr. Speaker, I yield five minutes to the gentleman from Arkansas [Mr. WINGO].

Mr. WINGO. Mr. Speaker, I rise simply to call attention to what I think is a very bad practice on the part of the House. That is, for the House to yield every time one Senator delivers an ultimatum to it. The joint committee agreed that we ought to have 300 additional traffic policemen. Everybody who studied the situation in the District agrees that we ought to have at least 200 additional policemen, but one Senator says, "You shall not have this traffic law, you shall not have anything, if you insist on over 100 policemen." There are two things necessary to correct the traffic evil in the District of Columbia. One is to have enforcement by the courts of your law and the other is to have enough traffic policemen to apprehend the violators and bring them into the court. With 125,000 cars, with your large areas here to be policed, you are not going to have an efficient enforcement of this law with an insufficient police force. This Congress is not to blame. One Senator is to blame, and the only blame that can attach to this House is that in order to get any legislation at all it permits one man to dictate to the entire Congress.

Mr. ZIHLMAN. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, usually the gentleman from Arkansas [Mr. WINGO] is correct, and I can say amen most of the time to what he says. As a general proposition concerning action taken by Senate conferees, his statement is correct, but in this particular instance he is misinformed. Your House conferees sat at the table just across from those five distinguished Senators and we told them what kind of a bill the House wanted and we sat there until we got it. [Applause.] The House receded on 9 amendments and the Senate receded on 17 amendments. Whenever the distinguished gentleman from Arkansas can get five distinguished Senators to recede on 17 amendments I shall back him up on his conference report every time.

Mr. WINGO. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Certainly.

Mr. WINGO. Does the gentleman mean to tell the House, then, that the House conferees without a fight just laid down and violated the instructions of this House?

Mr. BLANTON. If the gentleman had been at that conference and had seen his five House conferees sit at that table and fight those Senators for several hours for this bill he would find out that he is mistaken. We have brought you back one of the finest traffic codes that any city in the United States has. We stood pat on every material proposition on which the House voted. We have a traffic bill here that you will agree with.

We have a traffic bill here that will stop the running over of little children; we have a traffic bill that will stop smoke screens; we have a traffic bill that will stop bootleggers running over charwomen from the House Office Building and never being indicted for it; we have a traffic bill that will stop speeding motorists, if you please, running over a United States Senator at night and putting him in the hospital; we have got a traffic bill that will let the motorists understand they have rights on the street but at the same time make them understand that the pedestrians and others also have rights. We have got a splendid traffic bill, and I take off my hat to the distinguished gentleman from Illinois [Mr. RATHBONE], who has spent days and weeks in the study of this measure and who has helped this committee materially with his exceedingly good advice and his energy. I hope the House will adopt this report. [Applause.]

Mr. ZIHLMAN. Mr. Speaker, I move 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.

HOUR OF MEETING ON SUNDAY

Mr. MORRIS. Mr. Speaker, I ask unanimous consent that when the House meets on Sunday next it meet at 2 o'clock.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that when the House meets on Sunday it meet at 2 o'clock. Is there objection? [After a pause.] The Chair hears none.

HOUR OF MEETING TO-MORROW

Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent that when the House adjourns to-night it adjourn to meet at 10 o'clock to-morrow morning.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, the calendar is crowded and we ought to have a night session to-night.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

PARTY REGULARITY

Mr. BECK. I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. BECK. Mr. Speaker, some few weeks ago the majority leader of the House, the gentleman from Ohio [Mr. LONGWORTH], and the chairman of the Republican congressional campaign committee, the gentleman from Indiana [Mr. WOOD], regaled the House with their definitions of what it means to be a Republican and instructed the membership of the House with a lecture on the duties of party loyalty.

Like others who have ventured into uncharted seas, with no legal, political, or moral precedents to guide them, these gentlemen and others who have spoken on the same theme have fallen into numerous contradictions and do not appear to agree even among themselves. They are at one, however, upon the proposition that no man can qualify as a Republican who did not vote for or give his active support in the recent campaign to the straight Republican ticket, including every candidate for the Senate or the House who happened to land on the Republican ticket, as well as Calvin Coolidge and Charles G. Dawes though the gentleman from Indiana reserved to himself the right to oppose Republican Members from Wisconsin. The gentlemen also appear to be in agreement that sitting Members of this body, regularly nominated by the Republican voters of their districts in Republican primaries, and duly elected in the general election on the Republican ticket, should be shorn of whatever rank to which they may have attained on committees of the House through long service as Members of this body.

I have refrained thus long in commenting upon this remarkable ukase from gentlemen who assume to pass upon the eligibility of members of the Republican party because I wished to avoid any implication that I had any apology to offer for my energetic support of the LA FOLLETTE-WHEELER Independent-Progressive ticket in the last campaign. I have no apologies to offer now, nor do I wish to be understood as assuming to speak for other Members of this House or for the recognized leader of the progressive movement.

If I had the power to do so, I would not alter by one jot or title my record of consistent support in the last campaign and in this House of the progressive principles of government of which ROBERT M. LA FOLLETTE has for a quarter of a century been the ablest and most courageous exponent.

To the charge that I supported LA FOLLETTE in the recent campaign and that I did everything I could to achieve his election and to defeat Calvin Cooldige and Charles G. Dawes I am proud to enter a plea of guilty and to accept without a whimper whatever measures of "punishment" or "discipline" may be thought meet, in the flush of victory, by the gentleman who sits in the White House and the gentlemen in this Chamber who choose to accept him as the keeper of their consciences.

I will go further than that. If the gentleman from Ohio [Mr. LONGWORTH] and the gentleman from Indiana [Mr. WOOD] are correct in their definitions of Republicans, and if the records they have made no matters of legislation in this body represent the standard to which I must adhere to gain their favor, then I am free to confess I am no Republican. Indeed, if it were necessary for me to adopt the political and economic views of these gentlemen, and to jump nimbly into line whenever they crack the party whip, and if I chose to accept them as fitting models for my conduct in and out of the House, it may be I might receive a fat Federal job as a reward for my perfidy, but the constituents whom I would betray would scourge me from my district as a traitor to every platform pledge I have ever made.

While I challenge the right of any man to say to what party I or my constituents shall belong, while I regard the impudent effrontery of these old guard leaders in assuming to set themselves up as judge over 600,000 voters of Wisconsin and their Representatives, and to nullify their action at the polls as incompatible with a system of representative government, while I question the legality and the political morality of this unprecedented proceeding, I arise for the purpose of discussing a different aspect of this question wholly apart from those which have been suggested.

My resentment is directed not against the action of a few reactionary leaders in declining to invite me to a Republican caucus, which I have never attended in four years' service in the House, but against certain false and prejudiced statements which have been made in reference to the State of Wisconsin and against the direct charges which have been made here that progressive Members of this House have conducted themselves as "renegades" and have by dishonest political maneuvers won office under false colors.

The remarks of the gentleman from Indiana [Mr. WOOD] are particularly objectionable to me, not because I feel that pipings from every obscure corner can do aught to reflect upon the State of Wisconsin or upon the character of its Representatives in this House, but because I dislike to see printed in the records of the House, without a challenge, statements obviously inspired by ignorance and prejudice which it lies in my power to correct. It is only for the purpose of correcting that record and bringing it into line with fact and truth that I take any notice of the gentleman's remarks, although as an evidence of the absurdities into which the gentleman's present activities will lead him, his speech is worthy, perhaps, of further consideration.

The gentleman from Indiana, whose name and works will rest peacefully in obscurity when ROBERT M. LA FOLLETTE receives the homage of unborn generations, makes the following reference to Wisconsin and to the senior Senator from my State:

> I can remember a time when all the United States was wavering in the balance politically, and when uncertainty was felt with reference to the result of the election everywhere else, there was no uncertainty in Wisconsin. It was as solid as the Rock of Gibraltar in the Republican ranks. That was in the days of Matt Carpenter and John C. Spooner.
>
> The time came, however, when a new prophet entered Wisconsin, who was not content with the existing order of things. They had everything given them by the Creator to make one of the greatest States in the Union. But a new theory of political environment and enforcement was injected into its political being that seemed to find a majority for its support, and in consequence that State began to diverge from Republican principles, until finally it was no longer a Republican State. Nor was it a Democratic State. It was a one-man State. That State is still one of the great potential States of the Union, and whenever they get away from the vagaries to which they have submitted themselves, and from under the spell of this false leader, it will again be one of the great States of the Union.

Now, I am not informed if the gentleman from Indiana has ever read a line of Wisconsin history or graced the State at any time with his corporal presence. I assume he would not venture to make such a statement unless he had, in which case his meaning is perfectly clear. His statement will help the people of Wisconsin and her neighboring States to form something like an accurate judgment of the present leadership of the Republican Party. For, in a quarter of a century, no candidate for a public office in the great Northwest on any ticket, and particularly in Wisconsin, no matter how reactionary he may have been, has dared to come out into the open as the gentleman from Indiana has done, to advocate the return of those States to the corrupt and vicious political system to which he now beckons us.

Perhaps the gentleman's views regarding Wisconsin have been warped somewhat by the fact that the Republican candidate whom he supported for Governor of Indiana in 1920 (because he believes in voting the ticket straight, but whom he should have denounced before the people as a crook) is now wearing stripes in the Federal penitentiary at Atlanta as a common thief. Perhaps his ecstasies on the floor of the House over the Steel Trust with its great nonunion shops at Gary, Ind., which he glorifies as a "corporation with a soul," has blinded him to the more modest merits of other States.

But even the gentleman's references to contemporary political events are erroneous. ROBERT M. LA FOLLETTE became Governor of the State of Wisconsin in 1900, and in every national election except one through the 20 years up to the election of 1924, the people of Wisconsin gave their electoral votes to the Republican candidate for President. While the State of the gentleman from Indiana was wavering in the balance and the State of the gentleman from Ohio was giving Woodrow Wilson the votes he needed to win the election of 1916, Wisconsin cast its vote for ROBERT M. LA FOLLETTE for Senator and for Charles Evans Hughes for President in the same election. Had the influence and example of these two gentlemen been as potent for Republican victory in their States as was the shining character of the "false leader" in Wisconsin, Hughes would have been elected by an ample electoral majority and President Wilson would never have served a second term.

But the chief offense in the remarks of the gentleman from Indiana does not lie in their obvious inaccuracies and exaggerations, but in the argument he has made that Wisconsin must return to the domination of corrupt railroad and lumber magnates, working through corrupt machine politicians, before she or her representatives will be recognized by the new leaders of the Republican party of Lincoln.

In view of the gentleman's statement, it becomes necessary in the interests of accuracy and truth, to review briefly the changes which have taken place in Wisconsin under what the gentleman is pleased to characterize as the "false leadership" of LA FOLLETTE, and to sketch the corrupt system to which we are invited by the gentleman to return.

Had LA FOLLETTE'S leadership appeared on the political horizon 50 years earlier the people of Wisconsin would still be in possession of their natural resources or their equivalent. The Federal Government ceded millions of acres of valuable agricultural and timbered lands to the State for the support of the common schools, the university, and the college of agriculture. The State did likewise. The schools of our sister States had heritages of equal value and they preserved these heritages until to-day the income from them yields as high as $12,000,000 a year for the support of the schools. The "business men" in politics in Wisconsin succeeded in robbing our schools of these lands and timber until our income from that source is less than one-third of a million dollars. This means that the people of Wisconsin are paying about $12,000,000 a year in taxes as a tribute to the land and timber thieves of 1860 to 1890, and they will pay this tribute through all time and eternity.

And how did they manage it? Months and even years before a campaign opened these gentlemen with their satellites would gather in some hotel room, or in the rear of some saloon, or in a banker's private office, or in the office of some chamber of commerce and put up a Republican State ticket and legislative candidates in every district in the State. Then they would meet in some other room and do the same thing for the Democrats. It would be understood by the bosses that the governor, for instance, was to get a certain rake-off on all of the ties bought along certain lines of railroads, or transportation concessions, or blocks of railroad stock, if he "behaved himself." The State treasurer, as his share of the boodle, was to loan the State's money and pocket the interest. Candidates for the legislature were to have their campaign expenses paid, and if the leaders "behaved themselves" and were "regular," they were to have some fat appointive office; while the railroads and other bosses proceeded to loot the people of their lands and timber and other resources, and were free to charge what they pleased for their services and receive every other special privilege they might desire. One of the special privileges the railroads secured was a law permitting them to tax themselves, a law under which they paid the enormous sum of $1,000 a year in taxes upon $1,000,000,000 worth of property and they made their boast that not a single law had been passed in Wisconsin in 30 years that had not been approved by them. Wisconsin was owned, body and soul, by these political pirates. That is one reason why I regret that Senator LA FOLLETTE was not born 50 years sooner than he was and that he can not live 100 years longer. The people would have saved their heritage and these perfectly "regular" political bosses would have landed in prison. As it was, most of them landed at Washington to continue their plundering on a national scale. It took LA FOLLETTE six years to break up this combination sufficiently to reach the governor's office and one of the first things he did as governor was to give the people of Wisconsin a primary election law, under which these plunderers of the public have no more to say about who the servants of the people shall be, or what the laws of the State shall be, than the humblest citizen in overalls.

As LA FOLLETTE entered the State capitol by the front door, the corrupt but "regular" political bosses and the corporate masters they served made their exit by the rear. The plundering of the public ceased, though the meetings behind closed doors continued. These meetings were no longer held to divide up the loot but to denounce LA FOLLETTE as a most dangerous man, a Socialist, a red, a radical, a man that was ruining business, a man who "sought and is seeking the destruction of the very foundations upon which our governmental structure is based." I quote these latter words from the speech which the gentleman from Ohio trotted up to New York and made January 10, and I want to say to him that he could not find a better place to go to make a speech of that kind than in the shadow of Wall Street. I invite him to make that speech in Wisconsin, where LA FOLLETTE has increased his majorities from 25,000 votes to 325,000 on his record; and where not a single law which he placed upon the statute books has ever been repealed or declared unconstitutional, and where no man has dared to run for any important office in 20 years with any hope of being elected without announcing that he stands for the same principles of government LA FOLLETTE stands for. LA FOLLETTE gave to Wisconsin a railroad rate law that insured honest service and saved the people of the State over $3,000,000 a year in rates. He gave the people a tax law that provided for the taxing of railroads and other utilities on an ad valorem basis the same as other property is taxed, and which increased the revenues of the State over $6,000,000 annually. He gave us a pure food law that has placed Wisconsin first in dairy products and canned goods, and has put an end to food adulteration, and is saving the people millions upon millions of dollars. He gave the people of the State the first workman's compensation act that went into effect in this country. This law is diverting over $5,000,000 annually into the pockets of injured workmen which used to flow into the coffers of insurance companies. He gave us insurance laws second to none anywhere in the United States, laws that are saving millions of dollars in premiums. He gave us a banking law that put a stop to usury and placed our State banking system upon a solid footing.

From the time LA FOLLETTE began "undermining the very foundations of the government" of Wisconsin, from the time he began driving the political crooks out of the State government, the State began to prosper. During the last 20 years Wisconsin has had only 13 bank failures, and in only 4 of them did the depositors lose a single dollar. During those same 20 years Wisconsin has risen from fourth place in the United States in the value of its dairy products to first place. It has risen from fifteenth place to twelfth place in the value of its farm property. It has risen from eleventh place to second place in the value of its livestock. It has held its own in its manufacturing interests, and while manufacturers of other States are complaining of hard times, Wisconsin has added 2,000 new manufacturing establishments to its list during the last 10 years, and is still adding to that list at the rate of $35,000,000 a year. Wisconsin has the lowest tax rate of any of her sister States, and is one of only two States in the Union that has not a single dollar's indebtedness.

Since the adoption of the primary election law in Wisconsin over 20 years ago, giving the people themselves the right to name their own public officials, there has not been a single case of boodling off the State, not a single case of malfeasance in office has occurred, and I know of no case of official misconduct, except one appointed official who was sent to jail for stealing a few picks and shovels, some discarded furniture, and statute books, selling them and pocketing the money. But he had only recently come over from Indiana and had not been in Wisconsin long enough to get on to our ways of doing things. He had been a member of the legislature of the State of Indiana.

Seeking the destruction of the foundations of our Government! If what we have done in Wisconsin has destroyed the very foundation of the government of that State, we have not yet discovered it. What we have done for Wisconsin is what we have been trying to have Congress and the administration do for the United States. If that will destroy the foundations of this Government, what has the gentleman to say about the Doheneys, the Daughertys, the Sinclairs, the army of Government sleuths traveling around over the country framing innocent people, the Denbys, the Falls, the Forbes?

What has he to say about Mr. Wood's "Corporation with a soul" fraudulently withholding $27,000,000 in taxes from the Government, and what has he to say of a Cabinet officer, who holds his office illegally and who is withholding $10,000,000 in taxes from the Government? What has he to say about the profiteers who made $38,000,000,000 in bloody profits during the war and who are continuing to make billions upon billions in profits off the people at a time when millions of people are throwing up their hands in despair and leaving the farms and moving into the cities? What has he to say about the fact that farmers facing these conditions are being told "the only help for the farmers is for them to help themselves"? What has he to say of a commission appointed by the President to recommend farm legislation to Congress composed of a manager of a milling company, a professor of agricultural chemistry, an agronomist, an editor, a president and founder of a life insurance company, the head of a rice growers' association, a student of dry-land farming, and a man who farmed and taught school until he was 37 years old and then quit?

And what has he to say about the farm-relief legislation that has resulted from these ponderous conferences and commissions?

Undermine the foundations of government! How silly! And the gentleman's expressed fear of my influencing the result of a Republican caucus or being placed in a "key position" to determine the course of legislation, is equally ridiculous. That is not what troubles him. He knows that my vote would not determine the speakership or any other result of the caucus. He knows, had I supported Coolidge for President with the same degree of enthusiasm that he did, that so long as I continue to hold my present economic views, I would not be placed in any "key position" to determine legislation in the next Congress. That is not what troubles him in the least.

What he is doing represents an ill-conceived and misguided effort to lay the groundwork for the defeat of 10 Members of this House from Wisconsin, 1 from Minnesota, 1 from North Dakota, and the senior Senator from Wisconsin. He knows that a decree has gone out from certain corrupt business interests that this must be done. He knows that these interests are determined that no genuine agricultural relief bills shall be passed hereafter, and that no more impeachment proceedings shall be started in this House, or any voice of protest raised against public plunder. That is what troubles the gentleman and I invite him to come to Wisconsin and deliver his New York speech. If he will, I assure him he will be given a courteous welcome and an equally courteous adieu, but he will not make any votes by telling the people their Government has been undermined.

The gentleman from Ohio may deceive himself, but he need not think he is deceiving anyone else. He knows that the political plunderers of this country are determined that no more of their crookedness shall be uncovered. He knows that without the publicity clause in the revenue act of 1924 tax dodging in high places would never have been revealed and that those tax dodgers are determined to have that clause repealed, and he knows he is going to vote for its repeal, although nothing was said about it before the election. He knows that the chief obstacle to the success of that and similar legislation is the Members of Congress from Wisconsin, and a few from other States. He knows that the decree has gone forth that these Members must be buried in political oblivion. He knows that Members of this House and the Senate and the "lame duck" representatives of these same big business interests have been holding conferences in Chicago and St. Paul with the reactionary forces of Wisconsin and bolters of every Republican ticket in that State for the last 20 years and that plans are being laid for again placing that State under the control of corporate wealth.

He knows that as a reward for this great service to the country, these obedient politicians are to have their campaign expenses paid, if they will but remain "regular" and give their votes to the repeal of the publicity clause in the income-tax law, the passage of a ship subsidy bill, the looting of what little is left of our public domain, the maintenance of extortionate freight rates under the Esch-Cummins law, the further reduction of taxes on the rich and the placing of that burden upon the producers of wealth, the increase in the tariff on those things which the farmer buys and a reduction on what he sells. That is the price which has always been exacted by the monopoly system and it is the price that will be paid.

Meanwhile, it is perfectly obvious to the common people of this country that Progressives of this House, who have exercised the rights of citizenship by entering the Republican primaries, who have been elected year after year as Republicans holding the precise views they hold now, and who have been recognized as Republicans under McKinley, Roosevelt, and even Taft and Harding, are now to be excluded from their committee assignments because it is known they will not serve as accomplices in putting through the reactionary program the great monopolies and corporations of this country demand in return for their campaign contributions and for the economic pressure they brought to bear upon the people to "elect Coolidge and Dawes or starve."

There is only one other feature of this matter to which I care to advert at this time. The charge has been made that in supporting Senator LA FOLLETTE for President, Members of this House were guilty of a species of treason to the party and that for many years such Members and Senator LA FOLLETTE himself have "used the Republican label" simply for the purpose of sneaking into public office.

The fact of the matter is, and anyone familiar with Wisconsin politics knows it, that LA FOLLETTE and the public men who entertain similar views on economic and political questions could have been elected on any ticket in Wisconsin in the last quarter of a century, exactly as LA FOLLETTE himself on an independent ticket carried the State in the 1924 election.

But, it is asked, why have we continued to identify ourselves with the Republican Party? The best answer to that question is that no State in this Union has a better claim to the Republican label than the people of Wisconsin, for it was in Wisconsin in 1854 that a little band of farmers and other common folks—radicals if you wish—met in a convention, formed the Republican Party, gave it its name, and devoted themselves, under the leadership of Lincoln and Schurz and Seward, in waging uncompromising warfare against the slave system and for the rights of the common people. We have remained in the Republican Party for the simple reason that in Lincoln's principles of free representative government, and in his denunciation of the Supreme Court for its subservience to a vicious economic system, and in the original principles of the party as fashioned in Wisconsin, we have found abundant warrant for every principle of government we have advocated. If the Republican Party now is to become the mere servant of the monopoly system and of corporate wealth, if it is to stifle every voice which is raised in defense of the democratic principles of Lincoln, we are willing that you should hide the iniquities of Daugherty and Fall and "Boss" Cox, of Cincinnati, and Governor McCray, of Indiana, under the Republican label, and we shall be content to keep the faith with "BOB" LA FOLLETTE and to defend the principles which made the party great.

We expect to renew acquaintance with you gentlemen in the State of Wisconsin in the campaign of 1926. Doubtless letters will be written to Wisconsin Congressmen by Chairman BUTLER of the Republican National Committee along the line of his letter of August, 1924, asking Members of the congressional delegation who had been hooted down and howled at as "Bolsheviks" at the Cleveland convention if they were ready to "cooperate" in their districts with a hard-boiled, stalwart committee composed of discredited Wisconsin politicians for the election of Coolidge and Dawes.

Doubtless Mr. BUTLER will continue in that campaign to find congenial association with the gentleman who is now acting as chairman of that committee and who has served a term in a penal institution in Wisconsin for his violations of the law. Doubtless the gentleman from Indiana, who now prates of "regularity," will again send thousands of dollars into Wisconsin, collected from privilege-seeking corporate interests, to defeat sitting Members of this House duly elected on the Republican ticket by their constituents. And when the campaign is over no doubt the President of the United States, with the cooperation of the junior Senator from Wisconsin, will duplicate his recent appointment of Ray J. Nye as prohibition director of Wisconsin by subverting the public service in order to reward the "lame ducks" and the agents of corporate wealth who will fall by the wayside when they face the electorate.

But when you gentlemen come into Wisconsin in 1926, as you came in 1924, make no mistake as to the character of the reception you will receive. You will have your "slush fund," collected from the bankers of Wall Street and the tariff barons of Pennsylvania, Ohio, and Indiana, and you will expend it in the mistaken notion that Wisconsin's choice at the ballot box can be controlled by the use of money. You will have the cooperation of some of the bankers and factory owners of the State, who will tell the farmers and the wage earners that they must "vote right" or starve. But we will welcome your dummy candidates with willing hands to their political graves. You gentlemen have presumed, in your arrogance, to vest in the Wall Street masters of this administration a power which rests, under a free government, in the sovereign people of Wisconsin. Upon the issue you have created we are ready to submit this question to the verdict of the people.

PENDING WATERWAY LEGISLATION

Mr. WILSON of Indiana. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a speech delivered at Evansville, Ind., before the convention of the Mississippi Valley Association, November 21, 1924.

ADDRESS OF HON. WILLIAM E. WILSON, EVANSVILLE, IND., MEMBER OF CONGRESS, FIRST INDIANA CONGRESSIONAL DISTRICT, BEFORE THE CONVENTION OF THE MISSISSIPPI VALLEY ASSOCIATION

I am sure that all the people of this country would look upon this rivers and harbors bill with open-eyed wonder if they had been privileged, as the members of the committee were, to sit and hear of the marvelous opportunities hidden away among the hills and valleys tapped by the great waterways of this country.

The bill provides for the completion within five years of approved river and harbor projects throughout the United States. It authorizes the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

That the following works of improvement are hereby adopted and authorized, to be prosecuted under the direction of the Secretary of War and supervision of the Chief of Engineers, in accordance with the plans recommended in the reports hereinafter designated: Glencove Creek, N. Y.; waterway connecting Gravesend Bay with Jamaica Bay, N. Y.; Hudson River, N. Y.; Flushing Bay and Creek, N. Y.; Delaware River, between Philadelphia, Pa., and Trenton, N. J.; Wilmington Harbor, Del.; Salem River, N. J.; Cambridge Harbor, Md.; Onancock River, Va.; Norfolk Harbor, Va.; channel to Newport News, Va.; inland waterway from Norfolk, Va., to Beaufort Inlet, N. C.; Shipyard Creek, S. C.; Fernandina Harbor, Fla.; Miami Harbor, Fla.; Bayou La Batre, Ala.; the Louisiana & Texas Intracoastal Waterway from the Mississippi River at or near New Orleans, La., to Corpus Christi, Tex.; Buffalo Bayou, Tex.; Mississippi River at Nauvoo, Ill.; Mississippi River at Fort Madison, Iowa; the improvement of the Mississippi River from the mouth of the Ohio River to St. Louis, Mo.; the improvement of the Mississippi River from St. Louis, Mo., to Minneapolis, Minn.; the improvement of the Missouri River from its mouth to the upper end of Quindaro Bend; the improvement of the Ohio River from Pittsburgh to Cairo; Tennessee River from Dam No. 2 to Florence Bridge, Ala.; Green Bay Harbor and Fox River, Wis.; Muskegan Harbor, Mich.; Frankfort Harbor, Mich.; Great Sodus Bay Harbor, N. Y.; Black Rock Channel and Tonawanda Harbor, N. Y.; Los Angeles and Long Beach Harbors, Calif.; San Diego Harbor, Calif.; Petaluma Creek, Calif.; Siusalaw River, Oreg.; Columbia and lower Williamette Rivers below Vancouver, Wash., and Portland, Oreg.; Deep River, Wash.; Port Orchard Bay, Wash.; Seattle Harbor, Wash.; Cowlitz River, Wash.; Hilo Harbor, Hawaii; Ponce Harbor, Porto Rico.

This bill is in no way a political one. The members of the committee voted almost unanimously for these measures. You will find that the improvements proposed in this bill reach from Jamaica Bay, N. Y., in the East, to the Siuslaw River in Oregon in the West, from Frankfort Harbor, Mich., in the North, to the Intracoastal Waterway of Louisiana and Texas in the South, from Miami Bay, Fla., to the Harbor of Ponce, Porto Rico, and Hilo Bay, Hawaii, with the interior of the country taken care of by the improvement of the Mississippi, Tennessee, Ohio, Missouri, Cumberland, and many other rivers. Where there is an absolute need for improvement for the benefit of the whole people of the United States, regardless of the section of the country in which the project was located, there was immediate attention given to the evidence presented. So I hope that the Members of the House will look upon this bill with the same unbiased attitude; and, if, upon close scrutiny, they do not find fault with it, that they will aid us with their votes in trying to give the people of the whole country relief from some of the things that Congress is hoping to lift from their shoulders.

Most of the opponents of a bill for the improvement of rivers and harbors are, I believe, Members of Congress whose districts do not lie immediately adjacent to a river or harbor. To such Members let me present the following illustration of the importance of water transportation. Out of the six counties I represent, four border the Ohio River. The city of Evansville, the largest shipping point in southern Indiana, is in one of them. Shippers and merchants of this first congressional district of Indiana during a period of 30 months ending December 31, 1923, shipped 2,982 tons of freight via the Federal Barge Line, now operating in the lower Mississippi and Warrior Rivers. The saving in freight to these shippers under what an all-rail shipment would have cost was $3,877. On the other hand, shippers and merchants of the seventh district of Indiana, in which the city of Indianapolis is located, in the center of our State, during the same period shipped 15,235 tons of freight via the Federal Barge Line at a saving of $19,803. The shippers and merchants of the State of Indiana during the same period shipped via the barge line 64,820 tons of freight at a saving of $84,266 under the cost of an all-rail movement.

The three congressional districts that are on the Ohio River shipped only 4,861 tons of freight with a saving of $6,320, while the 10 districts not bordered by that waterway shipped 59,959 tons with a saving of $77,946. These figures illustrate a condition to be found not only in Indiana but also in many other States. Commerce on the Ohio River for the year 1923 totaled 8,280,520 tons of cargo, consisting of more than 70 different kinds of articles, coal, flour, furniture, gasoline, grain, groceries, livestock, lumber, metals, iron, steel, salt, oil, sand, stone, railroad ties, etc., valued at $110,000,252.73 and carried a distance of 708,302,798 ton-miles, according to the Ohio Valley Improvement Association.

More than 80 per cent of the tonnage handled by the Federal Barge Line is joint rail and water business and originates at points not on the river. Over one-half of the population of the United States derives benefits and savings from this Government barge line. Among the many benefited I find the following States and the amounts saved: North Dakota, $690; South Dakota, $2,677; Nebraska, $88,557; Minnesota, $37,969; Wisconsin, $72,170; Iowa, $124,843; Kansas, $5,896; Missouri, $763,110; Illinois, 384,171; Michigan, $17,650; Indiana, $84,266; Kentucky, $25,076; Tennessee, $207,086; New York, $312; Ohio, $47,934; Pennsylvania, $1,842; Georgia, $12,400; Florida, $13,505; Texas, $10,152; Arkansas, $23,240; and many more.

A navigable river is just as long as the distance to the first sandbar.

Congress throughout its many years of service has consistently and continuously insisted upon a progressive waterway policy; and it has refused to indorse projects until the United States Army engineers approved them. There is no money appropriated and spent by the Government that is safeguarded as carefully and from as many sources as money spent on the improvement of the rivers and harbors of this country.

Almost 30,000 miles of navigable rivers spread out as a great network over all this wonderful land of ours; 16,000 miles are in the Mississippi Basin. If these rivers were completely improved and connected by inland and intracoastal canals and they, in turn, were connected with railways and improved highways, each unit would carry a much greater tonnage at a better profit to all carriers and undoubtedly at a greater saving to the public.

I contend that the greatest problem before the American people today is transportation. One can not argue with the traveling and shipping public about railways or waterways as such, for they are not at all interested. That which they desire and demand is a system of cheaper transportation in order that they may be saved from bankruptcy that is liable to overwhelm them. The great Middle West needs help in the solution of its transportation problems. The farmers are imploring us for help in their distress. They do not want charity, but an outlet for their products.

The transportation rates from the country elevator, where the farmer's wheat is marketed, to the great seaboard shipping points are too high. No matter how high or how low these rates may be the farmer pays the freight; so if these rates can be reduced, the farmer is benefited to the extent of the amount of that reduction. Reduce transportation by completing the inland waterway system which will give an outlet from the great wheat-producing States of the central, west, and northwestern part of our country directly to the Gulf and to foreign markets at a great saving to the shipper. We must have cheap transportation to meet the competition of the wheat-producing countries of the world. This competition is enormous. The railroads can not safely reduce their freight rates because they can hardly make a profit on their investment with the rates now in force.

The very best argument in favor of the improvement and use of these great waterways that silently but eternally go to waste at our feet, which do not require the laying of tracks, the right of way, the enormous expenditure for upkeep required by other methods of transportation, is the potentiality they possess of supplying a mode for moving great quantities of freight.

You will understand what we are allowing to go to waste day by day when I tell you what is being accomplished by the few towboats and barges now in operation. One towboat with its fleet of barges, carrying enough to load 12 full freight trains of 50 cars apiece, each car loaded to its 50,000 pounds capacity, makes the trip from St. Louis to New Orleans in six days.

While at Memphis last November I saw two barges, one loaded with steel piping and the other with structural steel, that had made the trip from Pittsburgh to Memphis in 19 days. The barges were being unloaded at the million dollar water and rail terminal directly into the railroad cars, the piping to go to the oil fields of Oklahoma and Texas, the building steel to many points in Mississippi, Louisiana, and Texas.

If we are to develop our resources we must have good transportation facilities; a twin-screw tunnel-type towboat can push barges carrying 7,000 tons of merchandise upstream and 15,000 tons downstream. Quoting Mr. Theodore Brent, Federal manager of the Mississippi-Warrior service, Federal barge line:

> "As for the time in transit it will be seen, both from the performance of the past year and the projected performance for the year 1924, that while barge service does not claim to compete with the manifest freights, which carry the high-class perishable freight on the railroads, neither is it slow. There has been compiled a record of actual performance on some 500 cars most recently moving southland in joint rail and river service under through bills of lading, in connection with this line. We find that the average movement of these 500 cars on the rail portion of their journey was 2.80 miles per hour. These same cars moved in regular tows of the service, 2.43 miles per hour."

Quoting from President James E. Smith:

> "For 20 years the cities of the valley went separately to Congress, asking for waterway development. Local commercial rivalries offered an easy mark for antagonists of water transportation to shoot at. Their target practice was good.

"Waterways got fair promises and in many instances wasteful, sectional, and disconnected construction. The people's money was often wasted. Their waterways were delayed and discredited by the gleeful 'pork barrelers' and the foxy representatives of anti-waterway interests.

"The problem was too big and too intricate for any local public body, no matter how earnestly and honestly it tried to solve it. Waterway enemies were active in every locality."

To show the vastness of the problem let me cite a few of the things recently accomplished by Congress:

Appropriations for Mississippi Valley watering improvement, 1923–24, $25,000,000; $12,000,000 secured during 1923–24 for Ohio River improvement; $2,700,000 for Missouri River improvement; $2,600,000 for upper Mississippi improvement; $500,000 appropriation for the survey of the Tennessee River to prove its possibilities for profitable navigation and power development. These surveys are now made by airplanes.

The Rivers and Harbors Committee has unanimously approved legislation for the completion of all approved valley waterway projects within five years. The rivers and harbors project bill now pending provides for the inclusion of the intracoastal canal waterway, which will extend the Mississippi River from New Orleans across Louisiana and Texas to Corpus Christi, a distance of 600 miles.

By the standardization of locks and dams, the barges on the Federal lines and the 9-foot stage in the rivers, it will be possible for barges to traverse these different rivers for a distance of 3,000 miles.

REFORESTATION

Mr. MORROW. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the question of reforestation.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MORROW. Mr. Speaker, our Nation, once with a wilderness of timber, where abounded animal life of all descriptions; where flowed swift rivers teeming with fish; where primitive man found his haunts and his food supply, has at last partially awakened from its wanton waste and destruction to realize that the major portions of its forests are gone; that the wild life that abounded in the wooded haunts is largely a thing of history; that the swift-flowing rivers that teemed with fish and wild fowl are gradually being filled up with the soil denuded from the farm land, on account of no longer receiving protection from the forests that so long preserved, protected, and builded it for man's use.

The Nation from this dream of waste has aroused itself and now desires to reforest and rebuild that which we have permitted and acquiesced in destroying. It is indeed both a worthy and a very necessary thought for the Nation to reforest and replenish our fast-waning supply of timber not only for the real needs of the Nation in a future timber supply but also in the protection of animal life and in the protection of the soil for agriculture.

National legislation has been enacted and an effort made for State cooperation in a plan for a systematic reforestation policy for the Nation. Cooperation with the national law, to the end that active reforestation should go on in the States, not alone on Government-controlled lands but also upon the private lands and State-controlled lands, and each State should cooperate by contributing toward the plan for reforestation.

It is very clear to the thinking individual that in the proper handling of forest land each State can cooperate with the National Government in forestry and in each year having a surplus fund from the proper marketing of forest products, and at the same time, through reforestation, the State could be rebuilding its forests and protecting its water supply.

It is readily conceded by authorities who have kept tab of our timber in the United States that in 25 years' period of time, at the present use of timber, we will see all our forests practically wiped out.

This is true largely now in the eastern portion of the United States, and the remnants of timber in the southern part will not last any great period of time; and the timber in the Rocky Mountain region, which to-day represents the remaining portion of our natural timber belt, will in less than one-half century be entirely cut away, unless this timber is replanted and protected under the most rigid forest supervision by Government and State control. Not only will timber alone be the great loss in the southwestern part of the United States, but timber that provides the great natural reservoir, that protects the snows and rainfall, will have disappeared, and the soil from the mountain tops will be washed away, and instead of snows gradually melting in the heat of the summer there will be no snow to melt during the summer months.

The mountains, which are the great source of the rivers, must be fed from the snows and the moisture protected in the mountain districts. Remove your timber and you remove this element of protection for your water supply and you change climatic conditions of the western plains of the United States.

The great problem for solution is reforestation, and the Government laws and the State laws should work in unison along this line.

There is absolute necessity for Government control of our forests and for a national policy of reforestation. In connection with this, every State should have a policy of reforestation. Another generation will see the depletion of the remaining timber in the United States unless great effort is made to protect the remnant.

Is is said that the State of Oregon contains one-fifth of all the standing timber of the Nation and that it is second in its annual output of timber, or 3,500,000,000 feet. This represents to the State $125,000,000 per year. Yet, if this State does not reforest, how long will this great industry last? In this problem of reforestation, of cutting over timber tracts, the fire problem is the great problem to solve. The National Lumber Manufacturers' Association estimates the loss of timber by forest fires in California, Washington, Oregon, Montana, and Idaho during the past year to be $4,250,000. Think of this destruction! At least 80 per cent of same preventable under proper supervision.

I desire to insert herein an article written by Mr. G. H. Cook, of the district forest office at Albuquerque, N. Mex.:

The proposition of making all forest land grow trees is of concern to every American citizen regardless of where he lives.

American forests are being used by the industries or wasted by fire four times as fast as replacement takes place through annual growth.

The forests face exhaustion unless idle lands fit only for the production of forests are put to work growing trees. The American people are in the position, as far as timber is concerned, of a young man whose father gave him a thousand dollars. He had a job that paid him a dollar a day, but it cost him $4 a day to live. It was only a question of time, and not hard to figure.

With the forests the end is already in sight. Half of the virgin timber that is left in the United States is within the three Pacific Coast States of Washington, Oregon, and California. States that once had abundance of timber are actually in timber distress. They are hiring the railroads to bring them timber clear across the continent or the steamship companies to haul it by way of the Panama Canal. They are paying more for freight than the lumber costs at the mill and more than they used to pay for their lumber in the days of their wasting, 40 years ago.

The people are entitled to the facts in order that economic interests may be safeguarded. Arizona and New Mexico still have extensive uncut forests, which will go a long ways toward warding off a sharp lumber scarcity in the Southwest, but a timber reservoir in one part of the country can not keep down prices of building materials if there is an insufficient supply elsewhere. High lumber costs in Chicago are directly reflected in the building costs of Prescott.

Everybody pays when lumber land lies idle, regardless of where those timberlands are. The average haul on all forest products has reached 500 miles, and the American people pay the freight. One freight car in every twelve on the American railways is engaged in hauling forest products to the places where they are used. Nearly 10 per cent of the freight revenue of the railroads is derived from hauling forest products, and amounts to approximately three hundred million hard-earned American dollars in each year.

"Preserve the forests, but use the timber," forestry officials claim, is the true spirit of conservation. "Make potential forest lands grow trees," they say, "and make them grow the trees as fast as industry and home building require the timber."

I also want to include herein a report from the district Forest Service offices of Arizona, New Mexico, and Colorado:

THE NECESSITY OF REFORESTATION AND THE PROTECTION OF THE FOREST LANDS IN ARIZONA

The general types of forest cover in Arizona are the same as New Mexico. The problem of replanting in Arizona, however, is a much smaller one. This is due to the fact that practically all of the timberlands of the State are either under direct control of the Federal Government or owned by the State, there being only 118,000 acres in private ownership. The State timberlands are also being handled by the Forest Service under a cooperative agreement in a similar manner to other national forest ranges, the cost of administration being paid by the State.

The acreage within the national forests to be replanted is also comparatively small, amounting to about 90,000 acres.

The importance of keeping the timberlands of Arizona fully forested is extremely desirable.

First, because the agricultural resources of the State, to a very large extent, are absolutely dependent for development on irrigation.

The streams from which the State is dependent for irrigation water have their sources within the forest types, hence, good forest cover is very important as it serves to delay the melting of the snow and prevents excessive flow, washing away of the soil, and filling up the reservoirs with silt.

Second, the forests are important to the State as a source of timber supply and is the basis of a very important lumber industry. This, however, will become more and more apparent as other forested regions are cut out and it becomes increasingly expensive to ship material into the State. If properly protected the mature timber of the State can be cut and utilized without endangering a continual productive forest and a permanent forest cover.

Third, the forests are being used each year by a rapidly increasing number of recreationists, in which capacity they serve an exceedingly valuable function in the economic life of the State.

The following table gives the areas of forested regions in Arizona and the approximate acreage of national forest lands which will need replanting:

Status	Total area saw-timber type	Area saw-timber type either uncut or satisfactorily restocking	Area of saw-timber type in need of planting
	Acres	*Acres*	*Acres*
National forests	3,190,856	3,099,956	90,900
Indian reservations [1]	1,783,220		
State	28,900		
Military reservations	2,000		
Public domain	20,000		
Private	118,000		
Total	5,142,976	3,099,956	90,900

[1] No data available for Indian lands.

	Acres.
Apache National Forest	69,500
Coconino National Forest	21,400
Total	90,900

THE NECESSITY OF REFORESTATION AND THE PROTECTION OF THE FOREST LANDS IN NEW MEXICO

There are two general types of forest cover in New Mexico. The first is known as the woodland type, and can be readily recognized by the short, scrubby stands composed of pinon and juniper in varying proportions. This type is of importance to many local communities as a source of supply for fence posts, fuel, and in some cases for wider use for mine props and timbers. It is of value also for watershed protection purposes. Growth, however, is very slow because of the comparatively unfavorable climatic conditions and the Forest Service has never considered it economically justifiable to attempt planting in this type. As a matter of fact, with reasonable protection, satisfactory restocking is secured naturally.

The second and most important type for consideration is the saw-timber type. While occupying a smaller area than the woodland type, it is of greater importance commercially and because of its peculiarly favorable location on the headwaters of the important streams in New Mexico, it is especially important from a watershed protection point of view. Saw timber occurs, as a rule, above elevations of 7,000 feet, occasionally coming down to around 6,500 feet.

Planting of young seedlings for the purpose of reestablishing forest conditions in New Mexico is considered practicable only within the saw timber type. Even here climatic conditions make planting a more difficult and costly proceeding than it is in more favored forest regions such as the southern yellow pine and Pacific Coast Douglas fir. However, the Forest Service, after several years of experimentation, has developed the necessary technique for planting in this type in the southwest so that success is assured. It is necessary, however, to grow seedlings for this purpose with a longer tap root and to take more care in the planting. This makes the planting expensive. On a commercial basis and figuring around 1,000 transplants per acre, the cost will run about $15 per acre.

It is a very fortunate thing that forests in this region will reestablish themselves naturally if given proper protection against fire, grazing, and if, where necessary, some of the larger trees are retained for seed. On the national forests not only are seed trees retained, but also the young, thrifty, rapidly growing timber, even though it may be of merchantable size.

There are two kinds of areas in New Mexico within the saw timber type which do not at present carry satisfactory stands of timber or young growth. One kind is the result of repeated burns mostly of long standing independent of any cutting.

These areas will be found at the higher elevations within the Santa Fe and Carson National Forests. Not all of these areas, however, are hopeless even without planting. A close examination reveals the fact that on many of these areas multitudes of seedlings of saw-timber species under an overstory of aspen or oak brush are coming in, which, given protection and time, will eventually make first-class forests. The second type of unsatisfactory areas are those which have been heavily cut over, and this cutting followed by one or more fires. This is the condition of a large portion of the areas cut in the early days of lumbering and is still more or less typical of some of the nonnational forest operations. There are many thousands of acres devastated in this way in the Zuni Mountain region. There is a similar area in the Sacramento Mountains in the vicinity of Cloudcroft. The heart of this timber region just south of Cloudcroft is alienated land. The fire danger is great. So far most of the cutting has been followed by fire, which effectively destroys the young growth and prevents restocking.

There are, therefore, within the State of New Mexico considerable areas which have been so heavily cut over and burned that they can not hope to restock satisfactorily, regardless of protection given them, unless they are planted. Comparatively accurate information as to these areas within the national forests has been secured, and if funds were avalaible it would be practicable to plant them. There are, however, much greater areas outside the national forests which need planting, but unless such areas can be acquired by the Federal Government, there would be no authority to plant them. The tabulation included hereafter gives an estimate of the area within the national forests which will require planting, and a rough estimate of the area outside the national forests. It should be explained that only land in a badly devastated condition which it is estimated will not restock naturally if given proper protection within 50 to 75 years is included. If it is desired to limit the necessary time to some shorter period, say 30 years, the area to be planted would be very greatly increased. The heavy expense of planting, however, necessitates allowing a longer period for natural regeneration in the Southwest than would be justified in some other regions.

The following table shows the approximate forest area of the forested lands of the State and the acreage which needs replanting:

New Mexico

Status	Total area saw-timber type	Area saw-timber type either uncut or satisfactorily restocking	Area of saw-timber type in need of planting
	Acres	*Acres*	*Acres*
National forests	4,026,103	3,783,103	243,000
Indian reservation [1]	588,860		
State	102,000	1,022,740	240,000
Private	571,880		
Total	5,288,843	4,805,843	483,000

[1] No data available on the acreage of Indian or private timberlands which need planting.

Within the national forests it is estimated that the following acreages will eventually require replanting:

	Acres
Carson	180,000
Santa Fe	58,850
Manzano	1,000
Lincoln	3,150
Total	243,000

It will be noted that the largest areas requiring planting are within the Santa Fe and Carson National Forests, and these are chiefly found on the high mountain slopes, many of which include the head of important irrigation streams. Such areas should be planted at the earliest possible date.

The territory south of Clouderoft is regarded as the most important region in Otero and Lincoln Counties, from the forest viewpoint, needing planting. It is on the headwaters of a stream running eastward into the Pecos Valley. Unfortunately, the bulk of this land is privately owned, although it is located in the heart of the forest. Steps are now under way to secure this land by exchange for national forest purposes, and when this is done it will become especially important that a planting program be entered into there. In a similar manner there are many thousands of acres of privately owned cut-over, devastated land in the Zuni Mountain region which is well adapted to planting. There is blocked out an area of upward to 100,000 acres which the Forest Service hopes to acquire through the medium of land exchange in the near future. Possibly 50 per cent of it would be in need of planting. As previously stated, the planting of such land must doubtless await acquisition by the Federal Government.

As has already been indicated, it is doubtful whether there exists an economic justification of planting areas at the lower elevations

within the general woodland type. Because of the strategic location of the saw-timber areas on the headwaters of streams and on the steeper slopes and because of the immense size of this job there, it is believed the Government will do exceedingly well if the planting upon such areas is consummated.

The comparatively high cost of planting in the Southwest has been previously referred to. In a general way the practice of forestry will be found expensive to the private owner of small timbered tracts. Many of the benefits of forests in this State are community benefits inherent in watershed protection and in maintaining a State supply of forest products. Under such conditions the argument for public ownership of forests is quite plain.

It might further be stated that the Forest Service has been looking forward eagerly to the time when it would be possible to undertake an adequate planting program upon the devastated area within the national forests, and with this in mind a report was prepared and forwarded to the Forester's office outlining the areas which need replanting.

REFORESTATION IN COLORADO

The denuded land in Colorado lies generally in the most productive forest types in the State and is capable of producing close to 5,000,000,000 feet of timber. This contrasts quite forcibly with the estimated present total stand of commercial timber in the national forests of this State of 21,000,000,000 feet. The reason for this proportionate discrepancy in timber lies in the fact that the 13,250,000 acres of national forest land contains a considerable percentage of land above timber line and other nonproducing areas, including the old burns.

At the present time from 30 to 35 million feet of timber, having a stumpage value of from $90,000 to $100,000, is cut annually in the national forests of this State. This timber is in the finished form, as building material, railroad ties, mine props, excelsior, etc., and has a value of a million dollars to the operators. Colorado is one of the few States that is cutting less timber than is actually produced through growth in her forests. The manufacture of lumber is in its infancy, and the amount can be greatly increased without detriment to our forests, for the cutting is confined to the annual growth and is in the form of mature trees and thinnings to improve the stand.

Colorado's forests have even greater value in conserving water for the large irrigation interests and municipalities of the State. Water from the national forests irrigates 3,000,000 acres of land in this State, valued at $300,000.

Forests prevent the winter snows from melting during the first warm days of spring. The importance of this to Colorado is that irrigation water is insured throughout the entire summer instead of all the water rushing off in May and June.

Forests also retard the flow of water in times of floods. During the Pueblo flood in 1921 the flood waters from forested watersheds were retarded several days, and this gave the waters from the plains a chance to subside before the crest of the mountain waters occurred. This is illustrated by the record of the inflow at Lake Cheesman, which is the source of Denver's municipal water supply. On the day that Pueblo was flooded the inflow from the South Platte River was 375 cubic feet per second, and the crest of the high water was not reached until four days later, when an inflow of 2,313 cubic feet per second was registered.

The Forest Service realizes the need for covering all denuded mountain lands with forests of merchantable timber, but with the limited funds available for reforestation only a small area can be planted annually. During the calendar year 1924, 1,744 acres of denuded land were planted in this State. This is the largest area that has ever been planted in one year. A Forest Service nursery is maintained at Monument, which could raise sufficient trees to plant double the area if funds were available to do the work.

Most of the reforestation in Colorado is confined to planting denuded watersheds of municipalities, such as those of the cities of Colorado Springs, Denver, Trinidad, and Salida.

In addition, the importance of the irrigation interests of this State are so great that some planting should by all means be done on the watersheds and streams which furnish water for our largest irrigation projects. During ordinary seasons large survivals of the trees planted are secured, and the work can be done quite effectively in the rockiest country at a cost which is not unreasonable in view of the difficulties encountered.

The average cost of planting an acre containing about 700 trees is ordinarily from $10 to $12. In view of the return which can be secured from the sale of the mature timber and the watershed-protection value of these forested slopes this cost is very reasonable.

In presenting my views, upon the vital question of reforestation, to Congress and the readers of the CONGRESSIONAL RECORD, my purpose is to emphasize the necessity of protecting the timber of the Nation and to deal more directly with the three southwestern semiarid States, where the water supply and future development of these States depend very largely upon this forest protection.

It is to this end that I have added the very complete report of the forest service in each State. It is to be desired that the legislatures of these States will enact such laws that will give complete cooperation between the State and National Governments in the protection of this vital property of the people.

The importance of forest protection can be more readily grasped when we take into account that we are using our timber four times more rapidly than we are replenishing the same, and that the destruction by fire exceeds $16,000,000 annually and when we realize that we have 81,000,000 acres of denuded land that must be reforested. The protection of the timber and regrowing of the same becomes a national problem of importance and equal to any problem that the Nation is confronted with at this time.

I could take the different forest States and summarize the need for reforestation in each State; the problem is a vital one and Government and State laws should work in unison to solve this great problem.

In concluding I wish to insert herein a poem which appeared in Canadian Life and Resource (Montreal):

THE RIVER'S VINDICATION

(By F. W. Nash)

It's true I've gone on the war path
I've smitten your cities and homes,
I've cracked the walls of your stately halls,
I've threatened your spires and domes.

I've spoiled your gardens and orchards,
I've carried your bridges away,
The loss is told in millions of gold;
The indemnity you must pay.

But had I not cause for anger?
Was it not time to rebel?
Go, ask of the springs that feed me;
Their rock-ribbed heights can tell.

Go to my mountain cradle,
Go to my home and see,
Look on my ruined forests
And note what ye did to me.

These were my silvan bowers,
My beds of bracken and fern,
The spots where I lie and rest me
Ere to your valleys I turn.

These you have plundered and wasted,
You've chopped and burned and scarred,
Till my home is left of verdure bereft,
Bare and lifeless and charred.

So I have gone on the war path;
I've harried your lands with glee.
Restore with care my woodlands fair
And I'll peacefully flow to the sea.

NATIONAL POLICY FOR RIVER AND HARBOR PROJECTS

Mr. NEWTON of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks on the policy of river improvements.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. NEWTON of Missouri. Mr. Speaker, I regret that it was felt necessary to strike out of the river and harbor bill the paragraph declaring it to be the policy of Congress that the meritorious river and harbor projects of the country should be completed within a period of five years. I also regret that this Congress has appropriated only $40,000,000 for the maintenance and improvement of our rivers and harbors during the next fiscal year. This discussion is not intended as a post-mortem on the fate of rivers and harbors, for much has been accomplished at this session of Congress. What I want to do is to call attention to some of the lessons to be drawn from what has happened and to suggest that my colleagues give this matter serious consideration during the approaching recess, with a view to adopting a more liberal policy toward these important public works at the next session of Congress.

As I reminded you while discussing the river and harbor appropriation item on January 3 last, the President in his message to Congress on December 3 said in part:

> Meantime our internal development should go on. Provision should be made for * * * the opening up of our inland waterways to commerce. * * * Such works are productive of wealth and in the long run tend to a reduction of the tax burden.

Both the Republican and Democratic Parties, at their national conventions last year, declared themselves to be strongly in favor of developing our waterways and of fostering and building up commerce thereon.

It is pertinent to make inquiry as to what has caused Congress to translate these platform declarations in favor of river and harbor improvements, together with the President's proclamation that such works are productive of wealth, into reduced appropriations and an indefinite and dragging program for the carrying on of these public works. If it was the result of the demand for economy prevailing throughout the country, then I beg leave to protest that such a course is not economy but, on the contrary, is a wasteful and extravagant administration of the taxpayers' money.

We appropriated sufficient funds last year to enable the engineers to carry on improvement upon these public works at the rate of $2,752,582 per month. We appropriated sufficient funds to enable them to carry on improvement upon these works at the rate of $3,750,000 during each of the first five months of the current fiscal year, and yet in the face of the President's friendly declaration and in contradiction of the platform pledges of both the great political parties, our appropriation this year will reduce these improvements to $1,729,869 per month for the next fiscal year. I hold that such a course is wasteful and extravagant for the following reasons:

First. It increases to the Government, and consequently to the taxpayer, the total ultimate cost of making these improvements.

Second. It delays the full realization of our waterways and thereby extends the time during which the taxpayer must pay rail transportation rates where low water rates could be made available.

Third. It extends the time during which an enormous investment of the taxpayers' money must lie idle because the projects upon which these vast expenditures have been made are not completed and made available for use.

I beg leave to discuss the effect of our present system of providing funds for river and harbor improvement and the results of reduced appropriations.

The fluctuation from year to year under the present system of appropriations and lack of a fixed definite policy results in a greatly increased cost to the Government. It has been demonstrated during the first five months of this year that there has been constructed and made available equipment for river and harbor improvement sufficient to carry on these works at the rate of $3,750,000 per month. This equipment is very expensive to build and is of such a character that it can not be used for any other purpose. An appropriation such as that made by this Congress means that more than half of this equipment must remain idle next year, deteriorating and depreciating in value and yielding no return upon the vast investment. It matters little whether this equipment belongs to the Government or to individual contractors. The fact that it must remain idle results in additional cost to the Government either through interest in depreciation on its own plant or through additional charges which contractors must collect to make good the losses from these same causes upon their private plant.

Furthermore, trained personnel must be laid off and new personnel must be trained when work is again resumed on a larger scale. Then, too, economies due to larger and more efficient equipment are rendered unlikely, since no one will feel justified in investing in the larger and more efficient equipment with the prospect that Congress may prevent its working continuously by reducing appropriations for river and harbor improvement. In other words, our present system of fluctuating and irregular appropriations from year to year, which gives no guaranty of the continuous use of plant and equipment, makes it necessary for contractors in bidding upon river and harbor works to charge the Government for the total cost of the equipment used as an item of expense in carrying out each and every separate contract.

If we had a fixed policy prescribing definite and adequate funds from year to year for river and harbor work, thus giving the contractors of the country an assurance that their equipment, once constructed, would be given continuous employment until our adopted projects are completed, then these contractors could figure their bids much lower, resulting in a great saving to the Government. The action of this Congress in failing to maintain the rate of construction heretofore established, by refusing to make an adequate appropriation for next year, and its failure to fix a definite policy as to the rate at which this work shall be carried on, is a forceful illustration of the urgent need of establishing a definite policy for the financing of river and harbor improvements.

Another example of the wasteful and uneconomical effect of the present fluctuating and uncertain policy of appropriations is the delay which they cause in the completion and utilization of our river and harbor projects. We have in the Mississippi River Valley adopted waterway projects consisting of the Mississippi from Minneapolis to the Gulf, of the Missouri from Kansas City to its mouth, of the Ohio from Pittsburgh to Cairo, with some of its tributaries. These projects comprise a connected waterway system 6,520 miles in length, penetrating the greatest productive area in the world, and an area where the need of facilities for cheaper transportation is imperative. We have already invested in these projects $174,000,000. Seventy million dollars more will complete them and make them ready for use, and yet we are losing and will continue to lose the interest upon this enormous investment until the projects constituting the system are completed. The shallowest place in a river constitutes the limiting factor in its use. A river with one sand bar over which normal traffic can not pass is similar to a transcontinental railroad with neither bridge nor ferry across the Mississippi.

The Mississippi Barge Line, operated by the War Department between St. Louis and New Orleans, has earned a profit to the Government every month during which it had an open channel, but because of the incompleted sections of this river there are points at which the river spreads out more than a mile wide, and at these points sand bars appear in the low-water season.

In the months of September, October, and November, 1922, the Mississippi Barge Line, because of sand bars totaling altogether less than 5 miles in length in this 1,140 miles of river, lost $472,880.11. In September, October, and November, 1923, with a total of obstructing sand bars less than 5 miles in length, the barge line lost $208,512.61. In October, November, and December, 1924, with a total of less than 5 miles of obstructing sand bars in this entire stretch of the river, the barge line lost $148,875.88. The barge line made a handsome profit during each and every other month of these respective years and would have made a profit every month in the year had it not been for these unimproved stretches in this great river.

The uncompleted condition of the Ohio River, on which more than $65,000,000 has been expended, prevents the full utilization not only of the Ohio but also of the Mississippi, into which it flows, and would limit the traffic on the Missouri and Tennessee Rivers, even if these rivers were completed. The full utilization of any waterway project depends upon the completion of the system of which it is a part.

We have already invested in the improvement of our rivers and harbors—omitting maintenance—over $800,000,000, and a very large part of this investment is unproductive because the works are not completed. The taxpayer is losing the cost of maintenance, the interest upon this enormous investment, and the blessings which cheap water transportation will bring, and this wasteful and uneconomical condition will continue until these projects are completed and placed into use, and the sooner they are completed the greater the economy, and the longer they are delayed the more extravagant the waste. I beg leave to protest most vigorously against the doctrine that tax reduction and a vigorous prosecution of river and harbor improvements are not compatible. As President Coolidge has said, river and harbor improvements "tend to a reduction of the tax burden."

That it is the intention of Congress and of the administration to complete these projects there can be no question. We have expended and are continuing to expend annually millions of dollars toward the construction of these works. The only question over which there is any issue is the progress at which these improvements shall be made. The President, on January 17, 1925, wrote a letter to Senator JONES, chairman of the Committee on Commerce of the Senate, transmitting a letter written by General Lord, Director of the Budget, protesting against the policy declared in the rivers and harbors bill for a com-

pletion of these works within a period of five years. It was made evident in those letters that the Bureau of the Budget opposes appropriations for river and harbor improvement in excess of $40,000,000 per annum.

The engineers of the War Department, in their testimony before committees of Congress, have estimated that $220,000,000 will complete all of our meritorious river and harbor projects, including those adopted in the recent river and harbor bill. Experience has shown that it costs approximately $15,000,000 a year to maintain the work already done, and inasmuch as the cost of maintenance is proportionately reduced as a project nears completion, it is estimated by the engineers that $15,000,000 per annum will maintain all the river and harbor works of the country after they are finally completed. If the Bureau of the Budget adheres to its present estimate for river and harbor works, and Congress follows its recommendations by appropriating only $40,000,000 per annum, then, after deducting for maintenance, we will have available only $25,000,000 annually for improvements. At this rate we can complete the river and harbor projects already adopted within a period of approximately 10 years, but during that time we will have expended $150,000,000 for maintenance on projects most of which can not be utilized because not completed, and during such period the country will have lost millions of dollars upon an enormous investment because it can not be utilized, while the commerce of the country will continue to be deprived of the blessings of cheap water transportation.

Is it not better business and better economy, inasmuch as it can not be questioned that it is the fixed policy of the country to complete these projects, to complete them within a period of five years and thereby save $75,000,000 upon maintenance by making the enormous investment productive, save millions upon the investment by making it active, and bring untold commerce to the country by making cheap water transportation available?

We are given assurance that there will be a surplus of $370,000,000 in the Treasury at the end of the next fiscal year. Would it not be good business and in the interest of economy to take some of this surplus with which to hasten the completion of these great projects in order that the enormous investment therein may become productive and in order that the enormous loss, which the country is now suffering because it can not use these works, may be terminated?

The improvement of rivers and harbors is essentially a business proposition and should be treated as such. The Government assumes exclusive jurisdiction over all our navigable waters primarily as a matter of national defense, but has never provided for their improvement in a businesslike way. If the desire to reduce appropriations is so imperative, why not provide funds for the improvement of our rivers and harbors as a business man or corporation would provide such funds for financing the extensions or improvements of a business plant? If it is so necessary to reduce appropriations at this time, why not issue some form of bonds or security with which to raise the necessary funds and pay them off over a period of years? Why not pass the Porter bill (H. R. 9730), which will raise the revenue necessary to complete these projects and at the same time will permit a reduction in the annual appropriations for river and harbor work?

There are various reasons for this procedure, but the fundamental one is that it permits the prompt utilization of the improvements and postpones the necessity of paying for them until the benefits from their use are being realized. The benefits of lower cost of transportation and reduced losses from congestion at critical points will result not only in a direct saving to the shipper but also in an increase in prosperity which the freer and cheaper circulation of commodities will produce. This means that there will be more money available with which to pay these improvements after they are completed and in use. Moreover, to make funds available when and as needed will produce economies in construction and in the reduction of damage to the partially completed work, which will show an enormous saving to the Government.

I beg leave to present a tabulation which shows how by means of a bond issue, as proposed in the Porter bill, all the meritorious river and harbor projects of the United States and its territories can be completed within a period of 5 years and put into use and paid for in a period of 30 years, with annual appropriations ranging from $36,000,000 down to $16,000,000.

Year and amount of bonds in year	Bonds outstanding during year	Interest on bonds outstanding	Bonds retired in year	Total bond charges for year	Maintenance during year	Total annual charges
First, $60,000,000	$60,000,000	$2,700,000		$2,700,000	$16,000,000	$18,700,000
Second, $50,000,000	110,000,000	4,950,000		4,950,000	16,000,000	20,950,000
Third, $40,000,000	150,000,000	6,750,000		6,750,000	16,000,000	22,750,000
Fourth, $40,000,000	190,000,000	8,550,000		8,550,000	16,000,000	24,550,000
Fifth, $30,000,000	220,000,000	9,900,000		9,900,000	16,000,000	25,900,000
Sixth	220,000,000	9,900,000		9,900,000	16,000,000	25,900,000
Seventh	220,000,000	9,900,000		9,900,000	16,000,000	25,900,000
Eighth	220,000,000	9,900,000		9,900,000	16,000,000	25,900,000
Ninth	220,000,000	9,900,000		9,900,000	16,000,000	25,900,000
Tenth	220,000,000	9,900,000		9,900,000	16,000,000	25,900,000
Eleventh	220,000,000	9,900,000	$11,000,000	20,900,000	16,000,000	36,900,000
Twelfth	209,000,000	9,405,000	11,000,000	20,405,000	16,000,000	36,405,000
Thirteenth	198,000,000	8,910,000	11,000,000	19,910,000	16,000,000	35,910,000
Fourteenth	187,000,000	8,415,000	11,000,000	19,415,000	16,000,000	35,415,000
Fifteenth	176,000,000	7,920,000	11,000,000	18,920,000	16,000,000	34,920,000
Sixteenth	165,000,000	7,425,000	11,000,000	18,425,000	16,000,000	34,425,000
Seventeenth	154,000,000	6,930,000	11,000,000	17,930,000	16,000,000	33,930,000
Eighteenth	143,000,000	6,435,000	11,000,000	17,435,000	16,000,000	33,435,000
Nineteenth	132,000,000	5,940,000	11,000,000	16,940,000	16,000,000	32,940,000
Twentieth	121,000,000	5,445,000	11,000,000	16,445,000	16,000,000	32,445,000
Twenty-first	110,000,000	4,950,000	11,000,000	15,950,000	16,000,000	31,950,000
Twenty-second	99,000,000	4,455,000	11,000,000	15,455,000	16,000,000	31,455,000
Twenty-third	88,000,000	3,960,000	11,000,000	14,960,000	16,000,000	30,960,000
Twenty-fourth	77,000,000	3,465,000	11,000,000	14,465,000	16,000,000	30,465,000
Twenty-fifth	66,000,000	2,970,000	11,000,000	13,970,000	16,000,000	29,970,000
Twenty-sixth	55,000,000	2,475,000	11,000,000	13,475,000	16,000,000	29,475,000
Twenty-seventh	44,000,000	1,980,000	11,000,000	12,980,000	16,000,000	28,980,000
Twenty-eighth	33,000,000	1,485,000	11,000,000	12,485,000	16,000,000	28,485,000
Twenty-ninth	22,000,000	990,000	11,000,000	11,990,000	16,000,000	27,990,000
Thirtieth	11,000,000	495,000	11,000,000	11,495,000	16,000,000	27,495,000
Thirty-first					16,000,000	16,000,000

This tabulation has been calculated upon an interest rate of 4½ per cent per annum. The Treasury is actually borrowing money at a very much lower rate, and unquestionably bonds for this purpose would sell at a lower rate of interest, thereby reducing the charges below the figures which I have just given.

The annual appropriations for rivers and harbors during the past five years have ranged from $37,500,000 to $56,500,000. If we adopt the method of financing which I have just proposed, our river and harbor projects will be completed and placed into use within a period of five years, while our appropriations for new work during the term for which the bonds are to run will average only $25,543,333 per annum. It will also make it possible for future taxpayers who will derive the full benefits from these improvements to share in the cost of providing them.

As a basis for discussion I beg leave to insert a financial summary of river and harbor improvements made up from figures taken from the Annual Report of the Chief of Engineers of the United States Army, 1924, which shows the total cost of various classes of river and harbor improvement from the foundation of the Government down to the present time.

Financial summary of river and harbor improvements

Class of projects	Expended for new work to June 30, 1924	Expended for maintenance to June 30, 1924	Total expended on project to June 30, 1924	Unexpended balance July 1, 1924	Outstanding obligations July 1, 1924
Principal seacoast harbors	$251,796,273.46	$69,178,724.54	$320,974,998.00	$17,742,551.60	$10,693,940.74
Secondary harbors and coastwise channels	76,101,245.65	18,830,849.84	94,932,095.49	4,486,872.48	2,952,155.99
Lake harbors and channels	121,509,671.82	24,912,643.24	146,422,315.06	3,812,878.22	2,871,839.97
Principal rivers	209,144,630.38	27,308,359.76	236,452,990.14	9,621,303.25	5,961,829.10
Secondary rivers	47,262,678.06	16,705,776.51	63,968,454.57	671,948.81	157,065.20
Total	705,814,499.37	156,936,353.89	862,750,853.26	36,335,554.36	22,636,831.00
Improvement of the Mississippi River from Cairo, Ill., to the Head of Passes, La. (separate appropriation administered by the Mississippi River Commission)	102,907,822.41	34,290,111.25	137,197,933.66	791,324.37	1,094,090.42

Class of projects	Available balance July 1, 1924	Allotted from 1925 appropriation	Estimated additional to complete	Recommended for 1926 appropriation		Tonnage for calendar year 1923
				New work	Maintenance	
Principal seacoast harbors	$7,048,610.86	$13,049,650.00	$96,811,314.00	$16,496,500.00	$7,470,700.00	236,000,000
Secondary harbors and coastwise channels	1,534,716.49	4,265,000.00	32,906,600.00	4,474,915.00	3,005,750.00	30,000,000
Lake harbors and channels	941,038.25	1,885,250.00	10,473,150.00	1,158,200.00	2,473,225.00	126,000,000
Principal rivers	3,659,474.15	8,806,650.00	97,848,364.00	14,718,000.00	2,979,000.00	40,000,000
Secondary rivers	514,883.61	796,550.00	2,604,870.00	94,200.00	937,600.00	10,000,000
Total	13,698,723.36	28,803,100.00	240,644,298.00	36,941,815.00	16,866,275.00	442,000,000
Improvement of the Mississippi River from Cairo, Ill., to the Head of Passes, La. (separate appropriation administered by the Mississippi River Commission)	−302,766.05	10,000,000.00		10,000,000.00		7,994,456

NOTE.—Tonnages given are approximations, after eliminating all known duplications. The total of the tonnages shown for each individual project amounts to 1,033,120,217 tons.

In this tabulation all of the river and harbor projects now under way and those contained in the river and harbor bill recently passed are classified into five groups. The classification of these groups is not clear-cut and rigid, as there are many projects which might be considered as belonging to either of two classes. For instance, many rivers are in their nature practically seacoast harbors, being used for little else than shipping which proceeds to sea; such rivers have been classified as harbors rather than as rivers. Because of the more or less arbitrary nature of the classification of some of these projects, and the difficulty of correctly eliminating duplications in the report of commerce carried, absolute accuracy in the tonnage for the different classes is not obtainable. After consultation with the engineers of the War Department, however, the figures given are believed to be very nearly accurate, and certainly give a fair and unbiased idea of the relative magnitude of this commerce.

It will be noted that the total amount expended, as shown in the tabulation, is less than the amount given in the report of the Chief of Engineers of the United States Army for 1924 as the total appropriations to date. This is due not only to the unexpended balance but also to the fact that his figure includes appropriations for flood control, Mississippi River; flood control, Sacramento River; operations and care of canals; removal of sunken vessels; maintenance and operation of dams (under the water power act); California Débris Commission; prevention of deposits in New York Harbor; examinations, surveys, and contingencies, as well as for certain projects which under authorization of Congress have been abandoned and dropped from the report of the Chief of Engineers. These have all been omitted from the tabulation, giving only current improvement projects as shown in the report of the Chief of Engineers.

It will also be noted that the improvement of the Mississippi River from Cairo, Ill., to the Head of the Passes in Louisiana is provided for by separate appropriation intended chiefly for flood control and administered by the Mississippi River Commission, and is, therefore, set out separately from the other figures.

From the financial summary the total investment in new work to June 30, 1924, including money expended for flood control by the Mississippi River Commission, amounts to $808,722,321.78; adding to this the unexpended balance as of that date and the estimated additional amount required to complete all projects, gives a total probable investment in river and harbor improvements, when completed, of $1,086,513,498.51. Interest on this investment at 5 per cent amounts to $54,325,674.92 per year. Adding to this figure $16,866,275 for annual maintenance charges, plus an estimated $2,500,000 for maintenance of Mississippi River, under the commission, gives a total annual carrying charge upon all projects, when completed, of $73,691,949.92. Dividing this by the tonnage carried by our waterways, 442,000,000 tons, shows an overhead of only 16⅔ cents per ton of freight now transported.

These figures are ultraconservative all the way through. In the first place, interest is figured at 5 per cent, whereas the Government is actually borrowing money at much lower rates and the tonnage used is the total arrived at after eliminating all known duplications. In considering any individual project the total tonnage using that project would be considered, regardless of how many other projects might be used by the same tonnage or any part of it. By analogy it would seem only fair and reasonable in considering all river and harbor projects to consider the total of tonnages reported for each project. I believe that in most cases we would be thoroughly justified in following this procedure, but as there are some cases where this would not be fair, I have preferred to take the extremely conservative stand of eliminating all duplications.

Actual savings from water transportation for comparison with the charge per ton of freight developed are difficult to secure in such form as to make accurate comparisons possible. It is possible, however, to show individual cases which sufficiently indicate the amount of such savings. For instance, the greater part of the traffic on the Great Lakes consists of three bulk commodities—ore, coal, and grain—totaling somewhere in the neighborhood of 90,000,000 tons per annum. The average length of haul on this tonnage is approximately 900 miles, usually from the head of Lake Superior or Lake Michigan to Lake Erie ports, averaging approximately the middle of Lake Erie. This means over 80,000,000,000 ton-miles per year. The average Lake rate is 1 mill per ton-mile, while the average rail rate throughout the country is 10½ mills per ton-mile. If we assume even the ridiculously small figure of 1 mill per ton, the mile saving on this commerce due to water transportation, the annual saving amounts to $80,000,000 per year, or more than sufficient to justify the entire river and harbor program of the country.

Consider the Monongahela River, where some 23,000,000 tons of freight move annually over a distance of approximately 60 miles at a saving under the rail rates, according to the testimony of some of the large shippers, in excess of 50 cents per ton, or more than $12,000,000 per year. Total expenditures on this river to June 30, 1924, amounted to less than $9,000,000. There is practically no maintenance, and less than $5,000,000 addition is required to alter this project to accommodate modern tours of barges. In other words, the savings on that particular river now amount each year to more than the present cost of the improvement, and the present savings are almost enough to pay each year the total cost of the improvement when completed.

Let us look at the whole class of principal rivers which have at times been the subject of bitter attacks. These rivers carry a very small tonnage compared with what they should and will carry when their improvement is completed.

It would be natural to expect these projects to make a poor showing under present conditions. However, even with the ridiculously small tonnage of 40,000,000 tons per annum, the annual carrying charge of $26,494,672.22 for the improvement of our principal rivers, including the improvement of the Mississippi River under the Mississippi River Commission, represents a charge of only 66¼ cents per ton of freight moved.

Mr. Shepherd, of the Jones & Laughlin Steel Co., of Pittsburgh, testified before the Rivers and Harbors Committee, that in spite of the difficulties encountered, due to the incomplete state of the improvements on the Ohio and Mississippi Rivers, and in spite of the fact that no return cargoes were available, which required an empty trip in one direction, shipments of steel from Pittsburgh, Pa., to Memphis, Tenn., showed a saving from $2 to $3 per ton over the cost of shipment by rail. Compare this with the total charge of 66¼ cents per ton based upon the cost of the improvement and its maintenance and it will be readily seen that even under the worst possible conditions, namely, incomplete project, consequently limited tonnage, empty return trip, and delays due to the lack of proper channel, the savings are three or four times enough each year to justify the improvement program for these rivers. When the channels are completed and adequate equipment and terminal facilities are provided this charge per ton on freight will be greatly reduced; furthermore, when the Intracoastal Canal is built, so that Texas oil and sulphur and lumber can be reached, there will be abundant cargo to load these barges on their return trips.

Analysis on a ton-mile basis would undoubtedly indicate even more clearly the justification for the improvement of these projects, but I feel that the figures quoted are sufficiently convincing to dispose of any disposition to question the justification for carrying out our river and harbor program.

Another angle to this problem lies in the comparison of the tonnage handled by our waterways with that carried by the railroads. In 1923 the railroads of the country carried 2,333,787,044 tons of freight and the waterways 442,097,328 tons, or nearly one-fifth as much tonnage as the railroads, and yet a very small percentage of the carrying capacity of our waterways have been utilized because our projects have not been completed. With this comparison in mind, consider the investment in railroads approximately $20,000,000,000 as compared with the investment above shown in river and harbor improvements.

Consider also the amount set aside by the railroads for the year 1923 for improvements, $1,077,000,000, as compared with the appropriations made annually for the improvement of our rivers and harbors. If we should treat our waterways as well as we do our railways, even upon the basis of the freight which they now carry in their uncompleted condition, we should appropriate for their improvement one-fifth as much as we expend upon our railways, and to do this we should have appropriated for 1923 the sum of $215,400,000 and an equal additional sum for each year, and yet this sum for one year is practically enough to complete every river and harbor project in the United States.

Finally we should consider the fact that the railroads are rapidly approaching, and in many cases have actually reached, the practical limit of their capacity, while our waterways when improved will have almost unlimited capacity for carrying freight, and being improved by the Government are available to as many common carriers as care to operate on them, instead of being limited, as are railroads, to the corporation which has made its investment in them.

There are some of my colleagues who still seem to feel that the improvement of rivers and harbors is of benefit only to those who are located on or near these waterways. This is an error which I am anxious to correct. The Mississippi River Barge Line has been operating from St. Louis to New Orleans and intermediate points. There has been practically no common carrier water service above St. Louis either on the Mississippi or the Missouri, and very little on the Ohio River which could feed into this barge-line service on the Mississippi River, because neither of these rivers is sufficiently improved to insure successful operation. Practically all of the freight carried by the barge line arrived by rail or truck and was taken away again by the same means, but in spite of this there is not a State in the Mississippi Valley which has not actually shipped freight via the Mississippi Barge Line and saved money by the operation. Even such States as North and South Dakota, which have rail hauls to reach the nearest point of the barge-line service as great or greater than the total length of the barge-line service, have still found economies of over $1 a ton in shipments made by joint rail and water haul on the barge line, while the States immediately adjoining the upper end of this operation are saving hundreds of thousands of dollars yearly.

The Mississippi Barge Line carries freight at 80 per cent of the rail rate which parallels the river, but the rail rate which parallels the river is only 58 per cent of the average rail rate of the country, and yet in the two and one-half years ending December 31, 1923, this barge line carried 2,007,332 tons, at a saving on account of this 20 per cent differential alone of $2,178,290, and a saving between the rate paid on these shipments and the average rail rate of the country of more than $10,000,000. While I have not yet the actual figures for 1924, the business of the barge line has been steadily increasing, and with the additional equipment recently provided for this barge line will demonstrate conclusively the benefits of water transportation not simply to those along the rivers and coasts, but to those living hundreds of miles in the interior, by reducing the cost of transporting their products as well as of the things which they have to buy.

As I have already stated, the average rail rate of the country, as shown by the report of the Interstate Commerce Commission, is 10½ mills per ton-mile, and there is little hope that the railroads can afford to reduce that rate. The Mississippi barge line has made a profit carrying freight at 3½ mills per ton-mile and will undoubtedly reduce this rate to 2 mills per ton-mile when the channels are completed and the service established. The lake steamers make a profit carrying freight at 1 mill per ton-mile, and it has been demonstrated the world over that freight can be carried by water at from one-fifth to one-tenth the rate which the railroads can afford to make. In the face of these facts can there be any question but what the best interests of the country demand the speedy completion of these projects?

That our Government is determined to provide cheaper facilities for transportation by the improvement of our waterways has been demonstrated by our expenditure already of more than $800,000,000 upon our waterway projects and by the attitude of the Bureau of the Budget, with the approval of the President, advocating an expenditure of $40,000,000 per annum for the maintenance and improvement of these projects. We surely would not expend $40,000,000 per annum upon public works which we did not intend to complete, and since cheap facilities for transportation are imperative to the relief of our farmers, the development of our resources, and the growth of our commerce, is it not good business and sound economy to expend the remaining $220,000,000 necessary to complete these works and make them ready for use in five years rather than to drag their construction over a period of 10 years?

Such a delay will deny to the country the blessings of cheap transportation. It will tremendously increase the cost of the improvements. We will lose $15,000,000 per year for an additional five years in the maintenance of unproductive works and $54,000,000 per year for an additional five years in interest upon the investment already made, making a total loss of more than $340,000,000 in maintenance and interest upon the investment, to say nothing of what the country would lose by this five years' delay in procuring cheap water transportation. In other words, the loss of dragging these improvements out over a period of 10 years is $120,000,000 greater than the total cost of completing the projects in 5 years.

Why not in the interest of sound economy and good business undertake this job as we did the Panama Canal, provide the funds necessary for its completion, and proceed with the construction with all possible haste, and abandon the undesirable policy of procrastination and waste from which our river and harbor projects have ever suffered?

THE ANTILYNCHING BILL

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks on House bill 1—the antilynching bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. Mr. Speaker, I am taking this opportunity of the permission granted me to speak on the antilynching bill.

When this legislation was before the Sixty-seventh Congress I voted against it, particularly that part which turned over the jurisdiction from the State courts to the Federal courts wherein citizens and a subject of a foreign country were involved. During the Sixty-eighth Congress H. R. 1 was introduced, and section 7 of this bill has for its object and is in practically the same language as the bill that passed the House in the Sixty-seventh Congress and was not disposed of by the Senate.

Bill H. R. 1 was reported by the Committee on the Judiciary, Sixty-eighth Congress, first session, on January 19, 1924, Report No. 71.

Section 7 of H. R. 1 reads as follows:

That any act committed in any State or Territory of the United States in violation of the rights of a citizen or subject of a foreign country secured to such citizen or subject by treaty between the United States and such foreign country, which act constitutes a crime under the laws of such State or Territory, shall constitute a like crime against the peace and dignity of the United States, punishable in like manner as in the courts of said State or Territory, and within the period limited by the laws of such State or Territory, and may be prosecuted in the courts of the United States, and upon conviction the sentence executed in like manner as sentences upon convictions for crimes under the laws of the United States.

When this legislation was up before it was my contention, and still is, that the State courts fully and amply protect aliens, as they do the citizens of the United States, and therefore such legislation was wholly unnecessary. I was asked many times when this legislation was up what would the California courts do if a Japanese were involved. My statement was that they would enforce the law against anyone who violated the rights of the Japanese the same as any other alien or citizen of the United States. That has been confirmed in the trial of the people of California against Ray Arnold, of Sacramento, and E. K. Sayer, of San Francisco, who were found guilty of murder in the first degree in the Placer County superior court on February 17, 1925, Judge Landis presiding.

Mr. W. A. Shepard, proprietor and editor of the Placer Herald, oldest paper in California, on February 21, 1925, in the issue of the paper of that date, had the following to say regarding the trial of this case:

The trial and conviction in Auburn this week of the two young men who were implicated in the killing of a poor defenseless Japanese woman at Penryn will probably become known internationally. It is proof to our Japanese neighbors on the Pacific that while California is thoroughly in accord with our Nation's immigration laws, and likewise is an active sponsor of her own alien land laws, nevertheless she firmly believes in the protection of the lives and property of all her residents, whether they are eligible to become citizens or not.

Mr. Lardner, an attorney of Auburn, writes me under date of February 20, 1925, as follows:

LAW OFFICE, W. B. LARDNER,
Auburn, Calif., February 20, 1925.

Hon. JOHN E. RAKER.

DEAR SIR: A few years ago yourself and others members of a congressional committee came to Auburn and took testimony as to the undesirability of the Japanese as renters of fruit lands and pupils in the lower grades of our public schools. Penryn was stressed as an example of Japanese in an unfavorable light.

There is an oriental village on the edge of Penryn, largely Japanese. I sent you the Auburn Journal of the 19th instant, showing the result of a jury trial wherein two white young men are to hang for the killing of a Japanese woman in an attempted robbery.

Mullen, the third man, who killed her, afterwards confessed to his father of the crime and then through remorse took his life. Sayer's father came from Denver and protested loudly about an "official frame-up," etc. The jury only took one ballot, but it was taken in about 10 minutes after being locked up.

The defendants were ably defended by three attorneys from San Francisco, Sacramento, and a local attorney. The district attorney, Lowell, was assisted by young Wallace Shepard, of Sacramento, son of your old clerk of the Herald. To all law-abiding citizens the verdict is approved of. It will aid greatly to stop this after-war wave of crime sweeping our country, but to me it has also a very satisfying result. It will aid my country in convincing the Japanese Government that a white jury in Placer County will severely punish violence against Japanese people.

Very truly,

W. B. LARDNER.

This seems to me ample evidence to convince anyone, so far as California is concerned, that the provision of section 7 of H. R. 1 is wholly unnecessary. It would create an extra burden on the Federal courts, which are now already overburdened. It would take from the jurisdiction of the State courts the trial of those cases which under the laws should be tried by the local court and within the vicinage of the alleged offense. I am sure that the same reasoning would apply to the other States of the Union.

There are many other reasons why the legislation proposed in H. R. 1 should not be passed by the American Congress.

DIGEST OF RESOLUTIONS OF THE AMERICAN LEGION

Mr. JEFFERS. Mr. Speaker, I ask unanimous consent to print in the RECORD as a part of my remarks digest of the resolutions adopted by the American Legion at their last national convention. That has been done in other years and the same request has been made before.

The SPEAKER. How long is it?

Mr. JEFFERS. All the matter that is not pertinent has been cut out.

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend his remarks by printing a digest of resolutions adopted by the American Legion at their national convention. Is there objection? [After a pause.] The Chair hears none.

Mr. JEFFERS. Mr. Speaker, under leave granted to extend my remarks I insert a digest of resolutions of the American Legion, adopted at the sixth annual convention, held at St. Paul, Minn., September 15–19, 1924.

DIGEST OF RESOLUTIONS OF THE AMERICAN LEGION, ADOPTED AT THE SIXTH ANNUAL CONVENTION, HELD AT ST. PAUL, MINN., SEPTEMBER 15–19, 1924

(Prepared for Congressman LAMAR JEFFERS, of Alabama)

ADJUSTED COMPENSATION

1. Adjusted compensation: (a) We report a resolution providing for an amendment of the adjusted compensation act whereby any veteran may assign all his right thereunder to any patriotic organization chartered by Congress.

(b) A resolution providing for an amendment of the adjusted compensation act, assigning to the beneficiaries of the veteran deceased before August 1, 1924, and who failed to make application, the full benefits which would have accrued had such veteran made application.

(c) A resolution providing for an amendment of the adjusted compensation act to set aside the ruling of the Comptroller of the Treasury in so far as deductions from adjusted service credits are made on account of any sums being due the Government as a result of the veteran's war service.

2. A resolution providing for an amendment of the adjusted compensation act to include the Philippine Scouts.

3. A resolution providing for an amendment to the adjusted compensation act making heirs eligible to the full benefits without proof of dependency.

AERONAUTICS

The Congress of the United States has for two years given serious study to this problem, and after that study has drafted a bill to create a bureau of civil aeronautics in the Department of Commerce for the encouragement and regulation of civilian activities. Constructive legislation of this type is vitally necessary at this time, and your committee recommends that the national legislative committee continue its efforts in support thereof.

We recommend that the Congress of the United States appropriate sufficient moneys for intelligent construction and operation of the military air services, the air mail and the National Advisory Board of Aeronautics, in order that these organizations may continue the valuable services that they are rendering.

We recommend that the forest air patrol be resumed as a contribution to conservation, as well as because of the experience and training received therefrom. Federal appropriation should be provided for this purpose.

It is recommended that proper Government authorities promulgate the necessary regulations to enable Government flying institutions to sell service and supplies to civilian aviators without unfair competition with civilian organizations supplying the same functions in the vicinity.

Orders should be issued authorizing reserve officers to give flying training to the enlisted personnel of the Reserve Corps under competent directions.

Regulations should be provided placing reserve and National Guard flyers on status identical to that of flyers of the Regular Establishment in case of accident in line of duty.

We commend the personnel of the air forces and the air mail of the United States for their remarkable achievements during the past year, and we pledge to them the strength of the American Legion in overcoming the obstacle presented by the lack of sufficient personnel and obsolete and inefficient equipment.

11. A resolution providing for the enactment of legislation to give military status to members of the Lafayette Escadrille not transferred to the American Army on account of sickness or failure to make examination.

AMERICANISM—DEPORTATION

Resolution 499

Resolved, That the American Legion in sixth annual national convention assembled urges Congress to enact legislation which will result in the deportation of all aliens convicted in courts of record for violation of national prohibition and narcotic laws.

IMMIGRATION

Resolution 504

Resolved, That in order to prevent the "burden of proof" clause from causing unnecessary hardship to those aliens legally admitted to the United States, the American Legion in sixth annual national convention assembled recommends that Congress enact legislation requiring all aliens to register annually.

Resolution 503

Resolved, That the American Legion urges the appropriation of sufficient funds to permit the officers of the Immigration Bureau to carry out the "burden of proof" clause of the immigration act of 1924.

Resolution 500

Resolved, That the Sixth Annual Convention of the American Legion continues the recommendation of preceding conventions in favor of the rigid restriction of immigration.

Resolution 501

Resolved, That this convention fully indorses the restrictive features of the immigration act of 1924, known as the Johnson Act, but urges Congress to amend the act so as to permit the admission to the United States, in excess of fixed quotas, of parents, wives, and minor children of veterans.

Resolution 502

Resolved, That the American Legion in sixth annual national convention assembled express itself as firmly opposed to any modification of the exclusion provisions of the immigration act of 1924.

Resolution 510

Resolved by the American Legion in sixth annual convention assembled, That the numbers of exempted classes mentioned in the immigration act of 1924 be further reduced, and that the Government take all possible steps to see that those admitted as exempt from quotas maintain the status under which admitted.

Resolution 505

Resolved by the American Legion in sixth annual national convention assembled, That preference within the quotas be given to the parents, wives, and children of aliens domiciled in the United States who have made declarations to become citizens of the United States one year prior to July 1, last.

Resolution 508

Resolved by the American Legion in sixth annual convention assembled, That the naturalization laws be amended to require aliens to give evidence of ability to read the English language intelligently as an additional condition for becoming naturalized as citizens of the United States.

AMERICANISM—IMMIGRATION AND NATURALIZATION

Resolution 509

Resolved, That the American Legion in sixth annual national convention assembled recommends a complete revision of the naturalization laws. The American Legion recommends a plan of annual examination necessary to suitably prepare candidates for citizenship. The perfection of this plan will do away with the necessity of two witnesses appearing in court with the candidate, which will make more impressive the final act of taking the oath of allegiance to the United States.

Resolution 507

Resolved by the American Legion in sixth annual national convention assembled, That because of misunderstanding many ex-service men failed to take advantage of the act of Congress of July 19, 1919, and secure their citizenship prior to March 3, 1924, the date that act ceased to be in force and effect, that Congress be urged to grant an additional one-year period within which ex-service men can secure their admission to citizenship under the provisions of said act.

Resolution 498

Resolved, That the American Legion in sixth annual national convention assembled recommends that Congress enact legislation which will require all foreign-language newspapers, books, periodicals, and pamphlets to be printed also in English, and to provide penalties for those who make false or misleading translations in such bilingual publications.

Resolution 497

Resolved, That the American Legion in sixth annual national convention urges Congress to provide a complete and unified border patrol for the protection of the United States and the maintenance of its laws with respect to immigration, prohibition, narcotics, customs, public health, animal and plant quarantine, etc.

EDUCATION

Resolution 15

Whereas the children of American parents resident in the Orient are necessarily deprived of the benefits of the educational facilities of their native land, although their parents continue to pay taxes in support of these institutions while residing outside the territorial limits of the United States; and

Whereas the running expenses of these schools are now borne entirely by the local communities, aided in part by some of the mission boards; and

Whereas these schools provide the only means of inculcating American ideals and culture and of providing that knowledge of American history and literature which is essential to their proper development in the ideals of democracy as exemplified in the United States: Now, therefore, be it

Resolved, by the American Legion in sixth annual national convention assembled, That we indorse the representations now being made to the Congress of the United States by representatives of these schools and urge the enaction of suitable legislation providing financial assistance from the Federal Government toward the running expenses of these schools, subject to periodic consular or other inspection and approval.

Resolved, That the American Legion in national convention assembled urges that the National Congress designate The Star-Spangled Banner as the national anthem.

4. Archives: A resolution providing for the erection at Washington of a national archives building.

8. We recommend appropriate legislation by Congress in order that a military statue might be given to Herman L. Chatknoff, an American citizen who served with distinction in the French military forces during the World War, and who after being examined and accepted for transfer to the American forces was seriously injured in line of duty before his actual transfer was accomplished.

6. That the American Legion pledges itself to secure State and Federal legislation for the protection of all children where such legislation is not at present on the statute books.

CIVIL SERVICE

5. Civil service: A resolution providing for an amendment to the civil-service law to give preference to ex-service men and to make mandatory the appointment of ex-service men whose names appear upon the eligible lists.

6. A resolution providing that the civil service law be made applicable to the employees of the Government in the Canal Zone.

7. A resolution providing for the enactment of legislation to prevent the discharge of men and women in Government employ except by regular civil-service procedure.

8. A resolution providing for an amendment of the 1923 civil service classification act to prevent the reduction in salary of veterans in the employ of the Government.

HOSPITALIZATION

Hospitalization: 38. That the Fifth National Convention of the American Legion adopted a resolution requesting the construction of certain much-needed hospital facilities in the various districts, which resolution was the result of a careful study of the hospital needs at that time, and this resolution did not meet with the approval of the Director of the United States Veterans' Bureau in whole, which resulted in only part of the hospital facilities requested being provided. However, the passage of the World War veterans' act, 1924, has increased this need to such an extent that the hospital facilities now available are entirely inadequate, even considering the proposed construction of the new hospitals authorized by the last session of Congress. Consequently your committee recommends the following program of hospital construction, enlargement, and changes:

	Beds
District 1—T. B. and N. P. to replace contract institutions now in use (400 beds each)	800
District 2—N. P.	1,000
District 3—N. P.	400
District 4—T. B.	500
District 6—T. B. (To replace deteriorated wooden structures now in use.)	
District 6—N. P. (Additional beds for psychotics at United States Veterans' Bureau Hospital No. 74)	350
District 7—N. P.	500
District 8—N. P. (In addition to the 250 beds already provided for by Congress)	750
District 9—Gen. Negro	500
District 9—T. B.	500
District 9—(That United States Veterans' Hospital at Excelsior Springs, Mo., either be disposed of or immediately be satisfactorily completed and equipped so as to be available for the relief of much-needed additional hospital facilities in the ninth district.)	

	Beds
District 10—N. P. (In addition to the new institution at St. Cloud, Minn.)	200
District 10—T. B. (In addition to the present Battle Mountain Sanitarium)	300
District 12—G. M.	200
District 12—N. P. (In addition to present hospital No. 24 at Palo Alto, Calif.)	500
District 13—N. P. (In addition to present hospital No. 94, American Lake, Wash., so as to provide 140 beds for psychotics and 200 for psychoneurotics)	340
District 13—G. M. (To replace present hospital No. 77, lease for which expires shortly)	150
District 14—N. P. (That the additional hospital facilities requested be presented the United States Veterans' Bureau, Little Rock, Ark.)	125

That the proposed United States veterans' hospital for tuberculosis patients to be erected at San Fernando and Livermore, Calif., be increased from 250 beds each, their present authorized capacity, to not less than 500 beds each, and that in the construction of the additional facilities at the Palo Alto Hospital there shall be provided separate buildings for female patients, and additional wards for general medical and surgical purposes, and that the name of this hospital be changed to United States Veterans' Bureau General Hospital No. 24, in order that no patients attending this institution shall be embarrassed upon their release by the stigma of having been an inmate of a neuropsychiatric hospital; and

That the present Veterans' Hospital No. 44, West Roxbury, Mass., be continued as long as the need for such an institution exists, and that the Veterans' Bureau Hospital No. 93, located at Legion, Tex., which is now under lease to the bureau, be purchased by the Government and continued as a Veterans' Bureau hospital for tuberculosis, and that the Director of the Veterans' Bureau immediately cause to be made an inspection of all hospitals under his jurisdiction to determine the adequacy of medical personnel and equipment in such hospitals, and where either is found to be insufficient he immediately take measures to supply the needs, and that the Congress of the United States be petitioned to make all appropriations necessary for the furtherance of this program.

That legislation be secured providing that the $6,850,000 already authorized by Senate bill 3181, Sixty-eighth Congress, be made immediately available for previously planned hospital construction, and that the Director of the Veterans' Bureau be petitioned to advance the preliminary work on this construction so much as may be legally possible, so that the hospitals contemplated may be completed at an early moment after the funds become available.

LAND

(a) The passage of the now pending legislation, House bill 9559, as recommended by the Federal Fact Finding Commission.

(b) The passage of further legislation embracing recommendations of the Federal Fact Finding Commission as provided in the Smith bill.

(c) That no public notice calling for repayments on construction shall be issued until the Secretary of the Interior by a commission determines through investigations held on the projects the financial and economic conditions of the farmers on said projects, together with the physical condition of the farm units, and recommends the date on which public notice shall be issued.

19. Whereas legislation is now before Congress, having as its purpose the reduction in amounts of improvements required of veterans on account of acquiring title to public lands under stock-raising entries, which, if passed, would benefit large numbers of New Mexico veterans and which have received active support from their Senators and Congressmen: Now therefore be it

Resolved, That we urge our Representatives in Congress to continue their efforts in behalf of such legislation, and that the national convention indorse such legislation for the benefit of veterans in the Western States.

MARINE CORPS

4. That we favor the maintenance of the Marine Corps at its historical efficiency and its continued development as an integral part of the Naval Establishment.

MEDALS

Recommend that provision be made for a good-conduct medal to be awarded to all men in the Army who complete three years of honorable service under such conditions as may be prescribed for this award.

6. We believe that sufficient time was not granted by Congress for the presentation of recommendations for award of medals and citations for the acts of heroism for the veterans of the World War. As a result injustice has occurred, and we therefore recommend that the time for the presentation for recommendation be extended for an additional period of three years, and we recommend that proportional representation on the board of awards be given to all component parts of the Army of the United States.

MILITARY AFFAIRS

2. The constructive and loyal efforts of the ex-service men were mainly responsible for the enactment into law of our first permanent military policy, as contained in the national defense act of June 4, 1920, and we oppose any changes in the fundamental character of this basic legislation.

3. Our country has observed to its sorrow the unfortunate results that have occurred from lack of military preparation, and in order that this condition may not again prevail we urge upon Congress adequate appropriations to properly maintain a Regular Army ready at all times to carry out its mission in the one-army plan.

4. We strongly urge the necessary support by Federal and State Governments of the maintenance of an efficient National Guard and Organized Reserve, and we pledge the continued active assistance of the legion in securing the appropriations necessary for these organizations, which constitute the main reliance of our country in time of national emergency.

5. We recommend that in order to obtain and keep the best enlisted personnel for the regular establishment that the pay of the private soldier be increased to $30 per month and provision be made for his voluntary retirement after 25 years of honorable service, and further recommend that provision be made for a good-conduct medal to be awarded to all men in the Army who complete three years of honorable service under such conditions as may be prescribed for this award.

7. We recognize in the citizens' military camps and Reserve Officers' Training Corps useful agencies toward better citizenship, and we recommend that the Legion continue its services toward making these camps successful.

13. A resolution requiring the enactment of legislation to relieve possibilities of the American Legion from liability on account of loss or destruction of obsolete rifles loaned by the War Department.

NAVAL AFFAIRS

1. That the American Legion go on record as being unequivocally in favor of every move made by the Congress of the United States and by the Navy Department to place our Navy in its proper position as provided by the Limitation of Armament Conference. It is a well-known fact that the conference placed the United States Navy on the basis of 5–5–3 with the navies of Great Britain and Japan and that ratio is now approximately 5–4–3, with the United States Navy occupying the position of 4. It is our belief that the safety and prosperity of our country should not be jeopardized thus at any cost.

3. That Congress approve and pursue a policy for the development of naval bases; this policy to have in view the value of these bases to our fleet in both peace and war and that no other factors be considered in the selection and development of these bases.

6. That the American Legion go on record emphatically in favor of the development of a thoroughly organized, equipped, and trained Naval Reserve and urging Congress to make adequate provision therefor.

7. That Congress and the Navy Department take steps immediately to place our battle fleet on an absolute parity with the strongest navy in the world in the matter of range and power of its guns. To this end it is believed that the elevation of guns of our first-line ships, as recommended by the Navy Department, should be accomplished at the earliest possible opportunity.

PERSHING

Whereas our distinguished comrade and legionnaire, Gen. John J. Pershing, has been retired from the Army in accordance with existing laws governing retirement; and

Whereas General Pershing has shown himself to be one of the great soldiers of American history and also the best friend of the National Guard and Organized Reserves, who possesses the vision to have our country profit by the lessons of the World War in the development of our present comprehensive plan of national defense:

Therefore your committee unanimously recommends that the American Legion, in convention assembled, direct the initiation of a movement to have Congress pass such necessary legislation as will restore General Pershing to the active list, in order that his valuable counsel will be available to those responsible for the defense of our Nation.

REHABILITATION

1. The care of our disabled comrades is, has been, and always shall be recognized as the first and paramount duty of the American Legion. In order to secure the proper performance of this duty, it is necessary that there be established and continued a sound organization and policy.

Past conventions, in recognition of this duty, have set up and continued an organization and policy which have proven their worth: Be it therefore

Resolved, That the national and district committees on the rehabilitation of disabled veterans, as heretofore organized, shall be continued, subject, however, to such changes in number and territorial jurisdiction as it may be deemed necessary by the national committee on rehabilitation and approved by the national commander. In addition to the advisory members heretofore on the committee there shall be a dental surgeon.

The chairman and employees of these committees, being experienced in this important work, shall be as permanent as is compatible with the efficient performance of duty to the disabled.

The liaison representatives of the national service officers shall be known as rehabilitation secretaries. No secretary of a committee on rehabilitation shall hold any salaried Legion office other than that of secretary of a committee on rehabilitation.

Every secretary of the national committee and of the various district committees and other necessary employees of such committees shall be appointed for experience and ability by the chairman of such committees and shall hold office during good behavior and efficient service.

The various departments of the American Legion and of the American Legion Auxiliary are urged immediately to reorganize their service, welfare, and rehabilitation officers or committees in such manner as may be necessary to insure complete cooperation with the national and district committees on rehabilitation to the end that there will result a unified and coordinated legion rehabilitation service, and to expressly empower their respective district commanders to require from their various department officers and committees such work and reports as will bring about the desired coordination.

The recommendations of the national committee on rehabilitation, which are designed to improve the service to the disabled, shall, when approved by the convention or by the commander, be binding upon all officers and committees of the American Legion.

There shall be established for the national and district committee on rehabilitation a budget of ample and liberal proportions in which shall be provisions for salaries of the national chairmen, secretaries, and other necessary employees, commensurate with the importance of the work and the skilled service required for the rehabilitation program. The amount of this budget should approximate 25 cents per Legion member.

This budget shall be provided from such available funds as will be certain and sufficient for the work. No other activity of the American Legion shall be permitted to be favored over rehabilitation in such manner as to prevent the proper financing of the work or otherwise to interfere with the task of rehabilitation of disabled veterans.

2 and 3. The proposal for amendment of the adjusted compensation act and the proposal for the creation of a rehabilitation trust fund, submitted to the committee, are approved in principle as being proper methods of eventually providing funds for the necessary work for our disabled comrades.

The United States Veterans' Bureau (4 and 5): The chief concern of the American Legion being the care of these disabled comrades, and the Veterans' Bureau having been originally created at the instance of the American Legion, the governmental agency to effect this purpose, the Legion is deeply concerned in the efficient administration of that bureau.

The Veterans' Bureau has never functioned with the efficiency which the American Legion can consider satisfactory. This evident lack of efficiency must be traceable to some cause.

The national and district rehabilitation service of the American Legion, paralleling in many features the organization of the Veterans' Bureau. The American Legion rehabilitation representatives in the various States and districts have made a study of, and are well acquainted with, the operation of the bureau.

The American Legion realizes that the present Director of the Veterans' Bureau inherited many faults and weaknesses in personnel and organization, in spite of which the bureau is now functioning more efficiently than at any time heretofore. However, the Legion can never find itself satisfied with anything short of superservice for the disabled, and is therefore in duty bound to continually strive, without fear or favor, for improvement in the bureau.

After careful examination of the problem your committee has come to the unescapeable conclusion that there is lack of coordination, unnecessary delay, and failure to keep the director correctly advised, thus creating a situation which is intolerable to the American Legion, which holds it to be fundamental that nothing shall be wanting to alleviate the pain, improve the condition, and rehabilitate to useful and healthy citizenship those whose war service placed a special burden upon them.

Therefore the American Legion recommends to the Director of the Veterans' Bureau that he forthwith conduct a searching examination of all bureau activities, with particular reference to the central office and occupants of the higher positions therein to determine those who should be separated from the service. The American Legion will gladly place at the disposal of the director every facility at its command to assist him in this necessary work.

The American Legion condemns the practice of changing from one locality or position to another locality or position inefficient employees of the Veterans' Bureau who should rightfully be separated from the service.

In filling such places as may be made vacant by the separation of inefficient employees from the bureau only ex-service men should be employed or promoted, and special care should be used to select solely those who are, by character and experience, superior men, thoroughly capable of performing this most important work.

While many divisions of the Veterans' Bureau function below the desired standard, the planning service is the most conspicuous example of inefficiency, followed closely by the central office board of appeals. While there are in each of these departments some good men who should be retained, the inefficient should be identified and separated from the service. As time is of vital importance in dealing with the problem of the disabled, none should be lost in this or any necessary similar action by the director.

The director is urged especially to be constantly on the alert throughout the entire organization of the bureau for any and all instances where it may appear that there is any lack of courtesy or humaneness on the part of any bureau representative in dealing with or examining any ex-service men or women, and to take the necessary steps to speedily rid the bureau of any employee who indicates by the use of any harsh or improper language or by any other form of mistreatment or neglect that he does not have the proper sense of duty of dealing courteously and humanely with all ex-service people.

6. The World War veterans' act, 1924, intending to carry the examination, hospitalization, treatment, vocational training, rating of cases, and payment of compensation to the various district and subdistrict offices to the end that the work of the Veterans' Bureau be simplified and claims adjudicated by personal contact, the director has drawn up a tentative plan of decentralization which is outlined in various general orders and regulations which your committee believes to be subject to just criticism.

The national and district rehabilitation committee having completed a survey of conditions in the field, the chairman of the national rehabilitation committee is directed to use every effort to cause to be put into operation the following plan of organization in the field offices of the bureau:

1. There shall be established and maintained the present 14 district or area offices, with one or more regional offices in each State in so far as practical administration will permit, in accordance with the population, the number of Veterans' Bureau claimants represented, the area to be covered, and existing transportation facilities.

2. That the supervision and control of the regional and subregional offices and the consideration of appeals from the decisions of those offices be vested in the district or area offices in accordance with regulations to be issued by the Director of the United States Veterans' Bureau.

3. There shall be continued in each district or area office the present board of appeals, with the addition of sufficient personnel to permit the briefing and preparation of cases for appeal, including a written report of the testimony by the claimant and by witnesses, same to be incorporated in the claimant's folder.

4. There shall be established in each regional or subregional office sufficient competent medical personnel to conduct examinations, authorize, give and prescribe medical treatment, hospitalization, etc., and to perform all of the duties necessary to permit of complete and prompt adjudication of claims.

5. That the physical examination report of the claimant shall contain the recommendation of the examining physician as to the nature, origin, and percentage of the existing disability, and the degree of vocational handicap.

6. There shall be established in each regional or subregional office one or more rating boards composed of three members, namely, one physician and one member each of the claims and rehabilitation sections, whose duty it shall be to rate all cases for compensation; said rating boards to be under the direct supervision and control of the regional or subregional manager; such ratings to be final and subject to appeal only by the claimant, his authorized representative, or the district or regional manager. In cases of dispute affecting the claimant, his representatives and witnesses and the medical examiners shall be afforded an opportunity to appear personnally before said rating board before the rating is definitely established.

7. There shall be established under the supervision of the claims division in each regional or subregional office sufficient claim examiners, reviewers, and necessary clerical personnel to properly make up awards as finally established by the rating boards.

8. All payments of compensation, training pay, funeral allowances, salaries, and other expenses shall be paid through the audit and disbursing section of the district offices.

9. That there shall be established in each regional office a guardianship division with full authority to apply for proper conservators and administrators, and to have supervision over all such matters under the supervision of the district manager.

10. That there shall be a full and complete decentralization to the district, regional, or subregional office of all case folders wherein a conservator or administrator has been appointed.

Medical: 7. Heretofore the question of medicine has apparently been almost ignored in comparison with the question of adjustment of compensation of the disabled men. Consequently, the Director of the Veterans' Bureau is urged to give careful consideration to the great need of organizing the medical service in such manner as to secure the best possible treatment of our comrades so as to insure their ultimate return to a happy and useful life.

8. The appointment by the director of the council of medical and hospital service to help plan the functioning of the medical service of the bureau is recognized as a great step in advance. His action is approved in principle and the hope is expressed that it will lead to the emancipation of the medical service from the bureaucracy which has heretofore hampered it.

9. The council, which is composed of eminent specialists from various parts of the country, recognizing the enlarged scope of the medical problems resulting from the World War veterans' act and recognizing that a high class medical personnel has been difficult to recruit and hold under previous systems and that classification under civil service is not conducive to the maintenance of efficiency in professional corps, it is recommended that each legislation which your committee recommends be indorsed by this convention.

This legislation should provide for the creation of a Veterans' Bureau medical corps similar to those of the Public Health Service, the Army, and the Navy.

10 and 11. The director is requested to assign bureau physicians on part or full time in larger centers of population, who will have authority to give treatment and issue medicine and give prescriptions as is now provided in regional out-patient clinics. It is further recommended that examinations, made of veterans of the United States service living in foreign countries and made at the request of the Veterans' Bureau for compensation, be made by American doctors when available.

12. In view of the fact that the clerical work necessitated in the examination of veterans seeking compensation is considerable, it is recommended that the fee of examining physicians not employed by the Veterans' Bureau be increased from $5 to $10 in order that there may be sufficient incentive for their taking proper care in preparing the various reports required by the Veterans' Bureau.

13, 14, and 15. It is recommended that nurses, reconstruction aides, and claim examiners be given class A or professional classification to the end that capable persons in the so-called professions may be secured by the Veterans' Bureau.

Procedure and administration: 16. Amendment of the veterans' act is recommended in such manner as to substitute the word "permanently" for the word "temporarily" in subdivision 2 of section 202.

Inasmuch as this provision of the act is intended only to cover those men who have had tuberculosis of long standing and have obtained the maximum amount of hospitalization without improvement, it is recommended that the national chairman endeavor to work out, through the council of medical and hospital service, bureau regulations relative to active tuberculosis of long standing when the medical opinion is that such tuberculosis will continue for life.

17. Further legislative amendment is recommended providing that out-patient and dispensary treatment be provided all veterans under the same terms as hospitalization is provided by subdivision 10 of 202 of the World War veterans' act. It is recommended that compensation at the rate of not less than $50 per month for life be provided for veterans whose service-connected tuberculosis has become arrested.

18 and 19. In order to facilitate claimants in perfecting their just claims, it is recommended that all papers contained in each claimant's folder be rearranged, with the material evidence arranged in chronological order, with a current brief and with a synopsis of the evidence attached to the folder; and it is further recommended that where a claimant is notified of decrease, discontinuance, or disallowance, he be furnished specific reasons therefor, provided such information will not react against the best interests of the claimant.

20 and 21. It is urged that provision be made to enable Veterans' Bureau officials to evaluate all evidence from the equitable and not simply from the technical legal point of view; and it is further recommended that provision be made that where a claimant's case has once been held to be of service origin, it can not, at a later date and upon the same evidence, be held to be not of service origin except it be upon new evidence, and except in cases of fraud participated in by the claimant.

22. Suitable legislation or regulation is recommended providing that any beneficiary who has been overpaid through no fault of his own be not required to reimburse the Government.

23. The director is urged to rescind the regulations requiring originals of marriage certificates and certificates of baptism in questions of proof of marriage and proof of parentage, and authorize the acceptance of photostatic copies of such documents when verified by duly authorized representatives of the bureau.

24 and 25. Regulations are requested which provide for the apportionment of compensation of insane claimants who have been dependent parents, so that the amount apportioned to such parents shall be paid to them instead of to the guardians of the claimants. It is further recommended that no apportionment of compensation or dependency allowance on account of a wife of a beneficiary be paid unless claim is made therefor and the whereabouts of the wife be known, and that the Veterans' Bureau recognize an interlocutory decree of divorce in favor of a beneficiary, where the wife is at fault, as conclusive evidence that no dependency allowance or apportionment be paid to such wife, except where there are dependent children in the custody of the wife. This same clause will have to be inserted in the proper manner providing for the woman who served and whose husband is the one at fault.

26. It is recommended that section 201 of the World War veterans' act be amended so as to provide awards of monthly compensation to dependents of deceased service persons in the amounts recommended by your fifth national convention at San Francisco in 1923, and not yet written into the law.

27. Amendment of the World War veterans' act is recommended to provide that whenever any beneficiary has been rated temporary total and has been or shall be continuously so rated and so disabled for a period of 12 months, and has been thereafter found to be unable to successfully follow any material gainful occupation, such beneficiary shall be judged permanently, totally disabled, except where he enjoys the provisions of subdivision 2 of section 202.

28. That an interpretation of section 210 and paragraph 17 of section 202 of the veterans' act be sought, and any necessary legislation be secured to clear up the conflict resulting from the provisions in the one section, "that no compensation be payable for any period more than one year prior to the date of the claim," and from a provision in the other section, "that no changes in rates of compensation shall be retroactive in effect."

29. Legislation is recommended that the veterans' act be amended to provide the payment of compensation for a combination of partial disabilities each of which is less than 10 per cent, aggregating more than 10 per cent.

30. In view of the fact that cases involving neuropsychiatric disorders present a very difficult problem, the bureau is urged to take into consideration and to include in the final rating all mental conditions, congenital, functional, or organic, which handicap the claimant; and the chairman of the national rehabilitation committee is instructed to consult the medical advisers of the committee and to endeavor to work out an adequate rating system for neuropsychiatric disorders; and it is further recommended that such a claimant be not declared permanently nonfeasible for training except the decision be made upon the basis and as the result of an examination by a board of three recognized specialists in neuropsychiatry.

31. Legislation is recommended in each State empowering courts to commit veterans suffering from insanity or psychoneurosis or addicted to narcotics or liquor, provided that they are entitled to treatment from the United States Veterans' Bureau, and to confine them in the most available Federal hospital maintained for that purpose.

32 and 33. Legislation or regulation be sought providing that veterans hospitalized in any institution be held to be in the same status with respect to hospital pay as those hospitalized in United States veterans' hospitals. Amendment of section 200, line 17, is recommended, inserting after the word "misconduct" the words "no alleged willful misconduct shall bar a claimant from any benefit of compensation, vocational training or hospitalization, or other provisions of the rehabilitation laws unless a conviction by a court-martial can be shown."

34. The director is urged to require the prosecution by the Veterans' Bureau legal staff of all violations of the section, providing a penalty for charging or accepting an excessive fee.

35, 36, and 37. It is recommended that permission be obtained for the financial status of deceased ex-service men to be determined in subdistrict offices, in order to decide the question of whether the Government shall pay his burial expenses, to the end that there will not be involved the delay attendant upon determination of the question in Washington; that an increase of burial allowance from $105 to $205 be provided; and that the wording of the act allowing the Government to defray burial expenses be amended by changing the word "burial" to "funeral" in order that cremation expenses may not be barred.

RETIREMENT OF DISABLED EMERGENCY ARMY OFFICERS

9. A resolution calling for the immediate enactment of legislation for the retirement of disabled emergency Army officers, already pending before Congress for three years.

STARS AND STRIPES FUND

10. Resolution requesting the Congress to set aside as a trust fund the $400,000 of profit from the publication of the Stars and Stripes in France, and to use the income from this trust fund to decorate the graves of American soldiers in Europe and thus aid the graves endowment fund.

UNIVERSAL DRAFT

Whereas the Fourth Annual Convention of the American Legion at New Orleans unanimously adopted the following universal service act which had been prepared by the military policy committee of the American Legion and which reads as follows:

"An act to provide further for the national security and defense.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

"(1) That, in the event of a national emergency declared by Congress to exist, which in the judgment of the President demands the immediate increase of the military establishment, the President be, and he hereby is, authorized to draft into the service of the United States such members of the unorganized militia as he may deem necessary; provided that all persons drafted into service between the ages of 21 and 30 or such other limit as the President may fix shall be drafted without exemption on account of industrial occupation.

"(2) That is case of war, or when the President shall judge the same to be imminent, he is authorized and it shall be his duty when, in his opinion, such emergency requires it,

"(A) To determine and proclaim the material resources, industrial organizations, and services over which Government control is necessary to the successful termination of such emergency, and such control shall be exercised by him through agencies then existing or which he may create for such purposes;

"(B) To take such steps as may be necessary to stabilize prices of services and of all commodities declared to be essential, whether such services and commodities are required by the Government or by the civilian population; and

"Whereas this universal service act is now embodied in specific legislation introduced in Congress during the past session by Representative ROYAL C. JOHNSON in the House of Representatives and Senator ARTHUR C. CAPPER in the Senate:

"Therefore our committee recommends to this national convention that the passage of this important legislation be made one of the major activities of the American Legion during the coming year, and that the full influence and support of our organization be used to make effective as soon as possible this legislation which the Legion believes will help insure our country against war and provide that in any future emergency there shall be no more slackers or profiteers and that we shall have in the future equal service for all and special profit for none."

16. A resolution reaffirming the position of the American Legion on universal draft and calling for the immediate enactment of national legislation to carry it into effect.

A SINGLE DEPARTMENT OF NATIONAL DEFENSE

Mr. McSWAIN. I ask unanimous consent to extend my remarks in the RECORD on a unified department of national defense, including the Army, Navy, and aviation.

The SPEAKER. It there objection? [After a pause.] The Chair hear none.

Mr. McSWAIN. Mr. Speaker, being a member of the Military Affairs Committee, which is specifically and exclusively charged under the rules of this House with the consideration of legislation relating to the broad and general aspects of national defense, I have been considering very earnestly all of the matters that have been discussed in the House and in the committees and by the public through the press for the last few months relating to a separate Air Service. But, Mr. Speaker, instead of arriving at the conclusion to which many have come, that we should have a new department relating to the Air Service with a secretary in the Cabinet with all the usual and incidental and auxiliary services, I have been led to the conclusion that instead of three secretaries in the Cabinet relating to the problem of national defense, to wit, a Secretary of War, a Secretary of the Navy, and a secretary of aviation, I have come to the conclusion that we should have a single department with a single secretary in the Cabinet, having to do with all the broad and general aspects of national defense. Within this single department there should be at present three executive bureaus, one relating to the Army, one relating to the Navy, and one relating to aviation, and perhaps in the future, the demands of administration and changes due to rapid developments in science, it may be necessary to add one or more additional executive bureaus.

I realize, Mr. Speaker, that the objection will be immediately raised that it is too much that anyone person should have upon his shoulders to see after the Army alone, or the Navy alone, and that no one human being has physical and intellectual strength sufficient to comprehend all the duties incident to executive responsibility for all the activities and problems of national defense. I think that the objections are unfounded. My belief is that the single Cabinet officer to be designated—the secretary of national defense—should be the sole and exclusive adviser of the President on all questions of national defense. Under the Constitution the President is the Commander in Chief of the Army and the Navy, and whatever is done by either the Secretary of War or the Secretary of the Navy is done in the name of the President. But we know that the President is not able to decide upon the merits of conflicting disputes and conflicting jurisdiction and overlapping duties of the Army and the Navy and aviation. We know that the President is never elected in these modern times on account of his fitness to execute his constitutional duties as Commander in Chief of the Army and the Navy. In fact, the President is elected on account of his political views, which are fundamentally based upon economic views. The President is called upon to settle, as the political leader of his party, the multitude of difficult political questions, so that in time of peace he is not able to give any thought to either the Army or the Navy, much less aviation. We know that there have been jealousies, and conflicts, and overlappings, and rivalries, and duplication of expenses between the Army and the Navy. Each department is actually grasping for more power and actually refusing to relinquish any power once acquired. Each department constantly cries for more money to spend so as to enlarge its activities and personnel.

The one purpose of loading the taxpayers with the terrific burden of maintaining an Army and Navy in peace times is to have one ready to fight and to kill the enemy in time of war. It is a grim and matter-of-fact proposition. Both have the sole and exclusive objective of destruction. In order that they may destroy more effectually, there must be cooperation of activity and of training in peace time, in order that there may be cooperation of killing and destruction in war time. Under present conditions when there is a dispute or conflict between the Army and the Navy the President is unable to decide that issue out of his own experience and knowledge. He must, therefore, turn to some one for advice. He can not turn to the Secretary of State, or to the Secretary of Commerce, or to the Secretary of Labor, or to the Attorney General to help him on a military question. Consequently, he turns to the Secretary of War, who advises one course. He then turns to his other adviser on military questions, the Secretary of the Navy, who advises a contrary course. If there were a secretary of aviation he would advise the President to follow a third course. This conflict and multiplicity of counsel would lead to indecision, inaction, and inefficiency, and wastefulness. The President, in whom the Constitution vests supreme command, must have, therefore, one person, and one person only, to whom he shall turn for advice concerning the Army and the Navy and aviation and Chemical Warfare Service, and any and everything else relating to national defense. This will lead not only to greater efficiency but will cut out duplication, and will cut out jealousy and rivalry, and will lead to actual economy.

But, Mr. Speaker, I must not be understood as underrating the importance of aviation. The airplane has been an epoch-making and revolutionary invention. It signifies a greater advance in human progress than what was accomplished when the steam engine was applied to locomotion on a railroad. It is a greater change-producing implement than electricity, or the telegraph, or the telephone, or the wireless, or radio. There is nothing comparable to it in the history of mankind. The airplane as a fighting weapon is far above the rifle, or cannon, or poisoned gas. The aviator, as a fighting man, is in a class to himself. The fighting aviator is under modern conditions the only arm of the national defense that must at times function with absolute independence of either the Army or the Navy. It is the only fighting weapon whose element overlaps the Army and the Navy. The air overspreads both sea and land and wherever there is air, the aviator can, and will, and must fight to defend our country and her rights. The battleship and all her auxilliary craft of cruisers, chasers, and submarines are absolutely helpless on land. The Army, with all its diversified weapons, can not pass beyond the shores of the ocean. But the airplane can function over either land or water and fight wherever it can fly. Furthermore, it is admitted by every high authority of both the Army and the Navy that either or both are helpless without the use of airplanes in scouting, patrolling, and ranging. The high command of the Army admits that without an adequate force of air power to obtain information of the enemy as to location and movements, the Army would be helpless before an enemy with such aviation equipment. In like manner, even those admirals who are most conservative and most loathe to admit this new rival as an equal to their great battleships in preserving the national security, have clearly and frankly admitted that a fleet without adequate airplanes to fight for and maintain supremacy in the air, so as to observe the movements of the enemy fleet and to give instructions to our fleet as to when and how to fire, and how to correct the range, we would be utterly helpless and at the mercy of an enemy fleet properly equipped with airplanes.

Therefore, Mr. Speaker, we have this logical and indisputable analysis of the situation: The Army can not function under modern conditions without adequate and sufficient aviators to control the air. The Navy can not function without adequate and sufficient aviators to control the air. The Navy is helpless on land and the Army impossible on water. But fighters in airplanes, whether above the land or above the water, can fight and must fight absolutely independent of either the Army or the Navy. The commander on the ground can not give commands to the fighters 20,000 feet in air, nor can the commander in his flagship command the aviators fighting thousands of feet above the sea. In other words, there are certainly times, and the most critical and decisive times, when aviation will and must fight for the control of the air without any reference whatever to either the Army or the Navy. After the aviators have gotten control of the air, then either the Army or the Navy can advance upon the opposing force and "mop up." But this is impossible until the decisive and conclusive conflict shall have been fought out for the control of the air. Therefore, Mr. Speaker, I conclude that there are greater arguments for an independent and separate agency for the promotion and development of aviation than there is for either the Army or the Navy. Therefore we must not delay in creating within the department of national defense a bureau of aviation equal to the bureau of the Army and the bureau of the Navy; and this bureau of aviation must be specifically charged with the high responsibility, with all speed consistent with soundness and efficiency of construction, of training our aviation force to a point made necessary by the situation in which we find ourselves among the nations of the earth. Undoubtedly the first fights will be in air. Undoubtedly the decisive conflicts will be in air. These conflicts may be over either land or water. It would, therefore, be foolish for us not to be ready to win in the first and decisive conflict. Therefore let us by all means commence without further delay to bring this most important branch of national defense up to that state of efficiency commensurate with our strength and our duty.

GEORGE W. ENGLISH

Mr. BLANTON. Mr. Speaker, I find that on investigation that I was misinformed in regard to a resolution of the Judiciary Committee concerning the investigation of Judge English, and I wish now to withdraw my objection to that resolution.

The SPEAKER. Was that the first objection?

Mr. BLANTON. The first objection.

The SPEAKER. The gentleman from Texas withdraws his objection to the resolution referred to and asks that the bill be replaced on the calendar. Is there objection. [After a pause.] The Chair hears none.

ADJOURNMENT

Mr. LONGWORTH. Mr. Speaker, in view of the fact that it is the intention to take up the Consent Calendar to-morrow morning at the beginning of the session and run perhaps two or three hours, I think it might be unwise to go on further this afternoon. I therefore move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 54 minutes p. m.) the House adjourned, pursuant to the order made, until to-morrow, Saturday, February 28, 1925, at 10 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:

914. A letter from the Secretary of War, transmitting recommendation that legislation embodied in Document No. 324, Sixty-eighth Congress, first session, be enacted into law, providing for the relief of foreign banks and foreign branches of American banks located at Santiago, Chile (H. Doc. No. 658); to the Committees on Appropriations and Military Affairs and ordered to be printed.

915. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year ending June 30, 1925, amounting to $1,000, for the Department of the Interior, for the relief of James J. McAllister, a Bannock Indian, of Idaho (H. Doc. No. 659); 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. WINSLOW: Committee on Interstate and Foreign Commerce. S. 3613. An act to provide for retirement for disability in the Lighthouse Service; without amendment (Rept. No. 1618). Referred to the Committee of the Whole House on the state of the Union.

Mr. McKENZIE: Committee on Military Affairs. S. 4264. An act authorizing the Secretary of War to convey certain portions of the military reservation of the Presidio of San Francisco to the city and county of San Francisco for educational, art, exposition, and park purposes; without amendment (Rept. No. 1619). Referred to the Committee of the Whole House on the state of the Union.

Mr. EDMONDS: Committee on the Merchant Marine and Fisheries. H. R. 12339. A bill relating to the carriage of goods by sea; with amendments (Rept. No. 1620). Referred to the Committee of the Whole House on the state of the Union.

Mr. NEWTON of Minnesota: Committee on Interstate and Foreign Commerce. H. R. 12344. A bill to extend the time for the commencement and completion of the bridge of the Valley Transfer Railway Co., a corporation, across the Mississippi River in the State of Minnesota; without amendment (Rept. No. 1621). Referred to the House Calendar.

Mr. VESTAL: Committee on Patents. H. R. 5790. A bill to prevent fraud, deception, or improper practice in connection with business before the United States Patent Office, and for other purposes; with amendments (Rept. No. 1622). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 12374. A bill granting the consent of Congress to the highway commissioner of the town of Elgin, Kane County, Ill., to construct, maintain, and operate a bridge across the Fox River; with an amendment (Rept. No. 1623). Referred to the House Calendar.

Mr. NEWTON of Minnesota: Committee on Interstate and Foreign Commerce. H. R. 12376. A bill to extend the time for the commencement and completion of the bridge of the county of Norman and the town and village of Halstad, in said county, in the State of Minnesota, and the county of Traill and the town of Herberg, in said county, in the State of North Dakota, across the Red River of the North on the boundary line between said States; with amendments (Rept. No. 1624). Referred to the House Calendar.

Mr. GRAHAM: Committee on the Judiciary. H. R. 12177. A bill to permit the United States of America to be made defendant and to be bound by decrees and final judgments entered in land title registration proceedings in the Circuit Court of Cook County, Ill., and courts of appeal therefrom, under the provisions of an act concerning land titles in force in the State of Illinois May 1, 1897; with amendments (Rept. No. 1625). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH: Committee on Irrigation and Reclamation. H. R. 12391. A bill providing for the irrigation of certain lands in the State of Nebraska; with amendments (Rept. No. 1626). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

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

By Mr. SUMMERS of Washington: A bill (H. R. 12439) to permit a compact or agreement between the States of Washington, Idaho, Oregon, and Montana respecting the disposition and apportionment of the waters of the Columbia River and its tributaries, and for other purposes; to the Committee on Irrigation and Reclamation.

By Mr. TABER: A bill (H. R. 12440) to authorize an appropriation for the erection of a suitable memorial monument and the improvement of the gounds at the birthplace of Millard Fillmore, former President of the United States; to the Committee on the Libary.

By the SPEAKER (by request): Memorial of the Legislature of the State of Iowa, favoring legislation providing for the creation of an export corporation for the purpose of purchasing and diverting surplus farm commodities in the United States; to the Committee on Agriculture.

By Mr. DOWELL: Memorial of the Legislature of the State of Iowa, urging the present Congress to pass legislation creating an export corporation for the purpose of purchasing and diverting surplus farm commodities in the United States; to the Committee on Agriculture.

By Mr. NEWTON of Minnesota: Memorial of the Legislature of the State of Minnesota, memorializing the Congress of the United States to create an additional Federal district judgship, and provide for filling the vacancy therein caused by the death of Federal Judge John F. McGee; to the Committee on the Judiciary.

By Mr. SMITH: Memorial of the Legislature of the State of Idaho, urging enactment of legislation licensing commission merchants and brokers to give a bond for the faithful discharge of their contracts; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII,

By Mr. JOHNSON of Washington: A bill (H. R. 12441) granting a pension to Hilaire Nallette; to the Committee on Invalid Pensions.

PETITIONS, ETC.

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

3924. By Mr. FUNK: Petition of citizens of Livingston County, Ill., protesting against the Sunday observance bill (S. 3218) and all other similar legislation; to the Committee on the District of Columbia.

3925. By Mr. MEAD: Petition of National Retail Dry Goods Association, opposing the enactment into law of House bill 10351, the purpose of which is to grant copyright registration for designs, and favoring a readjustment of pay of postal employees; to the Committees on Patents and the Post Office and Post Roads.

3926. By Mr. WATSON: Petition of citizens of Harrisburg, Pa., favoring the participation of the United States in the World Court on the Harding-Hughes terms; to the Committee on Foreign Affairs.

3927. By Mr. WEFALD: Petition of 40 citizens of Vining, Minn., that Congress do not concur in the passage of the compulsory Sunday observance bill (S. 3218) nor in the passage of any other religious legislation which may be pending; to the Committee on the District of Columbia.

3928. Also, petition of 20 citizens of Local and Detroit, Minn., that Congress do not concur in the passage of the compulsory Sunday observance bill (S. 3218) nor in the passage of any other religious legislation which may be pending; to the Committee on the District of Columbia.

3929. By Mr. WILLIAMS of Michigan: Petition of Mrs. George W. Shields and 41 other residents of Hillsdale County, Mich., protesting against the passage of Senate bill 3218, the Sunday observance bill, so called; to the Committee on the District of Columbia.

3930. Also, petition of Mrs. O. F. Gaylord and 16 other residents of Battle Creek, Mich., protesting against the passage of Senate bill 3218, the Sunday observance bill, so called; to the Committee on the District of Columbia.

SENATE

SATURDAY, *February 28, 1925*

(Legislative day of Thursday, February 26, 1925)

The Senate met at 11 o'clock a. m., 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. Haltigan, one of its clerks, announced that the House had passed the bill (S. 3913) to extend for an additional period of three years the effective period of the act entitled "An act to amend section 51 of chapter 4 of the Judicial Code," approved September 19, 1922, and an act entitled "An act to amend section 876 of the Revised Statutes," approved September 19, 1922, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bill and joint resolution of the Senate, each with amendments, in which it requested the concurrence of the Senate:

S. 1707. An act appropriating money to purchase lands for the Clallam Tribe of Indians in the State of Washington, and for other purposes; and

S. J. Res. 124. Joint resolution to provide for the posthumous appointment to commissioned grades of certain enlisted men and the posthumous promotion of certain commissioned officers.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 11701. An act to amend the act entitled "An act to regulate steam engineering in the District of Columbia," approved February 28, 1887;

H. R. 11752. An act to provide for extension of payment on homestead entries on ceded lands of the Fort Peck Indian Reservation, State of Montana, and for other purposes;

H. R. 11818. An act granting the consent of Congress to the construction of a bridge across the Rio Grande;

H. R. 12029. An act for the relief of sufferers from the fire at New Bern, N. C., in December, 1922;

H. R. 12030. An act for the relief of sufferers from cyclone in northwestern Mississippi in March, 1923;

H. R. 12261. An act authorizing the appropriation of $5,000 for the erection of tablets or other form of memorials in the city of Quincy, Mass., in memory of John Adams and John Quincy Adams; and

H. J. Res. 348. Joint resolution authorizing the Secretary of Agriculture to award suitable medals to exhibitors winning first and championship prizes at the twenty-fifth anniversary show of the International Livestock Exposition of Chicago, Ill., held in December, 1924.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and a joint resolution were severally read twice by title and referred as indicated below:

H. R. 11752. An act to provide for extension of payment on homestead entries on ceded lands of the Fort Peck Indian Reservation, State of Montana, and for other purposes; to the Committee on Indian Affairs.

H. R. 11818. An act granting the consent of Congress to the construction of a bridge across the Rio Grande; to the Committee on Commerce.

H. R. 12029. An act for the relief of sufferers from the fire at New Bern, N. C., in December, 1922; and

H. R. 12030. An act for the relief of sufferers from cyclone in northwestern Mississippi in March, 1923; to the Committee on Military Affairs.

H. R. 12261. An act authorizing the appropriation of $5,000 for the erection of tablets or other form of memorials in the city of Quincy, Mass., in memory of John Adams and John Quincy Adams; to the Committee on the Library.

H. J. Res. 348. Joint resolution authorizing the Secretary of Agriculture to award suitable medals to exhibitors winning first and championship prizes at the twenty-fifth anniversary show of the International Livestock Exposition of Chicago, Ill., held in December, 1924; to the Committee on Agriculture and Forestry.

TWO HUNDREDTH ANNIVERSARY OF THE BIRTH OF GEORGE WASHINGTON (S. DOC. NO. 225)

The PRESIDENT pro tempore laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriations for the United States Commission for the Celebration of the Two hundredth Anniversary of the Birth of George Washington, fiscal year 1925, to remain available until expended, $10,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

BUREAU OF FOREIGN AND DOMESTIC COMMERCE (S. DOC. NO. 224)

The PRESIDENT pro tempore also laid before the Senate a communication from the President of the United States, transmitting a draft of proposed legislation affecting the appropriations for the Bureau of Foreign and Domestic Commerce, Department of Commerce, fiscal year 1926, relative to the rental of offices in foreign countries by that bureau, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

JOHN F. DUNPHY, OWNER OF STEAMSHIP "MARGARET J. SANFORD" AGAINST THE UNITED STATES (S. DOC. NO. 222)

The PRESIDENT pro tempore also laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a record of judgment rendered against the United States by the United States District Court for the Southern District of New York, under the provisions of law, and requiring an appropriation for its payment under the War Department: Case of John F. Dunphy as managing owner of the steamship *Margaret J. Sanford* against the United States, in amount, $2,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

OWNERS OF THE BARGE "HAVANA" AGAINST THE UNITED STATES (S. DOC. NO. 223)

The PRESIDENT pro tempore also laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a record of judgment rendered against the Government by the United States District Court