

tional legislation, if any, is necessary or desirable for the enforcement of the migratory bird treaty with Great Britain; and particularly what additional bird refuges are required; the best localities for such refuges; the estimated cost of such refuges; the best means to develop such refuges; the extent to which the Government should cooperate with the several States with respect to the maintenance of such refuges; the most effective means to administer such refuges; whether the Department of Commerce should participate in the maintenance of such refuges; whether there should be an advisory committee to advise the Biological Survey of the Department of Agriculture with respect to the performance of its duties and functions with respect to the maintenance and administration of such refuges, and if so, how such advisory committee should be appointed and what compensation should be allowed for it; how funds should be raised to purchase land for game refuges; and generally to make a comprehensive study of the whole subject of game refuges and report its findings and recommendations to the Senate.

The committee is authorized to hold public hearings, to send for persons and papers, to administer oaths, to sit during the session or during any recess of the Senate, and to sit at such places as it may deem advisable. Any subcommittee of such select committee duly authorized thereto may exercise the powers conferred upon the committee by this resolution.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened, and the Senate (at 5 o'clock and 3 minutes p. m.), under the order previously entered, took a recess until Monday, May 24, 1926, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 21, 1926

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY

FIELD ARTILLERY

Capt. Stanton Louis Bertschey, Infantry, with rank from July 1, 1920.

PROMOTIONS IN THE REGULAR ARMY

TO BE COLONEL

Lieut. Col. Daniel Whilldin Hand, Field Artillery, from May 15, 1926.

TO BE LIEUTENANT COLONEL

Maj. George Watkins Ewell, Quartermaster Corps, from May 15, 1926.

TO BE MAJORS

Capt. Frank Elmer Parker, Finance Department, from May 15, 1926.

Capt. Edwin Fairbrother Ely, Finance Department, from May 16, 1926.

Capt. Raymond George Moses, Corps of Engineers, from May 16, 1926.

APPOINTMENTS IN THE NAVY

The following-named citizens to be assistant surgeons in the Navy, with the rank of lieutenant (junior grade), from the 9th day of June, 1926:

Alexander E. Brunschwig, a citizen of Illinois.
Edgar E. Evans, a citizen of Colorado.
Charles F. Flower, a citizen of California.
Herbert T. Rothwell, a citizen of Colorado.
Gifford H. Henry, a citizen of Oklahoma.
Harold V. Packard, a citizen of Iowa.
Leon D. Carson, a citizen of Illinois.
Claude R. Bruner, a citizen of Missouri.
George S. Heller, a citizen of Tennessee.
George D. Gertson, a citizen of North Dakota.
Joseph B. Gordon, a citizen of Virginia.
Gerald W. Smith, a citizen of Kansas.
Thomas M. Arrasmith, jr., a citizen of North Carolina.
Emmett F. Guy, a citizen of Illinois.
Harry D. Cowbeck, a citizen of New York.
Franklin V. Sunderland, a citizen of Colorado.
Walter F. James, a citizen of Illinois.
Welbourne F. Bronaugh, a citizen of Oklahoma.
Arthur W. Loy, a citizen of Tennessee.
Albert T. Walker, a citizen of California.
Albert Ickstadt, jr., a citizen of Illinois.
Arthur K. Joerling, a citizen of Ohio.
Verner P. Johnson, a citizen of Minnesota.
Thomas Jackson, jr., a citizen of Pennsylvania.
Roy A. Boe, a citizen of Iowa.
Henry M. Walker, a citizen of Tennessee.

Glenn S. Campbell, a citizen of Oregon.
Clyde M. Longstreth, a citizen of Iowa.
Herman M. Maveety, a citizen of Michigan.
Fred E. Angle, a citizen of Kansas.
Charles R. Wilcox, a citizen of Iowa.
Paul E. Wedgewood, a citizen of Ohio.
French R. Moore, a citizen of Oregon.
Charles B. Congdon, a citizen of Minnesota.
Robert Krohn, a citizen of Wisconsin.
William D. C. Day, a citizen of Indiana.
Cornelius G. Dyke, a citizen of Iowa.
Paul S. Ferguson, a citizen of Missouri.
Joseph W. Kimbrough, a citizen of North Carolina.
William J. N. Davis, jr., a citizen of Illinois.
Raymond W. Hege, a citizen of North Carolina.
John C. Vermeren, a citizen of Illinois.
Bruce E. Bradley, a citizen of Virginia.
Stephen A. Parowski, a citizen of Illinois.
Theophilus F. Weinert, a citizen of Illinois.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 21, 1926

POSTMASTERS

COLORADO

Dwight L. Willis, Holyoke.
Grace M. Fawcett, Smuggler.

GEORGIA

James T. Dampier, Adel.
Edwin R. Orr, Dublin.
Columbus W. Fields, Hampton.
Jackson C. Atkinson, Midville.
Rois A. Martin, Milner.

MARYLAND

John F. Wiley, White Hall.

MINNESOTA

Lyall E. Williams, Dexter.
Anna E. Miller, Kelliher.
Katherine C. McCaffrey, La Crescent.
Orville G. Nichols, Mazeppa.
Archie M. Hayes, McGregor.

NEBRASKA

Fred Wolter, Ohiowa.

NEW JERSEY

Ralph G. Riggins, Bridgeton.
Richard Ransom, Hohokus.
John J. Schilcox, Keasbey.
John A. Wheeler, Monmouth Beach.
Arthur S. Warner, Spring Lake Beach.

NORTH CAROLINA

James M. Selby, Belhaven.

TENNESSEE

Solomon A. Vest, Mount Pleasant.

WASHINGTON

Carl J. Gunderson, East Stanwood.
Nelson J. Craigie, Everett.
Lewis Murphy, Republic.

WISCONSIN

Paul W. Schuette, Ableman.
William H. Howard, Altoona.
George E. Grob, Auburndale.
Leslie D. Jenkins, Bagley.
Nels O. Neprud, Coon Valley.
Reginald E. Caves, Dalton.
Wallace M. Comstock, Oconto.
Donald C. McDowell, Soldiers Grove.
Charles A. Arnot, South Wayne.

HOUSE OF REPRESENTATIVES

FRIDAY, May 21, 1926

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Infinite and Eternal God, while Thou art so near us, yet Thou art so far away; do Thou open the depths of our spiritual understanding that we may behold Thy glory. Satisfy our longings and guide our wandering thoughts. May this sacred moment be an inspiration to help us through this day. Let an ideal life haunt us. May we feel the thing we ought to be beating beneath the thing we are. We bless Thee just for

everyday life, life filled with common duties, unpromising and unwelcome tasks. Bless us with the satisfaction that whoever tries to do each day's work in the spirit of loyalty to God is weaving a texture whose other side is fairer than the one he sees. Help us to grow in the stature of Christian manhood while the days pass by. In the name of Jesus we pray. Amen.

The Journal of the proceedings of yesterday was read and approved.

DETERIORATED AND UNSERVICEABLE AMMUNITION

Mr. JAMES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 9218) to authorize the Secretary of War to exchange deteriorated and unserviceable ammunition and components, and for other purposes with Senate amendments thereto, and agree to the Senate amendments.

The SPEAKER. The gentleman from Michigan asks unanimous consent to take from the Speaker's table the bill H. R. 9218, with Senate amendments thereto, and agree to the Senate amendments. Is there objection?

There was no objection.

THE CRIMINAL CODE

The SPEAKER. In compliance with the request of the House, the Senate has returned H. R. 9568, amending section 220, Criminal Code of the United States, and, without objection, the bill will be laid on the table.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 7. An act to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof;

H. R. 6535. An act to amend so much of section 55 of the Hawaiian organic act, as amended by the Hawaiian homes commission act, approved July 9, 1921;

H. R. 9558. An act to provide for allotting in severalty agricultural lands within the Tongue River or Northern Cheyenne Indian Reservation, in Montana, and for other purposes;

H. R. 10312. An act to authorize the disposition of lands no longer needed for naval purposes;

H. R. 10773. An act to authorize acquisition or use of the public lands by States, counties, or municipalities for recreational purposes; and

H. R. 11355. An act to amend that part of the act approved August 29, 1916, relative to retirement of captains, commanders, and lieutenant commanders of the line of the Navy.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 815. An act for the relief of O. H. Lipps;

H. R. 965. An act for the relief of C. B. Wells;

H. R. 1465. An act for the relief of Arthur F. Swanson, and for other purposes;

H. R. 2635. An act for the relief of Mrs. W. H. ReMine;

H. R. 3796. An act to establish a national military park at the battle field of Moores Creek, N. C.;

H. R. 3859. An act to validate certain declarations of intentions;

H. R. 4902. An act for the relief of Washington County, Ohio, S. C. Kile estate, and Malinda Frye estate;

H. R. 6615. An act for the relief of Nohle-Gilbertson Co., a corporation of Buford, N. Dak.;

H. R. 6696. An act for the relief of Edward J. O'Rourke as guardian of Katie I. O'Rourke;

H. R. 6729. An act to amend section 18 of the irrigation act of March 3, 1891, as amended by the act of March 4, 1917;

H. R. 7286. An act to provide for the acquisition of property in Prince William County, Va., to be used by the District of Columbia for the reduction of garbage;

H. R. 7403. An act for the relief of John E. Luby, of New Bedford, Mass.;

H. R. 7429. An act for the relief of Joseph L. Rahm;

H. R. 8486. An act for the relief of Gagnon & Co. (Inc.);

H. R. 8657. An act to amend sections 226 and 228 of the Judicial Code, and for other purposes;

H. R. 8794. An act to credit the accounts of W. W. House, special disbursing agent, Department of Labor;

H. R. 8916. An act granting public lands to the county of Kern, Calif., for public-park purposes;

H. R. 9178. An act to amend section 12 of the act approved June 10, 1922, so as to authorize payment of actual expenses for travel under orders in Alaska;

H. R. 9938. An act for the relief of Frank A. Bartling; H. R. 10126. An act to revise the boundary of the Mount Rainier National Park in the State of Washington, and for other purposes;

H. R. 10539. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Department of Minnesota, the American Legion, the silver-service set in use on the battleship *Minnesota*;

H. R. 10732. An act to authorize the construction of necessary additional buildings at certain naval hospitals, and for other purposes:

H. R. 11202. An act to provide for the preparation, printing, and distribution of pamphlets containing the Declaration of Independence with certain biographical sketches and explanatory matter.

H. R. 11204. An act exempting from the provisions of the immigration act of 1924 certain Spanish subjects, residents of Porto Rico, on April 11, 1899;

H. R. 11511. An act to amend in certain particulars the national defense act of June 3, 1916, as amended, and for other purposes;

H. R. 11927. An act to authorize the Secretary of War to sell a portion of the Fort Ringgold Military Reservation, Tex., to the Rio Grande City Railway Co.;

H. J. Res. 176. Joint resolution establishing a commission for the participation of the United States in the observance of the one hundred and fiftieth anniversaries of the Independence of Vermont and the battle of Bennington and authorizing an appropriation to be utilized in connection with such observance;

H. J. Res. 230. Joint resolution authorizing the Treasury Department to participate in the South Jersey Exposition to be held in the city of Camden, N. J.; and

H. J. Res. 257. Joint resolution making an additional appropriation for the payment of pensions for the fiscal year 1926.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 741. An act for the relief of Lincoln County, Oreg.;

S. 1023. An act authorizing the President to appoint Cecil Clinton Adell, formerly an ensign, United States Navy, to his former rank as ensign, United States Navy;

S. 1818. An act for the relief of Lillie F. Evans;

S. 1919. An act for the relief of Portland Iron Works;

S. 2059. An act to provide for regulating traffic in certain clinical thermometers, and for other purposes;

S. 2337. An act to amend the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended, and for other purposes;

S. 2521. An act for the relief of J. W. Braxton;

S. 2587. An act to amend the trading with the enemy act;

S. 3064. An act for the relief of the Capital Paper Co.;

S. 3200. An act to confirm the right, title, and interest of the Peoples Investment Co. (Inc.), of the State of Louisiana, in certain lands;

S. 3655. An act to authorize the purchase by the city of Yamhill, Oreg., of certain lands formerly embraced in the grant to the Oregon & California Railroad Co. and revested in the United States by the act approved June 9, 1916;

S. 3770. An act establishing additional land offices in the State of Montana;

S. 3875. An act to grant certain lands situated in the State of Arizona to the National Society of the Daughters of the American Revolution;

S. 3884. An act authorizing expenditure of tribal funds of Indians of the Tongue River Indian Reservation, Mont., for expenses of delegates to Washington;

S. 4251. An act to amend and supplement the naturalization laws, and for other purposes;

S. 4261. An act relating to patents issued pursuant to decrees of the Court of Private Land Claims; and

S. J. Res. 96. Joint resolution extending preference right for 90 days to certain locator in good faith of Government land in the State of Oklahoma.

FARM RELIEF

Mr. ANDRESEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11603) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11603, with Mr. MAPES in the chair. The Clerk reported the title of the bill.

Mr. TINCHER. Mr. Chairman, in order to clarify the parliamentary situation, I ask unanimous consent to temporarily withdraw the amendment that I offered yesterday so that the other amendment may be considered.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to withdraw his amendment. Is there objection?

Mr. DOWELL. Mr. Chairman, I reserve the right to object.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. Mr. Chairman, I reserve the right to object. Does the gentleman intend later on to offer this amendment?

Mr. TINCHER. Yes.

Mr. CANNON. He really wishes to withdraw it for the present?

Mr. ASWELL. Mr. Chairman, I offer the bill H. R. 11606 as a substitute for the Haugen bill.

Mr. CANNON. But, Mr. Chairman, I reserve the right to object.

The CHAIRMAN. The Chair put the request of the gentleman from Kansas.

Mr. CANNON. I reserved the right to object, and under that reservation I made an inquiry.

Mr. ASWELL. Has not the Chair already stated that there was no objection?

The CHAIRMAN. The Chair did, but the Chair will put it again. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. ASWELL. Mr. Chairman, is it in order now for me to offer a substitute for the Haugen bill?

The CHAIRMAN. It is in order for the gentleman or for anyone else to offer a substitute.

Mr. ASWELL. Then I offer the bill H. R. 11606 under the rule.

Mr. MADDEN. Mr. Chairman, I have a preferential motion, which I desire to offer.

Mr. ASWELL. Mr. Chairman, under the rule under which we are operating I offer, as a substitute, the bill H. R. 11606, as presented originally to the Haugen bill.

Mr. CHINDBLOM. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. Does the gentleman from Louisiana yield for that purpose?

Mr. ASWELL. Yes.

Mr. CHINDBLOM. Mr. Chairman, last evening the so-called Aswell bill was offered as a substitute.

Mr. ASWELL. Mr. Chairman, I withdraw that amendment temporarily.

Mr. MADDEN. Then I have a preferential motion which I desire to offer.

Mr. CHINDBLOM. Mr. Chairman, a parliamentary inquiry. Last evening the Aswell bill was offered as a substitute for the Tincher bill. The Tincher bill having been withdrawn, does that carry with it the withdrawal of the Aswell bill or does the gentleman from Louisiana now withdraw his amendment?

Mr. ASWELL. I withdraw it temporarily.

Mr. HAUGEN. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

Mr. CANNON. Mr. Chairman, I make the point of order that that motion is not in order. Under the rule the committee automatically rises.

Mr. MADDEN. Mr. Chairman, I offer a preferential motion that the committee do now rise and report the bill back to the House with the amendments, with the recommendation that it be referred to the Committee on Agriculture.

Mr. CANNON. Mr. Chairman, I offer an amendment to that.

Mr. DOWELL. Mr. Chairman, I make the point of order that that motion is not in order.

The CHAIRMAN. Will the gentleman allow the Chair to put the motion? The gentleman from Iowa [Mr. HAUGEN] moves that the committee do now rise and report the bill back to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass. The gentleman from Illinois [Mr. MADDEN] moves as a preferential motion that the committee rise and report the bill back to the House with the recommendation that it be referred to the Committee on Agriculture for further consideration.

Mr. CANNON. And I offer an amendment.

Mr. DOWELL. Mr. Chairman, I raise the point of order that the motion of the gentleman from Illinois is not in order in the Committee of the Whole House.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. CHINDBLOM. Mr. Chairman, the motion of the gentleman from Illinois was not entirely stated by the Chair. The motion of the gentleman from Illinois included the amendments. The gentleman from Illinois moved that the committee rise and report the bill with amendments, with the recommendation that the bill as amended be referred back to the Committee on Agriculture.

Mr. CANNON. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. Let us dispose of the point of order first. The Chair will hear the gentleman from Iowa.

Mr. DOWELL. Mr. Chairman, my point of order is that a motion to recommit, as is the motion of the gentleman from Illinois, can only be made under this special rule in the House after the matter is before the House, either upon a recommendation to strike out the enacting clause or after the third reading of the bill. These are the only two instances where there is any authority under the rules for the recommitment of the bill, and there is no provision in the rule for a motion to recommit the bill or for recommendation that it be recommitted in the Committee of the Whole House. I respectfully refer the Chair to the special rule, and I call attention to the rule itself, which makes no provision for the motion that has just been made by the gentleman from Illinois. That being true, there being no special rule for this action, it can only be made under the provisions of the rules of the House, which permits the House, when the motion is made in the Committee of the Whole to strike out the enacting clause, and the matter then comes before the House, or after the third reading of the bill on its final passage.

Mr. TILSON. Mr. Chairman, it seems to me that we have reached a stage in the consideration of this bill—

Mr. DOWELL. Will the gentleman yield to me for a moment?

Mr. TILSON. I will yield.

Mr. DOWELL. One other point which I desire to suggest to the Chair is that when there are no amendments before the committee it is then in order for the ones in charge of the bill to make a motion to rise with a report, and that is now in order. There is no preferential motion to that; there is no motion that has any preference except an amendment to the bill. There is no amendment to this bill. Every section has been read, and under this rule it then is in order for the chairman of the committee—which he did do—to make the motion to rise and report the bill favorably.

That is in order always, unless there is a motion to amend, which is preferential. And so, with no provision here for such a motion as the gentleman from Illinois has made, and where there is a plain provision under the rules that the chairman of the committee has the right to make the motion to rise and report the bill whenever there is no amendment before the House, it seems to me there can be no question that the motion of the gentleman from Illinois is not in order.

The CHAIRMAN. Is the gentleman's position that this motion would be in order before amendments were disposed of?

Mr. DOWELL. No; it is not an amendment; it can not be construed as an amendment. If it were an amendment, the gentleman from Iowa, the chairman of the committee, would not be permitted to make his motion until the amendment has been disposed of. But when the motion is made and all amendments have been disposed of, the chairman of the committee has the right, and there is no preferential motion to that, to move that the committee rise and report the bill to the House. I think there is no authority anywhere contrary to this; and if there is anything to the contrary, I have not found it.

Mr. CONNALLY of Texas. Will the gentleman yield for a question?

Mr. DOWELL. I will.

Mr. CONNALLY of Texas. Would it be in order for the committee to adopt a motion to report to the House a recommendation that the bill be not passed?

Mr. DOWELL. I think that might possibly be in order.

Mr. CONNALLY of Texas. If the gentleman admits that—

Mr. DOWELL. I am not conceding it; but I believe that might be true, though I am not advised on that question. The question before us now is as to the preferential motion of the gentleman from Illinois, and I do not want to be taken from that question.

Mr. TILSON. Will the gentleman yield?

Mr. DOWELL. I will.

Mr. TILSON. Is it not in order at any time for the committee to rise and recommend to the House that any proper action that can be taken by the House be taken?

Mr. DOWELL. No; I think not.

Mr. TILSON. What can the committee recommend?

Mr. DOWELL. It can recommend this bill. It may take other definite action. It may strike out the enacting clause. It may do whatever is provided for under the rules of the House.

Mr. BURTNES. Will the gentleman yield?

Mr. CHINDBLOM. Mr. Chairman, will the gentleman from Iowa yield for this question?

Mr. DOWELL. Yes.

Mr. CHINDBLOM. Suppose the Committee of the Whole should vote down the motion of the gentleman from Iowa [Mr. HAUGEN] that it rise and report the bill. Then what would the committee do? Would it be perfectly helpless?

Mr. DOWELL. I do not know what it would do, but it would have the matter before it, to take such action as can be taken under the rules of the House.

Mr. CHINDBLOM. The gentleman says they could not do anything but report the bill or strike out the enacting clause.

Mr. DOWELL. No; I did not say that. I say that this committee can take no action except such action as is provided for by the general rules of the House.

The CHAIRMAN. The Chair would like to hear the gentleman from Connecticut on the point of order.

Mr. TILSON. Mr. Chairman, I take the position that in the consideration of a bill the Committee of the Whole may recommend to the House any action that it is proper for the House to take. Now, let me read from paragraph 4 of Rule XVI with reference to whether this is proper action for the House to take when we go into the House. I read:

When a question is under debate, no motion shall be received but to adjourn, to lay on the table, for the previous question (which motions shall be decided without debate), to postpone to a day certain, to refer, or to amend, or postpone indefinitely.

Mr. DOWELL. That is in the House?

Mr. TILSON. Clearly so. I so stated in my opening remarks, and I started out with the proposition that it is in order for this committee to recommend in its report to the House any action that it is proper for the House to take after the committee has reported.

Mr. BEGG. Mr. Chairman, will the gentleman yield right there?

Mr. TILSON. Certainly.

Mr. BEGG. Could the committee do anything other than what the House was permitted to do?

Mr. TILSON. It could not. It could make no other recommendation except such action as the House may properly take.

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes.

Mr. CONNALLY of Texas. Is it not true that the very purpose of reference to the Committee of the Whole is to get the advice of the Committee of the Whole as to what should be done, and is it not competent therefore for the Committee of the Whole under those circumstances to report its advice to the House?

Mr. TILSON. Yes; and it is upon this principle that I stand.

What are the circumstances? We have been considering this bill for something like two weeks—three weeks, as has been suggested by some of my colleagues near me. Not many here will claim that the bill is in any better shape now than it was when it was brought in. In fact, I think that a goodly part of the membership of the House will agree with me that this bill as it stands at present is in such a state that it would be unsatisfactory to a great part of the membership of the House.

Mr. DOWELL. Mr. Chairman, will the gentleman yield now?

Mr. TILSON. Not yet.

I believe further that it is not the wish of this House to absolutely reject all agricultural legislation, but that it is the sincere wish of the Members of the House to secure proper legislation along this line.

Mr. DICKINSON of Iowa. Mr. Chairman, will the gentleman yield?

Mr. TILSON. In a moment.

It has been demonstrated very clearly that the House in Committee of the Whole has been unable to amend this bill satisfactorily on the floor, and gentlemen know that the best way to prepare a bill is to prepare it in committee, where a smaller number of men can sit around a table and consider the bill. In order to do this it is necessary for this entire matter to be referred back to the Committee on Agriculture for such action; and, Mr. Chairman, it is inconceivable as a parliamentary proposition that the Committee of the Whole has not the power and the right under parliamentary procedure to make such a recommendation to the House.

Mr. FULMER. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes.

Mr. FULMER. I would like to ask the gentleman what would be gained by that procedure, inasmuch as we have 14 members of the Committee on Agriculture for the Haugen bill and only 2 for the Tincher bill and 2 for the Aswell bill. If you went back and immediately reported it out, you would kill it.

Mr. TILSON. Rather than kill the bill at the present time the proposition for which I stand would give another opportunity for the Committee on Agriculture to consider it. I submit that my original proposition is correct and that the motion of the gentleman from Illinois is in order.

Mr. BURTNES. Mr. Chairman, I do not dispute the contention made by the distinguished majority leader, that the Committee of the Whole has the right to do what it likes with reference to a recommendation under the general rules of the House. But that is not the question before us now upon the motion that has been made by the gentleman from Illinois [Mr. MADDEN]. The gentleman from Iowa [Mr. HAUGEN], the chairman of the Agricultural Committee, which is in charge of the bill, has made the motion that the committee rise and report the bill back with certain amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass. The only question under the general rules of the House, laying aside for just a minute the special rule under which we are operating is whether the motion made by the gentleman from Illinois is a preferential motion to the motion that has been made by the gentleman from Iowa, and that is a question which the gentleman from Connecticut has not discussed. He discussed merely the question as to whether the motion of the gentleman from Illinois might be in order as a motion standing by itself. We are here confronted with the question as to whether it is preferential to the motion made by the gentleman from Iowa.

Mr. TILSON. Allow me to answer the gentleman's question. I read to the gentleman the order of proceeding, the order of preference.

The order is this: The last preference of all is the motion to rise and report. That motion is not in order as long as anyone wants to amend. The privilege of amending has to come before the right to rise and report the bill, but the privilege of referring comes ahead of the privilege to amend. In the order of precedence the motion to refer is preferential to a motion to amend.

Mr. BURTNES. That is true of proceedings in the House.

Mr. TILSON. The motion to amend has preference over a motion to rise and report, so a motion to refer is two stages in preference ahead of the motion to rise and report.

Mr. BURTNES. Conceding such application to proceedings in the House, I might also concede that it applies to proceedings in the Committee of the Whole without yielding on the point of order. This question must be determined by the language of the rule itself, and I want to call the Chair's particular attention to this, because I think it is conclusive. We are operating here under a special rule, and let me read to you just what may be done. At the end of the first page we find this—

After the reading of such bill for amendment it shall be in order to offer H. R. 11618 (Tincher bill) or H. R. 11606 (Aswell bill).

They have been withdrawn and they are not before us, so we come to the next sentence, and I hope I can have the Chair's attention to it.

The CHAIRMAN. The Chair is following the gentleman.

Mr. BURTNES. This is the next sentence:

At the conclusion of the reading of the bill the committee—

Shall do what?

shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage.

The rule specifically provides that at the conclusion of the reading of the bill the committee shall rise and report the bill to the House with such amendments as may have been adopted, and then it will be up to the House to determine whether it cares to accept the recommendation of the Committee of the Whole House or not.

Mr. TILSON. Will the gentleman yield?

Mr. BURTNES. Yes.

Mr. TILSON. Will not the gentleman admit that at this very minute, while the motion of the gentleman from Iowa to rise and report is pending, it is in order for either of those gentlemen, or any gentleman, to rise and propose an amendment and take the motion of the gentleman from Iowa off the floor?

Mr. BURTNES. I do not concede that, for the bill has been fully read for amendment.

Mr. TILSON. Yes, it would, because the bill has not been completed yet; consequently this is the only motion in order ahead of a motion to amend.

Mr. BURTNES. The House by a special rule and by its own vote has declared what is to be done when the present stage is reached, and we are to-day operating under this special rule; and the last sentence of it, it seems to me, is absolutely controlling upon the House and the committee. Under that view the point of order should be sustained.

Mr. SNELL. Mr. Chairman, in reference to the statement made by the gentleman from North Dakota in regard to the special rule, I simply desire to say that the special rule provided simply for the manner of considering those substitutes and that was all; otherwise it did not change the general rules of the House.

Mr. RAMSEYER. Mr. Chairman, I wish to emphasize to the Chair the reading and meaning of this special rule under which we are proceeding. I think the gentleman from North Dakota is absolutely correct. Of course, the object of the motion of the gentleman from Illinois [Mr. MADDEN] is to kill off agricultural legislation for this session. [Applause.] The object here is to prevent a straight-out vote on the Haugen bill, which was made in order under a special rule of the House. Under that special rule of the House the Aswell bill or the Tincher bill could have been offered as substitutes. They were offered as substitutes and both have been withdrawn, so that there is nothing before us except the Haugen bill, and the only thing that will be before us when we rise and report the bill to the House will be the Haugen bill.

I do not know whether the majority leader is ready to stay here all summer to carry out what he has stated, and that is to give this House an opportunity to vote on farm legislation.

The CHAIRMAN. The Chair will hear the gentleman on the point of order and not on the merits of the proposition.

Mr. RAMSEYER. The Chair did not hold the majority leader strictly to a discussion of the point of order. [Applause.]

The CHAIRMAN. The Chair is interested in the point of order and not in the merits of the proposition.

Mr. RAMSEYER. If the Chair insists that I confine my remarks to the point of order, I will, of course, conform to the ruling of the Chair. The only object of a special rule is to change the rules of the House. [Applause.] Now, this special rule, so far as the consideration of the Haugen bill in the Committee of the Whole is concerned, made two changes. It provided that two certain substitutes might be offered at the end of the reading of the bill instead of after the reading of the first section, where substitutes are in order. The second change it made was that those two substitutes should be in order, notwithstanding the rule as to germaneness. We have passed both of these provisions. Now, the third is—and that is as specific as language can make it—that we are to report the Haugen bill with amendments. Why? To give the House an opportunity to vote on the Haugen bill with amendments. [Applause.]

Now, let me read again the closing sentence of the rule, and I think it is just as plain as English can make it—

At the conclusion of the reading of the bill—

That is the Haugen bill—

the committee shall rise and report the bill—

The Haugen bill—

to the House with such amendments as may have been adopted.

The gentleman from Iowa [Mr. HAUGEN] has made the proper motion.

I am not saying what might be in order if this special rule were not here governing the proceedings of the Committee of the Whole. When you get into the House the rule provides—

The previous question shall be considered as ordered on the bill—

The Haugen bill—

and amendments thereto to final passage.

[Applause.]

If the Chair holds the Madden amendment in order, you get out of the committee and before the House an entirely different proposition from what the rule says you shall get out of the committee and into the House. The rule is specific that the thing you get out of the committee under the rule is the Haugen bill with such amendments as have been adopted in the Committee of the Whole, and then the previous question shall be considered as ordered on that bill and amendments thereto to final passage. The substitute or the so-called preferential motion of the gentleman from Illinois [Mr. MADDEN] brings

before the House an entirely different proposition and gives to the House something entirely different from what the rule provides.

All I am asking the Chair to do is to so rule as to carry out the specific rule that has been adopted to govern the proceedings of the Committee of the Whole on this bill. [Applause.]

Mr. GREEN of Iowa. Mr. Chairman, I find it just a little difficult to conform to the suggestion of the Chair that remarks at this time be confined strictly to the point of order, because I am at a loss to understand how there is any room for discussion or argument on this proposition. [Applause.]

The CHAIRMAN. Is the gentleman for or against the point of order?

Mr. GREEN of Iowa. I am in favor of sustaining the point of order, and if the Chair will hear me a little further, he will get my point of view.

The special rule states explicitly that at the conclusion of the reading of the bill certain action shall be taken. There is not any choice on the part of the Chair about it, but it is mandatory upon the Chair. The rule is in the form that has been used here for so many years that I am not able to state how far back it goes; and the custom has been invariable that when a rule provides, as this one does, that as soon as the reading of the bill is finished—and the reading of this bill has been finished—for the Chair to state, "under the rule the committee now rises and reports the bill back to the House with amendments," and so on.

Mr. BEGG. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. BEGG. Does the special rule specify what recommendation shall go with the report to the House, or does it leave that to the committee? That is all there is in this proposition. If the special rule says that in making this report to the House they shall make a favorable report, recommending that the bill do pass, then the gentleman is quite correct, but the special rule does not say that but simply says that the committee shall report.

Mr. GREEN of Iowa. I do not want the gentleman from Ohio to take up all my time.

Mr. BEGG. I am sure the gentleman can get all the time he desires to discuss this matter. The special rule says that the committee shall report the Haugen bill to the House, and that is what we are going to do. The rule does not say whether the recommendation shall be to pass the bill, to refer it to the committee, or that it be unfavorably reported.

Mr. GREEN of Iowa. The gentleman knows quite well what the practice has been. This rule is in the same form as similar rules we have had heretofore, and they have always been construed by the Chair to mean that the bill shall be reported to the House with amendments, with the recommendation that the amendments be agreed to, and the bill as amended do pass. Besides this, the rule provides for a vote on the bill.

Mr. BEGG. Will the gentleman yield right there?

Mr. GREEN of Iowa. Yes.

Mr. BEGG. The gentleman has been here longer than I have, but I have seen recommendations made to report unfavorably.

Mr. GREEN of Iowa. Of course you have, but not under such a rule as this. There is a further provision in the rule that, after it is reported to the House, the previous question shall be considered as ordered on the bill and all amendments thereto to final passage.

Mr. BEGG. And that will lie now.

Mr. GREEN of Iowa. Unless these amendments are reported, how will that question be considered by the House? The words "to final passage" have always been construed to mean a vote on the passage of the bill.

Mr. BEGG. The bill will carry all its amendments with it to the House.

Mr. GREEN of Iowa. Yes; but how, if this motion is adopted, will there be a vote on the passage of the bill?

Mr. BEGG. And the previous question will lie. The recommendation that we now make is up to the majority of this committee. We can recommend that the bill do pass, we can recommend to refer it, or we can recommend that it be postponed indefinitely.

Mr. GREEN of Iowa. The previous question will lie, but not "upon the bill and all amendments thereto." I would like to have the gentleman from Ohio cite an instance in this House where under a rule similar to this such action as he proposes now has ever been taken. No decision has ever been made which held in order a motion recommending the recommitment of the bill when such a rule was in force.

Mr. RAMSEYER. And you certainly could not recommend anything in violation of the specific language of the special rule. [Cries of "Rule!" "Rule!"]

Mr. DOWELL. Mr. Chairman, this is an important matter, and I want to say a few words with reference to this rule. I want to answer the gentleman from Ohio—

The CHAIRMAN. The Chair will be glad to hear the gentleman.

Mr. DOWELL. I want to answer the statement of the gentleman from Ohio, that they could do all the things he suggests in the Committee of the Whole. The Committee of the Whole can amend this bill or it can make whatever recommendations it desires to make with reference to its passage or may report adversely. It has that power under the rules; but let me read just a little clause which gives the House the power to do what the gentleman has suggested, and I want to say that the Committee of the Whole has no authority to pass a motion here recommending that the bill be referred to a committee after it gets back to the House. That is the province of the House and not of the Committee of the Whole. [Applause.]

I want to call the Chair's attention to one other thing—

Mr. BEGG. Will the gentleman yield right there?

Mr. DOWELL. I want to call the Chair's attention to one other thing. The able parliamentarian, my floor leader [Mr. TILSON], stood upon the floor and argued this question. I asked him to cite a single rule on it. The gentleman did not even attempt to make a single reference to a rule which would make such a motion as this in order, and I submit to the Chair that no such motion as this has been made in the Committee of the Whole House since I have been a Member of this House.

Mr. HOCH. Will the gentleman yield?

Mr. DOWELL. I want to call attention to a provision here which clearly makes this distinction and provides how this may be done in the House:

Whenever a bill is reported from a Committee of the Whole with an adverse recommendation—

Mr. BEEDY. Will the gentleman inform us where he is reading?

Mr. DOWELL. From paragraph 7, page 386, of the Manual:

Whenever a bill is reported from a Committee of the Whole with an adverse recommendation and such recommendation is disagreed to by the House, the bill shall stand recommitted to the said committee without further action by the House, but before the question of concurrence is submitted it is in order to entertain a motion to refer the bill to any committee.

And I challenge any gentleman to show me any rule that gives any other authority aside from that. And this authority is in the House and not in the Committee of the Whole.

One thing further, Mr. Chairman. I want to call the attention of my distinguished leader, the gentleman from Connecticut, to this proposition: If there is a provision, if there is a rule, which permits this motion of the gentleman from Illinois, why does he not submit it to the Chair and to the committee? Why has he presented his case without a reference to this rule?

Mr. TILSON. Let the gentleman read paragraph 4 of Rule XVI.

Mr. HOCH. Mr. Chairman, in corroboration of what the gentleman says, I not only find no place where this motion is permitted but I do find what seems to be a specific provision indicating that it is not permitted. Section 770 of the Manual says:

There are in the rules of the House two motions to refer—the ordinary motion provided for in this rule and a special motion provided by the rule for the previous question. The motion to refer is sometimes made by using the words "to commit" or "to recommit"; but this change is one of form merely, and the three motions are practically the same. The motion may not be used in direct form in Committee of the Whole.

[Applause.]

All that this committee can do is to rise and recommend that the bill pass or not pass. The motion to recommit is within the power of the House and not within the power of the committee.

Mr. CANNON. Mr. Chairman, this question has been argued exhaustively, and the rules have been cited in detail, but the Chairman might be interested in analogous decisions made by two former Chairmen of the Committee of the Whole, Mr. Walsh of Massachusetts and Mr. Graham of Illinois.

The first case came up under a special rule providing, as this rule provides, that at the conclusion of the reading of the bill the committee should rise and report to the House. The motion was made to strike out the enacting clause. Mr. Walsh held, in deciding on that point of order, that the motion to strike out the enacting clause was admissible solely because it was an amendment; that otherwise it would not have been in order.

The same point arose when the McNary-Haugen bill was under consideration in May, 1924. On that occasion the resolution providing for the consideration of the McNary-Haugen bill provided in the exact phraseology of this rule that at the conclusion of the reading of the bill the committee should rise and report the bill to the House.

A motion was made to strike out the enacting clause. On that occasion the point of order was made—

The CHAIRMAN. If the Chair may interrupt the gentleman, the Chair will say that this was a motion made by the gentleman from Illinois that the committee rise and recommend that the bill be recommitted, and the gentleman is referring to a case where the motion was to strike out the enacting clause.

Mr. CANNON. Exactly. That being true, no motion is in order except a motion to amend, and under both decisions no motion is in order other than the motion to amend after the reading of the bill has been concluded, and the committee rises automatically.

Both Speaker Clark and Speaker GILLET held that where a special order provided that on adoption of the resolution the House should resolve into the Committee of the Whole, that action was automatic, and chairmen have held that where such special order directed that on certain contingencies the committee should rise, that action likewise was automatic. As Speaker Clark said: "Unless you want the rule construed like it reads, you must not put that language in it."

This rule provides that "at the conclusion of the reading of the bill the committee shall rise and report." Either that language means something or it means nothing. If it means nothing why put it in the rule. If it means something it means exactly what it says, and when the reading for amendment is concluded the committee rises automatically without motion, and a motion to rise with recommendation is not in order.

Mr. SINNOTT. Mr. Chairman, I want to make one observation. The Chair will undoubtedly read from Hinds' Precedents a number of cases where the motion recommending that a bill be recommitted was made in Committee of the Whole and the matter was reported to the House with the recommendation that the bill be recommitted to a committee. But when the Chair reads those precedents I wish the Chair to bear in mind that the question in Committee of the Whole was which motion had precedence, namely, the motion to report the bill favorably or the motion to recommend a recommittal; but in none of these cases was the specific point raised that that motion recommending recommittal was not permissible. I wish the Chair to bear that in mind when the cases are cited. Furthermore, there was no special rule involved in any of those cases.

Mr. COOPER of Wisconsin. Mr. Chairman, the contention of the Republican leader [Mr. TILSON] and others who have followed him amounts, it seems to me, to a complete nullification of the purpose and intent of the special rule. This purpose and intent is clearly set forth in the last sentence of the special rule, which reads as follows:

At the conclusion of the reading of the bill the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage.

I know that when this special rule was adopted I understood, and I do not doubt that every Member who voted for it—unless, perhaps it was somebody "on the inside"—understood that after the bill and amendments should be reported to the House all debate would cease and that the House would proceed to vote on the bill and amendments to final passage. And yet the gentleman from Illinois [Mr. MADDEN] now presents a motion which would prevent consideration of the bill and amendments to final passage and thus defeat the plain intent of the special rule as understood by those who voted for it.

Gentlemen seeking to invoke precedents made years ago under the general rules of the House utterly ignore the mandatory special rule governing our consideration of the Haugen bill, which provides—I will again read it—

At the conclusion of the reading of the bill the committee shall rise and report the bill to the House with such amendments as may have been adopted—

And then what?

and the previous question shall be considered as ordered on the bill and amendments thereto to final passage.

"To final passage" means that there shall be a vote on the bill and the amendments. That is what the special rule means. [Applause.]

The CHAIRMAN. The Chair is ready to rule. It seems to the Chair that the logic of the situation is in favor of the

motion offered by the gentleman from Illinois [Mr. MADDEN]. The situation with which the Committee of the Whole House on the state of the Union is confronted with reference to this farm-relief legislation illustrates the importance or logic of the motion about as forcibly as could possibly be done, it seems to the Chair. The Committee of the Whole House on the state of the Union has been considering this legislation now off and on for upward of about three weeks, and the Chair thinks the Committee of the Whole House on the state of the Union is in about the same position of hopeless confusion as to what ought to be done as the Committee on Agriculture was when it reported the three bills to the House without getting a majority for any one of them. The Committee of the Whole House on the state of the Union wants to do something, but it does not know just what; and anyone familiar with the procedure here knows that as a practical matter it is impossible for this body to work out a satisfactory bill under all the circumstances.

With that situation in mind, it seems to the Chair that the rule of the House ought to be very definite and specific that would justify the Chair in ruling that this committee can not do the reasonable and sensible thing. If the Committee of the Whole House on the state of the Union, in its discretion, considers it advisable to recommend to the House that this legislation be referred to the Committee on Agriculture for consideration until that committee, or a majority of it, can agree upon some constructive legislation, it seems to the Chair that any rule or precedent that would prevent its doing so ought to be very definite and specific.

Fortunately, the precedents of the House sustain the logic of the thing. The Chair has listened very intently for some one who argued in favor of the point of order to cite some precedent to sustain his position, by which the Chair could be guided, but the Chair has failed to hear any precedent cited. None has been cited. There is a precedent cited in Hinds' Precedents, section 4775, which seems to the Chair to be so definite and so directly in point that it leaves very little for discussion upon the point of order. It is in favor of the motion and against the point of order. Section 4775, Hinds' Precedents, reads:

In Committee of the Whole the motion to report a bill, with the recommendation that it be referred, takes precedence of the motion to report it with the recommendation that it do pass. On January 22, 1896, the House was considering in Committee of the Whole House on the state of the Union the joint resolution (S. J. Res. 50) relating to plans for the public building at Chicago, Ill.

Mr. William Lorimer, of Illinois, moved that the committee rise and report the bill as amended back to the House, with the recommendation that it do pass.

Mr. Charles F. Crisp, of Georgia, moved that the committee rise and report the bill back, with the recommendation that it be referred to the Committee on Public Buildings and Grounds.

Mr. Joseph G. Cannon, of Illinois, having raised a question as to the precedence of the motions, the chairman held that the latter motion had precedence.

The Chairman of the Committee of the Whole House on the state of the Union at that time was the Hon. Sereno E. Payne, of New York.

Reference has been made to the special rule under which the Committee of the Whole House on the state of the Union is considering this particular legislation. The Chair thinks there is nothing unusual with reference to this special rule. The rule does not operate automatically. The rules makes it in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11603, the so-called Haugen bill. The House does not automatically go into the Committee of the Whole House on the state of the Union for the consideration of that bill. It goes into the Committee of the Whole House on the state of the Union only upon the motion of some one to do so. The so-called Haugen bill under the rule has no more privileged status than has the ordinary revenue or appropriation bill in that respect, and the Chair thinks that the closing sentence of the special rule, to which reference has been made, has no more significance or gives the legislation no different status than revenue and appropriation bills have without a rule under the common practice of the House. It is the common practice upon the completion of the reading of a bill under consideration for amendment for the chairman of the committee to make the motion that the committee rise and recommend to the House the bill with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass. In practical effect that is all that this rule does—authorize the making of such a motion. Upon any such strict construction of the language, as some have argued here, it would not be in

order for the chairman of the Committee on Agriculture to make the motion which he has made, that the committee rise and report the bill back to the House with a favorable recommendation.

The rule does not authorize the chairman of the Committee on Agriculture to do that. The language of the rule does not say that. It simply says that at the conclusion of the reading of the bill the committee shall rise and report the bill to the House with such amendments as may have been adopted. I take it that no one would contend, however, that the motion to report the bill with amendments with the recommendation that the bill as amended do pass would not be in order.

The gentleman from Kansas [Mr. HOCH] has cited a provision in the rules that the motion may not be used in direct form in Committee of the Whole. The Chair thinks that is correct, but he does not think it is in point. No attempt here is made to make a motion in direct form. That is not the motion. The motion is that when the committee rise it report the bill back to the House with the recommendation that the bill and amendments be referred to the Committee on Agriculture.

For the reasons stated, the Chair overrules the point of order.

Mr. DOWELL. Mr. Chairman, I appeal from the decision of the Chair.

Mr. ACKERMAN. Mr. Chairman, I move to lay that appeal on the table.

Mr. DOWELL. I submit that is not in order, and I have a right to the floor. The motion to lay on the table is not in order in the Committee of the Whole House on the state of the Union.

The CHAIRMAN. The gentleman is correct about that. The Chair asks the gentleman from Michigan [Mr. CRAMTON] to take the chair while the appeal is pending.

Mr. CRAMTON assumed the chair.

The CHAIRMAN (Mr. CRAMTON). The gentleman from Iowa is recognized for five minutes.

Mr. DOWELL. Mr. Chairman, I want to appeal to the members of this committee for a fair deal here. [Applause.] The effort made here this morning is one that has never been made on the floor of this House since I have been a Member of it, and all are fully aware of it. The special rule which we adopted, and stronger than that, the Committee on Rules when it brought that rule before the House assured every Member of the House that everyone would have a fair opportunity to consider all of these bills. [Applause.] There is a plain provision under the rules of the House if they want to proceed under it to recommit this bill, but please do not destroy all possibility of agricultural legislation at this session of Congress. [Applause.]

The CHAIRMAN. The Chair suggests it is only in order at this time to discuss the appeal from the decision of the Chair.

Mr. DOWELL. Yes, sir; and I am trying to show why the Chair should not be sustained in that ruling. [Applause.]

Mr. RAMSEYER. May I offer a suggestion right here? The Chair in giving his ruling stated that there was nothing automatic in the last sentence of the rule. The last sentence of this rule under which we are proceeding has this: "And the previous question shall be considered as ordered." That operates automatically. Every Member of the House knows that the previous question under a rule like this is ordered when we get into the House without a motion for the previous question, and that part is no stronger than the other part of the same sentence, which directs that the bill be reported to the House with amendments.

Mr. DOWELL. I just want to say this, that if the decision of the Chair is sustained and the motion of the gentleman from Illinois to refer this bill to a committee is adopted, it will hazard all legislation on the subject. Those of you who are in favor of agricultural legislation at this session of Congress, it seems to me, ought to see plainly the very purpose and intent of the motion of the gentleman from Illinois, and I ask you to vote not to sustain the chairman in his ruling.

Mr. GREEN of Iowa. I would like to ask any gentleman of this House, when this question is discussed on the other side, how the last part of this rule can be complied with if the motion of the gentleman from Illinois is sustained? The previous question can not be ordered, the bill and amendments can not proceed to final disposition if this motion is sustained.

Mr. DOWELL. Why, certainly, it is an effort not to follow the rule we adopted when we took this bill under consideration.

Mr. GREEN of Iowa. It can not be carried out.

Mr. TILSON. According to the gentleman's interpretation of the rule it can not be carried out unless we finally pass the bill.

Mr. BEGG. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BEGG. Under the rules this is debatable under the five-minute rule. Does that mean five minutes on a side or more than five minutes of time?

The CHAIRMAN. This debate proceeds under the five-minute rule; five minutes on a side.

Mr. TILSON. Will there be further debate after one gentleman speaks in favor and one opposed?

The CHAIRMAN. That lies largely in the discretion of the Chair. Customarily it will proceed until debate is closed.

Mr. TILSON. Mr. Chairman and gentlemen of the committee, in deciding points of order we should as far as possible dissociate ourselves from the merits of the proposition. Here the Chairman of the Committee of the Whole has made a ruling based upon broad parliamentary principles, the rules of the House, and the precedents of the House. This statement can not be successfully contradicted.

Mr. MOORE of Virginia. May I direct the attention of the gentleman to this point? In connection with very specific precedents cited by the Chair, will not the gentleman call attention to the fact that a motion similar to the motion which has been presented by the gentleman from Illinois was made by one of the most distinguished parliamentarians who ever served in this House, Speaker Crisp? [Applause.]

Mr. TILSON. Undoubtedly Speaker Crisp was one of the finest parliamentarians who ever sat in this House, and the precedent referred to as having been made by him has never been overruled. It is based upon sound parliamentary principles, so that it would place us in a ridiculous attitude to override it and proceed to set up a contrary precedent that would rise up in the future—

Mr. BLANTON. Will the gentleman yield?

Mr. TILSON. No; I can not in five minutes—would rise up to plague us. So I appeal to Members that in passing upon this question they keep in mind not the merits of the proposition, but the proper parliamentary practice and procedure in the House, although it seems to me, as a practical matter, that the only way in which we can have the legislation, in which all seem so interested, is to send this bill back to the committee.

Mr. BEGG. Will the gentleman yield for a question? Will the gentleman state to the House whether or not it is the intention of the gentleman, as the Republican floor leader, to do what he can to get farm legislation? [Cries of "Oh!"]

Mr. TILSON. Mr. Chairman, do not take this out of my time.

Mr. FUNK. Will the gentleman yield?

Mr. TILSON. No; I can not.

Mr. BLANTON. I make a point of order, Mr. Chairman—The CHAIRMAN. There is no business before the committee until the committee is in order.

Mr. ROMJUE. Mr. Chairman, will the gentleman yield?

Mr. TILSON. I can not yield in the limited time I have.

The CHAIRMAN. The gentleman declines to yield?

Mr. TILSON. Giving a fair answer to a fair question, I will say that [laughter]—

Mr. LOZIER. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman declines to yield.

Mr. LOZIER. A point of order. The gentleman is attempting to answer—

The CHAIRMAN. The gentleman has not stated his point of order.

Mr. LOZIER. I make the point of order that the gentleman is not proceeding in order. He is attempting to answer the question of the gentleman from Ohio, which does not relate to the point of order. [Applause.]

The CHAIRMAN. The gentleman from Connecticut has the floor and is entitled to speak upon the point of order. He will proceed in order.

Mr. TILSON. Mr. Chairman, speaking directly upon this appeal and the reasons why the decision of the Chair should stand as the judgment of the committee, I have to say that one of the impelling reasons why the decision of the Chair should be sustained is this: That if it is not sustained and the House proceeds to strike out the enacting clause or otherwise defeats the bill, it will probably kill all hope of agricultural legislation at this session, whereas by sending the bill back to the Committee on Agriculture, where we may confer together and try again to bring out something, we have at least another chance of bringing out legislation that may be satisfactory.

Mr. FULMER. Mr. Chairman, will the gentleman yield there for a short question?

Mr. TILSON. I can not yield. Mr. Chairman, please do not take this out of my time. I decline to yield to anyone

because I wish to finish my statement. I hope that the Chair will not take out of my time these interruptions.

The CHAIRMAN. The Chair will assure to the gentleman the time accorded to him. The gentleman from Connecticut declines to yield.

Mr. TILSON. Gentlemen, I appeal to you on sound parliamentary grounds that we should not let our preference for one side or the other on any question sway us in these matters, because we are making parliamentary history every day that we are here, and when a decision like this is made, based firmly upon sound parliamentary principles and backed up by uncontested precedents established by the best parliamentarians that ever sat in this House, we should think long and seriously, notwithstanding our desire to have our way on the merits of the question, before overturning a ruling thus based. [Applause.] I appeal to you, to all of you, on that ground, regardless of how you feel on this legislation, because in a few moments you will have a vote on the merits of the question as to whether to refer this particular bill or not. The question now is whether a righteous decision, a decision well considered and well bottomed, shall stand, or whether we are willing to override parliamentary principles and precedents and decree by our votes that this chairman has made an erroneous ruling, and have it go down in the books of precedents that a decision founded on sound principles has been overruled. [Applause and cries of "Vote!"]

Mr. MURPHY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MURPHY. Are we proceeding under the rules of the House under the five-minute rule? If we are, I want to oppose the effort or the motion that the leader has made.

The CHAIRMAN. It will be in order now for the Chair to recognize some one who is in favor of the appeal.

Mr. HOWARD. I am in favor of it.

Mr. MURPHY. And I am in favor of it.

The CHAIRMAN. The Chair will recognize the gentleman.

Mr. TILSON. Mr. Chairman, may I make a parliamentary inquiry?

Mr. KINCHELOE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. Will the gentleman from Kentucky state his parliamentary inquiry?

Mr. KINCHELOE. The formal parliamentary inquiry I want to propound is this: We are proceeding under the five-minute rule. There has been one five-minute speech in favor of sustaining the Chair's decision and one against. The Chair says he can recognize somebody else. The parliamentary inquiry is, How many men the Chair will recognize, and how long this debate will continue?

The CHAIRMAN. While the debate continues the Chair feels that he should alternate in recognizing gentlemen.

Mr. BLANTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Connecticut [Mr. TILSON] is recognized to propound a parliamentary inquiry.

Mr. TILSON. Under our rules when an amendment is offered in Committee of the Whole anyone can move to amend that amendment by moving to strike out the last word. In this case there has been one speech for and one against the pending proposition and no amendment is in order; therefore the Chair could not recognize anyone, except by unanimous consent, because there is no pro forma or other motion that can be made. [Cries of "Vote!"]

Mr. LAGUARDIA. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The Chair will try to respond to the parliamentary inquiry of the gentleman from Connecticut [Mr. TILSON]. The suggestion of the gentleman from Connecticut is as to the right for the debate to continue after 10 minutes has been exhausted by reason of the fact that no amendment can be offered as in the usual case under the five-minute rule in the consideration of the bill. The Chair is advised that former Speaker Crisp ruled that debate on an appeal from the decision of the Chair proceeded under the five-minute rule. Under a strict construction of the rules, as suggested by the gentleman from Connecticut, possibly there could be no debate at all. The practice has been—which this present incumbent of the chair feels inclined to follow—to permit the debate to proceed under the five-minute rule until debate is exhausted or the committee sees fit to close the debate, and it will be the desire of the Chair while the debate continues to alternate in granting recognition.

Mr. SNELL rose.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. SNELL. I rise to propound an inquiry.

The CHAIRMAN. The gentleman from New York will state his inquiry.

Mr. SNELL. When will it be in order to close debate?

The CHAIRMAN. At any time now. The Chair will recognize the gentleman from Georgia [Mr. CRISP].

Mr. CRISP. Gentlemen of the House, it is of the utmost importance that we observe our rules in the consideration of matters that come before us. The merits or demerits of the legislation, in my judgment, should not influence us in passing upon the parliamentary question.

In my opinion the special rule which this House is now acting under does not violate, abrogate, or change the general rules of the House. All the special rule provides is that when the committee enters upon the consideration of the Haugen bill it shall be in order to offer as amendments to it the Aswell and Tincher bills, removing any question as to the germaneness of those two amendments or as to whether or not those two amendments can be offered. The special rule makes it mandatory that those two amendments when offered are in order. In my judgment that is the only way the special rule has changed the rules of the House for the consideration of this particular bill. That rule, permitting those two amendments to be offered, does not preclude any other germane amendment from being offered and it does not preclude any other authorized motions recognized under our rules of procedure.

Now, gentlemen, why should the proponents of the Haugen bill or its enemies be concerned as to whether this motion to recommend recommitment is in order? It is simply a parliamentary method of letting this House express its judgment on it. If a majority of this Committee of the Whole House on the state of the Union or a majority of the House is in favor of the Haugen bill, they can simply vote down the motion to rise and report that the bill be referred to the Committee on Agriculture, and then they can vote to rise and report the bill with the recommendation that it do pass.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. CRISP. Certainly I yield to my leader.

Mr. GARRETT of Tennessee. And if the motion to report carries there can, of course, be a roll call in the House, which will give every Member a chance to record his vote?

Mr. CRISP. Of course. No right of anybody is involved in this proposition. As to the Haugen bill, you have all of your rights. You can vote for it in the committee; if it should carry, you can get a roll call in the House. But I do think unless you want mob rule and lawlessness here we should observe our rules; when this body adopts a code of rules for its procedure it should live up to those rules; and, in my judgment, under the rules this motion is in order, and I shall vote, irrespective of my views on the legislation, to sustain the Chairman in his decision. [Applause.]

Mr. McSWAIN. Will the gentleman from Georgia yield?

Mr. CRISP. I shall be glad to yield, if I have the time.

Mr. McSWAIN. Gentlemen solemnly stated on the floor that the purpose of this rule was to put the situation before the House; that the Committee on Agriculture had "passed the buck" to the Rules Committee; that the Rules Committee had passed it back to the House, and if we should agree to this motion it will "pass the buck" back to the committee itself.

Mr. CRISP. Using the language of the gentleman from South Carolina, that it is "passing the buck," the motion to recommit "passes the buck" to the membership of this House to say whether or not they will vote for the motion.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. SNELL. Mr. Chairman, I move that further debate on the pending appeal do now close.

The motion was agreed to.

The CHAIRMAN. The question now before the committee is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken, and the Chair being in doubt the committee divided; and there were—ayes 201, noes 132.

So the decision of the Chair stood as the judgment of the committee.

Mr. MAPES resumed the chair.

Mr. MADDEN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MADDEN. Would it be in order to have debate on the motion I have made? If not, I would like to ask unanimous consent to make a short statement. Mr. Chairman, I ask unanimous consent to make a statement of not exceeding five minutes in connection with my motion.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for five minutes. Is there objection?

Mr. WEFALD. Mr. Chairman, I object.

Mr. CANNON. Mr. Chairman, I offer a motion to amend.

The CHAIRMAN. The gentleman from Missouri [Mr. CANNON] offers a motion, which the Clerk will report.

The Clerk read as follows:

Motion by Mr. CANNON: At the end of the motion of the gentleman from Illinois insert a comma and the following language: "with instructions to the Committee on Agriculture to report the same back forthwith as amended by the amendments adopted in the Committee of the Whole House on the state of the Union"—

Mr. BLANTON. Mr. Chairman, I make a point of order against the amendment. It is out of order in that it is an amendment in the third degree.

Mr. CARTER of Oklahoma and Mr. SABATH rose.

Mr. CARTER of Oklahoma. Mr. Chairman, a parliamentary inquiry. Has the reading of the amendment been completed?

Mr. BLANTON. The Clerk has read far enough to show it is not in order.

Mr. SABATH. Mr. Chairman, I think the gentleman from Texas is out of order because the amendment has not yet been read in its entirety.

The CHAIRMAN. The Clerk will report the entire amendment.

The Clerk read as follows:

At the end of the motion of the gentleman from Illinois insert a comma and the following language: "with instructions to the Committee on Agriculture to report the same back forthwith as amended by the amendments adopted in the Committee of the Whole House on the state of the Union, with favorable recommendation."

Mr. BEGG. Mr. Chairman, I make the point of order that that motion is not in order because the committee just decided to do the opposite.

Mr. BLANTON. Mr. Chairman, I make the point of order it is an amendment in the third degree and therefore out of order.

Mr. CANNON. Mr. Chairman—

The CHAIRMAN. The Chair would like to hear the gentleman from Missouri on his point of order.

Mr. CHINDBLOM. Will the gentleman from Missouri permit me to make another point of order?

Mr. CANNON. Yes; I yield to the gentleman.

Mr. CHINDBLOM. Mr. Chairman, the gentleman yields to me to make the further point of order that the motion in effect is the same as the motion that has already been made by the gentleman from Iowa [Mr. HAUGEN].

Mr. CANNON. Does the Chair desire to hear me on the point of order?

The CHAIRMAN. A point of order has been made against the gentleman's motion, and the Chair will be pleased to hear the gentleman on the point of order.

Mr. CANNON. In Volume V of Hinds' Precedents, section 5754, it is held that the motion to refer to a committee without recommendation is subject to amendment unless the previous question has been ordered. Of course, in this case the previous question can not be ordered in Committee of the Whole. On page 110 of Procedure of the House—

Mr. GARRETT of Tennessee. Mr. Chairman, if the gentleman will yield to me I would like to have the motion reported again so that we may have it in mind. Will the gentleman yield to have the motion again reported?

Mr. CANNON. I yield to the gentleman for that purpose. The motion was again reported.

Mr. GARRETT of Tennessee. Mr. Chairman, I would like to ask what is the point of order that is now pending?

Mr. SNELL. Mr. Chairman, I desire to make a further point of order.

Mr. GARRETT of Tennessee. The gentleman from Ohio made a point of order. Let us see what it is that is pending.

Mr. BEGG. The point of order which I made, Mr. Chairman, I do not believe would stand, and therefore I am not going to press my point of order.

Mr. GARRETT of Tennessee. I think the gentleman made the point of order that this was undoing a thing that the committee had just done.

Mr. BEGG. That is the point of order I made, but my attention was called, I will say to the gentleman, to the fact that the committee had not done the thing literally which I had in mind; they had only given evidence of what they will do.

Mr. CHINDBLOM. Mr. Chairman, I make the point of order that this amendment is of the same content and to the same effect as the original motion for which the Madden motion is a substitute or amendment.

The CHAIRMAN. And on that point the Chair will be glad to hear the gentleman from Missouri.

Mr. CHINDBLOM. If the Chair will permit, I would like to make a further point of order after having heard the amend-

ment again reported, and that is that it is not within the power of the Committee of the Whole to recommend to the House that the House shall instruct the Committee on Agriculture to agree to amendments already adopted in the Committee of the Whole. That would be contained in the motion to recommit, which is in order in the House only after the third reading of a bill.

Mr. CANNON. That is the very point on which I desire to be heard.

Mr. BLACK of New York. I want to make the further point of order, Mr. Chairman, that the amendment can accomplish nothing, because we already have the bill and the situation which the gentleman proposes by his amendment, and it is therefore a useless proceeding.

Mr. CANNON. Mr. Chairman, several points of order have been made against this motion. The first one, made by the gentleman from Ohio, was that it was undoing what had just been done by the committee. The only action taken by the committee was on the decision of the chairman holding that the motion was in order, and certainly if the motion is in order a germane amendment to that motion is in order. This effectively disposes of the point of order made by the gentleman from Ohio [Mr. BEGG].

The second point of order made was that this motion is not permitted in the Committee of the Whole. In Volume V of Hinds' Precedents, section 4721, it was held that a motion to rise with instructions to report with recommendation to refer was in order, and of course if in order is subject to amendment.

The gentleman from Illinois [Mr. CHINDBLOM], one of the ablest parliamentarians of the House, makes the point of order that it is not in order to move to amend with instructions to report forthwith.

In the Sixty-second Congress, second session, CONGRESSIONAL RECORD, page 6976, that very point is decided, and it was held—I do not remember the name of the chairman who decided the point of order—that it was in order to move to recommit with instructions to report forthwith, which is precisely the situation before us here.

Mr. SNELL. Will the gentleman yield for a question?

Mr. CANNON. Certainly; I yield to the gentleman from New York.

Mr. SNELL. By your motion are you not trying to do by indirection what, by the previous motion, you could not do by direction?

Mr. CANNON. The Chairman is well aware that this is a stereotyped motion in the House. It is a stock method of procedure. When a motion is made to rise and report with recommendation that it be referred, a motion is in order to amend that motion by adding instructions that they report forthwith. This has been done here time and time again.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. CANNON. Yes.

Mr. CHINDBLOM. Mr. Chairman, I want to make my point a little clearer, perhaps, than I made it in the first instance. When we go back into the House, under the general rules of the House which are governing, notwithstanding any action the committee may take, it will be the orderly procedure, the necessary orderly procedure, for the House to proceed to consider the bill and the amendments if action is taken upon the bill and the amendments, whatever that action may be. If action is taken on the bill and the amendments, whatever that action may be, the gentleman by his motion then will seek, upon a motion to recommit, to instruct the Committee on Agriculture to act upon a proposition upon which the House has already acted.

Mr. CANNON. After we get back into the House, if that situation should arise, the gentleman could then debate that point of order. The motion has been made here that the committee rise, with the recommendation to refer the bill to the Committee on Agriculture, and it is in order to instruct that committee to report forthwith. That has been done repeatedly.

Mr. CHINDBLOM. My point is this: The gentleman seeks in effect to change the rules of the House procedure. The gentleman seeks to amend the rules, namely, provide a method by which before there has been a vote on the bill or a vote on the amendment, he seeks to instruct the standing committee.

Mr. CANNON. Unfortunately for the gentleman's contention the House has repeatedly done that very thing.

The CHAIRMAN. The Chair will ask the gentleman from Missouri if he can cite a precedent where a motion in the Committee of the Whole House on the state of the Union to recommend to the House that the bill be referred to a standing committee with instructions to that committee to report back a bill in the identical shape that the Committee of the Whole reports the bill to the House was held in order?

Mr. CANNON. That has been done repeatedly. Here are cases in the Hinds' Precedents, volume 4, sections 4761 and 4762.

Mr. CHINDBLOM. The gentleman from Missouri is making a motion that would change the rules of the House.

Mr. BEGG. Mr. Chairman, I want to call the Chair's attention to the fact that the rules of the House give preference to the motion made by the gentleman from Illinois. An appeal was made from a decision of the Chair saying that was the rule of the House, and the committee sustained the Chair. So undoubtedly it is the rule to give preference to the motion of the gentleman from Illinois. If the gentleman from Missouri is permitted to offer his motion, he forces a violation of that rule, and no man is permitted to offer an amendment or a motion that violates the rules of the House. I make the point of order that the motion of the gentleman to amend is not in order.

The CHAIRMAN. It seems to the Chair that it would be an idle procedure for the Committee of the Whole House on the state of the Union, or the House itself, to adopt the motion made by the gentleman from Missouri [Mr. CANNON]. The Chair was anxious to get the citation of a precedent for the motion, but he has been unable to find one and his attention has not been directed to any. If the House wants to do what the gentleman from Missouri seeks to do, it can vote down the motion of the gentleman from Illinois [Mr. MADDEN] and vote up the motion of the gentleman from Iowa [Mr. HAUGEN], and when it goes into the House adopt the bill with the amendments, without going through the idle ceremony of having the bill referred to the Committee on Agriculture with instructions to report back the identical proposition before the House when it rose if it adopts the motion of the gentleman from Iowa.

Mr. HOCH. Mr. Chairman, could not that same argument be made on the motion to refer before the House committee decided to sustain the decision of the Chair that the committee has power to recommend to the House that the bill be referred back to the committee? If we have the power, as they say, to recommend to the House, how can it be said in logic that we do not have the power to add to the motion to report back certain instructions?

The CHAIRMAN. The Chair has only ruled on the specific motion before the committee. It seems to the Chair an idle ceremony to vote on the motion of the gentleman from Missouri. If the House desires to take the action which he recommends, it can do so in a much more direct and simple manner.

Mr. HOCH. The Chair is arguing on the ground that it might be an idle thing, but that does not go to the parliamentary question. I was endeavoring to call the attention of the House to the fact that the committee might have done the same thing in the preceding situation. The sole question is the right of the committee to recommend to the House that it refer back to the Agricultural Committee the bill and amendments, and whether we now have the right to amend the motion by saying that we shall refer it with certain instructions. I call attention to the fact that the very sections relied upon to sustain the Chair in holding that the committee had the right to recommend to the House a reference to the committee, section 771 of the Manual says that a motion may be amended by adding instructions. The rules with reference to the motion to refer contain the provision that it may refer with instructions. If the committee may recommend a reference to the Committee on Agriculture, I see no reason or logic why we can not recommend to the House that we refer it with certain instructions, and that is what the gentleman from Missouri is attempting to do.

The CHAIRMAN. The Chair perhaps can not make himself any clearer than he has already done; but it seems to the Chair that the motion of the gentleman from Missouri [Mr. CANNON] is an idle motion, and that there is no reason why it should be voted on. The House can arrive at the same result in a much more direct way, and the general rule of procedure is that whatever action aids the House to reach an agreement or come to a final conclusion on a proposition more quickly and in more simple fashion ought to be adopted. The Chair therefore sustains the point of order.

Mr. MADDEN. Mr. Chairman, I rise to prefer a unanimous-consent request that I be permitted to address the House for not to exceed five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to address the House for five minutes. Is there objection?

Mr. WEFALD. Mr. Chairman, a few moments ago I objected to a similar request on the part of the gentleman from Illinois. I understand now that those who are in charge of the Haugen bill would like to have the gentleman speak. I do

not like to take anyone off the floor. The leadership of the Haugen bill has floundered enough in this debate already, so I withdraw my objection.

Mr. LAGUARDIA. Mr. Chairman, reserving the right to object, I would like to offer an amendment to the motion made by the gentleman from Illinois and would like to have it pending during the time the gentleman occupies the floor. May I offer my amendment now to the gentleman's motion?

The CHAIRMAN. The Chair thinks the request of the gentleman from Illinois should be put and acted upon first. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none. The gentleman from Illinois is recognized.

Mr. MADDEN. Mr. Chairman and gentlemen, I have felt that I ought to explain why I made the motion which I have made and to express the hope that something can be worked out which will be of some advantage to the farmer before we get through. I do not want the House to understand that I am antagonistic to any proper legislation for the development of the agricultural prosperity of the country. On the other hand, I want the House to realize that I am thoroughly in earnest when I say that I am deeply interested and that I hope something will be done; but I have certain reasons why I could not agree to the Haugen bill in its present form.

Mr. RUBEY. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. RUBEY. If this motion of the gentleman is agreed to, and the bill goes back to the committee and the committee brings it in, then in what position will the bill be?

Mr. MADDEN. I would like very much to see the committee bring in something when they get through with a proper study of it.

Mr. RUBEY. They will bring in a bill, because they are for this legislation, and they are for this bill; but when the bill comes back here what will become of it?

Mr. MADDEN. Of course, I am only one Member of the House.

Mr. RUBEY. Will we have to have a rule to bring it on the floor of the House to have it considered?

Mr. MADDEN. I am not in a position to answer that question.

Mr. RUBEY. Will that be the parliamentary situation?

Mr. MADDEN. Mr. Chairman, I think the gentleman ought to permit me to make my statement.

Mr. RUBEY. I would like to know whether we are going to get any legislation at all or not.

Mr. MADDEN. I can not tell. I should like to make my statement without interruption. I dictated it before I came into the House this morning so that I might present a concrete expression of my opinion, just exactly as it is.

I have been more than hopeful that some solution of the farm problem would be worked out without invading the Treasury for a subsidy.

Twenty-one patriotic men on the Agricultural Committee have worked earnestly for months to find some legislative solution. That they have not succeeded is attested by the three bills which the committee seemed compelled to report out in order to get the matter before the House. Each of these bills approach the subject from an entirely different angle. It was clear that with the committee hopelessly divided the question could not be worked out in the House. Of course some will contend that it has been. To this I regret I can not agree.

No one is more sympathetic with the problems which confront the farmers than I. No one would be more willing to give the best there is in him to a solution of those problems, but when they are solved they should be solved with a certainty that it is going to work. I doubt if anyone who has been active in promoting the pending legislation agrees in his own mind that what is proposed is practicable. In fact, everyone with whom I have spoken, even the most enthusiastic advocates of the pending subject, express doubt on the ultimate good that may result if the legislation should be finally enacted into law.

This is too important a question to pass over lightly; too intricate a problem to enter upon with uncertainty as to the outcome; too dangerous to undertake with the prospect of a continued subsidy from the Treasury.

Economic laws can not be changed by legislation. Prosperity may be retarded by delay, but the future good of the Nation should be the paramount thing looked forward to; the independence of every industry to work out its own salvation under economic laws best suited to our situation.

We have a responsibility to see that our prosperity is not invaded or retarded by foreign nations, and to the extent that we can prevent them from invading our territory by the proper protection of our own rights we should do that, but among ourselves we should stand in an independent position, meeting the

issues as they arise, taking the profits or losses, as the case may be, and adjust ourselves to the situation in such a way as to improve the conditions by our own actions.

It seems to me that the question before us is of such importance that it would be far better that no legislation be enacted at this session than that we should enter upon an uncertain field. It is of such importance that it should be studied with great care by the best experts before final action is taken by this body, if action is found to be necessary at all. It is better that it should be solved right, even if it is solved later, than it should be solved wrong by immediate action.

Mr. WEFALD. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. SCHAFER. Does the gentleman not think that if this great Government—

Mr. MADDEN. Oh, I yielded to the gentleman from Minnesota [Mr. WEFALD].

Mr. WEFALD. Was not the gentleman in this House when we voted a large subsidy to the railroads?

Mr. MADDEN. No; I never voted for a subsidy bill except the subsidy bill that was intended to preserve the \$3,300,000,000 which was invested by the American people in the building of ships during the war and for the purpose of the war.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. No; I do not yield to anyone except the gentleman from Minnesota [Mr. WEFALD]. That is the only one that I ever voted for, and in that case I introduced an amendment that prohibited the appropriation of a single dollar in any year in which the subsidy might be in existence except after a complete report to the Committee on Appropriations of the House, with detailed statements as to the validity of the payment of the appropriation in every instance, and the gentleman from Wisconsin will certify to that.

Mr. NELSON of Wisconsin. That is correct.

Mr. MADDEN. Mr. Chairman, we should every one join in any legitimate movement to foster and promote the country's prosperity and particularly the prosperity of those who are engaged in agriculture, but in doing this we should be mindful that when we enter upon a subsidy proposal for any section of our citizenship we must expect that a demand will be made for similar subsidies by every other section of the citizenship, and because of this I find myself reluctantly compelled to advocate a further study of the existing agricultural problem by these 21 patriotic men who compose the membership of the Agricultural Committee of the House. They are to be commended for their patience, their industry, and their untiring efforts to meet the issue, and I feel sure that sooner or later they will find a satisfactory way out of the existing difficulty.

I do not advocate the defeat of this legislation, but I advocate a further study of it. I feel sure that if we send this bill back to the Committee on Agriculture that committee will do everything within its power to report a bill back within the not distant future which will adequately meet the issues in the case, and which can be passed by the Congress.

Mr. SINNOTT. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. LAGUARDIA. Mr. Chairman, I have an amendment which I desire to offer.

Mr. McLAUGHLIN of Nebraska rose.

The CHAIRMAN. The Chair thinks that he should recognize first a member of the committee.

Mr. McLAUGHLIN of Nebraska. Mr. Chairman, I ask unanimous consent to address the House for five minutes.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to address the House for five minutes. Is there objection?

Mr. LAGUARDIA. Mr. Chairman, for the time being I shall object, until I have had my amendment passed. I offer the following amendment, which I send to the desk.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA to the motion of the gentleman from Illinois [Mr. MADDEN]: At the end of the motion of Mr. MADDEN, strike out the period, insert a comma, and add the following: "and the committee further recommends to the House that the said Committee on Agriculture be instructed to report a farm relief bill within 10 days."

Mr. LEHLBACH. Mr. Chairman, I make the point of order.

Mr. CANNON. I make the point of order that it is not in order to instruct the committee to report at any specific time, and I would like to be heard on the point of order.

Mr. CHINDBLOM. Mr. Chairman, I make the point of order it is an amendment to the rules of the House. The rules of

the House do not require any committee to report within 10 days. The rules prescribe how the committee shall proceed, and this is an amendment to the rules.

Mr. LAGUARDIA. Mr. Chairman, may I be heard on the point of order for a moment? The situation is very clear. A motion was made that the committee rise and report back to the House a certain bill with a recommendation that the bill and amendments pass. Thereupon the gentleman from Illinois [Mr. MADDEN] offered an amendment to refer the bill back to the committee. What happened in the House is fresh in the Chairman's mind. Thereafter the gentleman from Missouri offered an amendment instructing the committee to report immediately the Haugen bill with amendments, and the Chair ruled that that was an idle gesture, for the reason stated by the Chair, that the House could vote down the Madden amendment and vote up the Haugen motion and pass the bill.

Mr. BLANTON. Will the gentleman yield?

Mr. LAGUARDIA. In one second. I submit to the Chair that if it is in order to make a recommendation to the House that a bill be referred to the committee, it is in order to add to the recommendation that it be reported back within 10 days.

Mr. BLANTON. Will the gentleman yield?

Mr. BURTNES. Mr. Chairman, I desire to be heard on the point of order.

Mr. BLANTON. Mr. Chairman, the gentleman from New York yielded.

Mr. CANNON. Mr. Chairman, in order to avoid debate, I withdraw the point of order.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the Chair announced the ayes appeared to have it.

On a division (demanded by Mr. LAGUARDIA) there were—ayes 60, noes 90.

So the amendment was rejected.

Mr. MADDEN. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Illinois moves that all debate on this amendment and all amendments thereto close in five minutes.

Mr. WILLIAMSON. Mr. Chairman, I move an amendment that debate close in eight minutes.

Mr. CHINDBLOM. Mr. Chairman, I make the point of order that no motions are in order.

Mr. GARRETT of Tennessee. Mr. Chairman, I do not object to debate continuing, but I would like to ask what is the regular order?

The CHAIRMAN. The regular order is the vote on the motion of the gentleman from Illinois.

Mr. GARRETT of Tennessee. That has been adopted.

SEVERAL MEMBERS. No.

Mr. McLAUGHLIN of Nebraska. Mr. Chairman, I ask unanimous consent to proceed for eight minutes.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to proceed for eight minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. McLAUGHLIN of Nebraska. Mr. Chairman and gentlemen of the House, we are approaching a time very shortly which, in my judgment, is one of the most serious and important times that has occurred in this House for many years. For 90 days the question of agricultural legislation has been very carefully considered by the Committee on Agriculture of the House, and had it not been for the fact that at the very close of those hearings, almost the very last day of the hearings, after nothing but the so-called committee bill, or the Haugen bill, had been under consideration, that a bill was brought before us, which was said to be the administration bill. Whether it was or not, I do not know; but had that not been dropped in and had not the plea been made to members of the committee that the administration bill ought at least to have consideration, the Haugen bill would have been reported out of the committee by a goodly majority. [Applause.]

Now, gentlemen, what is the situation? More than 90 per cent of the farm organizations of this Nation—East, West, North, and South—have gone on record for the Haugen bill. Not a single organization has yet appeared before the Committee on Agriculture, and none have approached this House in the interest of the Aswell bill or the Tincher bill. You have the voice of the country, you have the voice of the farmers, about 40 per cent of the population of this country, speaking to you and asking you for a bill which they, through their organizations, through their leaders, and through themselves, have been studying for many years—if you give them this legislation; and if it does not solve their problem it is their funeral

and not yours. Now comes the gentleman from Illinois—after we thought we had a distinct understanding that we were going to get a straight out-and-out vote on this measure—he comes in with a motion to recommit to the Committee on Agriculture and makes a plea here for legislation, and then refuses to support us in a motion to have the committee report back within 10 days, but states on the floor of this House that we ought to have more time to consider it and we ought to wait until fall.

Mr. FULMER. Mr. Chairman, will the gentleman yield there?

Mr. McLAUGHLIN of Nebraska. Yes.

Mr. FULMER. I just want to inform my friend that the reason for it is to save the skin of Democrats and Republicans who do not want to vote directly on the question. [Applause.]

Mr. McLAUGHLIN of Nebraska. Now, Mr. Chairman, the farmers of this Nation have waited for nearly six long years for help, and they are still pleading before us, because their condition is steadily growing worse instead of better, and we go to them now and say, "We will put it off until fall or some indefinite time."

Mr. SINNOTT. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN of Nebraska. Yes.

Mr. SINNOTT. Has the gentleman thought of the anomalous position the House will be in if the motion of the gentleman from Illinois [Mr. MADDEN] carries? If that motion carries the bill is reported to the House with the motion to recommit. On the bill also, under the rule, when it is reported to the House, the previous question is considered ordered. When the previous question is ordered there is always one motion to recommit in order. Therefore, you will practically permit two motions to recommit to be pending in the House at the same time if the motion of the gentleman from Illinois carries.

Mr. McLAUGHLIN of Nebraska. That is very true.

Now, just one concluding word with reference to the statement the gentleman from Illinois [Mr. MADDEN] made, that before we enact legislation of this kind we must be certain as to what it will do.

I tell you that with respect to no other piece of legislation that Congress has ever adopted has the same plea been made. There is never a certainty as to how any measure will work out, neither in the case of a tariff measure, nor a revenue measure, nor any other great legislative measure. In this case alone they tell you that you must have absolute certainty as to how it will work out.

I have studied this question for many years, and I come from a section of the country where a seventh-grade child in the schools of Nebraska can figure out what the equalization fee will be more quickly and accurately than can the gentleman from Kansas [Mr. TINCHER]. [Laughter.]

I happened to be sitting in this Chamber yesterday by the side of a very distinguished New England Representative, and he was talking to another distinguished Representative, and one said to the other, "I do not understand this business. Do you?" The other answered: "No; I do not know a darn thing about it, and I have not had a chance to think about it, and I am going to vote against everything." We have men in this House who acknowledge that they know nothing about the farm problem, and who say: "Because I do not know anything about it and have not had time to study it I am going to vote against everything."

Mr. WEFAULD. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN of Nebraska. Yes.

Mr. WEFAULD. This motion to recommit is the second attempt on the part of the administration to kill the Haugen bill this session, is it not?

Mr. McLAUGHLIN of Nebraska. Perhaps so. I have been in hopes the leaders would see the light, but I admit now it looks like there is a concerted effort to defeat this legislation.

Mr. WEFAULD. First by the Tincher bill and now by this motion.

Mr. McLAUGHLIN of Nebraska. I do not know whether the bill of the gentleman from Kansas [Mr. TINCHER] is an administration bill or not. The gentleman from Kansas endeavors to give out the impression that his bill is the administration bill, but I doubt if the President knows about it. The situation reminds me, gentlemen, of a story I heard of a widow who had a small boy about 8 years old. One evening when he came home from school she called him in and said, "Johnny, I want to convey a secret to you, and I do not want you to tell your schoolmates about it. I feel that I ought to take you into my confidence. I am going to marry Doctor Johnson." And the boy said, "Bully for you, Ma! Does the doctor know it yet?" [Laughter and applause.]

Mr. TINCHER. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to proceed for five minutes. Is there objection?

Mr. FULMER. Reserving the right to object, Mr. Chairman, will the gentleman yield me three minutes?

Mr. TINCHER. Make it eight minutes, Mr. Chairman.

Mr. RUBEY. Let us make it an hour, and give us all a chance to talk. I shall object unless you make it an hour.

The CHAIRMAN. Objection is heard. The question is on the motion offered by the gentleman from Illinois [Mr. MADDEN].

The question was taken, and the Chairman announced that the ayes appeared to have it.

Mr. DOWELL. Mr. Chairman, a division.

Mr. McLAUGHLIN of Nebraska. Mr. Chairman, I call for a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 197, noes 176.

Mr. FUNK. Mr. Chairman, I demand tellers.

The CHAIRMAN. Tellers are demanded.

Tellers were ordered, and the Chairman appointed Mr. HAUGEN and Mr. MADDEN to act as tellers.

The committee again divided; and the tellers reported—ayes 171, noes 166.

So the motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MAPES, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 11603) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities, had directed him to report the same back to the House with certain amendments, with the recommendation that the bill and all amendments thereto be referred to the Committee on Agriculture.

The SPEAKER. The gentleman from Michigan [Mr. MAPES], Chairman of the Committee of the Whole House on the state of the Union, reports that that committee, having under consideration the bill (H. R. 11603) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities, had directed him to report the same back with certain amendments, with the recommendation that the bill and all amendments thereto be referred to the Committee on Agriculture. The question is on agreeing to the recommendation of the Committee of the Whole. As many as are in favor thereof will, when their names are called, answer "yea"; those opposed, will answer "nay."

Mr. BURTNES. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. BURTNES. We are operating under a special rule, the last sentence of which reads as follows:

At the conclusion of the reading of the bill the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage.

The Chairman of the Committee of the Whole House on the state of the Union has just reported to the House the bill with the amendments that were adopted in such Committee of the Whole. Therefore under the rule the previous question has now been ordered on the bill and the amendments—and I am quoting from the rule—"to final passage."

Mr. RAMSEYER. Will the gentleman yield?

Mr. BURTNES. Yes.

Mr. RAMSEYER. Is not the situation this: Notwithstanding the illegal proceedings in the Committee of the Whole, that under the rule the Haugen bill with amendments is now, in fact, before us?

Mr. BURTNES. Exactly. That is the very point of order I am making, that under the rule the only vote that can now be taken, regardless of what the recommendation of the Committee of the Whole House on the state of the Union is, is the vote on the Haugen bill and amendments, as provided by the rule, to final passage. This is a special rule adopted by the vote of the House for the consideration of this specific bill, and I therefore make the point of order against any attempt to vote upon the question as to whether the recommendation of the Committee of the Whole House on the state of the Union shall be agreed to or not.

Mr. BLANTON. Mr. Speaker, I make a point of order against the point of order made by the gentleman from North Dakota, that if the gentleman's point of order had any standing at all it should have been made in the committee, and it has no place in the House because the committee has reported its action to the House for confirmation. It might have been in order to have heard it in the committee, but it is out of order here.

Mr. RAMSEYER. The gentleman evidently was not present. That point of order was made, argued, and overruled.

Our position is that the proceedings of the Committee of the Whole, in view of this special rule giving specific directions as to the proceedings, were erroneous; that it was not within the power of the Committee of the Whole to adopt a course in violation of the special rule; therefore, what is now in fact before the House under the rule is the Haugen bill, with amendments, and the only thing we can do here is to consider the Haugen bill with amendments.

Mr. TILSON. Will the gentleman yield for a question?

Mr. RAMSEYER. Yes.

Mr. TILSON. If the committee had made the recommendation that the enacting clause be stricken out, then does the gentleman contend that that would have been illegal under the rule?

Mr. RAMSEYER. That is a motion that would have been in order before conclusion of the reading of the bill.

Mr. TILSON. It was in order.

Mr. RAMSEYER. The gentleman when he was arguing here, more against this kind of legislation than he was on the rule, and trying to cite some precedents studiously avoided construing the last sentence in this rule. We are proceeding under a special rule which is specific as to what shall be done at the conclusion of the reading of the bill. Read the rule and interpret English according to the ordinary rules of interpretation.

Mr. TILSON. Will the gentleman contend that nothing can be done upon the recommendation of the committee except to vote upon the final passage of the bill? Is that the gentleman's contention?

Mr. RAMSEYER. My contention is that at the conclusion of the reading of the bill that the bill, with amendments, is before the House under the general rules of the House. Separate votes could be demanded upon the various amendments, and, of course, a motion to recommit would always be in order.

Mr. TILSON. And the gentleman would treat the recommendation of the Committee of the Whole as a nullity?

Mr. RAMSEYER. Exactly; under the special rule of the House it is a nullity. Probably that is a better word than the words I used before—"illegal" and "erroneous." I thank the gentleman for helping me out. It is a nullity.

Mr. BEGG. Will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. BEGG. Suppose the Committee of the Whole, after the bill had been read, had carried a motion to strike out the enacting clause and had made that report to the House—then what is the contention of the gentleman?

Mr. RAMSEYER. I answered that question once. Under the rules of the House a motion to strike out the enacting clause would have been in order at any time during the consideration of the bill. It was made once and voted down, but at the conclusion of the reading of the bill it is to be reported to the House for final passage. All I ask the gentleman to do is to read the language of the special rule, and all I ask the Speaker to do is to follow the language of the special rule under which we have been operating here during the consideration of this bill.

The SPEAKER. The Chair is prepared to rule. The Chair thinks the situation is absolutely clear, and the Chair does not think he has the right to put any question except the question as to whether the House will follow the recommendation of the committee. The contention of the gentleman from Iowa would have been in order if the committee had recommended to the House the passage of the bill, but the committee did not make that recommendation; the committee recommended that the bill and amendments should be referred to the Committee on Agriculture. Therefore the Chair can take no other course than to overrule the point of order, and the question is, Shall the recommendation of the Committee of the Whole House on the state of the Union that the bill be referred to the Committee on Agriculture be adopted by this House?

Mr. DOWELL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. HOWARD. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Nebraska rise?

Mr. HOWARD. To ask a question for information. I do not want any Member of the House to vote upon this motion without proper information or vote upon something he does not understand, and the question I desire to propound now is this: The Tincher bill having been officially announced as the administration bill, and that bill having been withdrawn, is there any bill before the House now in behalf of the administration?

The SPEAKER. The gentleman does not state a parliamentary inquiry.

Mr. CANNON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CANNON. I believe we are entitled to know what we are voting on here, and I want to submit this as a parliamentary inquiry. If this motion is agreed to and the bill is referred to the Committee on Agriculture, will farm legislation be back in precisely the same situation it was last fall, when the Congress first convened; second, if this motion is agreed to and the bill is referred to the Committee on Agriculture, is the Committee on Agriculture under any necessity of reporting at this session of Congress?

Mr. BRITTEN. Mr. Speaker, I demand the regular order.

The question was taken; and there were—yeas 182, nays 200, answered "present" 1, not voting 48, as follows:

[Roll No. 93]

YEAS—182

Ackerman	Deal	Kincheloe	Rogers
Aldrich	Dempsey	Kindred	Sanders, N. Y.
Almon	Dominick	Kirk	Sandlin
Andrew	Douglass	Kunz	Seger
Appleby	Doyle	Lanham	Shreve
Aswell	Dyer	Lazaro	Snell
Bacharach	Eaton	Leibbach	Somers, N. Y.
Bacon	Ellis	Linthicum	Sosnowski
Bailey	Esterly	McDuffie	Spearling
Beedy	Fairchild	McLaughlin, Mich.	Sproul, Ill.
Begg	Fenn	McLeod	Stalker
Bell	Fitzgerald, Roy G.	McMillan	Stephens
Berger	Fletcher	MacGregor	Stevenson
Bixler	Fort	Madden	Stobbs
Black, N. Y.	Foss	Magee, N. Y.	Strong, Pa.
Blund	Freeman	Magee, Pa.	Strother
Bloom	Frothingham	Magrady	Swartz
Bowles	Gambrill	Mapes	Sweet
Bowman	Garrett, Tenn.	Martin, La.	Taber
Brand, Ga.	Gibson	Martin, Mass.	Taylor, N. J.
Brigham	Gifford	Merritt	Temple
Britten	Gilbert	Michener	Thatcher
Bulwinkle	Glynn	Mills	Tilson
Burton	Goldsborough	Montague	Tincher
Butler	Gorman	Montgomery	Tinkham
Carpenter	Graham	Mooney	Tolley
Carter, Calif.	Hale	Moore, Ky.	Treadaway
Chalmers	Hardy	Moore, Ohio	Tucker
Chapman	Hare	Moore, Va.	Tydings
Chindblom	Hawley	Nelson, Me.	Vaile
Collier	Hershey	Newton, Minn.	Vincent, Mich.
Collins	Hill, Md.	Newton, Mo.	Vinson, Ga.
Connery	Hooper	Norton	Vinson, Ky.
Connolly, Pa.	Houston	O'Connell, R. I.	Voigt
Cooper, Ohio	Huddleston	O'Connor, La.	Wainwright
Cox	Hudson	Oliver, N. Y.	Wasow
Coyle	Hull, Morton D.	Parker	Watres
Cramton	Jacobstein	Patterson	Watson
Crisp	Jenkins	Phillips	White, Me.
Crosser	Johnson, Wash.	Porter	Whitelhead
Crumpacker	Kahn	Pratt	Wilson, La.
Cullen	Kearns	Ragon	Wolverton
Curry	Kelly	Rankin	Wright
Darrow	Kemp	Reece	Wyant
Davenport	Ketcham	Reed, N. Y.	
Davey	Kless	Robison, Ky.	

NAYS—200

Abernethy	Edwards	Johnson, Ill.	Parks
Adkins	Elliott	Johnson, Ind.	Peery
Allen	Eslick	Johnson, S. Dak.	Pou
Allgood	Evans	Johnson, Tex.	Purnell
Andresen	Faust	Jones	Quin
Anthony	Fish	Keller	Rainey
Arentz	Fisher	Kerr	Ramseyer
Arnold	Fitzgerald, W. T.	Kiefner	Rathbone
Ayres	Frear	King	Rayburn
Barbour	French	Knutson	Reed, Ark.
Beck	Fuller	Kopp	Reid, Ill.
Beers	Fulmer	Kurtz	Robinson, Iowa
Black, Tex.	Funk	Kvale	Romjue
Blanton	Furlow	LaGuardia	Rowbottom
Boies	Garber	Lampert	Rubey
Bowling	Gardner, Ind.	Lankford	Rutherford
Box	Garrett, Tex.	Larsen	Sabath
Brand, Ohio	Gasque	Lea, Calif.	Sanders, Tex.
Briggs	Goodwin	Leatherwood	Schaefer
Browne	Green, Fla.	Leavitt	Schneider
Browning	Green, Iowa	Letts	Scott
Brumm	Greenwood	Little	Sears, Nebr.
Buchanan	Griest	Lowrey	Shallenberger
Burtness	Griffin	Lozier	Simmons
Busby	Hadley	Lyon	Sinclair
Byrns	Hall, Ind.	McClintic	Sinnott
Canfield	Hall, N. Dak.	McFadden	Smith
Cannon	Hammer	McKeown	Speaks
Carew	Harrison	McLaughlin, Nebr.	Sprout, Kans.
Cars	Hastings	McTeynolds	Steagall
Carter, Okla.	Haugen	McSwain	Stedman
Christopherson	Hawes	McSweeney	Strong, Kans.
Clague	Hayden	Major	Summers, Wash.
Cole	Hickey	Manlove	Summers, Tex.
Colton	Hill, Ala.	Mansfield	Swank
Connally, Tex.	Hill, Wash.	Menges	Swing
Cooper, Wis.	Hoch	Miller	Taylor, Colo.
Crowther	Hogg	Milligan	Thomas
Davis	Holiday	Morehead	Thompson
Dentison	Howard	Morgan	Thurston
Dickinson, Iowa	Hudson	Morrow	Tillman
Dickinson, Mo.	Hull, Tenn.	Murphy	Timberlake
Doughton	Hull, William E.	Nelson, Mo.	Underwood
Dowell	Irwin	Nelson, Wis.	Updike
Drane	James	Oldfield	Upshaw
Driver	Jeffers	Oliver, Ala.	Vestal

Warren	White, Kans.	Williamson	Woodruff
Wefald	Whittington	Wilson, Miss.	Woodrum
Weller	Williams, Ill.	Winter	Yates
Wheeler	Williams, Tex.	Wood	Zihiman

ANSWERED "PRESENT"—1

Underhill

NOT VOTING—48

Auf der Heide	Flaherty	Mead	Sears, Fla.
Bachmann	Fredericks	Michaelson	Smithwick
Bankhead	Free	Morin	Sullivan
Barkley	Gallivan	O'Connell, N. Y.	Swoope
Boylan	Garner, Tex.	O'Connor, N. Y.	Taylor, Tenn.
Burdick	Golder	Peavey	Taylor, W. Va.
Campbell	Johnson, Ky.	Perkins	Vare
Celler	Kendall	Perlman	Walters
Cleary	Lee, Ga.	Prall	Weaver
Corning	Lindsay	Quayle	Welsh
Dickstein	Lineberger	Ransley	Wingo
Drewry	Luce	Rouse	Wurzbach

So the recommendation of the Committee of the Whole House on the state of the Union was rejected.

Mr. UNDERHILL. Mr. Speaker, I am paired with the gentleman from Alabama, Mr. BANKHEAD, and I therefore vote "present."

Mr. KINCHELOE. Mr. Speaker, my colleague, the gentleman from Kentucky, Mr. ROUSE, is absent from the city. He authorized me to say that if he were present he would vote "yea."

The Clerk announced the following pairs:

On this vote:

Mr. Welsh (for) with Mr. Taylor of Tennessee (against).
Mr. Underhill (for) with Mr. Bankhead (against).
Mr. Vare (for) with Mr. Weaver (against).

Until further notice:

Mr. Morin with Mr. Gallivan.
Mr. Wurzbach with Mr. Quayle.
Mr. Ransley with Mr. Sears of Florida.
Mr. Free with Mr. Corning.
Mr. Luce with Mr. Auf der Heide.
Mr. Kendall with Mr. Barkley.
Mr. Bachmann with Mr. Lee of Georgia.
Mr. Fredericks with Mr. Garner of Texas.
Mr. Golder with Mr. O'Connor of New York.
Mr. Campbell with Mr. Smithwick.
Mr. Perkins with Mr. Wingo.
Mr. Walters with Mr. Drewry.
Mr. Perlman with Mr. Boylan.
Mr. Swoope with Mr. Lindsay.
Mr. Peavey with Mr. Johnson of Kentucky.
Mr. Michaelson with Mr. Dickstein.
Mr. Lineberger with Mr. Prall.
Mr. Flaherty with Mr. Taylor of West Virginia.
Mr. Burdick with Mr. Rouse.
Mr. Mead with Mr. O'Connell of New York.
Mr. Cleary with Mr. Sullivan.

The result of the vote was announced as above recorded.

Mr. DOWELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DOWELL. Mr. Speaker, the bill having been reported to the House by the Committee of the Whole House and the House having refused to accept the special recommendation of the committee, is not the bill, with the amendments, now before the House under the rule for voting on the bill and the amendments thereto upon its final passage with the previous question ordered?

The SPEAKER. The Chair thinks the gentleman from Iowa is correct. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

Mr. ASWELL. Mr. Speaker, I move to recommit the bill with instructions.

The SPEAKER. The gentleman from Louisiana offers a motion to recommit, which the Clerk will report.

Mr. DOWELL. And on that I move the previous question, Mr. Speaker.

Mr. BLANTON. The motion should be first reported, Mr. Speaker.

Mr. DOWELL. I withdraw my motion for the present, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. ASWELL moves to recommit the bill to the Committee on Agriculture with instructions to report the same back to the House forthwith, striking out all after the enacting clause and inserting the following—

Mr. KINCHELOE. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Kentucky rise?

Mr. KINCHELOE. I would like to ask the gentleman from Louisiana if that is his original bill?

Mr. ASWELL. It is identically the bill as presented here.

Mr. DOWELL. Mr. Speaker, I make the point of order it is not germane to the Haugen bill before the House and is therefore not in order.

Mr. KINCHELOE. Mr. Speaker, the purpose for which I rose was to ask unanimous consent that the reading of the bill be dispensed with. It has been in the RECORD and everybody has read it.

The SPEAKER. The gentleman from Iowa makes the point of order that the bill is not germane. Does the gentleman withdraw his point?

Mr. DOWELL. No; I insist upon my point of order that under the rule adopted the motion of the gentleman from Louisiana is not in order and his amendment is not germane to the bill.

The SPEAKER. Clearly the gentleman is correct if the motion to recommit is not germane. It would be very difficult for the Chair to determine whether that is true or not—

Mr. DOWELL. I assume, if it is the bill that has been before the House for some time, it is generally known it is not germane to the bill that is under consideration.

The SPEAKER. Will the gentleman from Iowa point out wherein the motion to recommit is not germane?

Mr. DICKINSON of Iowa. Mr. Speaker, may I make a suggestion to the Chair?

Mr. ASWELL. I wish to remind gentlemen in good faith that we have been operating several days under a special rule, and this motion which I offer is the identical bill made in order by the special rule.

Mr. BURTNES. The gentleman from Louisiana was not acting under duress when he withdrew his bill in Committee of the Whole House on the state of the Union; I assume he was acting voluntarily.

Mr. ASWELL. The gentleman insults me when he asks that question. He does not know what he is talking about.

Mr. BURTNES. I am sorry if I have said anything that the gentleman thinks would insult him. I take it that the gentleman's action was voluntary when he withdrew his amendment.

Mr. ASWELL. The RECORD will show that I withdrew it temporarily only.

Mr. DOWELL. Mr. Speaker, the Chair is fully aware that the time and place for presenting this Aswell bill under the rule is long past. The gentleman had the proper time and the proper place to offer it. He did offer it under the rule when it was in order and then voluntarily withdrew it, and now seeks to present it when it is out of order.

The SPEAKER. The Chair will state that the only provision in the rule relating to germaneness is the provision that either the so-called Aswell bill or the Tincher bill could be offered in committee, the rule of germaneness to the contrary notwithstanding. That does not apply in the House.

Mr. RAMSEYER. Mr. Speaker, I think we can get an agreement or admission from the gentleman here that it never was regarded by anyone, either in the Committee on Agriculture or in the Committee on Rules, that the Aswell bill is germane to the Haugen bill. The object of getting this special rule to offer the substitute in Committee of the Whole was to obviate the rule as to germaneness. I do not think it will be contended by anyone that the Aswell bill is germane to the Haugen bill.

The SPEAKER. The Chair took occasion some time ago to examine the bills in their original forms and he was convinced that the Aswell bill was not germane to the Haugen bill, but there is some question in the mind of the Chair now as to what the Haugen bill is. In other words, the Chair has not followed all of the various amendments, and the Chair would be glad if the gentleman would point out wherein the provisions of the Aswell bill are not germane to the Haugen bill.

Mr. DICKINSON of Iowa. Mr. Speaker, in the first place the Haugen bill provides for a council to be selected from farm organizations under rules and regulations prescribed by the Secretary of Agriculture, they in turn to nominate men to make up the board, and that board is to be named by the President. That board is given certain powers in the matter of naming the agents to handle certain commodities on which they declare an operative period. They have a right to propose an equalization fee, and that fee is to be put into a fund to help take care of the surplus, either domestic or foreign.

On the other hand, the Aswell bill provides a selection from three farm organizations four names that are organized into a national corporation. There is no provision in the Haugen bill anywhere for the formation of a corporation of any kind. That corporation goes out and organizes market associations, or market producers associations, from the locality up to the dis-

trict, from the district to the national, and the national board of this corporation, the board of directors, have a right to fix their own salaries, have a right to use \$10,000,000 to promote the organization of these cooperative associations, and the right to collect the charges against these associations, or the local associations, through commodity assessments in order to pay the whole expenses of the national corporation that is to handle food commodities that the board brings under their jurisdiction.

Now there is nothing of that kind in the Haugen bill. The Haugen bill says that under certain conditions the board can designate an agent to go out and handle the commodity, naming what the commodities are. Under the Aswell proposition that board can handle any commodity in the United States that comes under the term "agricultural commodities." Under the Haugen bill they could handle only such designated commodities. That being the case, you can not substitute the Aswell bill as germane to the Haugen bill as it is now before the House.

The SPEAKER. The Chair thinks that it is not necessary to go far into detail. It seems to the Chair—and he is speaking from some examination of the two bills—that they differ very widely, that they attempt to accomplish different things, and they differ entirely in the machinery by which those things are to be accomplished. The Chair does not think the motion of the gentleman from Louisiana is germane, and sustains the point of order.

Mr. ASWELL. Mr. Speaker, would it be in order now to move to recommit the bill to the Committee on Agriculture?

The SPEAKER. It would.

Mr. ASWELL. Mr. Speaker, I move to recommit the Haugen bill to the Committee on Agriculture.

Mr. DOWELL. Mr. Speaker, on that I move the previous question.

The SPEAKER. The gentleman from Louisiana moves to recommit the bill to the Committee on Agriculture.

Mr. CANNON. Mr. Speaker, I make the point of order that the House has just passed upon that proposition and had decided not to refer it to that committee.

The SPEAKER. This is a motion in the House to recommit the bill. This does not involve the action of the Committee of the Whole House on the state of the Union. The question is on the motion of the gentleman from Iowa to move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Louisiana to recommit the bill to the Committee on Agriculture.

The question was taken, and the motion was rejected.

The SPEAKER. The question now is, Shall the bill pass?

Mr. RAMSEYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 167, nays 212, answered "present" 1, not voting 51, as follows:

[Roll No. 94]

YEAS—167

Abernethy	Fitzgerald, W. T.	Johnson, Ind.	Nelson, Mo.
Adkins	Frear	Johnson, S. Dak.	Oldfield
Allen	French	Jones	Oliver, Ala.
Allgood	Fuller	Keller	Purnell
Andresen	Fulmer	Kerr	Quin
Anthony	Funk	Kleefner	Rainey
Arentz	Furlow	King	Ramsayer
Arnold	Garber	Knutson	Rathbone
Ayres	Gardner, Ind.	Kopp	Reed, Ark.
Barbour	Garrett, Tex.	Kurtz	Reid, Ill.
Beck	Gasque	Kvale	Robinson, Iowa
Beers	Goodwin	Lampert	Romjue
Boles	Green, Fla.	Lankford	Rowbottom
Bowling	Green, Iowa	Larsen	Rubey
Brand, Ohio	Greenwood	Leatherwood	Rutherford
Browne	Grist	Leavitt	Sabath
Burtness	Hadley	Letts	Schafer
Canfield	Hall, Ind.	Little	Schneider
Cannon	Hall, N. Dak.	Lowrey	Scott
Carss	Hammer	Lozier	Scars, Nebr.
Carter, Okla.	Hardy	Lyon	Shallenberger
Christopherson	Harrison	McClintic	Simmons
Clague	Hastings	McFadden	Sinclair
Cole	Haugen	McKeown	Sinnott
Colton	Hawes	McLaughlin, Nebr.	Smith
Cooper, Wis.	Hayden	McTeynolds	Sproul, Kans.
Davis	Hickey	McSwain	Steagall
Denison	Hill, Ala.	McSweeney	Stedman
Dickinson, Iowa	Hill, Wash.	Magrady	Strong, Kans.
Dickinson, Mo.	Hoch	Major	Summers, Wash.
Doughton	Hogg	Manlove	Summers, Tex.
Dowell	Holiday	Mansfield	Swank
Elliott	Howard	Menges	Swartz
Eslick	Hull, William E.	Miller	Swing
Esterly	Irwin	Milligan	Taylor, Colo.
Evans	James	Morehead	Thomas
Faust	Jeffers	Morrow	Thompson
Fisher	Johnson, Ill.	Murphy	Thurston

Tillman	Warren	Williams, III.	Woodruff
Timberlake	Wefald	Williamson	Yates
Updike	Wheeler	Winter	Zihlman
Vestal	White, Kans.	Wood	
NAYS—212			
Ackerman	Darrow	Kemp	Robison, Ky.
Almon	Davenport	Ketcham	Rogers
Andrew	Davey	Kiess	Sanders, N. Y.
Appleby	Deal	Kincheloe	Sanders, Tex.
Aswell	Dempsey	Kindred	Sandlin
Bacharach	Dominick	Kirk	Seger
Bacon	Douglas	Kunz	Shreve
Bailey	Doyle	LaGuardia	Snell
Beedy	Drane	Lanham	Somers, N. Y.
Begg	Driver	Lazaro	Sosnowski
Bell	Dyer	Lea, Calif.	Spears
Berger	Eaton	Lehmbach	Sperring
Bixler	Edwards	Linthicum	Sprout, Ill.
Black, N. Y.	Ellis	McDuffie	Stalker
Black, Tex.	Fairchild	McLaughlin, Mich.	Stephens
Bland	Fenn	McMillan	Stevenson
Blanton	Fish	MacGregor	Stobbs
Bloom	Fitzgerald, Roy G.	Madden	Strong, Pa.
Bowles	Fletcher	Magee, Pa.	Strother
Bowman	Fort	Magee, N. Y.	Sweet
Box	Foss	Mapes	Taber
Brand, Ga.	Free	Martin, La.	Taylor, N. J.
Briggs	Freeman	Martin, Mass.	Temple
Brigham	Frothingham	Merritt	Thatcher
Britten	Gambrell	Michener	Tilson
Browning	Garrett, Tenn.	Mills	Tincher
Brumm	Gibson	Montague	Tinkham
Buchanan	Gifford	Montgomery	Tolley
Bulwinkle	Gilbert	Mooney	Treadway
Burton	Glynn	Moore, Ky.	Tucker
Busby	Goldsbrough	Moore, Ohio	Tydings
Butler	Gorman	Moore, Va.	Underwood
Byrns	Graham	Morgan	Upshaw
Carpenter	Griffin	Nelson, Me.	Vaille
Carter, Calif.	Hale	Newton, Minn.	Vincent, Mich.
Chalmers	Hare	Newton, Mo.	Vinson, Ga.
Chapman	Hawley	Norton	Vinson, Ky.
Chindblom	Hersey	O'Connell, R. I.	Voigt
Collier	Hill, Md.	O'Connor, La.	Wainwright
Collins	Hooper	Oliver, N. Y.	Watson
Connally, Tex.	Houston	Parker	Watres
Connery	Huddleston	Parks	Watson
Connolly, Pa.	Hudson	Patterson	Weller
Cooper, Ohio	Hudspeh	Peery	White, Me.
Cox	Hull, Tenn.	Phillips	Whitehead
Coyle	Hull, Morton D.	Porter	Whittington
Crauton	Jacobstein	Pou	Williams, Tex.
Crisp	Jenkins	Pratt	Wilson, La.
Crosser	Johnson, Tex.	Ragon	Wilson, Miss.
Crowther	Johnson, Wash.	Rankin	Wolverton
Crumpacker	Kahn	Rayburn	Woodrum
Cullen	Kearns	Reece	Wright
Curry	Kelly	Reed, N. Y.	Wyant

ANSWERED "PRESENT"—1

Underhill
NOT VOTING—51

Aldrich	Drewry	Mead	Sears, Fla.
Auf der Heide	Flaherty	Michaelson	Smithwick
Bachmann	Fredericks	Morin	Sullivan
Bankhead	Gallivan	Nelson, Wis.	Swoope
Barkley	Garnier, Tex.	O'Connell, N. Y.	Taylor, Tenn.
Boylan	Golder	O'Connor, N. Y.	Taylor, W. Va.
Burdick	Johnson, Ky.	Peavey	Vare
Campbell	Kendall	Perkins	Walters
Carew	Lee, Ga.	Perlman	Weaver
Celler	Lindsay	Prall	Welsh
Cleary	Lineberger	Quayle	Wingo
Corning	Luce	Ransley	Wurzbach
Dickstein	McLeod	Rouse	

So the bill was rejected.

The Clerk announced the following additional pairs:

On the vote:

Mr. Taylor of Tennessee (for) with Mr. Welsh (against).
Mr. Bankhead (for) with Mr. Underhill (against).
Mr. Weaver (for) with Mr. Vare (against).

Until further notice:

Mr. Aldrich with Mr. Corning.
Mr. McLeod with Mr. Celler.

Mr. KINCHELOE. Mr. Speaker, my colleague Mr. Rouse is absent from the city to-day, and has authorized me to say that if he were present he would vote "no."

The result of the vote was announced as above recorded.

On motion of Mr. TILSON, a motion to reconsider the vote by which the bill was rejected was laid on the table.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, I desire to make a statement in regard to the order of business. It is expected that to-morrow, Saturday, after the routine business and the disposition of matters on the Speaker's table, the rule for the consideration of the river and harbor bill will be taken up, with the understanding that next week, Tuesday, probably, the river and harbor bill will suspend for the day, or such part of the day as may be necessary, to allow the Committee on the Judiciary to consider two bills under a rule, which it had been expected would be brought up ahead of the river and harbor bill.

Mr. SNELL. And that was done by the unanimous agreement of the two chairmen.

Mr. TILSON. By unanimous agreement between all parties concerned.

Mr. CRAMTON. Mr. Speaker, what will be the program on Monday and Wednesday of next week?

Mr. TILSON. Wednesday, of course, will be Calendar Wednesday, and quite probably Calendar Wednesday business will be taken up. On Monday the river and harbor bill will probably go on unless there should be some very necessary and uncontested District legislation that may come up.

Mr. ZIHLMAN. Mr. Speaker, I would state to the gentleman from Connecticut that there is some very important and uncontested District legislation.

Mr. TILSON. The gentleman will realize that any very controversial matter ought not to be brought up at this time in the session.

Mr. BLANTON. But there will be two or three bills, I think, that we can agree upon.

Mr. TILSON. I shall be very glad to confer with the gentlemen in regard to those bills.

Mr. CHALMERS. Does the gentleman mean to say that there should not be any more controversial matters brought up at this session?

Mr. TILSON. Oh, I did not mean to say just that.

Mr. GARRETT of Tennessee. Is it the purpose of the gentleman from Connecticut not to consider any more controversial legislation?

Mr. TILSON. I just answered a similar question from the gentleman from Ohio [Mr. CHALMERS]. My statement in respect to controversial legislation applied to District matters only.

Mr. BRAND of Georgia. Mr. Speaker, will the gentleman yield?

Mr. TILSON. Yes.

Mr. BRAND of Georgia. When are we going to get any action on the McFadden bill?

Mr. TILSON. That is a privileged matter. It is on the Speaker's table and can be called up at any time.

Mr. JACOBSTEIN. Do I understand the administration is likely to report a coal bill?

Mr. TILSON. The administration does not report coal bills in this House.

ENROLLED BILL SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

S. 1039. An act to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, 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. 616. An act for the relief of Ernest F. Church;

H. R. 2209. An act for the relief of C. T. Kitchen;

H. R. 2210. An act for the relief of R. E. Neumann and wife;

H. R. 3807. An act granting relief to the Metropolitan police and to the officers and members of the fire department of the District of Columbia;

H. R. 4799. An act to approve act 235 of the Session Laws of 1923 of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within the district of Hana, on the island and county of Maui, Territory of Hawaii";

H. R. 7036. An act for the relief of John R. Anderson;

H. R. 7819. An act to cancel water-right charges and release liens on the Buford-Trenton and Williston irrigation projects, North Dakota, and for other purposes;

H. R. 9038. An act authorizing the Secretary of the Interior to delegate to supervisory officers the power to make temporary and emergency appointments;

H. R. 9508. An act to authorize the issuance of deeds to certain Indians or Eskimos for tracts set apart to them in surveys of town sites in Alaska and to provide for the survey and subdivision of such tracts of Indian or Eskimo towns or villages;

H. R. 10055. An act to amend section 77 of the Judicial Code, to create a middle district in the State of Georgia, and for other purposes;

H. R. 10204. An act providing an additional wing to the District Jail;

H. R. 10429. An act to adjust water-right charges, to grant certain other relief on the Federal irrigation projects, and for other purposes;

H. J. Res. 139. Joint resolution authorizing the construction of a Government dock or wharf at Juneau, Alaska;

H. J. Res. 148. Joint resolution extending the time during which cattle which have crossed the boundary line into foreign countries may be returned duty free; and

H. R. 7966. An act to provide the name by which the Board of General Appraisers and members thereof shall hereafter be known.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 4 minutes p. m.) the House adjourned until to-morrow, Saturday, May 22, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for May 22, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Second deficiency bill.

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To regulate the distribution and promotion of commissioned officers of the line of the Navy (H. R. 11524).

COMMITTEE ON POST OFFICES AND POST ROADS

(10.30 a. m.)

To amend section 4009 of the Revised Statutes, relating to the transportation of the mails between the United States and its Territories or possessions or its naval or military forces abroad (H. R. 12211).

SPECIAL JOINT COMMITTEE

(10.30 a. m., Room 347)

To investigate Northern Pacific land grants.

COMMITTEE ON FOREIGN AFFAIRS

(10.15 a. m.)

To request the President to propose the calling of a third Hague conference for the codification of international law (H. J. Res. 221).

COMMITTEE ON WAYS AND MEANS

(10.30 a. m.)

To amend an act entitled "An act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes," as amended (H. R. 11612).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. ZIHLMAN: Committee on the District of Columbia. H. R. 12266. A bill to amend the act entitled "An act for the retirement of public-school teachers in the District of Columbia," approved January 15, 1920, and for other purposes; without amendment (Rept. No. 1278). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. H. R. 12172. A bill permitting the Washington Market Co. to lay a conduit across Twelfth Street SW.; without amendment (Rept. No. 1280). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. S. 2537. An act to provide for the condemnation of land for the opening, extension, widening, or straightening of streets, avenues, roads, or highways in accordance with the plan of the permanent system of highways for the District of Columbia, and for other purposes; without amendment (Rept. No. 1281). Referred to the Committee of the Whole House on the state of the Union.

Mr. UPDIKE: Committee on Naval Affairs. H. R. 10130. A bill authorizing the Secretary of the Navy, in his discretion, to deliver to the president of the Rotary Club of Crawfordsville, Montgomery County, Ind., a bell of a battleship that is

now, or may be, in his custody; without amendment (Rept. No. 1289). Referred to the House Calendar.

Mr. DRANE: Committee on Naval Affairs. H. R. 11515. A bill authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the city of Minneapolis the silver service set in use on the battleship *Minneapolis*; without amendment (Rept. No. 1290). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SPEAKS: Committee on Military Affairs. H. R. 11110. A bill for the relief of George Caldwell; without amendment (Rept. No. 1279). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. S. 2168. An act for the relief of Elbert Kelly, a second lieutenant of Infantry in the Regular Army of the United States; without amendment (Rept. No. 1282). Referred to the Committee of the Whole House.

Mr. KELLER: Committee on Claims. S. 519. An act for the relief of Perley Morse & Co.; without amendment (Rept. No. 1283). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 2188. An act for the relief of G. C. Allen; with amendment (Rept. No. 1284). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 2335. An act for the relief of Andrew Radel Oyster Co.; without amendment (Rept. No. 1285). Referred to the Committee of the Whole House.

Mr. BULWINKLE: Committee on Claims. H. R. 5264. A bill for the relief of Ann Margaret Mann; with amendment (Rept. No. 1286). Referred to the Committee of the Whole House.

Mr. BOX: Committee on Claims. H. R. 5789. A bill for the relief of the estate of J. A. Galloway; with amendment (Rept. No. 1287). Referred to the Committee of the Whole House.

Mr. SABATH: Committee on Claims. H. R. 10725. A bill for the relief of Capt. C. R. Insley; without amendment (Rept. No. 1288). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 12292) granting an increase of pension to Martha F. Gothard; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 12323) granting an increase of pension to Sarah Parker; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. JOHNSON of Washington: A bill (H. R. 12335) to provide for the protection and increased production of western white pine and other forest species; to the Committee on Agriculture.

Also, joint resolution (H. J. Res. 260) defining continuity of residence under the naturalization law; to the Committee on Immigration and Naturalization.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ARNOLD: A bill (H. R. 12336) granting an increase of pension to Minerva Kepner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12337) granting an increase of pension to Florence Burnett; to the Committee on Invalid Pensions.

By Mr. BRAND of Ohio: A bill (H. R. 12338) granting an increase of pension to Lizzie Bowen; to the Committee on Invalid Pensions.

By Mr. CLAGUE: A bill (H. R. 12339) granting a pension to Alfred Good Thunder; to the Committee on Pensions.

By Mr. DICKINSON of Missouri: A bill (H. R. 12340) granting an increase of pension to Cynthia White; to the Committee on Invalid Pensions.

By Mr. ESTERLY: A bill (H. R. 12341) granting an increase of pension to May A. McDonough; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12342) granting an increase of pension to Mary Ann Jones; to the Committee on Invalid Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 12343) granting a pension to Frank Nacod; to the Committee on Pensions.

By Mr. HUDSON: A bill (H. R. 12344) granting an increase of pension to Bronisława Wypiewski; to the Committee on Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 12345) for the relief of Shelby F. Strother; to the Committee on Foreign Affairs.

Also, a bill (H. R. 12346) granting an increase of pension to Sarah M. Kasson; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 12347) granting an increase of pension to Sarah Hoffacker; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 12348) granting an increase of pension to Eliza C. Ward; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12349) granting a pension to Susan Bruce; to the Committee on Invalid Pensions.

By Mr. PATTERSON: A bill (H. R. 12350) granting an increase of pension to Hannah F. Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12351) granting a pension to Jennie McNeil; to the Committee on Invalid Pensions.

By Mr. REED of New York: A bill (H. R. 12352) granting an increase of pension to Addie L. G. Coleman; to the Committee on Invalid Pensions.

By Mr. ROMJUE: A bill (H. R. 12353) granting an increase of pension to Anna E. Headland; to the Committee on Invalid Pensions.

By Mr. SEARS of Florida: A bill (H. R. 12354) to correct the military record of Charles C. Taylor; to the Committee on Naval Affairs.

By Mr. SIMMONS: A bill (H. R. 12355) granting an increase of pension to Sylvester L. Blauvelt, Jr.; to the Committee on Pensions.

Also, a bill (H. R. 12356) granting an increase of pension to Mary Berney; to the Committee on Invalid Pensions.

By Mr. SMITH: A bill (H. R. 12357) for the relief of desert land entrymen under the Crystal Lake Irrigation Lands Co., Jefferson County, Idaho; to the Committee on the Public Lands.

By Mr. SWING: A bill (H. R. 12358) granting an increase of pension to Elizabeth Forsyth; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 12359) providing for the promotion of Lieut. Commander Richard E. Byrd, United States Navy, and awarding to him a congressional medal of honor; to the Committee on Naval Affairs.

Also, a bill (H. R. 12360) providing for the promotion of Floyd Bennett, aviation pilot, United States Navy, and awarding to him a congressional medal of honor; to the Committee on Naval Affairs.

PETITIONS, ETC.

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

2247. Petition of Charles Bright, for the impeachment of Judge Augustus N. Hand, of the United States District Court of the Southern District of New York; to the Committee on the Judiciary.

2248. By Mr. ANDREW: Petition of William H. Swasey Camp, Sons of Veterans, Newburyport, Mass., urging passage of Elliott pension bill; to the Committee on Invalid Pensions.

2249. By Mr. CARTER of California: Petition of the Cooper Ornithological Club of California, urging the passage of House bill 7479; to the Committee on Agriculture.

2250. By Mr. CULLEN: Resolutions regarding Harrison narcotic acts by the Medical Society of the County of Kings, adopted May 18, 1926; to the Committee on Ways and Means.

2251. By Mr. GALLIVAN: Petition of William L. Harris Post, No. 196, the American Legion, Edward H. Barteaux, commander, route 40, Back Bay Postal Station, Boston, Mass., recommending early and favorable consideration of House bill 9638, which relates to certain civil employees of the United States Government for the period when in the military service of the United States; to the Committee on the Civil Service.

2252. By Mr. HUDSON: Petition of citizens of Highland Park, urging the passage of House bill 5000; to the Committee on Education.

2253. By Mr. JOHNSON of Texas: Letter of Mr. W. A. Dealey, assistant general manager A. H. Belo & Co., publishers, the Dallas News, Dallas, Tex., urging enactment of remedial measures adjusting postal rates on newspapers; to the Committee on the Post Office and Post Roads.

2254. By Mr. O'CONNELL of New York: Petition of the National Education Association, favoring pending legislation designed to clear title of lands granted to States by the Federal

Government for the support of education; to the Committee on Education.

2255. Also, petition of the National Society, Daughters of the American Revolution, recommending to the Congress amendment to the naturalization laws so as to provide for a definite, reasonable, and adequate educational test for all applicants for naturalization; to the Committee on Immigration and Naturalization.

2256. Also, petition of the American Association for Labor Legislation, favoring the passage of the Graham-Cummings bill providing accident compensation for longshoremen and harbor workers and requesting favorable action by the Committee on Rules for its consideration; to the Committee on the Merchant Marine and Fisheries.

2257. Also, petition of the Beauty Culture Publishing Co. of New York, favoring the passage of the McKeellar postal provision bill (S. 4189 and H. R. 12061); to the Committee on the Post Office and Post Roads.

2258. Also, petition of the Medical Society of the County of Kings, Brooklyn, N. Y., opposing the passage of Senate bill 4085 and instead initiate Federal investigation of the narcotic situation as antecedent to further legislation; to the Committee on Ways and Means.

2259. By Mr. YATES: Petition of legislative committee, Stark County Farm Bureau, Wyoming, Ill.; Sterling-Rock Falls Association of Commerce, Sterling, Ill.; the Morris Rotary Club, Morris, Ill.; the Montgomery County Farm Bureau, Hillsboro, Ill.; Kendall County Farm Bureau, by its board of directors, Yorkville, Ill.; Edgar County Farm Bureau, Paris, Ill.; Ogle County Farm Bureau, Rochelle, Ill.; Monroe County Farm Bureau, Waterloo, Ill.; Boone County Farm Bureau, Belvidere, Ill.; Brown County Farm Bureau, Mount Sterling, Ill.; director DeKalb County Farm Bureau, Kingston, Ill.; and Madison County Farm Bureau, Edwardsville, Ill., urging support of the Haugen agricultural bill (H. R. 11606); to the Committee on Agriculture.

HOUSE OF REPRESENTATIVES

SATURDAY, May 22, 1926

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Lord God, impress us that man can not "live by sight alone, but by every word that proceedeth out of the mouth of God." May we not be deceived by a false estimate of ourselves. By faith may we eat the bread of heaven and drink the water that flows from the rivers of heavenly heights. With confidence that right is might, may we work and pray, that the tangled webs of all questions may be unraveled and made clear. Spirit of God, kindle on the altars of our hearts the sacred flame of love, and may it burn brighter and brighter until the dawn of the perfect day. Be the balm for every wound and help us to walk erect in the white light that beats for ever against the Father's throne. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 10503. An act to authorize certain alterations to the six coal-burning battleships for the purpose of providing better launching and handling arrangements for airplanes; and

H. R. 10859. An act to provide for the transfer of certain records of the General Land Office to States, and for other purposes.

The message also announced that the Senate had passed with amendment bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 9636. An act entitled "An act to provide for the inspection of the battle field of Pea Ridge, Ark."

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 1930) entitled "An act to authorize the Postmaster General to readjust the terms of certain screen-wagon contracts, and for other purposes" had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MOSES, Mr. ODDIE, and Mr. TRAMMELL conferees.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, 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: