Congress for the benefit of Civil War soldiers and widows of Civil War soldiers be brought to an early vote; to the Committee on Invalid Pensions.

5025. By Mr. MORROW: Petition of citizens of Petaca, N. Mex., indorsing legislation for Civil War veterans and widows; to the Committee on Invalid Pensions.

5026. By Mr. O'CONNELL of New York: Petition of the Publishers' Association of New York City, favoring the passage of an amendment to the postal law restoring the 1920 rates to second-class mail; to the Committee on the Post Office and Post Roads.

5027. Also, petition of the Maritime Association of the Port of New York, protesting against the transfer of the American Republic Line to any other port as a base of operations; to the Committee on the Merchant Marine and Fisheries.

5028. Also, petition of David T. Warden, chairman Committee on the Harbor and Shipping Chamber of Commerce of the State of New York, protesting against the transfer of the American Republic Line to any other port as a base of operations; to the Committee on the Merchant Marine and Fisheries.

5029. Also, petition of the Chamber of Commerce of the United States, favoring the passage of the McFadden-Pepper bill (H. R. 2); to the Committee on Banking and Currency.

5030. By Mr. PATTERSON: Memorial of American citizens in mass meeting at Young Men's Hebrew Association Auditorium, Camden, N. J., expressing sympathy for the Jews of Rumania and petitioning Senators and Representatives to voice protest against treatment of the Jewish people of Rumania; to the Committee on Foreign Affairs.

5031. Also, memorial of board of directors of the Maritime Association of the Port of New York, protesting against the removal of the American Republic Line from the port of New York; to the Committee on Interstate and Foreign Commerce.

5032. By Mr. PRATT: Petition of citizens of Kingston, Ulster County, N. Y., urging passage of legislation further increasing the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

5033. By Mr. RAMSEYER: Petition of residents of Oskaloosa, Iowa, urging that immediate steps be taken to bring to a vote the Civil War pension bill; to the Committee on Invalid Pensions.

5034. By Mr. REED of New York: Petition of citizens of Olean, N. Y., in support of a Civil War pension bill; to the Committee on Pensions.

5035. By Mr. ROMJUE: Petition of John S. Shane, Alfred Vaught, and others, asking for increased pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

5036. By Mr. ROWBOTTOM: Petition of Mrs. Emma S. Inwood and others, of New Harmony, Ind., requesting Civil War pension legislation; to the Committee on Invalid Pensions.

5037. Also, petition of Mrs. C. A. Fischer and others, of Newburg, Ind., requesting passage of Indian War pension bill; to the Committee on Pensions.

5038. By Mr. SHALLENBERGER: Petition of voters of Franklin, Nebr., requesting Civil War pension legislation; to the Committee on Invalid Pensions.

5039. Also, petition of voters of Red Cloud, Nebr., requesting Civil War pension legislation; to the Committee on Invalid Pensions.

5040. By Mr. SHREVE: Petition for the passage of the Civil War pension bill, granting increase in pension to veterans and their widows, by citizens of Spartansburg, Pa.; to the Committee on Invalid Pensions.

5041. By Mr. STRONG of Pennsylvania: Petition of citizens of Jefferson County and of Bethel Township, Armstrong County, Pa., praying for immediate action on the pending Civil War pension bill; to the Committee on Invalid Pensions.

5042. By Mr. TAYLOR of Colorado: Petition of citizens of New Castle, Colo., urging enactment of legislation for the Civil War veterans and their widows; to the Committee on Invalid Pensions.

5043. By Mr. TAYLOR of New Jersey: Petition of David T. Warden, chairman committee on the harbor and shipping, Chamber of Commerce of the State of New York, protesting against the transfer of the American Republic Line to any other port as a base of operations; to the Committee on the Merchant Marine and Fisheries.

5044. Also, petition of the Maritime Association of the Port of New York, protesting against the transfer of the American Republic Line to any other port as a base of operations; to the Committee on the Merchant Marine and Fisheries.

5045. By Mr. TOLLEY: Petition of 51 citizens of Greene, N. Y., requesting increased pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

5046. Also, petition of 47 citizens of Johnson City, N. Y., requesting increased pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

5047. Also, petition of 61 citizens of Afton, N. Y., requesting increased pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

5048. Also, petition of 76 citizens of West Edmeston, N. Y., requesting increased pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

5049. Also, petition of 43 citizens of Stamford, N. Y., requesting increased pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

5050. By Mr. ZIHLMAN: Petition of citizens of Washington County, Md., urging immediate action and support of the bill to increase pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

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## SENATE

### MONDAY, *January 17, 1927*

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

Our Father and our God, Thou art always dealing with us very tenderly. Thou hast our interests at heart. Sometimes we forget them and wander in by and forbidden paths, but Thou dost wean us to Thyself. We ask that in all the engagements of this day there may be a quest after Thee, so that our hearts may be restful, our consciences clear, and the import of our doings acceptable before Thee. We ask in Jesus Christ's name. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

#### CALL OF THE ROLL

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

The VICE PRESIDENT. The clerk will call the roll.

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

| | | | |
|---|---|---|---|
| Ashurst | Fletcher | Lenroot | Robinson, Ark. |
| Bayard | Frazier | McKellar | Robinson, Ind. |
| Bingham | George | McLean | Sackett |
| Blease | Gerry | McMaster | Sheppard |
| Borah | Gillett | McNary | Shipstead |
| Bratton | Glass | Mayfield | Shortridge |
| Broussard | Goff | Means | Smith |
| Bruce | Gooding | Metcalf | Smoot |
| Cameron | Gould | Moses | Steck |
| Capper | Greene | Neely | Stephens |
| Caraway | Hale | Norbeck | Stewart |
| Copeland | Harris | Norris | Swanson |
| Couzens | Harrison | Nye | Trammell |
| Curtis | Hawes | Oddie | Tyson |
| Dale | Heflin | Overman | Wadsworth |
| Deneen | Johnson | Pepper | Walsh, Mass. |
| Dill | Jones, N. Mex. | Phipps | Walsh, Mont. |
| Edge | Jones, Wash. | Pine | Warren |
| Edwards | Kendrick | Pittman | Watson |
| Ernst | Keyes | Ransdell | Weller |
| Ferris | King | Reed, Mo. | Wheeler |
| Fess | La Follette | Reed, Pa. | Willis |

Mr. NORRIS. I desire to announce the necessary absence of my colleague, the junior Senator from Nebraska [Mr. HOWELL] on account of illness.

The VICE PRESIDENT. Eighty-eight Senators having answered to their names, a quorum is present. The Senate will receive a message from the House of Representatives.

#### MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

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

S. 3804. An act granting the consent of Congress to W. D. Comer and Wesley Vandercook to construct, maintain, and operate a bridge across the Columbia River between Longview, Wash., and Rainier, Oreg.;

S. 4702. An act to extend the time for the construction of a bridge across the Kanawha River at Kanawha Falls, Fayette County, W. Va.;

S. 4740. An act granting the consent of Congress to the St Louis-San Francisco Railway Co. to construct, maintain, and operate a railroad bridge across the Warrior River;

S. 4813. An act granting the consent of Congress to the Minneapolis, Northfield & Southern Railway to construct, maintain, and operate a railroad bridge across the Minnesota River;

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

S. 4831. An act granting the consent of Congress to the highway department of Davidson County, of the State of Tennessee, to construct a bridge across Cumberland River at a point near Andersons Bluff, connecting Old Hickory or Jacksonville, Tenn., by way of the Gallatin Pike, with Nashville, in Davidson County, Tenn.;

S. 4846. An act granting the consent of Congress to Tacony-Palmyra Bridge Co. to construct, maintain, and operate a bridge across the Delaware River at Palmyra, N. J.;

S. 4874. An act to legalize a bridge across the Fox River in Algonquin Township, McHenry County, Ill., and for other purposes; and

H. R. 14236. An act granting the consent of Congress to the police jury of Rapides Parish, La., to construct a bridge across Red River at or near Boyce, La.

RETIREMENT AND DISABILITY FUND

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, the sixth annual report of the Board of Actuaries of the Civil Service Retirement and Disability Fund, which, with the accompanying papers, was referred to the Committee on Civil Service.

PETITIONS AND MEMORIALS

Mr. EDWARDS presented a memorial of members of the Holy Name Society, of St. Anne's Catholic Church, of Jersey City, N. J., remonstrating against the alleged unjust persecution of the Catholic Church by the Mexican Government and the confiscation of church property in Mexico, which was referred to the Committee on Foreign Relations.

Mr. WILLIS presented memorials of sundry citizens of Cambridge and Zanesville, all in the State of Ohio, remonstrating against any amendment of the so-called Johnson Immigration Act, which were referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Verona, in the State of Ohio, praying for the prompt passage of the so-called White radio bill, which was referred to the Committee on Interstate Commerce.

Mr. WADSWORTH presented resolutions adopted by the directors of the Brooklyn (N. Y.) Chamber of Commerce, which were referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

*Resolved*, That because of the renewed agitation for the construction of a deep-water highway from Montreal, Canada, to Duluth, Minn., through the canalization of the St. Lawrence River, the remodeling of the Welland Canal, and the deepening of inter-Lake rivers, and the creation of a hydroelectric power development in connection therewith, which culminated in the hearing held on December 2 before the Board of Army Engineers at Washington, D. C., the directors of the Brooklyn Chamber of Commerce reiterate, for the third time, their opposition to the construction of such a waterway, on the ground that the expenditure of the money of the United States Government for this waterway is economically unjustifiable and would be a waste of the public funds; and be it further

*Resolved*, That while not as yet convinced of the necessity for a waterway between the Atlantic seaboard and the Great Lakes of adequate size for the accommodation of seagoing vessels, the directors of the Brooklyn Chamber of Commerce believe that, if such a waterway is to be constructed, which will involve the expenditure of any part of the public funds of this country, its route should lie wholly within the boundary lines of this country, and should follow to the greatest extent feasible the line of the existing New York State Barge Canal, in which this State has invested approximately $200,000,000; and be it further

*Resolved*, That the directors of the Brooklyn Chamber of Commerce believe that prior to the adoption of any project for a deep waterway between the Atlantic seaboard and the Great Lakes, and as a preliminary thereto, the existing New York State Barge Canal and its adjuncts, including the terminal facilities, towboat, and barge service should be developed and traffic thereon stimulated in every possible manner by the State of New York and all other adequate agencies, so that this canal can be made to fulfill the economic function for which it was designed; and be it further

*Resolved*, That a copy of this resolution be sent to the Governor and State engineer of the State of New York and to the Chief Engineer of the United States Army, the chairman of the Committee on Rivers and Harbors of the United States Congress, and the Senators and Repsentatives from the State of New York.

Mr. GREENE presented the following joint resolution of the Legislature of the State of Vermont, which was referred to the Committee on Commerce:

*Resolved by the senate and house of representatives*, That the attention of the Director of the United States Census is called to the fact that the change in the time of enumeration of population from summer to midwinter in taking the census of 1920 added materially to the difficulty of securing a complete and an accurate enumeration of the inhabitants of Vermont; and we request that, if possible, the time of enumeration be fixed, as heretofore, in the early summer.

The secretary of state is requested to send a certified copy of this resolution to the Vermont Senators and Representatives in Congress and to the Director of the United States Census.

S. HOLLISTER JACKSON,
*President of the Senate.*
LOREN R. PIERCE,
*Speaker of the House of Representatives.*

Approved January 13, 1927.

JOHN E. WEEKS, *Governor.*

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STATE OF VERMONT,
OFFICE OF SECRETARY OF STATE.

I hereby certify that the foregiong is a true copy of joint resolution relating to the change of time in census enumeration, approved January 13, 1927.

In testimony whereof I have hereunto set my hand and affixed my official sea at Montpelier this 13th day of January, A. D. 1927.

[SEAL.] AARON H. GRANT,
*Secretary of State.*

REPORTS OF COMMITTEES

Mr. CAPPER, from the Committee on Agriculture and Forestry, to which was referred the joint resolution (S. J. Res. 65) to provide for a national agricultural day, reported it with amendments and submitted a report (No. 1256) thereon.

He also, from the Committee on the District of Columbia, to which was referred the bill (S. 3774) to permit meetings of societies, benevolent, educational, etc., organized under the laws of the District of Columbia, to be held outside of said District, reported it without amendment and submitted a report (No. 1259) thereon.

Mr. WALSH of Montana, from the Committee on the Judiciary, to which was referred the bill (S. 3634) providing for the preparation of a biennial index to State legislation, reported it with amendments and submitted a report (No. 1257) thereon.

Mr. KENDRICK, from the Committee on Irrigation and Reclamation, to which was referred the joint resolution (S. J. Res. 131) authorizing the making of surveys, plans, and estimates for the irrigation of certain lands in the State of Wyoming, under terms of the Colorado River compact, and for other purposes, reported it with amendments and submitted a report (No. 1258) thereon.

Mr. MOSES, from the Committee on Post Offices and Post Roads, to which was referred the bill (H. R. 13446) to restore the rate of postage of 1 cent each to private mailing or post cards, reported it with amendments.

NAVAL APPROPRIATION BILL

Mr. HALE. From the Committee on Appropriations I report back favorably with amendments the bill (H. R. 15641) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1928, and for other purposes, and I submit a report (No. 1260) thereon. I give notice that I shall ask the Senate to consider the bill at the earliest possible moment.

The VICE PRESIDENT. The bill will be placed on the calendar.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on to-day that committee presented to the President of the United States the following enrolled bills:

S. 4702. An act to extend the time for the construction of a bridge across the Kanawha River at Kanawha Falls, Fayette County, W. Va.;

S. 4740. An act granting the consent of Congress to the St. Louis-San Francisco Railway Co. to construct, maintain, and operate a railroad bridge across the Warrior River;

S. 4813. An act granting the consent of Congress to the Minneapolis, Northfield & Southern Railway to construct, maintain, and operate a railroad bridge across the Minnesota River;

S. 4831. An act granting the consent of Congress to the highway department of Davidson County, of the State of Tennessee, to construct a bridge across Cumberland River at a point near Andersons Bluff, connecting Old Hickory or Jacksonville, Tenn., by way of the Gallatin Pike, with Nashville, in Davidson County, Tenn.;

S. 4846. An act granting the consent of Congress to Tacony-Palmyra Bridge Co. to construct, maintain, and operate a bridge across the Delaware River at Palmyra, N. J.; and

S. 4874. An act to legalize a bridge across the Fox River in Algonquin Township, McHenry County, Ill., and for other purposes.

BILLS INTRODUCED

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

By Mr. EDWARDS:

A bill (S. 5309) for the relief of Patrick J. Purcell (with accompanying papers); to the Committee on Claims.

By Mr. BAYARD:

A bill (S. 5310) granting an increase of pension to Anna B. Bell (with accompanying papers); to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 5311) granting an increase of pension to Albert E. Alexander; and

A bill (S. 5312) granting an increase of pension to Ellen H. Cross; to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 5313) for the relief of M. F. Snider; to the Committee on Claims.

By Mr. WADSWORTH:

A bill (S. 5314) amending the act of February 28, 1925, reclassifying the salaries of postmasters; to the Committee on Post Offices and Post Roads.

By Mr. DENEEN:

A bill (S. 5315) for the relief of the First National Bank, Savanna, Ill.; to the Committe on Claims.

A bill (S. 5316) to provide for the reinstatement of Warren M. Hendricksen in the United States Military Academy; to the Committee on Military Affairs.

By Mr. CAMERON:

A bill (S. 5317) granting a pension to Reuben Hadden; and

A bill (S. 5318) granting a pension to William Sylvester Bartlett; to the Committee on Pensions.

By Mr. ERNST (by request):

A bill (S. 5319) to provide for the preservation, completion, maintenance, operation, and use of the United States Muscle Shoals project for war, navigation, fertilizer manufacture, electric power production, and other purposes, and, in connection therewith, the incorporation of the Farmers' Federated Fertilizer Corporation and the lease to it of the said project; to the Committee on Agriculture and Forestry.

By Mr. STEPHENS:

A bill (S. 5320) to authorize the Postmaster General to cancel a certain screen-wagon contract, and for other purposes; to the Committee on Post Offices and Post Roads.

By Mr. GOFF:

A bill (S. 5321) granting a pension to Robert Blake; to the Committee on Pensions.

By Mr. McKELLAR:

A bill (S. 5322) to amend an act entitled "An act to create a Federal power commission; to provide for the improvement of navigation; the development of water power; the use of the public lands in relations thereto; and to repeal section 18 of the river and harbor appropriation act, approved June 10, 1920, and for other purposes"; to the Committee on Interstate Commerce.

By Mr. CAPPER:

A bill (S. 5323) creating the District of Columbia insurance fund for the benefit of employees injured and the dependents of employees killed in employment, providing for the administration of such fund by the United States Employees' Compensation Commission, and authorizing an appropriation therefor; to the Committee on the District of Columbia.

By Mr. REED of Missouri:

A bill (S. 5324) granting a pension to Kate Litton (with accompanying papers); to the Committee on Pensions.

By Mr. WILLIS:

A bill (S. 5325) granting a pension to Grace I. Kunkle; to the Committee on Pensions.

By Mr. NORBECK:

A bill (S. 5326) granting an increase of pension to Elizabeth Waddel; to the Committee on Pensions.

AMENDMENT TO MILK IMPORTATION BILL

Mr. COPELAND submitted an amendment intended to be proposed by him to the bill (H. R. 11768) to regulate the importation of milk and cream into the United States for the purpose of promoting the dairy industry of the United States and protecting the public health, which was ordered to lie on the table and to be printed.

PRESIDENTIAL APPROVALS

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

On January 13, 1927:

S. 2043. An act to authorize the opening of a street from Georgia Avenue to Ninth Street NW., through squares 2875 and 2877, and for other purposes; and

S. 4393. An act to authorize the construction of a nurses' home of the Columbia Hospital for Women and Lying-in Asylum.

On January 14, 1927:

S. 4445. An act to amend the act entitled "An act to enable the trustees of Howard University to develop an athletic field and gymnasium project, and for other purposes," approved June 7, 1924; and

S. 4862. An act granting the consent of Congress to the commissioners of Fayette and Washington Counties, Pa., to reconstruct the bridge across the Monongahela River at Belle Vernon, Fayette County, Pa.

"FLYING AT CLOVER FIELD," BY WILL ROGERS

Mr. BINGHAM. Mr. President, I ask unanimous consent that there be printed in the RECORD an article by Will Rogers on "Flying at Clover Field," which appeared in the Washington Post on yesterday.

The VICE PRESIDENT. Without objection, it is so ordered.

The article is as follows:

FLYING AT CLOVER FIELD

By Will Rogers

Now I haven't said anything here lately in the way of advice, I have just kinder been waiting for Washington to see some stuff for themselves. But it looks like they are all so busy counting the casualties from "Old Crow" made by the United States distilleries, or is Smith going to be allowed to sit down, stand up, or go home, or make Nicaraguan elections pure like ours, and dozens of minor things like those. Now I am just back from California and in my official capacity as mayor I naturally had a chance to look into all our resources in and around Beverly Hills.

Now, the Government has adjoining the outskirts of my municipality what they refer to as an aviation field. It is a field. It's a good field. It's called "Clover" aviation field. There is no clover on it; neither is there any aviation. But there is plenty of room for both. If the Army is not going to put any aviation on it I personally will furnish some clover for it. For I don't want it to be misnamed any more than it has to be. It's situated near Santa Monica. It's where the "round-the-world fliers" took off from. But we don't want to limit it to that exclusively. We would welcome some local flying; somebody that maybe wasn't going any farther off than Hollywood. We just want enough activity there so that we won't be called a liar when we refer to it as an "aviation field."

Now in the Government "fiction" records this is what this field is supposed to house: "The Three hundred and twenty-second Pursuit Group, consisting of the following units: Four hundred and seventy-sixth, Four hundred and seventy-seventh, Four hundred and seventy-eighth, and Four hundred and seventy-ninth Pursuit Squadrons, the Three hundred and eighty-fifth Service Squadron, and a headquarters detachment." Now, in a presidential message that would be the statistics of the preparedness of this particular field. Now, here is the funny part about it that will fool you. This whole thing, all these numbers and different detachments are officered and manned up to their real strength. There is between 500 and 600 men all in the Air Corps Reserve that are there to get training at this field—more than in any other area in America. Conditions are more suited to such training. These officers are all from the war and cost the Government $15,000 a man to train up to the time they got their commissions, and they have received as much since then, so you see they represent an investment to the Government of at least $10,000,000.

Well, I had heard about the field, and I had heard about the men, so, as it was right across the canyon from me and I had never seen any of them flying from where I was, I just saddled up an old plug the other afternoon and rode over. I thought maybe they was doing some invisible flying that I couldn't see from over my way. I saw some big old "hangars" or hay-barn-looking things. I thought, "Well, they got them full of airoplanes." I rode up and peeped in. I couldn't see even an old broken propeller. Here was a beautiful field, 600 trained men, and if you think this is comedy that I am going to tell you you are cuckoo. It was so sad it wasn't even funny. Six old-time Army planes—six, mind you—of the type we trained the boys in before we went into the war. Here was 600 men offering to give their time and risk their lives—without pay, mind you—and here is what they have to do it in. Made in 1917, 10 years old. Talk about flying them, why there wasn't enough of them for some of the boys to even see.

It figures out that if each one of these 600 reserves Flying Corps wanted to kinder keep his hand in, it would come around to him to fly 15 minutes every month. That is if none of the planes were ever out of order, and they changed fliers in the air, when your 15

minutes was up why you jumped out and another man jumped up in the air and took the wheel. Of course, if, say, three of these old planes was to die of old age, and leave you a flying strength of only 50 per cent, why, then, you would only get 7½ minutes, or about an hour and 20 minutes a year; that is, in case all three planes keep going night and day 365 days in the year, to say nothing about how many would lose out on leap year. Now, an hour a year is not what you would designate as intensive training. Of course, it gives these men a chance to do something else on the side; their mind is not exactly taken up entirely with aviation.

But don't go and sit down and start to reconcile yourself with the fact that you are being protected on our west coast by these 600 men all trying to get into three planes at once. I don't want to be an "alarmist," but you haven't got near that much protection. Father Gloom is knocking on your door with the following new year's greeting: There is a little minor thing you hadent given any thought to after. You felt so safe after knowing that we had the six planes and we had the men. I bet you couldn't think of what it was in a year's guesses. Its the oil. The Government lays out so much oil for each area for these reserve officers' training, regardless of the number of men there. In one area there is only 9 men, yet they give them just as much oil as they give these 600. It looks like they are kinder sore at this area cause so many of them got back alive. So there is only oil enough to operate for one-third of the time, even if they only fly one-third of the time. So the month when it comes your time to fly your seven minutes, why you get out there and you will find everybody waiting till they get in a tank load of gas from Washington. So the gas shortage cuts your flying time down to 2¾ minutes per month.

So you are not getting very far on your $25,000 that you invested in the man when you originally started into the aviation business. Mr. Coolidge, on account of his economy plan, has suggested that they fly as high as they can on what little gas they have and then coast down. In that way they get twice the amount of distance out of the same amount of gas. Now, of course, this old "economy" is a good slogan. It's a great horse to ride. But look out you don't ride it in the wrong direction. If something happens to us right now and it comes to a showdown, the shape we are in with our Army, Navy, and aviation, there would be such a howl Coolidge would have a tough time not being impeached.

Never mind appropriating all this money for river and harbor bills to get the rivers to meet the oceans. Say, the rivers will meet the oceans without any appropriations from Congress; the Almighty saw to that. If you got anything to sell, throw it on a flat boat and start it down the river; it will get to the sea without any locks and channels. We don't want boats coming up the river. Raise what you want up there, so you won't have to ship anything up. We better start doing something about our defense. We are not going to be lucky enough to fight Nicaragua forever. Build all we can and then take care of nothing but our own business, and we will never have to use it. Tunney hasn't been insulted since September.

If you think preparedness don't give you prestige, look at Japan. We are afraid to look at them cross-eyed now for fear we will hurt their "honor." Before they got a navy neither them nor us knew they had any honor. It ain't your honor that is respected among nations, it's your strength. Japan or England either would have just as much honor without any navy at all. But the navy helps to remind you of it.

Holland, Belgium, Switzerland, and half a dozen other countries got just as much honor as England, France, or Japan, but you don't see them with a permanent seat on the League of Nations. The difference is the navy. All we got to go by is history, and history don't record that "economy" ever won a war. So I believe I would save my money somewhere else, even if I had to work a little shorter-handed around the Capitol there. (Copyright, 1927, by the McNaught Syndicate, Inc.)

THE CALENDAR

The VICE PRESIDENT. Morning business is closed. The calendar under Rule VIII is in order and can only be dispensed with on Mondays by unanimous consent.

Mr. TYSON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 486, the bill S. 3027, making eligible for retirement, under certain conditions, officers and former officers of the Army of the United States, other than officers of the Regular Army, who incurred physical disability in the line of duty while in the service of the United States during the World War.

The VICE PRESIDENT. The Senator from Tennessee asks unanimous consent that the Senate proceed to the consideration of Senate bill 3027. Is there objection?

Mr. BINGHAM. I object.

The VICE PRESIDENT. Objection is made. The clerk will state the first bill on the calendar.

The bill (S. 2607) for the purpose of more effectively meeting the obligations of the existing migratory bird treaty with Great Britain by the establishment of migratory bird refuges to furnish in perpetuity homes for migratory birds, the provision of funds for establishing such areas, and the furnishing of adequate protection of migratory birds, for the establishment of public shooting grounds to preserve the American system of free shooting, and for other purposes, was announced as first in order.

Mr. KING. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2808) to amend section 24 of the interstate commerce act, as amended, was announced as next in order.

Mr. WILLIS. Over.

The VICE PRESIDENT. The bill will be passed over.

TRUTH IN FABRICS

The bill (S. 1618) to prevent deceit and unfair prices that result from the unrevealed presence of substitutes for virgin wool in woven or knitted fabrics purporting to contain wool and in garments or articles of apparel made therefrom, manufactured in any Territory of the United States or the District of Columbia, or transported or intended to be transported in interstate or foreign commerce, and providing penalties for the violation of the provisions of this act, and for other purposes, was announced as next in order.

Mr. BINGHAM. Let the bill go over.

Mr. CAPPER. I ask the Senator from Connecticut if he will not withdraw his objection to taking up the bill? It has been on the calendar for a long time. It has had careful consideration by the committee. A great many people are interested in the bill and would like to have action of some kind on the measure.

The VICE PRESIDENT. Objection is made, and the bill will go over. The clerk will state the next bill on the calendar.

The CHIEF CLERK. A bill (S. 718) authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended.

Mr. CAPPER. Mr. President, if the objection is not withdrawn, I move to take up Calendar No. 308, Senate bill 1618.

Mr. BRUCE. I object. I demand the regular order.

Mr. ROBINSON of Arkansas. Mr. President, I rise to a point of order. It is impossible to hear the proceedings of the Senate.

The VICE PRESIDENT. The Senate will be in order. The Senator from Kansas [Mr. CAPPER] moves that the Senate proceed to the consideration of Calendar No. 308, Senate bill 1618.

Mr. CAPPER. I ask for the yeas and nays on the question.

The yeas and nays were ordered.

Mr. ROBINSON of Arkansas. Mr. President, I think there is a misunderstanding as to the parliamentary status. What is the motion of the Senator from Kansas?

Mr. CAPPER. To proceed to the consideration of Senate bill 1618, Calendar No. 308.

Mr. ROBINSON of Arkansas. I thought another calendar number had been called by the clerk.

Mr. GERRY. May we have the bill stated?

The VICE PRESIDENT. The clerk will read the bill by title.

The Chief Clerk read the title of the bill.

Mr. BINGHAM. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BINGHAM. Is it not true that before the Senator from Kansas entered his motion Calendar No. 441 had been called and objected to?

Mr. CAPPER. I was on my feet trying to secure recognition of the Chair. So I think it is in order to move to take up the bill.

Mr. FLETCHER. I understood the Chair to rule that the calendar was in order, and any objection made would carry a bill over and it could not be taken up except by unanimous consent.

The VICE PRESIDENT. The Chair stated that the calendar could only be dispensed with by unanimous consent.

Mr. FLETCHER. But after a bill is reached on the calendar a motion is in order to proceed to its consideration.

The VICE PRESIDENT. That is true. The question is on the motion of the Senator from Kansas that the Senate proceed to the consideration of the bill, on which the yeas and nays have been ordered. The clerk will call the roll.

Mr. HEFLIN. Just what does the bill mean? Does it mean that every manufacturer of a piece of goods——

Mr. WADSWORTH. Mr. President, a point of order. The motion is not debatable.

The VICE PRESIDENT. The point of order is well taken. The question is not debatable.

Mr. HEFLIN. I was making an inquiry——

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll.

Mr. FLETCHER. I transfer my general pair with the Senator from Delaware [Mr. DU PONT] to the junior Senator from New York [Mr. COPELAND] and vote "nay."

Mr. NORRIS. I desire to announce the necessary absence of my colleague, the junior Senator from Nebraska [Mr. HOWELL], on account of illness.

Mr. JONES of Washington. I wish to announce the following general pairs: The Senator from Oklahoma [Mr. HARRELD] with the Senator from North Carolina [Mr. SIMMONS] and the Senator from Minnesota [Mr. SCHALL] with the Senator from Virginia [Mr. SWANSON].

I also desire to state that the Senator from Oregon [Mr. STANFIELD] is absent from the Chamber on account of illness.

Mr. GILLETT (after having voted in the negative). I have a general pair with the Senator from Alabama [Mr. UNDERWOOD]. Not knowing how he would vote, I transfer that pair to the Senator from Oregon [Mr. STANFIELD] and let my vote stand.

The result was announced—yeas 40, nays 36, as follows:

YEAS—40

| | | | |
|---|---|---|---|
| Ashurst | Fess | Lenroot | Pittman |
| Borah | Frazier | McMaster | Robinson, Ind. |
| Bratton | Goff | McNary | Shipstead |
| Bruce | Gooding | Means | Steck |
| Cameron | Greene | Norbeck | Stewart |
| Capper | Hawes | Norris | Walsh, Mont. |
| Couzens | Johnson | Nye | Watson |
| Curtis | Jones, Wash. | Oddie | Weller |
| Dill | Kendrick | Phipps | Wheeler |
| Ferris | La Follette | Pine | Willis |

NAYS—36

| | | | |
|---|---|---|---|
| Bayard | Gerry | McLean | Sackett |
| Bingham | Gillett | Metcalf | Sheppard |
| Blease | Glass | Moses | Smith |
| Broussard | Gould | Neely | Smoot |
| Caraway | Hale | Overman | Stephens |
| Edge | Harris | Pepper | Trammell |
| Edwards | Heflin | Ransdell | Tyson |
| Fletcher | Keyes | Reed, Pa. | Wadsworth |
| George | McKellar | Robinson, Ark. | Walsh, Mass. |

NOT VOTING—19

| | | | |
|---|---|---|---|
| Copeland | Harreld | Mayfield | Stanfield |
| Dale | Harrison | Reed, Mo. | Swanson |
| Deneen | Howell | Schall | Underwood |
| du Pont | Jones, N. Mex. | Shortridge | Warren |
| Ernst | King | Simmons | |

So Mr. CAPPER's motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1618) to prevent deceit and unfair prices that result from the unrevealed presence of substitutes for virgin wool in woven or knitted fabrics purporting to contain wool and in garments or articles of apparel made therefrom, manufactured in any Territory of the United States or the District of Columbia, or transported or intended to be transported in interstate or foreign commerce, and providing penalties for the violation of the provisions of this act, and for other purposes, which had been reported from the Committee on Interstate Commerce with amendments.

Mr. CAPPER. I ask that the report of the Committee on Interstate Commerce on the bill be read. It is short and I think explains the purpose of the bill.

The VICE PRESIDENT. The clerk will read as requested.

The Chief Clerk read the report (No. 308) submitted by Mr. FESS on March 9, 1926, as follows:

The Committee on Interstate Commerce, to whom was referred the bill (S. 1618) to prevent deceit and unfair prices that result from the unrevealed presence of substitutes for virgin wool in woven or knitted fabrics purporting to contain wool and in garments or articles of apparel made therefrom, manufactured in any Territory of the United States or the District of Columbia, or transported or intended to be transported in interstate or foreign commerce, and providing penalties for the violation of the provisions of this act, and for other purposes, reports said bill with amendments, with the recommendation that the amendments be agreed to, and that as thus amended said bill do pass.

This bill was introduced by the Senator from Kansas [Mr. CAPPER] December 15, 1925, and was referred to the Committee on Interstate Commerce. The committee referred it to a subcommittee consisting of Senators FESS, COUZENS, and MAYFIELD. The subcommittee, after due consideration, reports the bill back favorably with two slight amendments, which report was approved by the full committee.

This proposed legislation was first considered as far back as 1913. Exhaustive hearings were held, representing both those who favor and those who oppose the legislation. The bill has been before the committees of Congress in each Congress since. It has been strongly supported by a large proportion of our population. The bill as now worded is designed to remove some of the objections by limiting the branding to mixed goods on the same basis of the pure-food legislation. This present proposal does not require virgin wool garments to be branded as the pure-food legislation does not require pure butter branded as butter. Garments of mixed wools or cotton usually called "shoddy," which might be sold as virgin woolen goods, under this bill must be branded, giving contents of the goods on the basis that the public has a right to know what it is purchasing.

The following minor amendments are designed to clarify the meaning as it applies to linings, etc.:

Page 3, line 10, strike out the period after the word "goods" and insert a comma and the following: "except that in the case of cotton warp fabrics, the warp of which is entirely of cotton and the woof of which is entirely of wool, it shall be sufficient to designate the contents as cotton warp and wool woof."

Page 3, line 25, after the word "respect," strike out the remainder of the paragraph and insert in lieu thereof the following: "to linings, interlinings, paddings, stiffenings, trimmings, or facings."

The Chief Clerk proceeded to read the bill.

The first amendment of the Committee on Interstate Commerce was, in section 4, on page 3, line 10, after the word "goods," to insert "except that in the case of cotton-warp fabrics, the warp of which is entirely of cotton and the woof of which is entirely of wool, it shall be sufficient to designate the contents as cotton warp and wool woof," so as to read:

MISBRANDED GOODS

SEC. 4. (a) For the purposes of this act, mixed woolen goods shall be held to be misbranded unless stamped, tagged, or labeled, in accordance with regulations prescribed by the Secretary of Agriculture, giving the following information:

(1) The registration number of the manufacturer;

(2) The minimum proportion or percentage by weight of the virgin wool, if any, and the maximum proportion or percentage by weight of each material other than virgin wool contained in such mixed woolen goods, except that in the case of cotton-warp fabrics, the warp of which is entirely of cotton and the woof of which is entirely of wool, it shall be sufficient to designate the contents as cotton warp and wool woof.

The amendment was agreed to.

The next amendment was, in the same section, on page 3, line 25, after the word "respect," to strike out "of the lining, interlining, padding, stiffening, trimming, or facing of any garment or article of apparel," and insert "to linings, interlinings, paddings, stiffenings, trimmings, or facing," so as to read:

(e) This act shall not be construed as requiring any information in respect to linings, interlinings, paddings, stiffenings, trimmings, or facings.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. ROBINSON of Arkansas. Mr. President, I think there should be some explanation of the amendments. With the exception of members of the committee which considered this bill, the Senate knows practically nothing as to its provisions, and certainly we know nothing of the effect of the amendments.

Mr. CAPPER. Mr. President, the amendments proposed are not important. As a matter of fact, they do not affect the vital principles of the bill. The bill, as the report states, simply undertakes to apply to clothing and other fabrics the principles that are now applied to food under the pure food act. The bill provides for the registration of the manufacturers of woolen goods and for the labeling of all mixed woolen goods that contain shoddy or other adulterants. No labeling is required in the case of virgin woolen goods.

Administration of the act will be under the direction of the Secretary of Agriculture, and it is the opinion of those who sponsor the bill that to a very large extent its enforcement will be be automatic; that it will be self-enforcing.

Mr. ROBINSON of Arkansas. Will it require an organization to carry out the provisions of the act?

Mr. CAPPER. The bill, if it shall become a law, will be administered by the present organization of the Secretary of Agriculture, and it is the opinion of the Department of Agriculture that it will not require much, if any, additional assistance in the department.

Mr. SMOOT. Mr. President, I will say to the Senator from Arkansas that it will be absolutely impossible to administer the bill, as I think I can show the Senate, if Senators will give me their attention a little later, when I shall discuss the question from the time the goods go to the mill, from beginning to end.

Mr. SMITH. Mr. President, if the Senator from Kansas will allow me, I should like to state that I hope ample time will be afforded for us to go into this matter in detail. I was a

member of the subcommittee which investigated this subject when the first bill was introduced, and the subcommittee held exhaustive hearings.

I was not familiar with the different terms used to designate the different classes of wool; and, therefore, we had somebody else brought in, so that those of us not familiar with the technical phrases used might have before us an example of the exact matter, and the effect of the proposed legislation, in view of the facts as disclosed by these samples. We had meeting after meeting; we had both sides before us; and it was the opinion of the subcommittee of which I was a member and the opinion of those who represented the wool-producing States that the proposed law was totally incapable of administration.

Mr. WALSH of Montana. Mr. President——

Mr. SMITH. When the matter has been gone into as the Senate should go into it to differentiate between the term "virgin wool" and wools that are used in the ordinary process of manufacture, I do not think any man here will agree to have legislation passed that will emphasize by name a thing which in value does not demand any such legislation. As the Senator from Utah has indicated, I think it is easily demonstrable to the Members of the Senate that not only is it practically unworkable from an administrative standpoint, but it will be a detriment to the consuming public of fabrics for clothing into which wool enters as a component part.

I wanted to express this much at the very beginning of this matter, and shall take the time to acquaint myself more particularly with the hearings had before the committee of which I was a member.

Mr. WALSH of Montana. Mr. President, I merely wanted to inquire of the Senator if he did not misspeak himself when he said that the Members from the wool-producing States were all against this bill?

Mr. SMITH. I meant of the subcommittee.

Mr. WALSH of Montana. What representatives of wool-producing States took that position?

Mr. SMITH. I do not recall, and perhaps I may not have stated the matter exactly accurately; but my impression was that the subcommittee's report was adverse. I shall be glad to make any correction of any misstatement in that regard.

Mr. WALSH of Montana. That is what I wanted to know. I was very curious to know what representative from any wool-producing State, either upon the committee or off the committee, signified any opposition to this bill, except the Senator from Utah [Mr. SMOOT]. My understanding about the matter is that that is the only rift in the lute; that except for the Senator from Utah, every representative from every wool-producing State is in favor of this bill.

Mr. SMOOT. I doubt that statement.

Mr. SMITH. As a matter of course, that may be disclosed here, but I do not think that statement is any nearer correct, perhaps, than the one I made; and I believe mine was in the main correct.

Mr. WALSH of Massachusetts. Mr. President, will the Senator from South Carolina yield?

Mr. SMITH. I yield.

Mr. WALSH of Massachusetts. I should like to suggest to the Senator from South Carolina, as also to the Senator from Kansas [Mr. CAPPER], that this is a very important bill. It is going to be discussed at great length and very thoroughly discussed and very vigorously opposed. It is a departure into a new governmental activity that is fraught with very serious and grave danger. It is more bureaucracy. It is a precedent which, once established, will never end except at the expenditure of millions of dollars which the consuming public must pay for the cost of labeling every product manufactured in the United States. It is a bill to promote the wool-growing business through special legislation.

In view of these facts, I suggest to the Senator from Kansas that he postpone the present consideration of this bill and not waste the time until 2 o'clock. These people have a right to petition the Congress, and I do not object to the consideration of this bill later, but it should not be suddenly called up without Senators having opportunity to prepare for the debate. Therefore, I suggest that the bill be made the unfinished business following the milk bill, which is at present the unfinished business. Otherwise we will go ahead until 2 o'clock and nothing will be accomplished.

Mr. GOODING. Mr. President——

Mr. SMITH. I will conclude what I have to say at this time, for I propose to discuss the matter at length during the consideration of the bill, if it is kept before the Senate.

I want to say, in justification of myself, that I am laying myself liable to the charge that as cotton is very often used in the manufacture of woolen goods I am here opposing the bill for that reason. Not alone that, but the woolen manufacturers themselves protested against this bill on the ground that if we were to force them by law to label goods as is proposed in this bill, even where goods were composed entirely of wool, it would be almost impossible to differentiate between the classes of wool and would impose an intolerable condition on the trade, even though nothing else were used in the manufacture of a given article than wool itself. I say this because I do not desire to make myself liable to the inference that I am speaking because there is another fabric that might be used. The main war is on the different kinds of wool, which can be and I am sure will be made manifest to this body by those more competent than myself to speak familiarly as to the different types of wool that will be affected by this bill, and then it will affect the purchasing public. I shall, however, discuss it at length in the course of this debate.

Mr. WALSH of Massachusetts. Mr. President, will the Senator from Kansas state to the Senate what his judgment is of the suggestion I just made?

Mr. CAPPER. If we can have an agreement of some kind that the bill would have further consideration as the unfinished business, I think it would be satisfactory to the supporters of the measure.

Mr. MOSES. That kind of an agreement can not be made.

Mr. WALSH of Massachusetts. I understand that the Senator from Idaho [Mr. GOODING] has the right of way with his railroad bill following the present unfinished business—the milk bill. Why can not the Senator from Kansas take up his bill following the bill that is to be presented by the Senator from Idaho?

Mr. CAPPER. We have been waiting for months to reach this bill, and I rather think it is probably a question of considering it now or not at all, so far as this session of Congress is concerned.

Mr. MOSES. Does the Senator mean this morning?

Mr. CAPPER. We have an hour and a half now for discussion of the bill.

Mr. MOSES. Oh, the bill can not be passed to-day; I can assure the Senator of that.

Mr. CAPPER. The proponents of the bill will not ask for any extended time for discussion of the bill.

Mr. WALSH of Massachusetts. May I ask the Senator if it is a fact that the Republican steering committee have agreed that this is one of the measures which should be brought forward during this session of Congress?

Mr. CAPPER. They have. It is on the program of the steering committee, and we hope to bring the bill to a vote now.

Mr. WALSH of Massachusetts. Why can it not remain on the program, to be taken up in the regular order on that program?

Mr. CAPPER. I have been trying for a month or more to have it taken up, and this is our first chance. I do not want to delay it longer.

Mr. President, I present a statement from the representatives of the farm organizations as to how the wool producers and other livestock and agricultural organizations feel as to this legislative proposal. I ask that it be read.

The VICE PRESIDENT. Without objection, the statement will be read.

The legislative clerk read as follows:

WASHINGTON, D. C., *December 21, 1926.*

Hon. ARTHUR CAPPER,
*Senate Office Building, Washington, D. C.*

MY DEAR SENATOR: For many years the undersigned organizations have supported your efforts to secure a truth in fabric bill which would enable the purchaser of woolen fabrics to know whether or not such fabrics were made of virgin wool or reworked material.

The efforts to pass such a measure now seem very near completion, and we wish to assure you that our interest in the measure is as keen as it ever has been.

We trust that you will accept no amendments and accede to no substitute bill which does not definitely designate woolen fabrics in regard to their contents so that the average purchaser will not buy under misapprehension. Many amendments and substitutes have been offered to the straightforward truth in fabric bill which you have been and are now sponsoring. All these amendments and substitutes are useless and futile so far as real truth in fabric legislation is concerned.

Very respectfully,

THE NATIONAL GRANGE,
T. C. ATKESON, *Washington Representative.*
FARMERS EDUCATIONAL & COOPERATIVE UNION,
C. S. BARRETT, *President.*
AMERICAN FARM BUREAU FEDERATION,
CHESTER H. GRAY, *Washington Representative.*
AMERICAN FARM CONGRESS,
W. I. DRUMMOND, *Managing Director.*

Mr. GOODING. Mr. President, I am very much interested in this legislation; but I am sure it is a waste of time this morning to undertake to discuss this bill with any thought that it is going to be passed.

The committee on order of business, composed altogether of Republicans, has provided and recommended to the Senate seven different bills for a preferred place on the calendar. One is Senate bill 2929, the refunding bill, the first on the list, and this bill is the second on the list. If we could have some kind of an understanding that the Senate is going to follow that program, I am sure it would be in the interest of the passage of this legislation.

I know that the opposition to this measure is such that it can not possibly pass this morning; and if there could be some kind of an understanding of the Senate or an agreement that we would follow the program at least for those two bills—first the interest bill, reducing the interest on railroads that are in a very serious condition and can not meet their transportation problems, and then follow it with this bill—possibly something can be accomplished this morning on the calendar. If something of that kind is not done, it seems to me the morning hour is going to be wasted.

Mr. NORRIS. Mr. President may I interrupt the Senator? Even though the Senator from Kansas does not succeed in passing his bill by 2 o'clock, about so much debate has to take place anyway. In my judgment it is not a question of waste of time if it is debated even though the Senator has to lay it aside for the unfinished business at 2 o'clock. When the bill does come up, it will take the same amount of time to debate it and discuss it. I do not think the time is lost, by any means.

Mr. FESS. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Ohio?

Mr. GOODING. I yield to the Senator.

Mr. FESS. I am in favor of the legislation suggested by the Senator from Idaho. It has been before our committee, and I have gone over it pretty exhaustively, and I am thoroughly convinced that the principle involved is sound; but I should very much dislike to lay aside a bill that has been before us so many years, and is peculiarly of interest to the farming element of the country, to take up a bill that is in the interest of the railroads, or one particular railroad. As the Senator from Nebraska [Mr. NORRIS] has suggested, it will take so much debate anyway; and if the Senate is interested in this particular legislation the debate will not be amiss, because there is a lot of confusion about the bill.

A moment ago a Member of the Senate made a suggestion that indicated that he had the wrong construction of what the measure is. The measure is upon the basis of the pure food law. It does not require all garments to be branded. It only requires garments that are not virgin wool to be branded.

Mr. MOSES. Mr. President, may I suggest to the Senator from Ohio that, in spite of the illuminating suggestion he has made that there must be a certain amount of debate on this bill in any event. It is grossly unfair to thrust that debate in here on Calendar Monday, when there are so many other measures on the calendar in which individual Senators are interested. It may be done under the rules, to be sure; but I think the course that has been adopted with the bill is likely to create some resentment against it, wholly aside from the resentment which might arise from the character of the legislation itself.

Mr. FESS. Then the Senator from New Hampshire would want the bill kept before the Senate, because he is opposed to it, and any sort of resentment that might be aroused would be of advantage to the opposition.

Mr. MOSES. I am speaking for Senators who are much more mild-mannered than I.

Mr. GOODING. Mr. President, my only thought in suggesting that this matter go over was the interest of the bill itself, because I felt that if we could have an understanding that it would be made the unfinished business it would then be before the Senate until we could have a final vote on it. I know, and I think Senators very generally know, that the bill could not be disposed of in the morning hour. Getting back to Senate bill 2929, the interest bill, I think that bill is directly in the interest of the farmers, because, unless the railroads that are now suffering from the present financial conditions are relieved, then the freight rates of those particular railroads will have to be increased by the Interstate Commerce Commission.

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

Mr. GOODING. I yield.

Mr. CURTIS. I would like to make a suggestion to the junior Senator from Kansas and to the other Senators. As this is Calendar Monday and we have had no call of the calendar for several weeks, I suggest that my colleague withdraw his bill and that we devote the time from now until 2 o'clock to the consideration of unobjected bills on the calendar. I think we can get through the calendar if that course is followed. It is perfectly apparent that no measure that is opposed can be passed before 2 o'clock. I think the course I have suggested would be a good way out of the situation, if there is no objection.

Mr. CAPPER. Can my colleague give me any assurance that we can get consideration of this measure at a later date?

Mr. CURTIS. I think the Senator's bill is second on the list of those to be taken up on the recommendation of the steering committee. Of course, the recommendation of the steering committee is only a recommendation. Whenever we adjourn, during the morning hour of the next day any Senator can move, after the routine morning business has been concluded, that we proceed to the consideration of any particular measure. But the bill of my colleague has the advantage that it is recommended by the steering committee, and it ought to be the second bill called up. I hope we may have a number of adjournments, after we finish the consideration of the treaty, so that we may get through with these bills on the calendar. I shall do everything I can to have the Senate adjourn as often as possible instead of taking a recess, so that Senators who have bills on the calendar may have an opportunity to take them up.

Mr. WILLIS. Mr. President, I want to make this observation: I am not inclined to resist the suggestion of the senior Senator from Kansas, but only to make the statement that I have seen the pending bill kicked around here three or four years in about this fashion. It is brought up, and then the author of it is asked to yield to some one with some other bill. Perhaps it may be desirable that we proceed with the calendar under Rule VIII, as suggested by the senior Senator from Kansas; but if we are to be asked to thrust aside this measure, in which all the farm organizations of the country are interested, in order to take up a railroad bill, about whose merits now I do not express any opinion, I am not for that program.

Mr. CURTIS. Mr. President——

Mr. WILLIS. I understand that is not the purpose of the senior Senator from Kansas, but it is his purpose to promote the business of the Senate. I simply wanted to make the observation that as far as I am concerned, for one, I shall make every effort to bring this bill to a vote.

Mr. CURTIS. Mr. President, I am just as anxious as is the Senator from Ohio to have this bill considered.

Mr. WILLIS. I know the Senator is.

Mr. CURTIS. My suggestion was in the interest of disposing of bills on the calendar. The Senator from Tennessee [Mr. TYSON], who has a measure he is anxious to have taken up, has been trying all session to have it considered. Of course, he could move to have it taken up, unless we have the unanimous consent I am about to ask. I would just as soon that we go on with his bill as the other.

I ask unanimous consent that we devote the time from now to 2 o'clock in the consideration of unobjected bills on the calendar.

The VICE PRESIDENT. Is there objection?

Mr. TYSON. Mr. President, I will ask the Senator from Kansas to withhold his request for one moment. It seems to me we shall not get any business through at this session unless we set the various bills for hearing at special times. I made a motion the other day that my bill be taken up as a special order, and at that time the Senator from Ohio objected and said that we would never get through with any business if it were made a special order. I have been waiting for a week, and it has been impossible to get the bill up, and there has been practically no business of any kind done during the past week except the action on the maternity and infancy bill, which was the unfinished business. I believe nothing will be accomplished until we get bills set in their order, and consider them in their order, until they are disposed of.

I want to say that I have tried to be as considerate of everybody as possible, and I think, in a sense, Senators have been as considerate of me as I could have asked; but I can not agree to allow any other bill to be made the unfinished business, with my consent, unless I get my bill placed in such a position that it will be considered.

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

Mr. TYSON. I yield.

Mr. CURTIS. Of course, the Senator knows that if the unanimous consent requested is granted, it will make no bill the unfinished business. There is already a bill the unfinished business.

Mr. TYSON. That is true, but I would like to find out what the situation is. There is talk about voting on the bill of the junior Senator from Kansas. I want to know what is to be done with my bill.

Mr. ROBINSON of Arkansas. Mr. President——

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from Arkansas?

Mr. TYSON. I yield.

Mr. ROBINSON of Arkansas. I feel justified in saying that it seems to me the request of the Senator from Tennessee is entitled to consideration. The bill to which he refers has been passed by the Senate in other Congresses, I think twice. I ask the Senator from Tennessee if that is correct.

Mr. TYSON. That is correct.

Mr. ROBINSON of Arkansas. The Senate has expressed its opinion on this matter in other Congresses, and the Senator from Tennessee has been earnestly pressing for consideration of that measure. I suggest that it might be well to proceed with unobjected bills on the calendar at this time, if Senators are willing to do so, with a view to attempting to make some arrangement by which these measures which the Senate manifestly wants to consider may be brought to the attention of the Senate.

Mr. CURTIS. Mr. President, I would like to state to the Senator that if I can have my way about it, we will have adjournments hereafter just as often as possible, so that Senators may have an opportunity to call up their measures and have them made the unfinished business. I do not think the present unfinished business will take very much more time. I do not believe the bill of the Senator from Montana [Mr. WALSH] will take very much time. So if we had three or four adjournments these measures could be reached. I agree with the Senator that the bill of the Senator from Tennessee should be taken up. I voted to take it up; I am favorable to the measure, and will do everything I can to help get it up.

Mr. ROBINSON of Arkansas. May I say, in reply to what the Senator from Kansas has suggested, that it will not be possible, under any arrangement that can be effected, to have consideration of all the bills which Senators desire to present. We know the situation, and we might just as well confront it fairly and fully.

Preferential treatment is being given to certain bills. The majority steering committee has taken the responsibility of presenting a list of measures to the Senate, measures which, in all probability, aside from appropriation bills, will require nearly all the time of the Senate remaining between now and adjournment sine die on the 4th of March.

I do not suggest an effort to effect an arrangement under which every bill objected to may receive consideration, because that would be a physical impossibility, as Senators well know. The calendar contains several hundred bills that have already been reported by committees, and from time to time, as the session progresses, other bills will be reported, and it will not be possible to dispose of a very large number of those bills where objections are made.

The emergency officers' retirement bill, to which the Senator from Tennessee refers, has been reported time and again by the Committee on Military Affairs over strenuous opposition by certain members. It has been taken up in the Senate over every opposition that could be offered, and it was passed on two different occasions. I am suggesting now to the Senator from Kansas, and to other Senators, that it would be fair and proper to accord preferential consideration for that bill.

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

Mr. ROBINSON of Arkansas. I yield.

Mr. CURTIS. If the Senator from Tennessee will consent that we may proceed until 2 o'clock with unobjected bills on the calendar, I will have a conference with members of the steering committee and see if we can not make some arrangement.

Mr. FESS. Mr. President, will the Senator further yield?

Mr. ROBINSON of Arkansas. I yield.

Mr. FESS. I think if we were not asked to take up some other bill, and spend all the time in discussing it, but could follow the suggestion of the Senator from Kansas and consider unobjected bills on the calendar, the friends of this truth in fabrics bill would be willing to withdraw it to-day.

Mr. ROBINSON of Arkansas. In view of the last statement made by the Senator from Kansas, and the statement just made by the Senator from Ohio, I suggest to the Senator from Tennessee that in all probability that would be the best procedure.

Mr. FLETCHER. May I suggest that under the rule we will not consider the calendar again as a matter of course until next Monday, when we shall be obliged to take up the calendar. Will the Senator agree that we may at some certain date resume consideration of the calendar?

Mr. CURTIS. I was going to ask that we set aside a day later in the week; but the Senator knows that that will be impossible until we shall have disposed of the treaty, because at any time those in charge of the treaty want the Senate to go into executive session, they may ask to have that done and we shall proceed to the consideration of the treaty. As soon as the treaty is out of the way, it is my purpose to ask the Senate to adjourn, that we may have a morning hour the following day.

Mr. TYSON. Mr. President, do I understand that the Senator from Kansas agrees that my bill shall be placed on the calendar, in the order of proceedings, to be called up immediately after the bill of the junior Senator from Kansas? I wish to say that I do not like to agree to have my bill placed at the bottom of the list, because it has a good place on the calendar now.

Mr. CURTIS. Mr. President, I have no authority to make any such agreement, but I did state that I would talk with the steering committee and see if we could not have the bill placed where it would surely be taken up.

Mr. TYSON. I ask the Senator to have my bill placed immediately after the bill of the junior Senator from Kansas.

Mr. CURTIS. I am not on the steering committee and I could not make that promise, but I will do the best I can. I ask to have my request for unanimous consent put before the Senate.

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

Mr. TYSON. That being the case, and relying upon the statement of the Senator from Kansas, I shall not make any objection.

Mr. NORRIS. Mr. President, let us not have any misunderstanding. I notice that the Senator from California is not here. I do not want any unanimous consent agreed to——

Mr. CURTIS. There is no misunderstanding.

Mr. NORRIS. There is no understanding on the outside?

Mr. LENROOT. There is an understanding as to the call of the calendar.

Mr. NORRIS. A call of the calendar to-day?

Mr. CURTIS. Yes.

Mr. NORRIS. It does not go beyond that?

Mr. CAPPER. It goes to unobjected bills only.

The VICE PRESIDENT. The Chair hears no objection, and the request of the Senator from Kansas is agreed to. The clerk will proceed with the call of the calendar.

PROTECTION OF WATERSHEDS OF NAVIGABLE RIVERS

The bill (S. 718) authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended, was announced as next in order.

Mr. OVERMAN. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

Mr. McNARY. Mr. President, I am the author of the bill immediately following the truth in fabrics bill. My attention was distracted when the bill was called. What is the status of the bill?

Mr. SMITH. It has gone to the calendar.

Mr. McNARY. I would like to have the RECORD show what Senator objected.

The VICE PRESIDENT. The Chair is informed that the Senator from North Carolina [Mr. OVERMAN] objected.

Mr. McNARY. Then I understand that the Senator from North Carolina [Mr. OVERMAN] objected to the consideration of this measure.

Mr. OVERMAN. Is the Senator referring to Order of Business 368?

Mr. McNARY. Yes. Is that in the RECORD?

Mr. OVERMAN. Yes; I may be put down in the RECORD as objecting to the consideration of the bill.

Mr. McNARY. I simply wanted that amplified to know who was objecting. I think there are no other objectors to this bill in the Senate. I give notice at this time that at the first available opportunity I shall move to take up this measure.

Mr. ROBINSON of Arkansas. Mr. President, I make a point of order.

The VICE PRESIDENT. The Senator will state his point of order.

Mr. McNARY. I have said all I wanted to say, and I am going to subside.

Mr. ROBINSON of Arkansas. Under the unanimous-consent agreement only unobjected bills on the calendar may be considered.

Mr. McNARY. I appreciate the rule, but I wanted to find out who was responsible for this bill going over, and I say again that I shall call it up at an early date. I am through.

FOREIGN-TRADE ZONES

The bill (S. 66) to provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes.

SEVERAL SENATORS. Over!

The VICE PRESIDENT. The bill will be passed over.

CAPT. JAMES A. MERRITT

The bill (S. 2839) for the relief of Capt. James A. Merritt, United States Army, retired, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That the President of the United States be, and he is hereby, authorized to promote Capt. James A. Merritt, United States Army, retired, to the rank of major on the retired list of the Army, effective as of May 16, 1921.

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

THE CALENDAR—BILLS PASSED OVER

The bill (S. 454) to prevent the sale of cotton and grain in future markets was announced as next in order.

Mr. RANSDELL. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2584) to promote the development, protection, and utilization of grazing facilities on public lands, to stabilize the range stock-raising industry, and for other purposes, was announced as next in order.

Mr. LA FOLLETTE. Over.

The VICE PRESIDENT. The bill will be passed over.

The resolution (S. Res. 188) to amend paragraph 2 of Rule XXVIII of the standing rules of the Senate relative to nominations was announced as next in order.

Mr. JONES of Washington and Mr. WILLIS. Over.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 3840) to provide for the consolidation of carriers by railroad and the unification of railway properties within the United States was announced as next in order.

Mr. LA FOLLETTE and Mr. WILLIS. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 3821) to place under the civil service act the personnel of the Treasury Department authorized by section 38 of the national prohibition act was announced as next in order.

Mr. COPELAND. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3938) for the relief of the stockholders of the First National Bank of Newton, Mass., was announced as next in order.

Mr. LA FOLLETTE. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2929) to authorize the refunding of certain evidences of indebtedness issued by carriers in interstate commerce, and for other purposes, was announced as next in order.

Mr. WILLIS and Mr. LA FOLLETTE. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 786) to amend the act entitled "An act for retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof, was announced as next in order.

Mr. COUZENS. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 62) for the allowance of certain claims of indemnity for spoliations by the French prior to July 31, 1801, as reported by the Court of Claims, was announced as next in order.

Mr. WARREN. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2770) to confer United States citizenship upon certain inhabitants of the Virgin Islands and to extend the naturalization laws thereto, was announced as next in order.

Mr. BRUCE. Over.

The VICE PRESIDENT. The bill will be passed over.

Mr. BRUCE. Allow me to say that really it is needless to go on with the call of the calendar, because I expect to call "over" on every bill.

The bill (S. 3331) to provide for the protection and development of the lower Colorado River Basin was announced as next in order.

Mr. ASHURST. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3473) to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, and for other purposes, was announced as next in order.

Mr. BRUCE. Over.

The VICE PRESIDENT. The bill will be passed over.

SENATOR FROM NEW YORK CREDENTIALS

Mr. COPELAND. Mr. President, I present the certificate of election of ROBERT F. WAGNER, elected a Senator from the State of New York.

The PRESIDING OFFICER (Mr. BINGHAM in the chair). The receipt of credentials is a matter of high privilege, and the credentials will be received.

Mr. ASHURST. Mr. President, the same should be read and then go to the Committee on Privileges and Elections, the usual course in such a matter.

The PRESIDING OFFICER. The credentials will be read.

The Chief Clerk read the credentials, as follows:

STATE OF NEW YORK, *ss:*

We, the secretary of state, comptroller, treasurer, attorney general, and state engineer and surveyor of the State of New York, constituting the State board of canvassers, having canvassed and estimated the whole number of votes given for the office of United States Senator at the general election held in said State on the 2d day of November, 1926, according to the certified statements of the said votes received by the secretary of state, in the manner directed by law, do hereby determine, declare, and certify that ROBERT F. WAGNER was, by the greatest number of votes given at the said election, duly elected United States Senator of the said State.

Given under our hands at the office of the secretary of state in the city of Albany the 6th day of December in the year of our Lord 1926.

FLORENCE E. S. KNAPP,
*Secretary of State.*
VINCENT B. MURPHY,
*Comptroller.*
LEWIS H. POUNDS,
*Treasurer.*
ALBERT OTTINGER,
*Attorney General.*
ROY G. FINCH,
*State Engineer and Surveyor.*

STATE OF NEW YORK,
*Office of the Secretary of State, ss:*

I certify that I have compared the foregoing with the original certificate filed in this office and that the same is a correct transcript therefrom and of the whole of such original.

Given under my hand and seal of office at the city of Albany this 6th day of December, 1926.

[SEAL.] FLORENCE E. S. KNAPP,
*Secretary of State.*

The PRESIDING OFFICER. Is the Chair to understand that the Senator from Arizona moves that the credentials be referred to the Committee on Privileges and Elections?

Mr. ASHURST. No, Mr. President; a motion is not necessary. There is nothing wrong with the credentials of Senator-elect WAGNER. I have no doubt the credentials are regular upon their face. But I think it wise that the Senate should continue its practice of having the credentials of all who seek admission to the Senate referred to the appropriate committee. All I ask is that the Senate follow its practice. No motion is necessary.

The PRESIDING OFFICER. The usual procedure recently has been for a certificate of election to be placed on file without being referred to a committee.

Mr. ASHURST. That was a lapse from the rule. It was because we became slouchy and departed from the proper course. I ask that we recur to the proper procedure and that the credentials be referred to the Committee on Privileges and Elections.

The PRESIDING OFFICER. The Senator, then, moves——

Mr. ASHURST. Oh, no; the motion is not necessary. I do not so move.

Mr. ROBINSON of Arkansas. Mr. President, if the Senator will yield to me, I suggest that the credentials be filed and lie on the table.

Mr. ASHURST. I have no objection to that course.

The PRESIDING OFFICER. The credentials will be filed and lie on the table. The clerk will state the next bill on the calendar.

THE CALENDAR—BILLS PASSED OVER

The bill (H. R. 3858) to establish in the Bureau of Foreign and Domestic Commerce of the Department of Commerce a foreign commerce service of the United States, and for other purposes, was announced as next in order.

Mr. BRUCE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4106) to authorize and direct the Secretary of War to execute a lease with the Muscle Shoals Fertilizer Co. and the Muscle Shoals Power Distributing Co., and for other purposes, was announced as next in order.

Mr. BRUCE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2081) placing certain noncommissioned officers in the first grade was announced as next in order.

Mr. BRUCE. Over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. SHORTRIDGE. Mr. President, let me appeal to the Senator from Maryland. I trust he will not insist upon his objection to the bill. He will place me under additional and great obligation if he will withdraw his objection and let the bill pass. I have never heard any objection to it from any source.

The PRESIDING OFFICER. Is the objection withdrawn?

Mr. BRUCE. It is not.

The PRESIDING OFFICER. The clerk will state the next bill on the calendar.

The bill (S. 3342) to remove clouds from the title of the Verde River irrigation and power district to its approved rights of way for reservoirs and canals and extend the time for construction of its project, and for other purposes, was announced as next in order.

Mr. BRUCE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4177) to regulate interstate and foreign commerce in coal and to promote the general welfare dependent on the use of coal, and for other purposes, was announced as next in order.

Mr. MAYFIELD and Mr. BRUCE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 8714) authorizing the Secretary of the Interior to equitably adjust disputes and claims of settlers and others against the United States and between each other arising from incomplete or faulty survey in T. 19 S., R. 26 E., Tallahassee meridian, Lake County, in the State of Florida, was announced as next in order.

Mr. BRUCE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3533) to provide for the better definition and extension of the purpose and duties of the Bureau of Education, and for other purposes, was announced as next in order.

Mr. BRUCE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3255) for the relief of certain counties in the States of Oregon and Washington, within whose boundaries the revested Oregon & California Railroad Co. grant lands are located, was announced as next in order.

Mr. BRUCE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4224) to amend Title II of an act approved February 23, 1925 (43 Stat. 1053), regulating postal rates, and for other purposes, was announced as next in order.

Mr. BRUCE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 92) consenting that certain States may sue the United States, and providing for trial on the merits in any suit brought hereunder by a State to recover direct taxes alleged to have been illegally collected by the United States during the years 1866, 1867, and 1868, and vesting the right in each State to sue in its own name was announced as next in order.

Mr. BRUCE. Over.

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

Mr. JONES of Washington. Mr. President, why can we not accept the statement of the Senator from Maryland that he expects to object to these bills and let the Senator from Wisconsin [Mr. LENROOT] proceed with the unfinished business?

Mr. WADSWORTH. I think I shall have to call for the regular order. I believe the situation should be developed so that everyone will understand it.

Mr. JONES of Washington. I think it has been developed since the Senator from Maryland has announced he would object to every bill.

The PRESIDING OFFICER. The clerk will state the next bill on the calendar.

The bill (S. 4207) to amend and strengthen the national prohibition act and the act of November 23, 1921, supplemental thereto, and for other purposes, was announced as next in order.

Mr. BLEASE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 455) to amend the practice and procedure in Federal courts, and for other pruposes, was announced as next in order.

Mr. BRUCE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 477) to give the Supreme Court of the United State authority to make and publish rules in common-law actions was announced as next in order.

Mr. BRUCE. Over.

Mr. ERNST. Mr. President, I move that the bill be taken up for consideration, notwithstanding the objection.

The PRESIDING OFFICER. In view of the unanimous-consent agreement of the Senate to proceed to the consideration of unobjected bills on the calendar, the Senator's motion is not in order at this time. The clerk will state the next bill on the calendar.

The bill (S. 4027) to authorize the construction of three cottages and an annex to the hospital at the National Home for Disabled Volunteer Soldiers at Marion, Ind., was announced as next in order.

Mr. BRUCE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 9269) to amend paragraph 2 of section 7 of the farm loan act was announced as next in order.

Mr. BRUCE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 9694) authorizing the erection of a monument in France to commemorate the valiant services of the Ninety-third Division of the American Expeditionary Forces was announced as next in order.

Mr. BRUCE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3099) to cede certain lands in the State of Oregon, including Diamond Lake, to the State of Oregon for fish-cultural purposes, and for other purposes, was announced as next in order.

Mr. BRUCE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4043) to permit the sale of small or inaccessible tracts of public grazing lands was announced as next in order.

Mr. BRUCE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4247) to amend and reenact sections 3, 20, 31, 33, and 38 of the act of March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," as amended by an act approved June 7, 1924, and for the insertion of two new sections in said act between sections 5 and 6 and sections 41 and 42 of said act, to be designated as "5a" and "41a" of said act, was announced as next in order.

Mr. BRUCE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 9268) to amend the agricultural credits act of 1923 was announced as next in order.

Mr. BRUCE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1143) amending section 1 of the interstate commerce act was announced as next in order.

Mr. BRUCE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3574) to provide for the deportation of certain alien seamen, and for other purposes, was announced as next in order.

Mr. BRUCE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 10857) granting the consent of Congress to the Interstate Bridge Co., of Lansing, Iowa, to construct a bridge across the Mississippi River at Lansing was announced as next in order.

Mr. BRUCE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 11488) authorizing and directing the Secretary of the Interior to sell certain public lands to the Cabazon

Water Co., issue patent therefor, and for other purposes, was announced as next in order.

Mr. BRUCE. Over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. WALSH of Massachusetts. Mr. President, if it is in order to exercise the privilege, I ask unanimous consent of the Senate to take up the bill of the Senator from Maryland [Mr. BRUCE], namely, Calendar 656, the bill (S. 62) for the allowance of certain claims for indemnity for spoliations by the French prior to July 31, 1801, as reported by the Court of Claims.

Mr. WILLIS. I object.

The PRESIDING OFFICER. Objection is made. The clerk will state the next bill on the calendar.

The bill (H. R. 4502) declaring pistols, revolvers, and other firearms capable of being concealed on the person nonmailable and providing penalty, was announced as next in order.

Mr. BRUCE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4324) for the relief of the State of Oregon was announced as next in order.

Mr. BRUCE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3847) to amend and clarify existing laws relating to the powers and duties of the auditor for Porto Rico and the auditor for the Philippine Islands was announced as next in order.

Mr. BRUCE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The concurrent resolution (S. Con. Res. 19) creating a joint committee of Congress to investigate conditions in the Virgin Islands was announced as next in order.

Mr. BRUCE. Over.

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

The bill (H. R. 9061) to authorize Lieut. Commander Lucius C. Dunn, United States Navy, to accept from the King of Denmark a decoration known as a knight of the Order of Dannebrog, was announced as next in order.

Mr. BRUCE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 33) to amend the national prohibition act, as supplemented, in respect of the definition of intoxicating liquor, was announced as next in order.

Mr. BRUCE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 34) to amend the national prohibition act, as supplemented, in respect to the issuance by physicians of prescriptions for intoxicating liquors, was announced as next in order.

Mr. BRUCE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 591) to amend the national prohibition act to provide for the manufacture, sale, and transportation of 4 per cent beer under Federal supervision, was announced as next in order.

Mr. BRUCE. Over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. ASHURST. Mr. President, I do not like a farce, but I do like both comedy and tragedy; therefore, I move that the Senate adjourn.

The PRESIDING OFFICER. The question is on the motion of the Senator from Arizona that the Senate do now adjourn.

The motion was rejected.

The PRESIDING OFFICER. The clerk will state the next bill on the calendar.

The bill (S. 3118) to amend the national prohibition act, as supplemented, in respect of the definition of intoxicating liquor, was announced as next in order.

Mr. BRUCE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3891) to amend the national prohibition act, to provide for State local option, and for other purposes, was announced as next in order.

Mr. BRUCE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4203) to amend the national prohibition act, as supplemented, in respect of the manufacture of liquor without a permit, was announced as next in order.

Mr. BRUCE. Over.

The PRESIDING OFFICER. The bill will be passed over.

### JOHN J. M'GRAIN *v.* MALLY S. DAUGHERTY

Mr. REED of Missouri. Mr. President, I ask unanimous consent to have printed in the RECORD at this point an opinion of the Supreme Court of the United States which has just been rendered in the case of John J. McGrain, Deputy Sergeant at Arms of the United States Senate, appellant, against Mally S. Daugherty. The opinion is one which directly concerns the power of Congress and is of widespread interest. I think it ought to be preserved in the RECORD.

The PRESIDING OFFICER. The Senator from Missouri asks unanimous consent for the printing in the RECORD of an opinion by the Supreme Court of the United States recently delivered. Is there objection? The Chair hears none, and it is so ordered.

The opinion is as follows:

SUPREME COURT OF THE UNITED STATES

(No. 28.—October term, 1926)

John J. McGrain, Deputy Sergeant at Arms of the United States Senate, appellant, *v.* Mally S. Daugherty. Appeal from the District Court of the United States for the Southern District of Ohio

[January 17, 1927]

Mr. Justice Van Devanter delivered the opinion of the court.

This is an appeal from the final order in a proceeding in habeas corpus discharging a recusant witness held in custody under process of attachment issued from the United States Senate in the course of an investigation which it was making of the administration of the Department of Justice. A full statement of the case is necessary.

The Department of Justice is one of the great executive departments established by congressional enactment and has charge, among other things, of the initiation and prosecution of all suits, civil and criminal, which may be brought in the right and name of the United States to compel obedience or punish disobedience to its laws, to recover property obtained from it by unlawful or fraudulent means, or to safeguard its rights in other respects; and also of the assertion and protection of its interests when it or its officers are sued by others. The Attorney General is the head of the department, and its functions are all to be exercised under his supervision and direction. (Rev. Stats. secs. 346, 350, 359, 360, 361, 362, 367; Judicial Code, secs. 185, 212; c. 382, secs. 3, 5, 25 Stat. 858, 859; c. 647, sec. 4, 26 Stat. 209; c. 3935, 34 Stat. 816; c. 323, sec. 15, 38 Stat. 736; United States *v.* San Jacinto Tin Co., 125 U. S. 273, 278; Kern River Co. *v.* United States, 257 U. S. 147, 155; Ponzi *v.* Fessenden, 258 U. S. 254, 262.)

Harry M. Daugherty became the Attorney General March 5, 1921, and held that office until March 28, 1924, when he resigned. Late in that period various charges of misfeasance and nonfeasance in the Department of Justice after he became its supervising head were brought to the attention of the Senate by individual Senators and made the basis of an insistent demand that the department be investigated to the end that the practices and deficiencies which, according to the charges, were operating to prevent or impair its right administration might be definitely ascertained and that appropriate and effective measures might be taken to remedy or eliminate the evil. The Senate regarded the charges as grave and requiring legislative attention and action. Accordingly it formulated, passed, and invited the House of Representatives to pass (and that body did pass) two measures taking important litigation then in immediate contemplation out of the control of the Department of Justice and placing the same in charge of special counsel to be appointed by the President (CONGRESSIONAL RECORD, 68th Cong., 1st sess., pp. 1520, 1521, 1728; c. 16, 43 Stat. 5; CONGRESSIONAL RECORD, 68th Cong., 1st sess., pp. 1591, 1974; c. 39, 43 Stat. 15; c. 42, 43 Stat. 16); and also adopted a resolution authorizing and directing a select committee of five Senators "to investigate circumstances and facts, and report the same to the Senate, concerning the alleged failure of Harry M. Daugherty, Attorney General of the United States, to prosecute properly violators of the Sherman Antitrust Act and the Clayton Act against monopolies and unlawful restraint of trade; the alleged neglect and failure of the said Harry M. Daugherty, Attorney General of the United States, to arrest and prosecute Albert B. Fall, Harry F. Sinclair, E. L. Doheny, C. R. Forbes, and their coconspirators in defrauding the Government, as well as the alleged neglect and failure of the said Attorney General to arrest and prosecute many others for violations of Federal statutes, and his alleged failure to prosecute properly, efficiently, and promptly, and to defend, all manner of civil and criminal actions wherein the Government of the United States is interested as a party plaintiff or defendant. And said committee is further directed to inquire into, investigate, and report to the Senate the activities of the said Harry M. Daugherty, Attorney General, and any of his assistants in the Department of Justice which would in any manner tend to impair their efficiency or influence as representatives of the Government of the United States."

The resolution also authorized the committee to send for books and papers, to subpœna witnesses, to administer oaths, and to sit at such times and places as it might deem advisable. (For the full resolution and two amendments adopted shortly thereafter see CONGRESSIONAL RECORD, 68th Cong., 1st sess., pp. 3299, 3409–3410, 3548, 4126.)

In the course of the investigation the committee issued and caused to be duly served on Mally S. Daugherty—who was a brother of Harry M. Daugherty and president of the Midland National Bank, of Washington Court House, Ohio—a subpœna commanding him to

appear before the committee for the purpose of giving testimony bearing on the subject under investigation and to bring with him the "deposit ledgers of the Midland National Bank since November 1, 1920; also note files and transcript of owners of every safety vault; also records of income drafts; also records of any individual account or accounts showing withdrawals of amounts of $25,000 or over during above period." The witness failed to appear.

A little later in the course of the investigation the committee issued and caused to be duly served on the same witness another subpœna commanding him to appear before it for the purpose of giving testimony relating to the subject under consideration—nothing being said in this subpœna about bringing records, books, or papers. The witness again failed to appear; and no excuse was offered by him for either failure.

The committee then made a report to the Senate stating that the subpœnas had been issued; that according to the officer's returns—copies of which accompanied the report—the witness was personally served; and that he had failed and refused to appear. (Senate Report No. 475, 68th Cong., 1st sess.) After a reading of the report, the Senate adopted a resolution reciting these facts and proceedings, as follows (CONGRESSIONAL RECORD, 68th Cong., 1st sess., pp. 7215–7217):

"Whereas the appearance and testimony of the said M. S. Daugherty is material and necessary in order that the committee may properly execute the functions imposed upon it and may obtain information necessary as a basis for such legislative and other action as the Senate may deem necessary and proper: Therefore be it

"*Resolved*, That the President of the Senate pro tempore issue his warrant commanding the Sergeant at Arms or his deputy to take into custody the body of the said M. S. Daugherty wherever found and to bring the said M. S. Daugherty before the bar of the Senate, then and there to answer such questions pertinent to the matter under inquiry as the Senate may order the President of the Senate pro tempore to propound; and to keep the said M. S. Daugherty in custody to await the further order of the Senate."

It will be observed from the terms of the resolution that the warrant was to be issued in furtherance of the effort to obtain the personal testimony of the witness and, like the second subpœna, was not intended to exact from him the production of the various records, books, and papers named in the first subpœna.

The warrant was issued agreeably to the resolution and was addressed simply to the Sergeant at Arms. That officer, on receiving the warrant, indorsed thereon a direction that it be executed by John J. McGrain, already his deputy, and delivered it to him for execution.

The deputy, proceeding under the warrant, took the witness into custody at Cincinnati, Ohio, with the purpose of bringing him before the bar of the Senate as commanded; whereupon the witness petitioned the Federal District Court in Cincinnati for a writ of habeas corpus. The writ was granted, and the deputy made due return, setting forth the warrant and the cause of the detention. After a hearing the court held the attachment and detention unlawful and discharged the witness, the decision being put on the ground that the Senate, in directing the investigation and in ordering the attachment, exceeded its powers under the Constitution (299 Fed. 620). The deputy prayed and was allowed a direct appeal to this court under section 238 of the Judicial Code as then existing.

We have given the case earnest and prolonged consideration because the principal questions involved are of unusual importance and delicacy. They are (a) whether the Senate—or the House of Representatives, both being on the same plane in this regard—has power, through its own process, to compel a private individual to appear before it or one of its committees and give testimony needed to enable it efficiently to exercise a legislative function belonging to it under the Constitution, and (b) whether it sufficiently appears that the process was being employed in this instance to obtain testimony for that purpose.

Other questions are presented which, in regular course, should be taken up first.

The witness challenges the authority of the deputy to execute the warrant on two grounds—that there was no provision of law for a deputy, and that, even if there were such a provision, a deputy could not execute the warrant because it was addressed simply to the Sergeant at Arms. We are of opinion that neither ground is tenable.

The Senate adopted in 1889 and has retained ever since a standing order declaring that the Sergeant at Arms may appoint deputies "to serve process or perform other duties" in his stead, that they shall be "officers of the Senate," and that acts done and returns made by them "shall have like effect and be of the same validity as if performed or made by the Sergeant at Arms in person." (Senate Journal 47, 51–1, December 17, 1889; Senate Rules and Manual, 68th Cong., p. 114.) In actual practice the Senate has given full effect to the order; and Congress has sanctioned the practice under it by recognizing the deputies—sometimes called assistants—as officers of the Senate, by fixing their compensation and by making appropriations to pay them. (41 Stat. 632, 1253; 42 Stat. 424, 1266; 43 Stat. 33, 580, 1288.) Thus there was ample provision of law for a deputy.

The fact that the warrant was addressed simply to the Sergeant at Arms is not of special significance. His authority was not to be tested by the warrant alone. Other criteria were to be considered. The standing order and the resolution under which the warrant was issued plainly contemplated that he was to be free to execute the warrant in person or to direct a deputy to execute it. They expressed the intention of the Senate; and the words of the warrant were to be taken, as they well could be, in a sense which would give effect to that intention. Thus understood, the warrant admissibly could be executed by a deputy if the Sergeant at Arms so directed, which he did.

The case of Sanborn *v.* Carleton (15 Gray 399), on which the witness relies, related to a warrant issued to the Sergeant at Arms in 1860, which he deputed another to execute. At that time there was no standing rule or statute permitting him to act through a deputy; nor was there anything in the resolution under which the warrant was issued indicative of a purpose to permit him to do so. All that was decided was that in the absence of a permissive provision, in the warrant or elsewhere, he could not commit its execution to another. The provision which was absent in that case and deemed essential is present in this.

The witness points to the provision in the fourth amendment to the Constitution declaring "no warrants shall issue but upon probable cause supported by oath or affirmation" and contends that the warrant was void because the report of the committee on which it was based was unsworn. We think the contention overlooks the relation of the committee to the Senate and to the matters reported, and puts aside the accepted interpretation of the constitutional provision.

The committee was a part of the Senate, and its members were acting under their oath of office as Senators. The matters reported pertained to their proceedings and were within their own knowledge. They had issued the subpœnas, had received and examined the officer's returns thereon (copies of which accompanied the report), and knew the witness had not obeyed either subpœna or offered any excuse for his failure to do so.

The constitutional provision was not intended to establish a new principle but to affirm and preserve a cherished rule of the common law designed to prevent the issue of groundless warrants. In the legislative practice committee reports are regarded as made under the sanction of the oath of office of its members; and where the matters reported are within the committee's knowledge and constitute probable cause for an attachment such reports are acted on and given effect without requiring that they be supported by further oath or affirmation. This is not a new practice but one which has come down from an early period. It was well recognized before the constitutional provision was adopted, has been followed ever since, and appears never to have been challenged until now. Thus it amounts to a practical interpretation, long continued, of both the original common-law rule and the affirming constitutional provision, and should be given effect accordingly. (Prigg *v.* Pennsylvania, 16 Pet. 539, 620–621; The Laura, 114 U. S. 411, 416; McPherson *v.* Blacker, 146 U. S. 1, 35–36; Ex parte Grossman, 267 U. S. 87, 118; Myers *v.* United States (Oct. 25, 1926).)

The principle underlying the legislative practice has also been recognized and applied in judicial proceedings. This is illustrated by the settled rulings that courts in dealing with contempts committed in their presence may order commitments without other proof than their own knowledge of the occurrence (Ex parte Terry, 128 U. S. 289, 307, et seq.; Holcomb *v.* Cornish, 8 Conn. 375; 4 Blackst. Com. 286), and that they may issue attachments, based on their own knowledge of the default, where intended witnesses or jurors fail to appear in obedience to process shown by the officer's return to have been duly served. (Robbins *v.* Gorham, 25 N. Y. 588; Wilson *v.* State, 57 Ind. 71.) A further illustration is found in the rulings that grand jurors, acting under the sanction of their oath as such, may find and return indictments based solely on their own knowledge of the particular offenses, and that warrants may be issued on such indictments without further oath or affirmation (Hale *v.* Henkel, 201 U. S. 43, 60–62; Regina *v.* Russell, 2 Car. & Mar. 247; Commonwealth *v.* Hayden, 163 Mass. 453, 455; Decision of Mr. Justice Catron reported in Wharton's Cr. Pl. & Pr., 8th ed., pp. 224–226); and still another is found in the practice which recognizes that where grand jurors, under their oath as such, report to the court that a witness brought before them has refused to testify, the court may act on that report, although otherwise unsworn, and order the witness brought before it by attachment. (See Hale *v.* Henkel, *supra;* Blair v. United States, 250 U. S. 273; Nelson *v.* United States, 201 U. S. 92, 95; Equity Rule 52, 226 U. S. Appendix, 15; Heard *v.* Pierce, 8 Cush. 338.)

We think the legislative practice, fortified as it is by the judicial practice, shows that the report of the committee—which was based on the committee's own knowledge and made under the sanction of the oath of office of its members—was sufficiently supported by oath to satisfy the constitutional requirement.

The witness also points to the provision in the warrant and in the resolution under which it was issued requiring that he be "brought before the bar of the Senate, then and there" to give testimony "pertinent to the subject under inquiry," and contends that an essential prerequisite to such an attachment was wanting, because he neither had been supœnaed to appear and testify before the Senate, nor had refused to do so. The argument in support of the contention proceeds on the assumption that the warrant of attachment "is to be treated precisely the same as if no subpœna had been issued by the committee, and the same as if the witness had not refused to testify before the committee." In our opinion the contention and the assumption are both untenable. The committee was acting for the Senate and under its authorization; and therefore the subpœnas which the committee issued and the witness refused to obey are to be treated as if issued by the Senate. The warrant was issued as an auxiliary process to compel him to give the testimony sought by the subpœnas; and its nature in this respect is not affected by the direction that his testimony be given at the bar of the Senate instead of before the committee. If the Senate deemed it proper, in view of his contumacy, to give that direction it was at liberty to do so.

The witness sets up an interlocutory injunction granted by a State court at Washington Court House, Ohio, in a suit brought by the Midland National Bank against two members of the investigating committee, and contends that the attachment was in violation of that injunction and therefore unlawful. The contention is plainly ill-founded. The injunction was granted the same day the second subpœna was served, but whether earlier or later in the day does not appear. All that the record discloses about the injunction is comprised in the paragraph copied in the margin from the witness's petition for habeas corpus. ("On the 11th day of April, 1924, in an action in the Court of Common Pleas of said Fayette County, Ohio, in which said The Midland National Bank was plaintiff and said B. K. WHEELER and SMITH W. BROOKHART were defendants, upon the petition of said bank, said court granted a temporary restraining order enjoining and restraining said defendants and their agents, servants, and employees from entering into said banking room and from taking, examining, or investigating any of the books, accounts, records, promissory notes, securities, letters, correspondence, papers, or any other property of said bank or of its depositors, borrowers, or customers in said banking room and from in any manner molesting and interfering with the business and affairs of said bank, its officers, agents, servants, and the business of its depositors, borrowers, and customers with said bank until the further order of said court. The said defendants were duly served with process in said action and duly served with copies of said temporary restraining order on said 11th day of April, 1924, and said injunction has not been modified by said court and no further order has been made in said case by said court, and said injunction is in full force and effect.") But it is apparent from what is disclosed that the injunction did not purport to place any restraint on the witness, nor to restrain the committee from demanding that he appear and testify personally to what he knew respecting the subject under investigation; and also that what the injunction did purport to restrain has no bearing on the power of the Senate to enforce that demand by attachment.

In approaching the principal questions which remain to be considered two observations are in order. One is that we are not now concerned with the direction in the first subpœna that the witness produce various records, books, and papers of the Midland National Bank. That direction was not repeated in the second subpœna and is not sought to be enforced by the attachment. This was recognized by the court below (299 Fed. 623) and is conceded by counsel for the appellant. The other is that we are not now concerned with the right of the Senate to propound or the duty of the witness to answer specific questions, for as yet no questions have been propounded to him. He is asserting—and is standing on his assertion—that the Senate is without power to interrogate him, even if the questions propounded be pertinent and otherwise legitimate—which for present purposes must be assumed.

The first of the principal questions—the one which the witness particularly presses on our attention—is, as before shown, whether the Senate—or the House of Representatives, both being on the same plane in this regard—has power, through its own process, to compel a private individual to appear before it or one of its committees and give testimony needed to enable it efficiently to exercise a legislative function belonging to it under the Constitution.

The Constitution provides for a Congress consisting of a Senate and House of Representatives and invests it with "all legislative powers" granted to the United States, and with power "to make all laws which shall be necessary and proper" for carrying into execution these powers and "all other powers" vested by the Constitution in the United States or in any department or officer thereof. Article I, sections 1, 8. Other provisions show that, while bills can become laws only after being considered and passed by both Houses of Congress, each House is to be distinct from the other, to have its own officers and rules, and to exercise its legislative function independently. (Story Const., secs. 545 et seq.; 1 Kent's Com. p. 222.) Article I, sections 2, 3, 5, 7. But there is no provision expressly investing either House with power to make investigations and exact testimony to the end that it may exercise its legislative function advisedly and effectively. So the question arises whether this power is so far incidental to the legislative function as to be implied.

In actual legislative practice power to secure needed information by such means has long been treated as an attribute of the power to legislate. It was so regarded in the British Parliament and in the colonial legislatures before the American Revolution; and a like view has prevailed and been carried into effect in both houses of Congress and in most of the State legislatures. (May's Parliamentary Practice, 2d ed., pp. 80, 295, 299; Cushing's Legislative Practice, secs. 634, 1901–1903; 3 Hinds' Precedents, secs. 1722, 1725, 1727, 1813–1820; Cooley's Constitutional Limitations, 6th ed., p. 161.)

This power was both asserted and exerted by the House of Representatives in 1792, when it appointed a select committee to inquire into the St. Clair expedition and authorized the committee to send for necessary persons, papers, and records. Mr. Madison, who had taken an important part in framing the Constitution only five years before, and four of his associates in that work were members of the House of Representatives at the time, and all voted for the inquiry (3 Cong. Ann. 494). Other exertions of the power by the House of Representatives, as also by the Senate, are shown in the citations already made. Among those by the Senate, the inquiry ordered in 1859 respecting the raid by John Brown and his adherents on the armory and arsenal of the United States at Harpers Ferry is of special significance. The resolution directing the inquiry authorized the committee to send for persons and papers, to inquire into the facts pertaining to the raid and the means by which it was organized and supported, and to report what legislation, if any, was necessary to preserve the peace of the country and protect the public property. The resolution was briefly discussed and adopted without opposition. (Cong. Globe, 36th Cong., 1st sess., pp. 141, 152.) Later on the committee reported that Thaddeus Hyatt, although subpœnaed to appear as a witness, had refused to do so; whereupon the Senate ordered that he be attached and brought before it to answer for his refusal. When he was brought in he answered by challenging the power of the Senate to direct the inquiry and exact testimony to aid it in exercising its legislative function. The question of power thus presented was thoroughly discussed by several Senators—Mr. Sumner, of Massachusetts, taking the lead in denying the power and Mr. Fessenden, of Maine, in supporting it. Sectional and party lines were put aside and the question was debated and determined with special regard to principle and precedent. The vote was taken on a resolution pronouncing the witness's answer insufficient and directing that he be committed until he should signify that he was ready and willing to testify. The resolution was adopted, 44 Senators voting for it and 10 against it. (Cong. Globe, 36th Cong., 1st sess., pp. 1100–1109, 3006–3007.) The arguments advanced in support of the power are fairly reflected by the following excerpts from the debate:

"Mr. FESSENDEN, of Maine. Where will you stop? Stop, I say, just at that point where we have gone far enough to accomplish the purposes for which we were created, and these purposes are defined in the Constitution. What are they? The great purpose is legislation. There are some other things, but I speak of legislation as the principal purpose. Now, what do we propose to do here? We propose to legislate upon a given state of facts, perhaps, or under a given necessity. Well, sir, proposing to legislate, we want information. We have it not ourselves. It is not to be presumed that we know everything; and if anybody does presume it, it is a very great mistake, as we know by experience. We want information on certain subjects. How are we to get it? The Senator says ask for it. I am ready to ask for it; but suppose the person whom we ask will not give it to us; what then? Have we not power to compel him to come before us? Is this power, which has been exercised by Parliament and by all legislative bodies down to the present day without dispute—the power to inquire into subjects upon which they are disposed to legislate—lost to us? Are we not in the possession of it? Are we deprived of it simply because we hold our power here under a Constitution which defines what our duties are and what we are called upon to do?

"Congress have appointed committees after committees, time after time, to make inquiries on subjects of legislation. Had we not power to do it? Nobody questioned our authority to do it. We have given them authority to send for persons and papers during the recess. Nobody questioned our authority. We appoint committees during the session, with power to send for persons and papers. Have we not that authority, if necessary to legislation?

* * * * * * *

"Sir, with regard to myself, all I have to inquire into is: Is this a legitimate and proper object, committed to me under the Constitution; and then, as to the mode of accomplishing it, I am ready to use judiciously, calmly, moderately, all the power which I believe is necessary and inherent, in order to do that which I am appointed to do; and, I take it, I violate no rights, either of the people generally or of the individual, by that course."

"Mr. CRITTENDEN, of Kentucky. I come now to a question where the cooperation of the two branches is not necessary. There are some things that the Senate may do. How? According to a mode of its own. Are we to ask the other branch of the legislature to concede by

law to us the power of making such an inquiry as we are now making? Has not each branch the right to make what inquiries and investigation it thinks proper to make for its own action? Undoubtedly. You say we must have a law for it. Can we have a law? Is it not, from the very nature of the case, incidental to you as a Senate, if you, as a Senate, have the power of instituting an inquiry and of proceeding with that inquiry? I have endeavored to show that we have that power. We have a right, in consequence of it, a necessary incidental power, to summon witnesses, if witnesses are necessary. Do we require the concurrence of the other House to that? It is a power of our own. If you have a right to do the thing of your own motion, you must have all powers that are necessary to do it.

"The means of carrying into effect by law all the granted powers is given where legislation is applicable and necessary; but there are subordinate matters not amounting to laws; there are inquiries of the one House or the other House, which each House has a right to conduct, which each has, from the beginning, exercised the power to conduct; and each has, from the beginning, summoned witnesses. This has been the practice of the Government from the beginning; and if we have a right to summon the witness, all the rest follows as a matter of course."

The deliberate solution of the question on that occasion has been accepted and followed on other occasions by both Houses of Congress and never has been rejected or questioned by either.

The State courts quite generally have held that the power to legislate carries with it by necessary implication ample authority to obtain information needed in the rightful exercise of that power, and to employ compulsory process for the purpose.

In Burnham *v.* Morrisey (14 Gray 226, 239) the Supreme Judicial Court of Massachusetts, in sustaining an exertion of this power by one branch of the legislature of that Commonwealth, said:

"The house of representatives has many duties to perform, which necessarily require it to receive evidence and examine witnesses. * * * It has often occasion to acquire a certain knowledge of facts, in order to the proper performance of legislative duties. We therefore think it clear that it has the constitutional right to take evidence, to summon witnesses, and to compel them to appear and testify. This power to summon and examine witnesses it may exercise by means of committees."

In Wilckens *v.* Willet (1 Keyes 521, 525), a case which presented the question whether the House of Representatives of the United States possesses this power, the Court of Appeals of New York said:

"That the power exists there admits of no doubt whatever. It is a necessary incident to the sovereign power of making laws; and its exercise is often indispensable to the great end of enlightened, judicious, and wholesome legislation."

In People *v.* Keeler (99 N. Y. 463, 482, 483), where the validity of a statute of New York recognizing and giving effect to this power was drawn in question, the court of appeals approvingly quoted what it had said in Wilckens *v.* Willet, and added:

"It is difficult to conceive any constitutional objection which can be raised to the provision authorizing legislative committees to take testimony and to summon witnesses. In many cases it may be indispensable to intelligent and effectual legislation to ascertain the facts which are claimed to give rise to the necessity for such legislation, and the remedy required, and, irrespective of the question whether in the absence of a statute to that effect either house would have the power to imprison a recusant witness. I can not yield to the claim that a statute authorizing it to enforce its process in that manner is in excess of the legislative power. To await the slow process of indictment and prosecution for a misdemeanor, might prove quite ineffectual, and necessary legislation might be obstructed, and perhaps defeated, if the legislative body had no other and more summary means of enforcing its right to obtain the required information. That the power may be abused is no ground for denying its existence. It is a limited power, and should be kept within its proper bounds; and, when these are exceeded, a jurisdictional question is presented which is cognizable in the courts." * * * "Throughout this Union the practice of legislative bodies, and in this State, the statutes existing at the time the present Constitution was adopted, and whose validity has never before been questioned by our courts, afford strong arguments in favor of the recognition of the right of either house to compel the attendance of witnesses for legislative purposes, as one which has been generally conceded to be an appropriate adjunct to the power of legislation, and one which, to say the least, the State legislature has constitutional authority to regulate and enforce by statute."

Other decisions by State courts recognizing and sustaining the legislative practice are found in Falvey *v.* Massing, 7 Wis. 630, 635–638; State *v.* Frear, 138 Wis. 173; Ex parte Parker, 74 S. C. 466, 470; Sullivan *v.* Hill, 73 W. Va. 49, 53; Lowe *v.* Summers, 69 Mo. App. 637, 649–650. An instructive decision on the question is also found in Ex parte Dansereau (1875), 19 L. C. Jur. 210, where the legislative assembly of the Province of Quebec was held to possess this power as a necessary incident of its power to legislate.

We have referred to the practice of the two Houses of Congress, and we now shall notice some significant congressional enactments. May 3, 1798 (c. 36, 1 Stat. 554), Congress provided that oaths or affirmations might be administered to witnesses by the President of the Senate, the Speaker of the House of Representatives, the Chairman of a Committee of the Whole, or the chairman of a select committee, "in any case under their examination." February 8, 1817 (c. 10, 3 Stat. 345), it enlarged that provision so as to include the chairman of a standing committee. January 24, 1857 (c. 19, 11 Stat. 155), it passed "An act more effectually to enforce the attendance of witnesses on the summons of either House of Congress and to compel them to discover testimony." This act provided, first, that any person summoned as a witness to give testimony or produce papers in any matter under inquiry before either House of Congress, or any committee of either House, who should willfully make default, or, if appearing, should refuse to answer any question pertinent to the inquiry, should, in addition to the pains and penalties then existing (the reference is to the power of the particular House to deal with the contempt. In re Chapman, 166 U. S. 661, 671–672), be deemed guilty of a misdemeanor and be subject to indictment and punishment as there prescribed; and, secondly, that no person should be excused from giving evidence in such an inquiry on the ground that it might tend to incriminate or disgrace him, nor be held to answer criminally, or be subjected to any penalty or forfeiture, for any fact or act as to which he was required to testify, excepting that he might be subjected to prosecution for perjury committed while so testifying. January 24, 1862 (c. 11, 12 Stat. 333), Congress modified the immunity provision in particulars not material here. These enactments are now embodied in sections 101–104 and 859 of Revised Statutes. They show very plainly that Congress intended thereby (a) to recognize the power of either House to institute inquiries and exact evidence touching subjects within its jurisdiction and on which it was disposed to act (in construing section 1 of the act of 1857, as reproduced in section 102 of the Revised Statutes, this court said In re Chapman, 166 U. S. 661, 667: "It is true that the reference is to 'any' matter under inquiry, and so on, and it is suggested that this is fatally defective because too broad and unlimited in its extent; but nothing is better settled than that statutes should receive a sensible construction, such as will effectuate the legislative intention, and, if possible, so as to avoid an unjust or an absurd conclusion, Lau Ow Bew *v.* United States, 144 U. S. 47, 59; and we think that the word 'any,' as used in these sections, refers to matters within the jurisdiction of the two Houses of Congress before them for consideration and proper for their action, to questions pertinent thereto, and to facts or papers bearing thereon"); (b) to recognize that such inquiries may be conducted through committees; (c) to subject defaulting and contumacious witnesses to indictment and punishment in the courts, and thereby to enable either House to exert the power of inquiry "more effectually" (this court has said of the act of 1857 that "it was necessary and proper for carrying into execution the powers vested in Congress and in each House thereof." In re Chapman, 166 U. S. 661, 671); and (d) to open the way for obtaining evidence in such an inquiry, which otherwise could not be obtained, by exempting witnesses required to give evidence therein from criminal and penal prosecutions in respect of matters disclosed by their evidence.

Four decisions of this court are cited and more or less relied on, and we now turn to them.

The first decision was in Anderson *v.* Dunn (6 Wheat. 204). The question there was whether, under the Constitution, the House of Representatives has power to attach and punish a person other than a Member for contempt of its authority—in fact, an attempt to bribe one of its Members. The court regarded the power as essential to the effective exertion of other powers expressly granted, and therefore as implied. The argument advanced to the contrary was that as the Constitution expressly grants to each House power to punish or expel its own Members and says nothing about punishing others, the implication or inference, if any, is that power to punish one who is not a member is neither given nor intended. The court answered this by saying:

(P. 225) "There is not in the whole of that admirable instrument a grant of powers which does not draw after it others, not expressed, but vital to their exercise; not substantive and independent, indeed, but auxiliary and subordinate."

(P. 233) "This argument proves too much; for its direct application would lead to annihilation of almost every power of Congress. To enforce its laws upon any subject without the sanction of punishment is obviously impossible. Yet there is an express grant of power to punish in one class of cases, and one only, and all the punishing power exercised by Congress in any cases, except those which relate to piracy and offenses against the laws of nations, is derived from implication. Nor did the idea ever occur to anyone that the express grant in one class of cases repelled the assumption of the punishing power in any other. The truth is that the exercise of the powers given over their own Members was of such a delicate nature that a constitutional provision became necessary to assert or communicate it. Constituted, as that body is, of the delegates of confederated States, some such provision was necessary to guard against their mutual jealousy, since every proceeding against a Representative would

indirectly affect the honor or interests of the State which sent him."

The next decision was in Kilbourn v. Thompson (103 U. S. 168). The question there was whether the House of Representatives had exceeded its power in directing one of its committees to make a particular investigation. The decision was that it had. The principles announced and applied in the case are: That neither House of Congress possesses a "general power of making inquiry into the private affairs of the citizen;" that the power actually possessed is limited to inquiries relating to matters of which the particular House "has jurisdiction," and in respect of which it rightfully may take other action; that if the inquiry relates to "a matter wherein relief or redress could be had only by a judicial proceeding" it is not within the range of this power, but must be left to the courts, conformably to the constitutional separation of governmental powers; and that for the purpose of determining the essential character of the inquiry recourse may be had to the resolution or order under which it is made. The court examined the resolution which was the basis of the particular inquiry, and ascertained therefrom that the inquiry related to a private real-estate pool or partnership in the District of Columbia. Jay Cook & Co. had had an interest in the pool, but had become bankrupts, and their estate was in course of administration in a Federal bankruptcy court in Pennsylvania. The United States was one of their creditors. The trustee in the bankruptcy proceeding had effected a settlement of the bankrupts' interest in the pool, and, of course, his action was subject to examination and approval or disapproval by the bankruptcy court. Some of the creditors, including the United States, were dissatisfied with the settlement. In these circumstances, disclosed in the preamble, the resolution directed the committee "to inquire into the matter and history of said real-estate pool and the character of said settlement, with the amount of property involved, in which Jay Cook & Co. were interested, and the amount paid or to be paid in said settlement, with power to send for persons and papers, and report to the House."

The court pointed out that the resolution contained no suggestion of contemplated legislation; that the matter was one in respect to which no valid legislation could be had; that the bankrupts' estate and the trustee's settlement were still pending in the bankruptcy court; and that the United States and other creditors were free to press their claims in that proceeding. And on these grounds the court held that in undertaking the investigation "the House of Representatives not only exceeded the limit of its own authority but assumed power which could only be properly exercised by another branch of the Government, because it was in its nature clearly judicial."

The case has been cited at times, and is cited to us now, as strongly intimating, if not holding, that neither House of Congress has power to make inquiries and exact evidence in aid of contemplated legislation. There are expressions in the opinion which, separately considered, might bear such an interpretation; but that this was not intended is shown by the immediately succeeding statement (p. 189) that "This latter proposition is one which we do not propose to decide in the present case because we are able to decide the case without passing upon the existence or nonexistence of such a power in aid of the legislative function."

Next in order is In re Chapman (166 U. S. 661). The inquiry there in question was conducted under a resolution of the Senate and related to charges, published in the press, that Senators were yielding to corrupt influences in considering a tariff bill then before the Senate and were speculating in stocks the value of which would be affected by pending amendments to the bill. Chapman appeared before the committee in response to a subpœna, but refused to answer questions pertinent to the inquiry, and was indicted and convicted under the act of 1857 for his refusal. The court sustained the constitutional validity of the act of 1857, and, after referring to the constitutional provision empowering either House to punish its Members for disorderly behavior and by a vote of two-thirds to expel a Member, held that the inquiry related to the integrity and fidelity of Senators in the discharge of their duties, and therefore to a matter "within the range of the constitutional powers of the Senate" and in respect of which it could compel witnesses to appear and testify. In overruling an objection that the inquiry was without any defined or admissible purpose, in that the preamble and resolution made no reference to any contemplated expulsion, censure, or other action by the Senate, the court held that they adequately disclosed a subject matter of which the Senate had jurisdiction, that it was not essential that the Senate declare in advance what it meditated doing, and that the assumption could not be indulged that the Senate was making the inquiry without a legitimate object.

The case is relied on here as fully sustaining the power of either House to conduct investigations and exact testimony from witnesses for legislative purposes. In the course of the opinion (p. 671) it is said that disclosures by witnesses may be compelled constitutionally "to enable the respective bodies to discharge their legitimate functions, and that it was to effect this that the act of 1857 was passed"; and also "we grant that Congress could not divest itself, or either of its Houses, of the essential and inherent power to punish for contempt in cases to which the power of either House properly extended; but because Congress, by the act of 1857, sought to aid each of the Houses in the discharge of its constitutional functions, it does not follow that any delegation of the power in each to punish for contempt was involved." The terms "legitimate functions" and "constitutional functions" are broad and might well be regarded as including the legislative function, but as the case in hand did not call for any expression respecting that function, it hardly can be said that these terms were purposely used as including it.

The latest case is Marshall v. Gordon (243 U. S. 521). The question there was whether the House of Representatives exceeded its power in punishing, as for a contempt of its authority, a person—not a Member—who had written, published, and sent to the chairman of one of its committees an ill-tempered and irritating letter respecting the action and purposes of the committee. Power to make inquiries and obtain evidence by compulsory process was not involved. The court recognized distinctly that the House of Representatives has implied power to punish a person not a Member for contempt, as was ruled in Anderson v. Dunn, supra, but held that its action in this instance was without constitutional justification. The decision was put on the ground that the letter, while offensive and vexatious, was not calculated or likely to affect the House in any of its proceedings or in the exercise of any of its functions; in short, that the act which was punished as a contempt was not of such a character as to bring it within the rule that an express power draws after it others which are necessary and appropriate to give effect to it.

While these cases are not decisive of the question we are considering, they definitely settle two propositions which we recognize as entirely sound and having a bearing on its solution: One, that the two Houses of Congress, in their separate relations, possess not only such powers as are expressly granted to them by the Constitution, but such auxiliary powers as are necessary and appropriate to make the express powers effective; and, the other, that neither House is invested with "general" power to inquire into private affairs and compel disclosures, but only with such limited power of inquiry as is shown to exist when the rule of constitutional interpretation just stated is rightly applied. The latter proposition has further support in Harriman v. Interstate Commerce Commission (211 U. S. 407, 417–419) and Federal Trade Commission v. American Tobacco Co. (264 U. S. 298, 305–306).

With this review of the legislative practice, congressional enactments, and court decisions, we proceed to a statement of our conclusions on the question.

We are of opinion that the power of inquiry—with process to enforce it—is an essential and appropriate auxiliary to the legislative function. It was so regarded and employed in American legislatures before the Constitution was framed and ratified. Both Houses of Congress took this view of it early in their history—the House of Representatives with the approving votes of Mr. Madison and other members whose service in the convention which framed the Constitution gives special significance to their action—and both Houses have employed the power accordingly up to the present time. The acts of 1798 and 1857, judged by their comprehensive terms, were intended to recognize the existence of this power in both Houses and to enable them to employ it "more effectually" than before. So, when their practice in the matter is appraised according to the circumstances in which it was begun and to those in which it has been continued, it falls nothing short of a practical construction, long continued, of the constitutional provisions respecting their powers, and therefore should be taken as fixing the meaning of those provisions, if otherwise doubtful. (Stuart v. Laird, 1 Cranch 299, 309; Martin v. Hunter's Lessee, 1 Wheat. 304, 351; Ames v. Kansas, 111 U. S. 449, 469; Knowlton v. Moore, 178 U. S. 41, 56, 92; Fairbank v. United States, 181 U. S. 283, 306, et seq.)

We are further of opinion that the provisions are not of doubtful meaning, but, as was held by this court in the cases we have reviewed, are intended to be effectively exercised, and therefore to carry with them such auxiliary powers as are necessary and appropriate to that end. While the power to exact information in aid of the legislative function was not involved in those cases, the rule of interpretation applied there is applicable here. A legislative body can not legislate wisely or effectively in the absence of information respecting the conditions which the legislation is intended to affect or change; and where the legislative body does not itself possess the requisite information—which not infrequently is true—recourse must be had to others who do possess it. Experience has taught that mere requests for such information often are unavailing, and also that information which is volunteered is not always accurate or complete; so some means of compulsion are essential to obtain what is needed. All this was true before and when the Constitution was framed and adopted. In that period the power of inquiry—with enforcing process—was regarded and employed as a necessary and appropriate attribute of the power to legislate—indeed, was treated as inhering in it. Thus there is ample warrant for thinking, as we do, that the con-

stitutional provisions which commit the legislative function to the two Houses are intended to include this attribute, to the end that the function may be effectively exercised.

The contention is earnestly made on behalf of the witness that this power of inquiry, if sustained, may be abusively and oppressively exerted. If this be so, it affords no ground for denying the power. The same contention might be directed against the power to legislate, and, of course, would be unavailing. We must assume, for present purposes, that neither House will be disposed to exert the power beyond its proper bounds or without due regard to the rights of witnesses. But if, contrary to this assumption, controlling limitations or restrictions are disregarded, the decisions in Kilbourn *v.* Thompson and Marshall *v.* Gordon point to admissible measures of relief. And it is a necessary deduction from the decisions in Kilbourn *v.* Thompson and In re Chapman that a witness rightfully may refuse to answer where the bounds of the power are exceeded or the questions are not pertinent to the matter under inquiry.

We come now to the question whether it sufficiently appears that the purpose for which the witness' testimony was sought was to obtain information in aid of the legislative function. The court below answered the question in the negative and put its decision largely on this ground, as is shown by the following excerpts from its opinion (299 Fed. 638, 639, 640):

"It will be noted that in the second resolution the Senate has expressly avowed that the investigation is in aid of other action than legislation. Its purpose is to 'obtain information necessary as a basis for such legislative and other action as the Senate may deem necessary and proper.' This indicates that the Senate is contemplating the taking of action other than legislative, as the outcome of the investigation, at least the possibility of so doing. The extreme personal cast of the original resolutions; the spirit of hostility toward the then Attorney General which they breathe; that it was not avowed that legislative action was had in view until after the action of the Senate had been challenged; and that the avowal then was coupled with an avowal that other action was had in view—are calculated to create the impression that the idea of legislative action being in contemplation was an afterthought.

"That the Senate has in contemplation the possibility of taking action other than legislation as an outcome of the investigation, as thus expressly avowed, would seem of itself to invalidate the entire proceeding. But, whether so or not, the Senate's action is invalid and absolutely void, in that, in ordering and conducting the investigation, it is exercising the judicial function, and power to exercise that function, in such a case as we have here, has not been conferred upon it expressly or by fair implication. What it is proposing to do is to determine the guilt of the Attorney General of the shortcomings and wrongdoings set forth in the resolutions. It is 'to hear, adjudge, and condemn.' In so doing it is exercising the judicial function.

"What the Senate is engaged in doing is not investigating the Attorney General's office; it is investigating the former Attorney General. What it has done is to put him on trial before it. In so doing it is exercising the judicial function. This it has no power to do."

We are of opinion that the court's ruling on this question was wrong, and that it sufficiently appears, when the proceedings are rightly interpreted, that the object of the investigation and of the effort to secure the witness's testimony was to obtain information for legislative purposes.

It is quite true that the resolution directing the investigation does not in terms avow that it is intended to be in aid of legislation; but it does show that the subject to be investigated was the administration of the Department of Justice—whether its functions were being properly discharged or were being neglected or misdirected, and particularly whether the Attorney General and his assistants were performing or neglecting their duties in respect of the institution and prosecution of proceedings to punish crimes and enforce appropriate remedies against the wrongdoers—specific instances of alleged neglect being recited. Plainly the subject was one on which legislation could be had and would be materially aided by the information which the investigations was calculated to elicit. This becomes manifest when it is reflected that the functions of the Department of Justice, the powers and duties of the Attorney General and the duties of his assistants, are all subject to regulation by congressional legislation, and that the department is maintained and its activities are carried on under such appropriations as in the judgment of Congress are needed from year to year.

The only legitimate object the Senate could have in ordering the investigation was to aid it in legislating; and we think the subject matter was such that the presumption should be indulged that this was the real object. An express avowal of the object would have been better; but in view of the particular subject matter was not indispensable. In the Chapman case, where the resolution contained no avowal, this court pointed out that it plainly related to a subject matter of which the Senate had jurisdiction, and said, "We can not assume on this record that the action of the Senate was without a legitimate object"; and also that "it was certainly not necessary that the resolutions should declare in advance what the Senate meditated doing when the investigation was concluded." (166 U. S. 669-670.) In People *v.* Keeler (99 N. Y. 463), where the Court of Appeals of New York sustained an investigation ordered by the house of representatives of that State, where the resolution contained no avowal but disclosed that it definitely related to the administration of a public office the duties of which were subject to legislative regulation, the court said (pp. 485, 487): "Where public institutions under the control of the State are ordered to be investigated it is generally with the view of some legislative action respecting them, and the same may be said in respect of public officers." And again: "We are bound to presume that the action of the legislative body was with a legitimate object if it is capable of being so construed, and we have no right to assume that the contrary was intended."

While we rest our conclusion respecting the object of the investigation on the grounds just stated, it is well to observe that this view of what was intended is not new, but was shown in the debate on the resolution. (Senator GEORGE said: "It is not a trial now that is proposed, and there has been no trial proposed save the civil and criminal actions to be instituted and prosecuted by counsel employed under the resolution giving to the President the power to employ counsel. We are not to try the Attorney General. He is not to go upon trial. Shall we say the legislative branch of the Government shall stickle and halt and hesitate because a man's public reputation, his public character, may suffer because of that legislative action? Has not the Senate power to appoint a committee to investigate any department of the Government, any department supported by the Senate in part by appropriations made by the Congress? If the Senate has the right to investigate the department, is the Senate to hesitate, is the Senate to refuse to do its duty merely because the public character or the public reputation of some one who is investigated may be thereby smirched, to use the term that has been used so often in the debate? * * * It is sufficient for me to know that there are grounds upon which I may justly base my vote for the resolution; and I am willing to leave it to the agent created by the Senate to proceed with the investigation fearlessly upon principle, not for the purpose of trying but for the purpose of ascertaining facts which the Senate is entitled to have within its possession in order that it may properly function as a legislative body." CONGRESSIONAL RECORD, 68th Cong., 1st sess., pp. 3397, 3398.)

Of course, our concern is with the substance of the resolution and not with any nice questions of propriety respecting its direct reference to the then Attorney General by name. The resolution, like the charges which prompted its adoption, related to the activities of the department while he was its supervising officer; and the reference to him by name served to designate the period to which the investigation was directed.

We think the resolution and proceedings give no warrant for thinking the Senate was attempting or intending to try the Attorney General at its bar or before its committee for any crime or wrongdoing. Nor do we think it a valid objection to the investigation that it might possibly disclose crime or wrongdoing on his part.

The second resolution—the one directing that the witness be attached—declares that his testimony is sought with the purpose of obtaining "information necessary as a basis for such legislative and other action as the Senate may deem necessary and proper." This avowal of contemplated legislation is in accord with what we think is the right interpretation of the earlier resolution directing the investigation. The suggested possibility of "other action" if deemed "necessary or proper" is of course open to criticism in that there is no other action in the matter which would be within the power of the Senate. But we do not assent to the view that this indefinite and untenable suggestion invalidates the entire proceeding. The right view in our opinion is that it takes nothing from the lawful object avowed in the same resolution and rightly inferable from the earlier one. It is not as if an inadmissible or unlawful object were affirmatively and definitely avowed.

We conclude that the investigation was ordered for a legitimate object; that the witness wrongfully refused to appear and testify before the committee and was lawfully attached; that the Senate is entitled to have him give testimony pertinent to the inquiry, either at its bar or before the committee; and that the district court erred in discharging him from custody under the attachment.

Another question has arisen which should be noticed. It is whether the case has become moot. The investigation was ordered and the committee appointed during the Sixty-eighth Congress. That Congress expired March 4, 1925. The resolution ordering the investigation in terms limited the committee's authority to the period of the Sixty-eighth Congress; but this apparently was changed by a later and amendatory resolution authorizing the committee to sit at such times and places as it might deem advisable or necessary. (CONG. REC., 68th Cong., 1st sess., p. 4126.) It is said in Jefferson's Manual (Senate Rules and Manual, 1925, p. 303): "Neither House can continue any portion of itself in any parliamentary function beyond the end of the session without the consent of the other two branches. When done, it is by a bill constituting them commissioners for the particular purpose." But the context shows that the reference is to the two houses of Parliament when adjourned by prorogation or dis-

solution by the King. The rule may be the same with the House of Representatives whose Members are all elected for the period of a single Congress; but it can not well be the same with the Senate, which is a continuing body whose Members are elected for a term of six years and so divided into classes that the seats of one-third only become vacant at the end of each Congress, two-thirds always continuing into the next Congress, save as vacancies may occur through death or resignation.

Mr. Hinds, in his collection of precedents, says: "The Senate, as a continuing body, may continue its committees through the recess following the expiration of a Congress" (vol. 4, sec. 4544); and, after quoting the above statement from Jefferson's Manual, he says: "The Senate, however, being a continuing body, gives authority to its committees during the recess after the expiration of a Congress." (Vol. 4, sec. 4545.) So far as we are advised the select committee having this investigation in charge has neither made a final report nor been discharged; nor has it been continued by an affirmative order. Apparently its activities have been suspended pending the decision of this case. But, be this as it may, it is certain that the committee may be continued or revived now by motion to that effect and, if continued or revived, will have all its original powers. (Hinds' Precedents, vol. 4, secs. 4396, 4400, 4404, 4405.) This being so, and the Senate being a contiuing body, the case can not be said to have become moot in the ordinary sense. The situation is measurably like that in Southern Pacific Terminal Co. *v.* Interstate Commerce Commission (219 U. S. 498, 514–516), where it was held that a suit to enjoin the enforcement of an order of the Interstate Commerce Commission did not become moot through the expiration of the order where it was capable of repetition by the commission and was a matter of public interest. Our judgment may yet be carried into effect and the investigation proceeded with from the point at which it apparently was interrupted by reason of the habeas corpus proceedings. In these circumstances we think a judgment should be rendered as was done in the case cited.

What has been said requires that the final order in the district court discharging the witness from custody be reversed.

Final order reversed.

Mr. Justice Stone did not participate in the consideration or decision of the case.

Mr. REED of Missouri subsequently said: Mr. President, a few moments ago I introduced into the RECORD an opinion of the Supreme Court of the United States in the Daugherty case. I had intended at that time to make a brief statement, but I was called from the Chamber. On my way out several Senators inquired what the decision was about and in which particular case it had been rendered.

I think it will be of interest to the Senate to know that the case was the appeal of the Government from the adverse decision rendered by the District Court of the United States for the Southern District of Ohio, under which on a writ of habeas corpus Mr. Daugherty was discharged after he had been taken into custody by the Sergeant at Arms of the Senate for contempt or recalcitrance or refusal to testify before a Senate committee appointed to investigate certain matters relating to the conduct of the office of the Attorney General. The Supreme Court reverses the decision of the district court, so that the Senate is now at liberty to proceed as it may deem proper—and, of course, within the law—against Mr. Daugherty. I say that much for the information of the Senate, and only desire to add that the decision is of vast importance to both the House of Representatives and the Senate, in that it firmly establishes the right of either of these bodies, when engaged in an investigation which has relation to the legislative powers which have been exercised or which Congress may desire to exercise, to punish for contempt witnesses who refuse to answer proper questions. Had the decision been otherwise, the power of Congress would have been very greatly circumscribed.

I thought I ought to say that much, so that the Senate will understand what is involved.

Mr. HEFLIN. Mr. President, may I ask the Senator a question before he leaves the floor?

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

Mr. REED of Missouri. Certainly.

Mr. HEFLIN. In the proceedings of the committee which investigated the Frank Smith case in Illinois, were there not quite a number of witnesses who declined to testify?

Mr. REED of Missouri. There were some three or four who refused. They, however, based their refusal chiefly upon the ground that the committee was going outside of its legitimate authority. That is a question which the committee will submit to the Senate for the Senate's action.

Mr. HEFLIN. My understanding was, at the time I read the report, that the witnesses referred to declined to answer certain questions which the committee asked them, and the committee never did secure the information it desired.

Mr. REED of Missouri. That is correct, but we intend to get it if we can and if the Senate will take such action as it may be necessary to take in order to enforce the rights of the committee.

PRESENTATION OF CREDENTIALS

Mr. BLEASE. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the question of parliamentary inquiry.

Mr. BLEASE. The rule of the Senate provides, under the heading "Presentation of credentials," as follows:

1. The presentation of the credentials of Senators elect and other questions of privilege shall always be in order, except during the reading and correction of the Journal, while a question of order or a motion to adjourn is pending, or while the Senate is dividing; and all questions and motions arising or made upon the presentation of such credentials shall be proceeded with until disposed of.

2. The Secretary shall keep a record of the certificates of election of Senators by entering in a well-bound book kept for that purpose the date of the election, the name of the person elected, and the vote given at the election, the date of the certificate, the name of the governor and the secretary of state signing and countersigning the same, and the State from which such Senator is elected.

Then follows, on page 9 of the Senate Manual, the form of certificate of election. Then, at the bottom of that page is the following resolution:

*Resolved*, That the Secretary of the Senate shall send copies of these suggested forms and these resolutions to the executive and secretary of each State wherein an election is about to take place or an appointment is to be made in season that they may use such forms if they see fit.

The amended section of the Constitution reads as follows:

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have 1 vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies.

Mr. President, the section of the Constitution which I have read provides that Senators shall be elected by the people, and the rules of the Senate suggest a form of certificate to be used, although the Senate can not require the use of such form. Where a man has been elected by the people and the judges of the election or the canvassing board, as is the case in my State, shall have declared that he has been elected to the United States Senate, if the governor of the State were to decline to sign a certificate of election or if he were to issue a certificate of election in an irregular form, would that affect such Senator taking his seat upon this floor? In other words, if a Republican governor or a Democratic governor of a State were to say because a man of the opposite party had been elected he would refuse to certify that man's election to the Senate, would that keep such man from being a Member of the Senate? Is it not sufficient, whether a certificate comes from the governor or not, that proof comes to the Senate that the man has been elected by a majority of votes? Is not that sufficient without any specific certificate from the governor? I hold that proof of the election from a proper legally constituted authority is sufficient, and that to allow a governor to attempt to nullify the election by refusing to issue a certificate or issuing an improper one would not affect the party elected; if it did the governor and not the people would be selecting who should or should not be Senators and thereby defeat the will of the people and nullify the amendment to the Constitution.

The PRESIDING OFFICER. The Chair will take the parliamentary inquiry of the Senator from South Carolina under advisement. The Secretary will state the next bill on the calendar.

THE CALENDAR—BILLS PASSED OVER

The joint resolution (S. J. Res. 34) proposing an amendment of the eighteenth amendment to the Federal Constitution relating to intoxicating liquors was announced as next in order.

Mr. BRUCE. Over.

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

The joint resolution (S. J. Res. 81) providing for a national referendum upon the modification of the national prohibition act was announced as next in order.

Mr. BRUCE. Over.

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

The joint resolution (S. J. Res. 85) proposing an amendment of the eighteenth amendment to the Federal Constitution relating to intoxicating liquors was announced as next in order.

Mr. BRUCE. Over.

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

Mr. CURTIS. Mr. President, I ask that all measures relating to the prohibition question, which have been reported adversely, may be passed over.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 4451) to authorize the payment of drainage assessments on Absentee-Shawnee Indian lands in Oklahoma, and for other purposes, was announced as next in order.

Mr. BRUCE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 11174) to amend section 8 of the act of September 1, 1916 (39 Stat. L. p. 716), and for other purposes, was announced as next in order.

Mr. BRUCE. Over.

The PRESIDING OFFICER. The bill will be passed over.

FRENCH SPOLIATION CLAIMS

Mr. ASHURST. Mr. President, I do not know that I am in order—the Chair will hold me out of order, if that be the fact—but I wish to say, if the Senator from Maryland [Mr. BRUCE], who is one of the most scholarly of Senators and who is at all times a gentleman, feels himself aggrieved because a bill which he is promoting has not had proper consideration, I would be willing to see that bill brought before the Senate and considered. Nothing will more enhance the prestige of the Senate than to let it be known to the country that any bill which any Senator may advocate is entitled to and will receive a hearing. The Senator from Maryland could not complain if the Senate should by a vote of 95 to 1 declare against the passage of his bill, but the Senator from Maryland has a complaint, and a just complaint, when he is unable to secure civil consideration of his bill.

Mr. BRUCE. And I have been trying to obtain consideration of the bill for three years. Let that not be forgotten.

Mr. ASHURST. I am opposed to the Senator's bill.

Mr. BRUCE. That may be; but that is all right.

Mr. ASHURST. But I do say that when a Senator has urged a bill for any considerable length of time he is entitled to have for it its day in court. Every bill should have its hearing, and if it be unwelcome, untimely, or wrong, let Senators vote against it.

Mr. BRUCE. Mr. President, I was not present when the unanimous-consent agreement was entered into. The bill in which I am interested is the bill which is known as the French spoliations claims bill. It has been twice reported favorably from the Senate Committee on Claims. I have repeatedly endeavored to get it up for hearing. This delay has now gone on for three years, and I am just literally, I may say, in despair as to getting the bill up. What disposition the Senate makes of the bill is purely a matter of secondary consideration to me. What I desire to do is to have the bill disposed of, one way or the other.

Mr. McNARY. I call for the regular order.

Mr. BRUCE. I am not asking for any favors, if the Senator will pardon me for a moment.

The PRESIDING OFFICER. The regular order is demanded.

Mr. BRUCE. If the Senate will only make the bill a special order, and limit debate on it, I shall be content. I am perfectly willing to have the debate limited to half an hour or to three-quarters of an hour, or for any time that the Senate may see fit; but I do think that my brother Senators ought to assist me to get a hearing for the bill.

THE CALENDAR—BILLS PASSED OVER

The bill (H. R. 9055) to regulate the practice of chiropractic; to create a board of chiropractic examiners of the District of Columbia, and to punish persons violating the provisions thereof, was announced as next in order.

Mr. BRUCE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 8835) to amend section 1112 of the Code of Law for the District of Columbia was announced as next in order.

Mr. BRUCE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4182) to provide a code of law governing legal reserve life-insurance business in the District of Columbia, and for other purposes, was announced as next in order.

Mr. BRUCE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1042) to amend the Penal Code was announced as next in order.

Mr. BRUCE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1043) to authorize the appointment of stenographers in the courts of the United States and to fix their duties and compensation was announced as next in order.

Mr. BRUCE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 112) authorizing the expenditure of certain funds paid to the United States by the Persian Government was announced as next in order.

Mr. BRUCE. Over.

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

The bill (S. 1079) to provide seamen on American vessels with a continuous discharge book; to provide for improved efficiency and discipline; and for other purposes, was announced as next in order.

Mr. BRUCE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The resolution (S. Res. 207) authorizing an investigation of the existing strike of engineers and firemen on the Western Maryland Railroad was announced as next in order.

Mr. BRUCE. Over.

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

The PRESIDING OFFICER. The question is on the motion of the Senator from South Carolina that the Senate proceed to the consideration of executive business. [Putting the question.] The ayes appear to have it; the ayes have it——

Mr. CURTIS. Mr. President, I may ask for a division on the question, but I should like to say, first, if the Senator from South Carolina will yield to me——

The PRESIDING OFFICER. A division is asked for.

Mr. BLEASE. I yield to the Senator from Kansas.

Mr. CURTIS. The Senator from Oregon [Mr. McNARY] desires to speak for about 15 minutes, and I hope the Senator from South Carolina will withdraw his motion so that the Senator from Oregon may have an opportunity to speak briefly. I ask unanimous consent that the Senator from Oregon may proceed.

Mr. BRUCE. I will say that the Senator from Oregon only five minutes ago called for the regular order on me.

Mr. McNARY. Mr. President, I do not ask to speak at this time, but at the conclusion of the consideration of the calendar I want to have an opportunity to speak on the subject of forest-taxation legislation very briefly.

Mr. BRUCE. "What is sauce for the goose is sauce for the gander."

Mr. McNARY. I am not asking anything whatever.

Mr. BRUCE. I want to give an illustration of the fact that unless we show each other a certain amount of mutual consideration, and forego a certain amount of human selfishness, it will be impossible for anybody to have a fair show in getting his bills up.

Mr. McNARY. I think it is a lesson that the Senator from Maryland ought to take to heart and follow. I am not asking for any special privileges at all. I do not intend to speak at this time. I will speak when I get ready, and that will be after the conclusion of the calendar.

Mr. BLEASE. Mr. President, out of courtesy to the Senator from Oregon I ask leave to withdraw my motion.

The VICE PRESIDENT. The Senator from South Carolina asks unanimous consent to withdraw his motion.

Mr. BRUCE. Mr. President, I flatter myself that I have a rather placable and forgiving disposition; and I will not make any objection to the Senator from Oregon speaking, notwithstanding the fact that he called the regular order on me.

Mr. McNARY. I am not asking for that. I am not going to speak now at all. I expressed the hope to the Senator from Kansas, our efficient leader, that at the conclusion of the calendar, if a sufficient time remained before 2 o'clock, I might speak briefly on this important subject. I do not want to speak now, because it would appear that I am asking for something that I, perhaps, would not grant to another.

Mr. BRUCE. Oh, no; do not do that. That is not generous. Do not put me in that position. I assure the Senator

from Oregon that I have not the slightest objection to his proceeding. I shall be glad to have him speak at this time.

Mr. ROBINSON of Arkansas. Mr. President, I make the point of order that there is nothing before the Senate, and I call for the regular order.

The VICE PRESIDENT. The Secretary will state the next bill on the calendar.

The resolution (S. Res. 268) disqualifying Senators elect from holding a seat in the Senate who have expended more than $10,000, or more than the amount (in no event exceeding $25,000) obtained by multiplying 3 cents by the total number of votes cast for all the candidates for the office of United States Senator at the last general election in the State of the residence of such Senator elect, was announced as next in order.

Mr. BRUCE. Over.

The VICE PRESIDENT. The resolution will be passed over.

The Bill (S. 4380) for the relief of Allen Nichols was announced as next in order.

Mr. BRUCE. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4692) to amend the act approved June 1, 1926 (Public, No. 318, 69th Cong.), authorizing the Secretary of War to exchange deteriorated and unserviceable ammunition and components, and for other purposes, was announced as next in order.

Mr. BRUCE. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4693) for the relief of sufferers from floods in the vicinity of Fabens and El Paso, Tex., in September, 1925, was announced as next in order.

Mr. BRUCE. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1483) to amend section 50½ and section 70 of the Articles of War was announced as next in order.

Mr. BRUCE. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 5486) for the relief of Levi Wright was announced as next in order.

Mr. BRUCE. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 10729) to create a bureau of customs and a bureau of prohibition in the Department of the Treasury was announced as next in order.

Mr. BRUCE. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3624) authorizing the Secretary of War to obtain by reciprocal loan, sale, or exchange with foreign nations, in such quantities as are required for exhibition and study, articles of military arms, matériel, equipment, and clothing, was announced as next in order.

Mr. BRUCE. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4694) to amend section 47d, national defense act, was announced as next in order.

Mr. BRUCE. Over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 111) authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point two Chinese subjects to be designated hereafter by the Government of China, was announced as next in order.

Mr. BRUCE. Over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (H. R. 10728) authorizing the Secretary of War to convey to the Association Siervas de Maria, San Juan, P. R., certain property in the city of San Juan, P. R., was announced as next in order.

Mr. BRUCE. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 3665) for the relief of Thomas Spurrier was announced as next in order.

Mr. BRUCE. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 4789) providing for the biennial appointment of a board of visitors to inspect and report upon the government and conditions in the Philippine Islands was announced as next in order.

Mr. BRUCE. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 11843) to authorize the incorporated town of Fairbanks, Alaska, to issue bonds for the purchasing, construction, and maintenance of an electric light and power plant, telephone system, pumping station, and repairs to the water front, and for other purposes, was announced as next in order.

Mr. BRUCE. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3614) authorizing an appropriation for the construction of a hard-surfaced road across Fort Sill (Okla.) Military Reservation was announced as next in order.

Mr. BRUCE. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 11768) to regulate the importation of milk and cream into the United States for the purpose of promoting the dairy industry of the United States and protecting the public health was announced as next in order.

Mr. BRUCE. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 6384) to amend the acts of June 7, 1924, and March 3, 1925, granting certain public lands to the city of Phoenix, Ariz., was announced as next in order.

Mr. BRUCE. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 15127) for the relief of sufferers from floods in the vicinity of Fabens and El Paso, Tex., in September, 1925, was announced as next in order.

Mr. BRUCE. Over.

The VICE PRESIDENT. The bill will be passed over.

### ORDER OF BUSINESS

Mr. ROBINSON of Arkansas. Mr. President, it is clearly manifest that no business will be done under the unanimous-consent order, the Senator from Maryland having announced his intention and having exercised his right to object to the consideration of all bills. I suggest to the Senator from Kansas [Mr. CURTIS] that in justice to the Senate we should proceed with the consideration of other business. I do not myself make a motion that the Senate proceed to the consideration of executive business, as the Senator from South Carolina [Mr. BLEASE] did, and withdrew it; but it is perfectly foolish to continue the calling of the calendar when the Senator from Maryland has announced that no bills will be considered and when he has objected to the consideration of every bill that has been presented.

Mr. CURTIS. Mr. President, I would gladly move to go into executive session, but I told the Senator from Oregon [Mr. MCNARY] that I would try to have matters arranged so that he might deliver his speech.

Mr. ROBINSON of Arkansas. I am sure we would all like to hear the Senator. It would be a much more profitable procedure than this.

Mr. CURTIS. I hope the Senator will take advantage of the opportunity and deliver the speech now. There can be no objection to it.

Mr. MCNARY. I do not want to be placed in the attitude of trying to do something that collides with the rules.

Mr. ROBINSON of Arkansas. The Senator is not only permitted, he is invited, to make a speech.

### FOREST TAXATION

Mr. MCNARY. Mr. President, inequitable taxation of our forest lands ranks with the forest-fire danger as one of the two great obstacles to the production of timber. The burdensome effect of annual property taxes is commonly cited by forest owners as a serious or insurmountable handicap to the growing of timber. A tax paid annually on growing forests, which yield no income for 30 or 40 years, is equivalent to taxing farm land with its growing crops thirty or forty times between seeding and harvest. Such a tax not only consumes a large part of the possible returns, but compels the grower of timber to pay long before he realizes on his product. Unless extremely moderate, the yearly taxation of growing forests may debar the investment of funds in such enterprises.

Undoubtedly after fire protection the development of greatest general importance in encouraging private production of timber is an adjustment of the methods of taxing forest-growing lands. Obviously, as to State and local taxation, such reforms can be effected only by State legislation. The subject is, however, of such wide importance in all of the forest regions of the United States and has such a universal bearing upon the success of a national policy which seeks to promote timber growth that the select committee on reforestation believed it should be covered by a comprehensive investigation.

The Clarke-McNary law wisely provides for a study of the tax problem by the Federal Government in cooperation with the States. Of the total appropriation of $660,000 to carry out the first three sections of the law for the fiscal year 1926, $8,500, in round numbers, was spent to initiate the tax study.

Of the $710,000 similarly appropriated for the fiscal year 1927, approximately $35,000 will be devoted to this study, and probably equal or larger amounts will be needed for several years to come.

To conduct this study, the Secretary of Agriculture has been fortunate in obtaining the services of Dr. Fred R. Fairchild, of Yale University, assisted by a small staff of economists and foresters. Doctor Fairchild is a prominent economist and is not only an authority on general taxation, but has probably devoted more attention to the study of forest taxation than any other economist in the United States.

At a conference of Clarke-McNary cooperators held in Washington in October, Doctor Fairchild made a progress report concerning the status of the taxation study. He stated that it was his purpose to study intensively the six or seven more important forest regions of the United States, the work being now under way in Minnesota. Doctor Fairchild foresees that the goal of this study is the development of general principles which will be both guides to the legislatures of the States in reforming their tax systems and guides to the private owners of forest lands. He contemplates that it will be several years before conclusions are reached.

With reference to the general character of this problem he suggests that the taxation of the forests is a part of the general tax problem of the United States. This fact is cited as perhaps the principal reason, next to the lack of actual information, for the scanty results in the way of tax reform in the past, namely, the fallacious assumption that the taxation of forests could be taken out and treated as a problem by itself. The general property tax has always been the backbone of the American tax system. Doctor Fairchild states that we must recognize that this general property tax is long to continue as the foundation of the tax systems of the States and their subdivisions, and that its reform, though greatly needed, will not come by singling out a particular object of taxation and treating it as an isolated problem.

We can not study forest taxation without studying the problem of the local highways and schools. The States and towns must have the requisite funds to support these enterprises. We can not throw one part of the Government out of joint with the rest. This study is bound to be a study of the whole American tax system, and as such may be expected to contribute somewhat to the solution of other problems as well as forest taxation.

The taxation of old-growth forests is a heavy burden on many holders of large reserves of timber, but it is the taxing of young second-growth forests that is of chief importance to the forestry movement.

The general property tax, as applied to cut-over and young forests, entails an annual burden on a commodity that requires many years, varying roughly from 30 to 100 years or more, to reach a size when it can be sold and return a revenue. The owner is in the position of paying taxes not only on the capital value of his forest, but over and over again on the crop before it matures, and he is, moreover, compelled to pay these double taxes by advancing money long before he receives income. Such a scheme of taxation may easily discourage him from attempting to reforest or to hold cut-over land for a second timber crop. On the other hand, the local communities must have a regular flow of revenues for schools, roads, and other governmental purposes, and any special system of forest taxation must recognize that need. The proposed tax study aims primarily to seek a way to reconcile these conflicting needs.

One of the earliest remedies proposed is the so-called yield tax—a plan that is still very much alive. In its simplest form it means taxing the timber when it is cut. This timber represents the gross yield, which is obviously easy to determine since it can be measured. From the owner's standpoint, this plan would offer the great advantage of levying the tax at the time when he was best able to pay it, namely, at the time of selling his timber.

From the community standpoint, however, the substitution of the yield tax for the annual property tax would cause irregularity and temporary loss of revenue. Obviously, even where young timber was approaching maturity, there would not likely be an equal amount of cutting every year, and consequently there would not be an equal tax revenue from timber every year. In recently logged regions there might be no merchantable timber and consequently no tax revenue for many years. To overcome this difficulty it has been proposed that the State should act as banker for the local communities, advancing funds to them each year out of the State treasury and later getting back these advances from the yield tax as timber is cut.



The yield tax has received much support from foresters and tax experts as the simplest form of forest tax. Yet the States that have attempted forest tax reform have been reluctant to carry out the yield-tax plan in its entirety. The plan has usually been compromised by omitting the provision to equalize the annual community revenues by advancing funds from the State treasury, and by substituting for that provision an annual property tax on the bare-land value; that is, the current market value of unimproved, logged-off land. In addition, when the timber is cut it will pay a yield tax, but a yield tax reduced by the amount of the bare-land tax. In effect this system exempts the young growing crop.

PRESENT STATUS OF FOREST TAX LEGISLATION

Twenty States have modified, in some manner, the general property tax through special provision for the taxation of forest lands. Of these 20 States, 11 have adopted various forms of a combined yield tax and land tax, 6 States have attempted to solve the problem by levying taxes on a limited taxable valuation, while 5 States provide some measure of exemption from taxation for forest properties, and 1 State has provision for a rebate of taxes. In connection with the above, it should be noted that a few of the States are trying more than one of these plans and are therefore counted more than once.

Constitutional amendments were passed in California, Louisiana, and Minnesota at the November, 1926, general elections to enable progressive forest tax legislation. These amendments are particularly significant as indications of a growing public concern over the problem of forest taxation and of a growing determination to attempt a remedy.

One of the best illustrations of the yield-tax plan is the present forest tax law of Massachusetts. Under its provisions lands containing immature or growing forests, defined in the act as lands having less than certain stipulated quantities of timber per acre, may be registered for a special form of taxation. Thereafter only the value of the bare land is assessed. In addition to paying an annual tax levied upon such assessments, the owner pays a yield tax of 6 per cent of the gross stumpage value of any timber severed from the land, excluding material used for domestic purposes. If no cutting is done and the growth of timber exceeds the average quantities per acre specified in the act, the owner is notified thereof, and after three years have elapsed, if meanwhile the stand of timber is not reduced by cutting, the value of the timber is added to the value of the bare land in the assessments for taxation purposes. This guards against abuse of the law in holding timber without cutting for other than economic purposes or in holding timber for an undue length of time after a matured stand has been produced.

Under this law the forest owner pays a moderate current revenue in State and county taxation, but pays no tax upon the timber crop itself until that crop is harvested and cash returns are available to meet tax obligations upon it.

A forest crop represents of course the income from the land. In States which levy income taxes or corresponding business taxes on productive enterprises the payment in addition of a yield tax on the gross returns of stumpage becomes in effect double taxation. This consideration has led to an alternative plan under which the bare land, utilized for timber growing, is taxed annually at its full market value, at the same tax rate as other property. The business of growing timber would also, under this plan, pay the same income tax or business taxes as may be generally applied under the laws of the State. For convenience and simplicity in applying a general income tax to forest properties it might readily be converted into an equivalent yield tax on the gross value of the stumpage actually removed and realized upon.

This plan has the merit of being very simple to put into practice and is apparently equitable, since it gives timber growing the same treatment as other business enterprises. Legislation to make it effective need simply provide that growing timber shall be exempted from property taxation, that the land itself on which immature forests stand shall only be taxed, and that the income obtained or the profits realized in timber production shall be subject to the general income-tax levies of the State.

Mr. President, I have been persuaded to make these observations because I believe the public mind is not sufficiently appreciative of the importance the subject of taxation occupies in its relation to forest conservation and replacement. Among many thoughtful persons the opinion prevails that the problem of reforestation will have been solved when the Federal Government, the States, and the owners of forest areas provide maximum facilities for fire detection, fire prevention, and fire destruction. These important factors stand in the foreground of

any program of reforestation; but not until the States of the Union shall have enacted an equitable system of taxation will the people of our country enjoy the economic benefits that will flow from the rebuilding of our forest resources.

THE CALENDAR—BILLS PASSED OVER

The PRESIDING OFFICER (Mr. FRAZIER in the chair). The clerk will proceed with the call of the calendar.

The bill (H. R. 15127) for the relief of sufferers from floods in the vicinity of Fabens and El Paso, Tex., in September, 1925, was announced as next in order.

Mr. BRUCE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 1129) for the relief of Giles Gordon, was announced as next in order.

Mr. BRUCE. Over.

The PRESIDING OFFICER. The bill will be passed over.

FRENCH SPOLIATION CLAIMS

Mr. WADSWORTH. Mr. President, would the Senator from Maryland be willing to answer a question with respect to his policy in this matter?

Mr. BRUCE. Of course.

Mr. WADSWORTH. Is it the Senator's intention to pursue this course on every occasion between now and March 4 when the Senate attempts to act under this rule?

Mr. BRUCE. I really see no reason why I should not. I mean to say, when things have come to such a pass in a legislative body that a hearing is not allowed in relation to a measure after such a long lapse of time as three years, I think a Senator is justified in resorting to any measures, however extreme. Apart from all other considerations, I am sure that the members of this body will realize in what a totally false position it puts a Senator in relation to his own constituents when a measure, in which he is deeply interested, remains suspended in this fashion year after year, apparently all his efforts to bring the measure up for consideration being wholly futile.

Mr. WADSWORTH. Will the Senator be kind enough to reply to a further inquiry?

Mr. BRUCE. Yes; I will, with pleasure.

Mr. WADSWORTH. In the event that the Senate voted on a motion to proceed to the consideration of the French spoliation claims bill, and voted in the negative by a majority of a quorum, would the Senator still continue?

Mr. BRUCE. I should not have one word to say, not one word to say. I should acquiesce with the utmost cheerfulness. All I ask for is a hearing. I am like Themistocles in the classic story who said to Eurybiades, "Strike, if you will; but hear." That is my position. Strike, if you will, but hear me.

I scarcely care what disposition is made of this measure, after this long lapse of time, if the Senate will only show me the courtesy and consideration to take it up at some time convenient to the Senate. I am not asking the Senate to take it up now, or at any particular time.

Mr. WADSWORTH. Perhaps the Senator misunderstood my question. I asked this: In the event the Senate voted on a motion to take up the bill, and voted the motion down, declining to take it up, would the Senator then proceed in his policy?

Mr. BRUCE. If there were a full attendance of the Senate, and an opportunity were given to me to explain the bill, and, after that, the Senate refused to take it up, I should not have a word more to say. Of course, I do not think that, as a rule, measures ought to be disposed of in that way. The Senator knows that sometimes the Senate is impatient about the idea of taking a bill up, and will refuse to allow it to be taken up, when, in point of fact, if the bill were taken up, the Senate would pass it. I have seen that happen more than once since I have been here. But I am willing to take the risk. If the Senate, with a full attendance, will deliberately consider a motion for the consideration of this bill, and allow a reasonable amount of time for the presentation of the merits of the bill, a very short time, as far as I am concerned—I should not want more than half an hour—then, if I can not get the bill up, I will have nothing more to say.

I think the Senator from New York will bear me out when I affirm that I have never been an obstructionist in this body. I have over and over again refused to filibuster. I have been approached by strong groups asking me to join in a filibuster on some bill to which I was opposed and to which they were opposed, and I have invariably refused to comply. This morning I voted to take up the "wool" bill, though I am very strongly opposed to that measure. I voted to take it up because I thought that the Senator from Kansas [Mr. CAPPER] was entitled to have a hearing on it.

I take the Senator at his word. I know that what he suggests is a rather hazardous proceeding. That is not just the way to dispose of a measure, but now that the Senator has put his question to me I will stand on what I have already said.

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 2 hours and 50 minutes spent in executive session the doors were reopened, and the Senate (at 4 o'clock and 45 minutes p. m.) adjourned until to-morrow, Tuesday, January 18, 1927, at 12 o'clock meridian.

## NOMINATIONS

*Executive nominations received by the Senate January 17, 1927*

COAST AND GEODETIC SURVEY

*To be aid (with relative rank of ensign in the Navy) by promotion from deck officer*

James Dennis Thurmond, of Georgia, vice A. L. Jankowski, promoted.

Charles A. Schanck, of Montana, vice N. B. Smith, promoted.

Clarence A. Burmister, of California, vice D. H. Askew, resigned.

Joseph Percival Lushene, of Minnesota, vice C. A. Billingsley, resigned.

Harvey Orlando Westby, of North Dakota, vice F. G. Bryan, resigned.

Curtis Le Fever, of Michigan, vice P. A. Hathorne, promoted.

Henry Octave Fortin, of Montana, vice J. C. Partington, promoted.

REAPPOINTMENT IN THE OFFICERS' RESERVE CORPS OF THE ARMY

GENERAL OFFICER

*To be brigadier general, reserve*

Brig. Gen. Luke Henry Callan, reserve, from February 4, 1927.

PROMOTIONS IN THE NAVY

MARINE CORPS

Maj. Benjamin S. Berry to be a lieutenant colonel in the Marine Corps from the 1st day of October, 1926.

Capt. James L. Underhill to be a major in the Marine Corps from the 5th day of July, 1926.

Capt. Keller E. Rockey to be a major in the Marine Corps from the 3d day of January, 1927.

The following-named noncommissioned officers of the Marine Corps to be second lieutenants in the Marine Corps for a probationary period of two years from the 15th day of January, 1927:

Corpl. Richard J. DeLacy.
Corpl. Carroll Williams.
Corpl. Bernard H. Kirk.
Corpl. William W. Benson.
Corpl. Sol E. Levensky.
Corpl. Raymond C. Scollin.

## CONFIRMATIONS

*Executive nominations confirmed by the Senate January 17, 1927*

COMMISSIONER OF IMMIGRATION

Anna C. M. Tillinghast to be commissioner of immigration at the port of Boston, Mass.

POSTMASTERS

ALABAMA

Lillie C. Hays, Abbeville.
Fred M. Fitts, Alabama City.
Margaret E. Stephens, Attalla.
John L. Miller, Berry.
William L. Power, Blountsville.
John M. Stapleton, Foley.
Warren L. Hollingsworth, Lincoln.
Addie M. Cannon, Mount Vernon.
Fred D. Perkins, Wetumpka.

COLORADO

Agnes M. Ward, Bennett.
Jessie L. Thurston, Carbondale.
Earl E. Ewing, Colorado Springs.
Gerald H. Denio, Eaton.
Fred E. Maker, Grandlake.
Talitha B. Utterback, Mesa.
William D. Asbury, Montrose.
Dixon D. Pennington, Victor.
Frank D. Aldridge, Wellington.

CONNECTICUT

William G. Mock, New Milford.
W. Gardiner Davis, Pomfret Center.

IDAHO

George F. Gleed, Bonners Ferry.
Hazel M. Vickrey, Firth.
Samuel P. Oldham, Rexburg.
Myron A. Corner, Wallace.

MAINE

Jesse B. Crosby, Dennysville.
Cecil E. Sadler, Limerick.
Michael J. Kennedy, Woodland.

NEBRASKA

Sturley T. Stevens, Comstock.
Elmer E. Gockley, Edison.
Ross L. Douglas, Litchfield.
Herbert C. Wilkinson, Weeping Water.
Otto Dau, Yutan.

NEW HAMPSHIRE

Josie L. Pascoe, Chocorua.
Harlie A. Cole, Groveton.
James R. Kill Kelley, Wilton.

NORTH DAKOTA

Odin Stompro, Columbus.
Charles E. Watkins, Dunseith.
Gus. W. Hokanson, Fort Yates.
George Hummel, Gackle.
Helen J. Beaty, Manning.
Marion C. Houser, Napoleon.
Martin H. Weber, New Leipzig.
Flora Bangasser, Norma.
Hazel Marking, Scranton.
Fred E. Ackermann, Wishek.

OHIO

John W. McCoy, Barberton.
Mary E. Ross, Lebanon.
William H. Hunt, Mechanicsburg.
Allen E. Young, Medina.
William H. Harsha, Portsmouth.
Walter W. Wiant, St. Paris.

SOUTH CAROLINA

Mortimer R. Sams, Jonesville.

TEXAS

John A. Weyand, Carmine.
Stanley F. Labus, Falls City.
Adah L. Ridenhower, Hico.
Rufus H. Windham, Kirbyville.
Jackson E. Brannen, Littlefield.
Nathaniel B. Spearman, Mount Pleasant.
Edward N. Mulkey, Sherman.
Albert E. Newman, Texas City.

WEST VIRGINIA

E. Chase Bare, Alderson.
Claude W. Harris, Kimball.
Thomas C. Scott, Philippi.
Nell Bennett, Pickens.
Curtis K. Stem, Weirton.

## HOUSE OF REPRESENTATIVES

MONDAY, *January 17, 1927*

The House met at 12 o'clock noon.

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

O Thou whose name is above every other name and blessed for ever more, hear the unuttered voices of our breasts and bless us with the peace that follows divine forgiveness. Bear with our infirmities and fortify us against error. Grant us strength to dismiss the anxiety of to-morrow and make us strong, urgent men of to-day. Give us the courage that conquers disappointment and the faith that draws the future near and claims it as its own. Throughout our land prosper the good and defeat the wrong. Through Christ. Amen.

The Journal of the proceedings of Saturday, January 15, 1927, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed the bill (S. 5231) authorizing the sale of land at margin of the Rock Creek and Potomac Parkway for construction of a church and provision for proper ingress and egress to said church building, in which the concurrence of the House is requested.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 3804) granting the consent of Congress to W. D. Comer and Wesley Vandercook to construct, maintain, and operate a bridge across the Columbia River between Longview, Wash., and Rainier, Oreg.

ENROLLED BILL SIGNED

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

S. 3804. An act granting the consent of Congress to W. D. Comer and Wesley Vandercook to construct, maintain, and operate a bridge across the Columbia River between Longview, Wash., and Rainier, Oreg.

THE NAME OF THE DEITY IN THE CONSTITUTION

The SPEAKER. Under the order of the House the gentleman from Michigan [Mr. HUDSON] is recognized.

Mr. HUDSON. Mr. Speaker and gentlemen of the House, I have asked permission to address the House this morning in order that I may place in the RECORD a petition, together with a letter accompanying it, which is so unusual in its form and matter that I think it ought to go into the RECORD rather than merely dropped into the basket. Constantly from the beginning has this Nation shown it dependence on God, recognized by the founders and forefathers of this Nation, and by the men succeeding them, who have upheld and have had to do with the Constitution of this Nation. We have recognized that we are a Christian Nation, and while the name of the Deity does not appear in the Constitution, nor the name of the Son, our Lord, Jesus Christ, yet we are known in the world as a Christian Nation, and we are a Christian Nation. We believe that the Divine Architect has been the architect of this great Nation in its founding and in its success. I am not sure that I am in harmony altogether with the purpose of the petition, but I do believe it is of enough significance to make this reference to it this morning. The petition is signed by J. Clifford Mathews and 31 others, and with the letter accompanying it, reads as follows:

*To the Senate and House of Representatives of the United States in Congress assembled:*

This petition respectfully sheweth—

1. That in the otherwise excellent and admirable Constitution of our country we find no acknowledgment of the God of Nations, or of the moral laws of His government.

2. That in this respect the Constitution is inconsistent with the many practical Christian features of our Government and with the best traditions of our past history.

3. That this defect encourages and teaches the false view that the authority of government is derived solely and ultimately from the will of the people and not from the will of God, contrary to the express declaration of Holy Scripture: "There is no power but of God."

4. That it encourages the false doctrine that civil government has no moral or religious duties to perform, and that irreligious and even immoral men may be properly and safely entrusted with its administration.

5. That this defect leaves the National Government and the governments of the several States free to enact laws or adopt a course of administration contrary to the express laws of the Christian religion as applicable in civil affairs. Witness the divorce laws of many States, and the frequent or habitual violation of the Sabbath in various departments of the Government. Our National Constitution is, therefore, a virtual compact or agreement to administer our Government without reference to the moral laws of the Christian religion.

6. That the eternal Father has put the government of the world into the hands of the Lord Jesus Christ; that He is expressly declared to be "King of kings and Lord of lords," and that the refusal of this Nation to acknowledge His authority and accept His law exposes us to the chastising and destroying judgments of God.

7. That those who present this petition are unable, for these reasons, to accept this Constitution as a right fundamental law for the Nation, and are therefore debarred on conscientious grounds from participation in the government. We can neither take office under it ourselves nor by voting for others lay this Constitution upon them as the rule of their official conduct.

We pray you, therefore, to propose such an amendment to the National Constitution as shall suitably acknowledge Almighty God as the source of all authority and power in civil government, the Lord Jesus Christ as the ruler of nations, and His revealed will as of

supreme authority in national affairs, and so place all Christian laws, institutions, and usages in our Government on an undeniable legal basis in the fundamental law of the land.

SOUTHFIELD REFORMED PRESBYTERIAN CHURCH,
*Birmingham, Mich., January 13, 1927.*

Hon. GRANT M. HUDSON,
*House Office Building, Washington, D. C.*

SIR: I am inclosing herewith in your care a petition to the Congress of the United States, signed by members of the Southfield Reformed Presbyterian (Covenanter) Church, Southfield Township, Oakland County, Mich., for an acknowledgment of the authority of Christ and of the law of God in the Constitution of the United States.

We urge this petition because it is the duty of nations to acknowledge the authority of God and the sovereignty of Christ. The Holy Scriptures plainly teach this obligation and history demonstrates the fact that the nations which forget God perish. Furthermore, such action would incorporate the Christian faith of the founders and builders of our great Republic, as well as of our present citizenship, into permanent and legal form. Ours is a Christian nation in tradition and should be in reality.

This would not be a union of church and state. We are not asking for the formation of a "state church." God has founded the church and the state as separate institutions. Each has its own independent sphere, but each should recognize the authority of God and be governed by the laws of God in making its contribution to our life as a whole. If you are familiar with the history of our covenanter forefathers in Scotland you know that they have always been leaders in the fight for the separation of church and state; but at the same time they have always earnestly maintained that the state is under obligation to recognize and submit to the authority of God as well as the church.

Those who present this petition are seeking legislation which they believe to be of supreme import for the highest welfare of our beloved land. It is the spirit of Christianity which has made the United States "the land of the free and the home of the brave." It is the blessing of a Divine Reigning Providence which has made our United States the greatest and most prosperous Nation on earth. Why not recognize these facts and take our stand before the world with "the God of nations"?

Petitions similar to this are being prepared and sent in to Congress by other covenanter congregations throughout the United States. Your thoughtful and earnest consideration of this matter is respectfully besought by those who present this petition.

Respectfully yours,

J. CLIFFORD MATHEWS.

DAVID R. FRANCIS

Mr. RUBEY. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. RUBEY. Mr. Speaker, I have asked for this privilege in order to announce the death of a very distinguished Missourian. On Saturday last there passed to the great beyond a former Governor of the State of Missouri, Mr. David R. Francis. I have known Mr. Francis since he first ran for governor about 35 years ago. He served our State as governor with distinction. Not only did he serve the State of Missouri, but he served the Nation. He came to Washington during the administration of Grover Cleveland and served as Secretary of the Interior in the President's Cabinet. Later on, during the administration of President Wilson, he served this country as ambassador to Russia at a time when it required a man of very great ability to serve with success, and his administration as ambassador to Russia was a success.

He served the State and the country and the people at large in other capacities. He was president of one of the greatest expositions the country ever saw, the St. Louis Exposition.

CONSENT CALENDAR

The SPEAKER. The Consent Calendar is in order to-day. The Clerk will report the first bill.

MEMORIAL LIGHTHOUSE TO CHRISTOPHER COLUMBUS

The first business on the Consent Calendar was the House concurrent resolution (H. Con. Res. 41) respecting the Pan American conference held at Santiago de Chile in April, 1924.

The SPEAKER. Is there objection to the present consideration of the concurrent resolution?

There was no objection.

The Clerk read the concurrent resolution, as follows:

House Concurrent Resolution 41

*Resolved by the House of Representatives (the Senate concurring)*, That it is the sense of the Congress that the United States approves the international project advocated at the Pan American Conference held at Santiago de Chile April, 1924, to erect a memorial lighthouse at Santo Domingo, Dominican Republic, to Christopher Columbus, and that the several States participating in that conference be notified through the usual diplomatic channels of the desire of the people of the United States to participate in this movement to honor the memory of the great navigator and discoverer.

The concurrent resolution was agreed to.

FEES FOR CLERKS IN UNITED STATES DISTRICT COURTS

The next business on the Consent Calendar was the bill (S. 3444) to amend the act of February 11, 1925, entitled "An act to provide fees to be charged by clerks of the district courts of the United States."

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill.

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, the chairman of the committee is not here. I suggest that the bill be passed without prejudice.

The SPEAKER. The gentleman from New York asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that all bills that are passed without prejudice go to the foot of the calendar.

The SPEAKER. That is the understanding. All bills passed without prejudice go to the foot of the calendar.

Mr. GREEN of Iowa. Mr. Speaker, why does the gentleman ask that?

Mr. LAGUARDIA. We have been following that practice this session. It is working out very well. It saves a congestion of the calendar and permits bills to come up in order for consideration.

Mr. GREEN of Iowa. I do not see why a bill that gentlemen are not ready to present at this time should go to the foot of the calendar, especially in cases where there has never been any objection to it.

Mr. LAGUARDIA. It permits bills that are at the foot of the calendar to be considered in order, and then the other bills will be reached after a time.

Mr. SNELL. This is merely in confirmation of the suggestion of the gentleman that no objection be made to it. The bill is passed over without prejudice and goes to the foot of the calendar. Otherwise, if pressed, somebody might object to it.

Mr. GREEN of Iowa. If it goes over without prejudice, it ought to retain its place on the calendar.

Mr. SNELL. That is not the way we are working this this session. Otherwise we would have them all on top every day.

Mr. GREEN of Iowa. That is all the explanation I can get, I see.

The SPEAKER. The Clerk will call the next bill.

COMPENSATION TO RETIRED WARRANT OFFICERS AND ENLISTED MEN EMPLOYED BY THE PANAMA CANAL

The next business on the Consent Calendar was the bill (H. R. 15468) to authorize payment of compensation to retired warrant officers and enlisted men employed by the Panama Canal.

The Clerk read the title of the bill.

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

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object—I object.

The SPEAKER. Objection is heard.

HUMAN BLOOD FOR TRANSFUSION

The next business on the Consent Calendar was the bill (H. R. 12468) to pay for human blood for transfusion purposes.

The Clerk read the title of the bill.

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

Mr. JAMES. Mr. Speaker, I ask unanimous consent that the bill H. R. 16023 be considered in lieu thereof.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the bill H. R. 16023 be considered in lieu of H. R. 12468. Is there objection. [After a pause.] The Chair hears none.

The Clerk read as follows:

*Be it enacted, etc.*, That any person in the Military Establishment, or who has been a member of the Military Establishment, who shall furnish blood from his or her veins for transfusion to the veins of a member or former member of the Military Establishment who is a patient in a Government hospital, shall be entitled to be paid therefor such reasonable sum, not to exceed $50, as may be determined by the head of the hospital concerned, from public funds available for the operation of such hospital: *Provided*, That expenditures heretofore made to persons in Government service for blood furnished from his or

her veins for transfusion to the veins of an official patient in a Government hospital are hereby authorized and validated.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

The bill H. R. 12468 was ordered to lie on the table.

INSPECTION OF BATTLE FIELDS OF BRICES CROSS ROADS AND TUPELO IN MISSISSIPPI

The next business on the Consent Calendar was the bill (H. R. 12640) to provide for the inspection of the battle field of Brices Cross Roads, Miss., and the battle field of Tupelo, or Harrisburg, Miss.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill.

Mr. SNELL. Mr. Speaker, reserving the right to object, may we have the bill reported.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That a commission is hereby created, to be composed of the following members, who shall be appointed by the Secretary of War: (1) A commissioned officer of the Corps of Engineers, United States Army; (2) a veteran of the Civil War, who served honorably in the military forces of the United States; and (3) a veteran of the Civil War who served honorably in the military forces of the Confederate States of America.

SEC. 2. In appointing the members of the commission created by section 1 of this act the Secretary of War shall, as far as practicable, select persons familiar with the terrain of the battle field of Brices Cross Roads, Miss., and the battle field of Tupelo, or Harrisburg, Miss., and the historical events associated therewith.

SEC. 3. It shall be the duty of the commission, acting under the direction of the Secretary of War, to inspect the battle field of Brices Cross Roads, Miss., and the battle field of Tupelo, or Harrisburg, Miss., in order to ascertain the feasibility of preserving and marking for historical and professional military study such fields. The commission shall submit a report of its findings and an itemized statement of its expenses to the Secretary of War not later than December 1, 1926.

SEC. 4. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $3,000, or such part thereof as may be necessary, in order to carry out the provisions of this act.

The SPEAKER. This bill requires three objections.

Mr. LAGUARDIA. Mr. Speaker, under the reservation I would like to ask the gentleman from Mississippi if this bill is not similar to numerous bills that have been before the House which have all been merged in one general survey bill?

Mr. RANKIN. I do not think so.

Mr. LAGUARDIA. How do they differ?

Mr. RANKIN. They differ in this respect. This provides for a commission of men who were in these battles. There are a great many people, private associations, and so forth, who want to mark these fields. It has been about 63 years since these battles were fought. We must depend upon the men who were in them for the information as to where and how the fights took place. We want to get this survey now before these old men die, and that is the reason I have introduced this bill and ask that it be passed that we may get this survey made so that we may have it for future reference.

Mr. LAGUARDIA. Can not the War Department make a survey as it has made of similar battle fields?

Mr. RANKIN. In the first place, the War Department has not made those surveys, and I am not sure that it will make them in time. The fact is, that every year these old men are dying off rapidly, and if we wait many years they will all be gone.

Mr. RUBEY. I see that under the terms of the bill the commission has to submit a report by December 1, 1926.

The SPEAKER. Is there objection to the present consideration of the bill? It requires three objections. [After a pause.] The Chair hears none.

The Chair will call attention of the gentleman from Mississippi to the fact that section 3 of this bill requires a report to be made on December 1, 1926.

Mr. RANKIN. It should be amended to December 1, 1927.

The SPEAKER. Without objection, the amendment will be agreed to.

There was no objection.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ADDITIONAL DISTRICT JUDGE FOR SOUTHERN DISTRICT OF IOWA

The next business on the Consent Calendar was the bill (S. 475) to authorize the President of the United States to appoint an additional judge of the District Court of the United States for the Southern District of the State of Iowa.

The Clerk read the title of the bill.

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

Mr. GREEN of Iowa. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The bill goes to the foot of the calendar.

OBSOLETE AERONAUTICAL EQUIPMENT

The next business on the Consent Calendar was the bill (H. R. 12212) authorizing the Secretary of the Navy to dispose of obsolete aeronautical equipment to accredited schools, colleges, and universities.

The Clerk read the title of the bill.

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

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I want to ask the gentleman—I notice there is a committee amendment—

*And provided*, That such aircraft, aircraft parts, and engines will not be used in actual flight.

Mr. MAGEE of Pennsylvania. That is to be inserted.

Mr. LAGUARDIA. The gentleman will support that amendment?

Mr. MAGEE of Pennsylvania. Yes; it is in the bill as reported.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That the Secretary of the Navy be, and he is hereby, authorized, in his discretion, to dispose of without charge, except for transportation and delivery, to properly accredited schools, colleges, and universities for use in aeronautical courses, any aircraft, aircraft parts, instruments, or engines which have been declared obsolete by the Navy Department.

With a committee amendment, as follows:

At the end of line 8 insert a colon and the following: "*And provided*, That such aircraft, aircraft parts, and engines will not be used in actual flight."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

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

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

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

MEMORIAL TO CHRISTOPHER COLUMBUS

Mr. DAVILA. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill in regard to the Statue of Christopher Columbus.

The SPEAKER. Is there objection to the request of the gentleman from Porto Rico?

There was no objection.

Mr. DAVILA. Mr. Speaker, the project to erect an international monument to the memory of Christopher Columbus is so dear to the hearts of all Americans that it should appeal to every Member of Congress, irrespective of section or party. An appropriate memorial to Columbus would be but a fitting corollary to the enduring monuments that have been erected to Washington and Bolivar, for the glory of those three immortals is inseparably entwined. Had there been no Columbus to blaze the way to the West, there could have been no Washington, no Bolivar, in after times to battle for and finally triumph in the struggle for the rights of man.

This resolution provides:

That it is the sense of Congress that the United States approves the international project advocated at the Pan American Conference held at Santiago de Chile, April, 1924, to erect a memorial lighthouse at Santo Domingo, Dominican Republic, to Christopher Columbus, and that the several states participating in that conference be notified through the usual diplomatic channels of the desire of the people of the United States to participate in this movement to honor the memory of the great navigator and discoverer.

In deciding upon a favorable report the Committee on Foreign Affairs was impressed, among other indorsements, with a resolution adopted at the Fifth International Conference of American States held at Santiago de Chile, April 24, 1923, reading as follows:

Whereas a monument has not yet been erected in America to perpetuate the collective sentiment of gratitude, admiration, and thanksgiving toward Christopher Columbus, discoverer of America and benefactor of humanity; and

Whereas the city of Santo Domingo, in ancient Española, now the capital of the Dominican Republic, was the scene of the glories and the misfortunes of that illustrious and learned man, and therefore the aforementioned city is intimately associated with his history;

The Fifth International Conference of American States resolves to recommend to the Government of the American Republics to honor the memory of Christopher Columbus, discoverer of America, by the erection of a monumental lighthouse, to be called Columbus, on the coast of Santo Domingo, capital of the Dominican Republic, and which shall be built with the cooperation of the Governments and peoples of America and with the further cooperation of the other peoples of the earth.

Santiago de Chile, April 24, 1923.

Tulio M. Cestero, Dominican Republic; J. C. Vidal Caro, Cuba; Alejandro Alvarado Quirós, Costa Rica; Rafael M. Arizaga, Ecuador; Pedro César Dominici, Venezuela; Guillermo Valencia, Colombia; Cárlos Cuadra Pazos, Nicaragua; Cecilio Bustamente, El Salvador; Justino Jiménez Aréchaga, Uruguay; Narciso Garay, Panama; Agustin Edwards, Chile; Fernando Saguier, Argentina; S. Gurgel do Amaral, Brazil; Benjamin Villaseca M., Honduras; Henry P. Fletcher, United States of America; Máximo Soto Hall, Guatemala; M. Gondra, Paraguay; Arthur Rameau, Haiti.

That indorsement by the representatives of the united American Republics was a fitting consummation of the untiring and devoted labors of the National Columbus Committee, which has labored since October 11, 1892, the four hundredth anniversary of the discovery of America, to further the idea of a monument worthy of Columbus's memory.

I feel, Mr. Speaker, that while the gratitude of both American continents should be accorded to all the patriotic men who have contributed in any way to the accomplishment of this undertaking, that thanks are especially due to the members of the National Columbus Committee, whose labors have not only brought home to all Americans the appropriateness of this tribute to the great admiral, but in addition are contributing with their efforts to convince the world that the remains of Columbus are in fact buried in the city of Santo Domingo. The National Columbus Committee (Junta Nacional Colombina) is domiciled in Santo Domingo and composed of leading citizens of the Dominican Republic. The permanent committee on the Columbus Light is composed of the following members:

Mr. C. Armando Rodriguez, chairman, former member of the President's cabinet; Mr. Manuel de J. Troncoso de la Concha, former member of the President's cabinet; Mr. W. E. Pulliam, general receiver of customs of the Dominican Republic; and Mr. Federico Llaverias, secretary.

The task of proving to a critical world that by miraculous intervention of fate the bones of the great discoverer are still interred within the sacred wall of the cathedral at Santo Domingo has been one of the most fascinating problems of its kind in history. There is no doubt or controversy about many of the essential facts that contribute to the establishment of this proof. Columbus died May 20, 1506, at Valladolid, Spain, after having expressed to his son Don Diego and his daughter-in-law Doña María de Toledo the wish that he be buried in Española, the modern Santo Domingo. The authenticity of this wish is clearly confirmed in Don Diego's will, dated September 8, 1523, and in the royal decree of Emperor Charles V of June 2, 1537.

The body was interred in the Church of St. Francis in Valladolid, and subsequently, some time between 1509 and 1513 it was removed to the Carthusian Monastery of Las Cuevas, near Seville. The date of that removal is uncertain, but the more essential facts connected with the ultimate carrying out of his last request are authenticated by official Spanish documents. Diego, the son of Columbus, died 20 years after his father, in 1526, and was interred beside him in the Carthusian Monastery. There the remains of both rested until 1537 or thereabouts, the exact date being uncertain, but in compliance with the royal decrees of the Emperor Charles V, bearing dates of June 2, 1537, August 22, 1539, and November 5, 1540, both bodies were ultimately transported to the cathedral at Santo Domingo, which was consecrated in 1541. The great chapel of the cathedral, under the terms of the royal decrees, was assigned as the sepulcher of the Columbus family.

About these facts there is no dispute. The controversy that has arrested the attention of all students of the life and accomplishments of Columbus relate to the supposed removal of the remains from the cathedral some two and a half centuries later, and the discovery within comparatively recent times of the alleged mistake made on that occasion, whereby the bones of the son of Columbus were solemnly disinterred under the belief that they were the remains of the great admiral himself.

America has recently had a somewhat similar experience with the remains of her own great admiral, John Paul Jones, which were recovered from the neglected grave where they lay for upward of a century in an obscure burying ground in Paris. Everyone who has read the circumstantial details of that recovery and the identification by Ambassador Porter knows beyond the shadow of a doubt that the remains of the great admiral, who first made the American flag respected on the high seas, are those that rest in the splendid sarcophagus which a grateful Nation has erected to the commander of the *Bon Homme Richard* at Annapolis.

While proof of the discovery and identification of the relics of Columbus is as convincing and the surrounding circumstances are as well authenticated as in the case of John Paul Jones, yet the details are not so well known to the American public. I feel warranted, therefore, in briefly outlining the facts.

There is no controversy over the fact that the caskets of Columbus, his son, and his grandson once reposed in the cathedral of Santo Domingo by right of royal decree. Just where they were interred within the cathedral walls does not appear to have been clearly preserved. If recorded, the entry was obliterated by the ravages of time, lost, or destroyed. It is known that about the time of the transfer of the remains from Spain to Santo Domingo a heated controversy arose between the family and the Bishop of Santo Domingo as to the location of the tomb. The family stipulated the higher platform of the sanctuary, but the bishop assigned the lower platform, reserving the higher for the interment of prelates. A controversy resulted, ending in an appeal to the King, who in the last of the royal decrees already mentioned ratified his previous decision in favor of the family. That was in 1540. It is uncertain whether or not the remains were transported directly to Santo Domingo and interred in the incomplete cathedral after having been removed from the Carthusian Monastery. Tradition has it that they remained for a while after leaving the monastery in Seville before being sent to Santo Domingo. We know from the historian, Las Casas, the friend and contemporary of Columbus, that they reached the island prior to 1544, and a statement of the first Archbishop of Santo Domingo in 1549 tells us that "the tomb of Don Cristobal Colon, which contains his bones, is much venerated in this cathedral." It is probable that the epitaphs and inscriptions on the vaults of the cathedral were obliterated on occasions when the city was threatened with capture by pirates and enemies of the state. There is reason to believe that this was done when an English fleet under Admiral William Penn and an English army under General Venables attacked the city in 1655.

The archbishop not only secreted the sacred ornaments and vessels but ordered—

the sepulchers to be covered in order that no irreverence or profanation be committed against them by the heretics, and especially do I so request with reference to the sepulcher of the old admiral, which is on the gospel side of my holy church and sanctuary.

It is but natural to presume, nothing to the contrary being of record, that the cathedral authorities took precautions to conceal the resting place of Columbus. This, as well as other facts that are to be brought later in this discussion, furnish rather conclusive proof that the Spanish authorities might easily have been mistaken when they opened a sepulcher before evacuating the island, to take away with them in state the precious remains which they valued above all their other possessions in the Western Hemisphere.

Under the treaty of peace, following the termination of the war between France and Spain in 1795, the Spanish possessions in the island of Hispaniola were ceded to France. A Spanish squadron, under command of Don Gabriel de Aristizabel, lieutenant general of the royal armada, was sent out from Spain to superintend the evacuation, and among the tasks with which he was charged was the transfer of the remains of Columbus to Habana, Cuba.

Perhaps the most fitting account of that transfer has been told by Washington Irving, the illustrious biographer of both Columbus and Washington. The literary works of this author

have been as much admired in Spain as in America, for in his heart Spain held a place only second to the land that gave him birth. Describing the transfer of the casket supposed to contain the remains of Columbus, Irving has this to say:

The worthy commander, Aristizabel, having taken all these preparatory steps with great form and punctilio, so that the ceremony should be performed in a public and striking manner, suitable to the fame of Columbus, the whole was carried into effect with becoming pomp and solemnity.

On the 20th of December, 1795, the most distinguished persons of the place, the dignitaries of the church, and civil and military officers assembled in the metropolitan cathedral. In the presence of this august assemblage a small vault was opened above the chancel in the principal wall on the right side of the high altar. Within were found the fragments of a leaden coffin, a number of bones, and a quantity of mold, evidently the remains of a human body. These were carefully collected and put in a case of gilded lead, about half an ell in length and breadth, and a third in heighth, secured by an iron lock, the key of which was delivered to the archbishop. The case was inclosed in a coffin covered with black velvet and ornamented with lace and fringe of gold. The whole was then placed in a temporary tomb or mausoleum.

On the following day there was another grand convocation at the cathedral, when the vigils and masses for the dead were solemnly chanted by the archbishop, accompanied by the commandant general of the armada, the Dominican and Franciscan friars, and the friars of the Order of Mercy, together with the rest of the distinguished assemblage. After this a funeral sermon was preached by the archbishop.

On the same day, at 4 o'clock in the afternoon, the coffin was transported to the ship with the utmost state and ceremony, with a civil, religious, and military procession, banners wrapped in mourning, chants and responses, and discharges of artillery. The most distinguished persons of the several orders took turn to support the coffin. The key was taken with great formality from the hands of the archbishop by the governor and given into the hands of the commander of the armada, to be delivered by him to the Governor of Habana, to be held in deposit until the pleasure of the King should be known. The coffin was received on board of a brigantine called the *Discoverer*, which with all the other shipping displayed mourning signals and saluted the remains with the honors paid to an admiral.

From the port of San Domingo the coffin was conveyed to the Bay of Ocoa and there transferred to the ship *San Lorenzo*. It was accompanied by a portrait of Columbus, sent from Spain by the Duke of Veraguas, to be suspended close by the place where the remains of his illustrious ancestor should be deposited.

The reception of the remains at Habana was, if anything, more imposing than their departure from Santo Domingo. In the capital of Cuba they remained until the close of the Spanish-American War, when the Spanish forces upon evacuating that island again carried the relics away with imposing ceremonies and deposited them in the cathedral at Seville.

The world did not learn that the Spaniards had probably made a mistake with respect to the coffin of Columbus when they sailed away from Santo Domingo in 1795 until 82 years later.

In 1877 extensive repairs to the old cathedral at Santo Domingo were again undertaken. The apostolic delegate and the vicar of the cathedral decided to employ an experienced Cuban civil engineer to superintend the repairs. On May 14, 1877, while the workmen were making excavations on the epistle side of the sanctuary, a small vault containing fragments of a leaden case and some human bones were uncovered. The inscriptions on the casket identified it as that of Don Luis Colon, the grandson of Columbus. Following that discovery it was decided to institute a search of the entire area of the sanctuary. On Sunday, September 9, some four months after the finding of the grandson's tomb, the workmen came upon the empty vault on the opposite side of the altar, from which the Spaniards had removed what they supposed to be the casket of Columbus in 1795. The next day the workmen discovered that the space between this empty vault and the wall of the cathedral emitted a hollow sound, although there was no exterior evidence of another vault being there. Investigation, however, disclosed that a somewhat larger vault than the one opened by the Spaniards was concealed by a rough stone slab and separated by a wall some 6 inches thick. The bishop, the Spaniards, and Italian consuls and certain other ecclesiastical and civil authorities were at once notified by the workmen of this discovery and repaired to the cathedral to witness further proceedings.

There is perhaps no case of record where greater care was taken to guard against fraud or deception than in this instance. From the time a small part of the slab was broken, disclosing a box within, until the identification of the casket was completed the bishop, together with the ecclesiastical and civil authorities, safeguarded every step, so that the genuineness of the discovery is settled beyond the possibility of doubt ever being raised against it in the future. Mr. Rudolf Cronau, who has made a painstaking study of the matter, has this to say about the actual opening of the tomb after witnesses had gathered:

All reached the cathedral at the same time. The vault was at that time only partially opened. The bishop ordered the aperture widened, so that a better inspection of the vault and its contents might be obtained. By introducing his arm into the opening he discovered that the object in the vault was a leaden case, the upper side of which was incrusted with lime. After breaking off a part of this crust, the bishop noticed an inscription and was able to read the letters "Per Ate," which all persons around the vault with one voice interpreted as "Primer Almirante, the first admiral." As only Columbus had held this title, the letters were regarded as a strong indication that the leaden case might contain his remains. Not allowing anyone to go further with the work, the bishop ordered that all should leave the cathedral, the doors of which were closed and locked. On request the government at once sent a number of sentinels, who surrounded the cathedral. In the meantime the bishop, by special letters, invited the President and the cabinet of the Dominican Republic, as well as the principal ecclesiastical, civil, and military authorities, and, furthermore, all foreign consuls, to be present at four and a half o'clock that same afternoon, when the vault and its contents would be publicly and carefully examined.

In the presence of this high assemblage the stone slab was removed, the box taken out, and carefully investigated. As it had rested in the absolutely dry vault upon two bricks, it proved to be in a state of fair preservation, but dull in color and covered by a coating of oxide, the unmistakable indications of old age. The closed box was 21 centimeters, or 9 inches high, 42 centimeters, or 16⅝ inches, long, and 21 centimeters, or 9 inches, wide. Its hinged and overlapping cover had on its top the abbreviations: "D. de la A. per Ate," which has been interpreted to mean "Descubridor de la America. Primer Almirante"; that is, "Discoverer of America, first admiral." Further investigations disclosed that on the left side, and also on the front side of the box, the letter "C" was rudely engraved, while on the right side the letter "A" was found.

C. A. Letters engraved on the sides of the coffin. Exact size.

These letters are believed as standing for the initials of the words: "Cristoval Colon, Almirante."

After lifting the hinged cover another abbreviated inscription, in German Gothic letters, was discovered on the inside of the lid—

"Illtre y Esdo Varon
"Dn. Criztoval Colon."

This inscription has been interpreted as—

"Illustre y Esclarecido Varon Don Cristoval Colon.
"Illustrious and famous Baron Christopher Columbus."

An examination of the contents of the box revealed human remains, with the exception of a few parts reduced to dust. Among this dust and mold two small iron screws and a bullet of lead were found. An explanation of their being there no one was able to give at that time.

At the end of these investigations a public declaration was made, in the presence of all the foreign consuls, that the real resting place of the admiral's body had been found and positively identified. The Spanish consul, Señor José M. de Echeverri, who was present, found no reason for suspecting the good faith of the examination, nor the genuineness of the grave and remains. On the contrary, he manifested his belief in that which he had seen by at once raising the claim in the name of his government for the delivery of the remains of the admiral, which in 1795, as now was evident, were not transferred to Cuba as intended.

The news of the discovery, reported by the different consuls to their governments and made known by Bishop Rocco Cocchia in a pastoral letter ("Descubrimiento de las verdaderos restos de Cristobal Colon: Carta pastoral, Santo Domingo, 1877"), spread rapidly and caused everywhere the greatest interest. But what was regarded as glad tidings by all inhabitants of the Dominican Republic was received with deep anger and indignation by the ecclesiastic authorities of the Cathedral of Habana and the Spanish Government.

Finding that their claim to the true relics of Columbus was endangered, they at once accused the Bishop Cocchia and the other dignitaries of the cathedral at Santo Domingo of being the authors of a bold fraud, charging them with having manufactured the leaden box, filling it with bones, scratching the inscriptions thereon, digging the vault, and preparing a dramatic resurrection tableau, at which the foreign consuls assisted either as dupes or as conscious principals in the deception.

To uncover this trickery Consul Echeverri was ordered, in January, 1878, to procure and forward to Spain the following items of information:

First. A legalized copy of the act of examination of the human remains.

Second. Photographic reproductions of the leaden coffin, of its four sides and of the cover.

Third. A certificate from the scientific faculty giving the state of preservation in which the said coffin was found.

Fourth. A detailed and sufficient report showing if at any time the pavement of the cathedral at Santo Domingo had been removed.

In compliance with this order Consul Echeverri requested a second investigation of the portentious case and its contents. This investigation was made on January 2, 1878, by the Señores Don Pedro M. Pineyro, Don Mariano Socarrez, and Don Manual Duran, doctors of medicine and surgery. During the process of this most thorough examination the above-named gentlemen, on removing the dust of the bones, which lay in the box, found at the bottom of the case a small plate of silver, of quadrangular form, 87 millimeters long and 32 millimeters wide. This plate had two circular holes, which coincided with two others which were to be seen in the back of the leaden box. Now an explanation for the existence of the two little screws, which had been found among the mold during the first examination, was easy. Fitting exactly to all the holes, these screws indicated that the little silver plate had originally been affixed inside of the case, but had become loosened therefrom in time and slipped among the human dust.

This little silver plate contains on each side inscriptions which are reproduced here in full size. The shorter one has been interpreted as "Urna Cristoval Colon," while the longer one, the most significant and important of all inscriptions, has been interpreted to mean "Ultima parte de los restos del primer Almirante, Don Cristoval Colon, Descubridor" ("Last parts of the remains of the first admiral, Don Christopher Columbus, the discoverer)."

In spite of this additional evidence the Spanish Government, however, made great efforts to uphold the claim of the cathedral at Habana as the depository of the remains of Columbus, and Señor Antonio Lopez Prieto, a historian living in Habana, was commissioned to pen in defense of these relics an elaborate report that appeared under the title, "Los restos de Colon, Examen historico-critico" (Habana, 1879). Addressed to the captain general of Cuba, it resorts to able and astute ingenuity to prove the remains transferred to Habana in 1795 to have been the genuine remains of the admiral. Señor Manual Colmeiro supplemented these arguments with a report to the Royal Academy of History of Madrid, which later on was presented to the King and published by the Government. Not yet satisfied the Spanish Government indicated her resolution to insist on her claims by recalling in disgrace her representative in Santo Domingo, Don Jose Manuel de Echeverri, who had been present at the investigation of the tomb at Santo Domingo and had reported favorably about the discovery.

Of course, the many direct and indirect attacks on the veracity and good faith of Bishop Rocco Cocchia, representing him as an audacious imposter, were rejected with great heat. Firmly maintaining that a mistake had been made in 1795 by Aristizabel, the bishop insisted that only those remains newly discovered were the true relics of Christopher Columbus. The result was a hot controversy, which lasted for years and produced a flood of pamphlets and bulletins, in which each side tried its best to hold its claim aloft.

I think that this is a fair recital of the outstanding facts attending the discovery of the remains of Columbus. The deep impression and enthusiasm which the discovery of the great man's remains produced among the Dominican people is vividly portrayed by Emiliano Tejera, a distinguished Dominican writer, in his book The Remains of Columbus in Santo Domingo. A short quotation from this work will not be amiss. Says Tejera after making a sketch of the events attendant on the discovery of the remains in 1877:

The fact was evident to all. Columbus was in Santo Domingo. There was no one who doubted it. The enthusiasm bordered on frenzy; and if those who have left this abode of sorrow are permitted to rejoice at what goes on here, Columbus must have felt an immense satisfaction, equal at least to that which he experienced when his eyes discerned the shores of America, when he saw that the recovery of his remains, after centuries of oblivion, moved many thousands of persons so deeply. The cannon awakened distant echoes, and acclamations to Columbus and to the great Isabella filled the air. Certainly Columbus never received homage so pure, disinterested, and sincere as that rendered him on the night of the 10th of September by the inhabitants of Santo Domingo.

In spite of the unanimity of opinion prevailing in Santo Domingo in regard to the authenticity of the remains disinterred in 1877, a controversy has raged about it for the past half century. No one, however, who has had the privilege of visiting the old cathedral at Santo Domingo and of discussing the details with the distinguished committee that has made the publicity of the truth a life labor of love can have any doubt about the genuineness of the claim of the Dominican people.

Everyone who has studied the question is impressed with the fact that the old cathedral records regarding the interment of Columbus, which could cast considerable light on the subject, are missing. It has been said that they were probably destroyed at the time Sir Francis Drake and his English privateers sacked the city in 1586. The more probable version, and the one held by Tejera, is that they were removed from the cathedral and transferred to Habana along with the rest of the ecclesiastical and civil archives when the Spanish left the island in 1801.

It is clear, at any rate, that the exact resting place of Columbus's remains was ignored in Santo Domingo long before 1795. No other conclusion can be arrived at after a study of the documentary proof offered for the consideration of the investigator. The following statements offer a concise résumé of all the existing documentary proof on the matter:

(a) Statement of Archbishop Francisco Pío in 1655. This was an order by the archbishop to the effect that "the sepulchers be covered in order that no irreverence or profanation be committed against them by the heretics, and especially do I so request with reference to the sepulcher of the Old Admiral, which is on the gospel side of my holy church and sanctuary."

(b) Letter written on the 2d of August, 1667, by Archbishop Cueva y Maldonado to the King of Spain, wherein is shown that as early as 1664 there was no inscription or sign whatever on the tombs of Columbus and his sons.

(c) Statements authorized by the synod of the 5th of November, 1683, wherein is said: "The bones of C. Columbus are there in a leaden case in the presbytery, beside the wall of the high altar, together with those of his brother, Don Luis Columbus, which are on the opposite side, according to the traditions of the oldest inhabitants of the island."

(d) Document subscribed the 26th of April, 1783, by Manuel Sánchez, treasurer, and Pedro de Galvez, maestrescuela of the cathedral, stating that on the 30th of January, 1783, while certain repairs in the cathedral's presbytery were being made, there was discovered on the gospel side a vault containing a leaden urn with the remains of a human being, adding that some years before this, during repairs of a similar nature, there was found on the epistle side a similar vault, and that according to the tradition handed down by the old folks of the country and to a chapter of the synod above referred to, the vault on the gospel side was believed to contain the bones of Admiral Christopher Columbus and that on the epistle side either those of his brother Bartholomew or of Columbus's son Diego, just which of the two being uncertain.

(e) Letter written on March 29, 1783, by Isidoro Peralta, captain general, to Don José Solano, at the request of the French historian M. L. Moreau de Saint Méry, relating and confirming the statements of the two canons, Don Manual Sánchez and Don Pedro Galvez, treasurer and maestrescuela, respectively, of the cathedral.

This is the only evidence known which could have served as the basis for the exhuming of the remains in 1795. Archbishop Pío's order in 1655 advising especially that the old admiral's tomb be covered in order to avoid irreverence and profanation on the part of the heretics tends to show that the exact location of the remains was known at that time. The precautionary measures adopted by the archbishop were doubtless of such a nature as to erase any identifying trace in the vaults which inclosed the remains.

This may be deduced from the letter written by Archbishop Cueba y Maldonado to the King of Spain, wherein he speaks of the discovery of the remains of the ancestors of the Duke of Veragua (Columbus and his son) in 1664, while the presbytery of the cathedral was being repaired "without our having previous knowledge that they were here." It is evident that as early as this there existed no exterior signs on the tombs, since Archbishop Cueba y Maldonado had no knowledge of their existence.

The Synod of the 5th of November, 1683, tells us that Columbus's bones lie in a leaden casket in the presbytery on one side of the step before the main altar, together with those of his brother Don Luis, which are on the other side, according to the tradition of the old people of the island. This is irrefutable proof of the fact that even that early tradition was the only authority that could be adduced in the attempts to fix the exact spot where the remains of the admiral and his sons lay. The Synod is wrong when it states that the remains on the opposite side of the altar from Columbus's are those of Don Luis, Columbus's brother. Columbus had no brother named Luis, nor were the remains of his brother Bartholomew interred in the presbytery. According to the decrees of Emperor Charles V, only Columbus and his heirs had the right to be buried in the presbytery. The remains mentioned by the Synod are those of the admiral's grandson, Don Luis, and not those of his brother, as has been clearly and definitely ascertained since then.

The synod was correct in its statement that Columbus's remains lay in a leaden casket in the presbytery, at one side of

the step before the main altar, but the silence which it keeps with respect to the remains of Don Diego is significant. In the old presbytery there were buried the remains of the first admiral; his son, Don Diego; and his grandson, Don Luis. The synod's silence with respect to Don Diego's remains shows that even at that time tradition was deficient and confusing since it presented but part of the truth.

The leaden urn seen by the canons, Sánchez and Gálvez, in 1783, seems to be the same as the one exhumed by the Spaniards in 1795. The distinguished Dominican writer Emiliano Tejera so asserts after presenting a great array of reasons and arguments. The urn discovered in 1783 had no inscription whatever, for, had that been the case, the canons would not have turned to tradition in order to assert that it contained the bones of Admiral Christopher Columbus. The urn exhumed in 1795 was likewise without inscription. The description of the remains in 1783, authorized by Captain General Peralta, coincides with the description of the remains that were exhumed in 1795 and the account of the location of the vault seen by the canons, agrees with the description of the vault which enclosed the remains exhumed by the Spaniards.

The evidence thus far secured tends to show that the aforementioned canons never saw the first vault on the Gospel side, which is the one which contained Columbus' body. They probably failed to see that where Don Luis lay, too, for had they seen it they would not have committed the mistake of saying that the remains in the said vault were those of Don Bartholomew or Don Diego, since the leaden casket on the Epistle side said clearly on one of its sides: "Admiral Don Luis."

Is it reasonable to suppose that the canons would have had recourse to tradition in order to establish an erroneous conclusion had they had before them the inscription engraved on the casket containing Don Luis's remains? Based on this tradition, the canons felt justified in saying that the remains found in the leaden casket discovered by them belonged to the admiral, while ignoring the fact that his son Don Diego was also buried on the gospel side of the main altar and that it was impossible, in the absence of any inscription, to determine with precision to which of the two persons the aforementioned remains might belong.

Although it is virtually impossible to condense within the narrow limits of a speech all the arguments and data which might be presented in discussing this much-debated matter, it seems to me that it has been demonstrated conclusively that tradition, and that partly incorrect, has served as the only guide since 1655 in determining the resting place of the first admiral, and that in the face of the proof so far presented no one who values his veracity would assert that the remains exhumed in 1795 were the genuine remains of Columbus. It has been charged that the ecclesiastical authorities and all persons concerned in the exhumation of 1877 are guilty of a pious fraud. But it is up to those who allege fraud to offer proof thereof. It is not sufficient to assail the good faith of the personages who witnessed the affair of 1877. It is necessary to produce competent evidence to sustain the alleged fraud. The affirmative bears the burden of proof.

The French historian Moreau the St. Méry visited Santo Domingo in 1783 and 1787; that is to say, eight years before the exhuming of the alleged remains of Columbus. It was his purpose carefully to investigate the exact location of the remains. After painstaking inquiries and fruitless efforts, the illustrious historian expressed his disappointment in these eloquent phrases:

> What a subject for the reflection of the philosopher! Scarcely are 300 years past since the discovery of the New World and already we hardly know what has become of the precious remains of the sagacious, enterprising, and intrepid discoverer. We see him expressing an anxious solicitude that his ashes may repose in the capital of the immense island which first established the truth of the existence of a Western Hemisphere; they are transported hither posterior to the construction of the principal edifice, the cathedral, and yet—O supine indifference for all that is truly noble!—not a mausoleum, not a monument, not even an inscription to tell where they lie!

This was written by M. Moreau in 1787, and in 1795 there took place the exhumation which has caused such lively controversy. The official document, written on the same day by Hidalgo, the secretary of the proceedings, states as follows:

> On December 20, 1795, a vault was opened, located in the sanctuary on the right or gospel side, near the main wall and in the platform before the high altar. The capacity of the vault was about 1 cubic yard. Therein were found some thin sheets of lead about 11 inches long which had evidently been parts of a box or case of that metal; also some bones of legs and arms and various other parts of some deceased person. These were collected in a large tray, together with all the dust, which, from the fragments of some small bones and its color, were recognized as the remains of the same corpse. The whole was placed in a gilded leaden coffin, with an iron lock; this was locked and the key was delivered to the most illustrious archbishop.

This is the proof offered by those who sustain that the genuine remains of Columbus were disinterred in 1795. Not a single inscription, not a word, not even the smallest sign to show that those were the first admiral's remains—only the vague declaration that there had been found in a vault on the gospel side of the presbytery, among other things, pieces of shin and arm bones and various other parts of some deceased person. The official statement does not say, indeed no one could say, whose the disinterred remains were, but recourse is had in fixing their identity to a tradition which, while correctly holding that Columbus's remains rested on the gospel side of the presbytery, forgets the very important fact that Don Diego's remains were likewise buried in the same presbytery, by the side of his father and ancestor. This vault, whose contents were disinterred in 1795, was found to be empty in the exhumation carried out in 1877. This is affirmed by all who witnessed the ceremony, among them the United States consul, Mr. Paul Jones, who, in a letter written to Mr. W. A. Whitehead, secretary of the New Jersey Historical Society, affirms that—

> On the morning of the 10th of September last, two small vaults were discovered, side by side, separated by a wall of about 6 inches in thickness. The eastern, or one nearest the altar, was empty; the other contained a metallic case.

There were three bodies buried in the old presbytery, three separate vaults contained them, and three remains have been found. How can those who allege that Columbus's remains were exhumed in 1795, and admit that those found on the epistle side are those of his grandson, Don Luis, account satisfactorily for the absence of Don Diego's body?

Is it, perhaps, enough to submit to the study of the investigator the evidence of only two bodies when it is known that, as a matter of fact, three were buried in the old presbytery? The truth, when maimed and incomplete, may lead to deplorable blunders. And in this case it is evident that a grave error has resulted. No one can be blamed, however. Those who exhumed the remains in 1795 based their procedure on the inaccurate data provided by tradition. Perhaps they did not use all the caution and prudence which the transcendency of their act demanded, but undeniably they acted in good faith. Later developments have uncovered their mistake and revealed the truth. Spain will soon recognize this as a fact. Let us trust in the justice and nobility of the Spanish Nation, for that people which, inspired by Columbus's genius, fostered the undertaking which wrested a new world from the bosom of the sea will also know how to wrest the truth from the depths of doubt and error.

It is only fair, nevertheless, to recognize that there still seems to exist in Spain the belief that the true remains of Columbus were actually carried to Cuba upon the Spanish evacuation of the island and ultimately to Spain. All honor to the devout and chivalric sentiment of Spain in thus honoring the memory of her great admiral and in providing for what she believes to be his ashes a sanctuary among the immortals of Spain.

Surely the people of the Americas stand ready to prove to all the world that they are no less appreciative of Columbus, and by the same token they propose to see that a suitable memorial is erected to him in the land and city he loved above all other places of the earth and where he expressed the wish to lie buried—in Hispaniola, the modern Santo Domingo.

A sparkling gem in the blue sapphire of the Caribbean; the cradle of civilization in the New World; the stronghold of the Spanish Empire in America in the sixteenth and seventeenth centuries—that is and has been the island of Santo Domingo, destined by its beauty, its historical importance, and its geographical position to become the shrine of the two Americas.

Hispaniola (Columbus's name for Santo Domingo) was discovered by the great navigator on his first voyage. Upon his return to Europe he wrote a letter to a friend containing the following references to the island:

> In it [Hispaniola] are many little ports on the coasts, shelters unmatched by those of any other coast which I know in Christendom; and an abundance of rivers of marvelous goodness and size. The land is elevated, and there are in it several ranges of hills and lofty mountains, incomparably greater than the isle of Cetrefrey [Tenerife]; all very beautiful and of varied forms, all accessible, covered with trees of a thousand varieties, so tall that they appear to reach the sky. And I am assured that they never lose their foliage, as might be imagined, since I have seen them as green and beautiful as they are in Spain in May; and some were in flower and others in fruit, others in other conditions, according to their species. And the nightingale was singing, and other birds of various species, in the month of November, by the

path which I was following. There are palms of six or eight kinds, marvelous to the eye because of their beauty; but it is thus with the other trees and their fruits and flowers. There are charming pine groves and broad expanses of verdure and honey and many kinds of birds and a diversity of fruits. There are many metal mines in the land, and the population is inestimable in number. Hispaniola is wondrous—with its mountains and hills, its plains and fields, and its soil, so fine and rich for planting and sowing and for raising livestock of all sorts, and for building cities and towns. The ports here are not to be believed unless seen, as are the many and large rivers of excellent waters, the greater part of which contain gold. The trees and fruits and plants are very different from those in Juana [Cuba]. In this isle are many spices and large mines of gold and other metals.

The glowing and romantic description of the island by the great admiral needs no further comment. Suffice it to say that the island is just as attractive now as in Columbus's day, its virginal beauty and fragrance prevailing in spite of the advances of civilization.

Historically the island of Santo Domingo is of great interest to the Pan American countries. It was the first portion of the New World to be conquered, colonized, and civilized by Europeans. From Hispaniola Hernan Cortes left for the conquest of Montezuma and his Mexican Empire; Pizarro went to conquer the Inca realm in Peru; Balboa to discover the great South Sea; Ojeda to colonize the mainland at Venezuela; Velázquez to settle Cuba; Ponce de Leon to Porto Rico; Esquivel to Jamaica. Here was, in brief, the base of operations for the conquistadores. Hispaniola was the center whence Spanish power and culture spread. Here the first college in America was established, St. Thomas College, founded in 1497, 139 years before Harvard College. Here the first fort, Fort Natividad, was built, with timbers salvaged from the wreck of the caravel *Santa Maria*, one of Columbus's three vessels on his first voyage. Here the first European city in the New World, Isabela, was founded in 1493, and the first mass in America celebrated in this city early in 1494. Indians and Europeans fought for the first time on ground where later rose the old city of La Vega. Here Fray Bartholomew de las Casas did much of his work for the relief of the oppressed Indians; here the first treaty of peace between Europe and America, a forerunner of the American Declaration of Independence, and the result of the first successful rebellion of the New World against the Old, was drafted between the powerful King Charles I of Spain and the intrepid Indian chieftain Enriquillo. It amounted to the abolition of Indian slavery and a granting to the Indians of certain of those "inalienable rights" which the Jeffersonian document was to uphold so fervently 250 years later.

Here the redoubtable Sir Francis Drake held sway for nearly a month in the year 1586, daily burning a portion of Santo Domingo City, until the inhabitants gathered enough money for the ransom of the city. As a souvenir of his visit there is kept a cannon ball, fired from one of his vessels, which became imbedded in the roof of the cathedral, where the visitor may see it to-day.

We all know that the King of England gave Pennsylvania to William Penn in lieu of payment of a large debt owed to his father, Admiral Penn. Few of us, however, know the origin of this debt. It was due Admiral Penn for his services in an expedition sent by Cromwell to conquer Hispaniola, in 1655. The British were repulsed in their attempts to storm the capital, Santo Domingo City, and were forced to leave, sailing to Jamaica, which they conquered and hold to this day. Had Admiral Penn been successful, the booty would have amply repaid him for his services, and what is now Pennsylvania would not have been granted to William Penn, jr.

Although the land teems with historical associations, of which but a few have been mentioned, unquestionably the most highly prized relic in Santo Domingo is the body of Columbus. The remains are kept in a monument in the cathedral at Santo Domingo city. A more impressive and suitable resting place will be provided, however, as soon as the project for the erection of a lofty lighthouse and tomb at Punta Torrecilla, in Santo Domingo city, materializes. The lighthouse is to be 1,100 feet high—a truly monumental structure. The project, as I have previously stated, has received the support of the Pan American Union and the fifth Pan American Conference, held at Santiago de Chile in 1923. At this conference it was accorded "To recommend to the Governments of the Republics of America that they honor the memory of Christopher Columbus, the discoverer of America, by the erection of a monumental lighthouse to be known as the Columbus lighthouse, on the coast of the city of Santo Domingo, capital of the Dominican Republic, which lighthouse should be built with the cooperation of the Governments and peoples of America, and, indeed, of all the peoples of the world." The legislatures of Santo Domingo and Colombia have already appropriated sums for the erection of this monument, and the matter is under the consideration of the legislative assemblies of several other American Republics.

The United States Congress is not asked to appropriate; it is merely requested to give its sanction to the project, that the cause may be furthered in this country. Individual citizens may contribute to the share expected to be raised in the United States in this noble effort to render homage to the man who discovered and brought civilization to these shores.

Before concluding my remarks I wish to avail myself of this opportunity to express my gratitude to the Dominican people for their courtesy and hospitality during my short stay in the island recently. The Dominican Republic enjoys to-day the most complete tranquillity under the administration presided over by Gen. Horacio Vasquez, a government deserving of praise because of its honesty, ability, and efficiency. An era of progress and activity which shall redound to the great benefit of that island is dawning. Broad, beautiful roads are being laid, aqueducts and sewerage systems are being built in the cities, irrigation projects and similar constructive schemes to fertilize the soil and develop the vast agricultural resources of the island are being carried out and will be instrumental in developing the wealth of the nation. With peace assured and the inhabitants dedicated to the task of promoting their country's progress, we may expect that in the near future the visitor will behold marvelous advances and will see in this island, with its wealth of historical association and natural beauty, the real Jerusalem of America, as the Dominican writer, M. A. Cocco, hopes when he maintains that nature and history unite in designating Hispaniola as the shrine of Pan Americans, even as Jerusalem is the shrine of Christians and Mecca that of Mohammedans.

As a part of my remarks I want to insert in the RECORD the following quotation from Rudolf Cronau's "The Last Resting Place of Columbus":

WHAT TWO AMERICANS JURISTS SAY

It may not be out of place here to reproduce the views of two able American jurists, who became interested in this peculiar question, studied the same, and published their findings. John Gilmary Shea, in the Magazine of American History for January, 1883, has criticized the methods of the Spanish writers to uphold the claim of Habana and to impeach the discovery made in Santo Domingo in 1877 by assailing the character of Bishop Rocco Cocchia and presenting him as an impostor. He says: "These advocates on the Spanish side adopt a system which we, at a distance, and with nothing to bias us in favor of either side, can not recognize as just or sound, for at the great bar of historical criticism both side must be held to the same rule of evidence. But they insist on everything being taken for granted in regard to the excavation of 1785, and they not only impeach all the evidence of that of 1877, but they even assail the good faith of all concerned, and fail to produce even presumptive proof. The vault found in 1795 must, according to them, be regarded as unquestionable ancient; but that found in 1877 requires proof of its age, Señor Prieto stating 'my opinion is that it has not the antiquity supposed.' There was no inscription of any kind with the remains taken up in 1795, but they must be conceded to be those of Christopher Columbus, while those found in 1877 are false, because they have an inscription. Those concerned in the examination in 1795, we are required to believe, acted in perfect faith, free from all pious fraud, and imbued with unerring accuracy, while they insist on our regarding all concerned in the affairs of 1877 as impostors and authors of a pious fraud. This course can not be admitted. What one side is required to prove, the other is under equal obligation to support by evidence. A charge of fraud must be sustained by evidence or such a train of circumstances as to admit of no other alternative. There can not be a discrimination made between the two parties."

The second American jurist interested in this case is Dr. Richard H. Clarke. He contributed to Donahoe's Magazine of June, 1893, an article, "Where is Columbus buried?" From this article I quote the following:

"In behalf of the Spanish claim it was necessary, in the face of the facts, to take bold and high ground. Hence they attack the veracity and good faith of Archbishop Cocchia, representing him as an impostor, the perpetrator of an audacious fraud, and allege that under the pious pretext of contributing to the canonization of Columbus, he and his confederates were 'the authors and accomplices of a pious fraud.' While Archbishop Cocchia must be here regarded as the chief witness of certain facts, he is certainly entitled to that measure of credibility which, upon well-known principles of human nature and of moral philosophy, as well as upon the laws of evidence familiar in every court of justice, is extended to every witness. It is not sufficient to assail the testimony of a dignified gentleman of unquestionable character and of high personal and official worth. It is necessary to adduce competent evidence to sustain such assertions. I must say that the reports, documents, and general literature before

me give no such proofs. Nor can I find anything to sustain the charge itself that the remains exhumed in 1877 were lacking in antiquity. The official and solemn declaration of all the distinguished persons present, setting forth the facts, establish the contrary.

"With absolute impartiality I have examined the testimony and voluminous writings on both sides of this controversy, and the facts and arguments. The question is really narrowed down by the established laws of evidence. The historical fact is well established, and it is conceded by the Spanish advocates of Habana that the remains of Columbus had been deposited in the sanctuary of the Cathedral of San Domingo, on the right, or gospel, side of the altar. By the rules of evidence, a state of facts or conditions of things once established or admitted is legally presumed to continue until a different one is proved or admitted. Hence it follows that the remains of Columbus are presumed still to repose in the Cathedral of San Domingo, unless the advocates of the Cathedral of Habana can prove incontestably their subsequent removal to Habana. Now, what proof is there of such a removal? The contents of a grave, containing human remains, were certainly removed in 1795. But there was no leaden case, only fragments of lead showing there may have been one formerly. There was no plate bearing a name or an inscription, and the grave was unmarked. There was nothing to show whose remains they were. Even the official act or document made on the occasion pointedly and significantly refrains from mentioning whose remains they were.

"The remains of the great admiral were transported about the year 1541 to the New World he had discovered, and buried on the right-hand, or gospel side of the grand altar of the Cathedral of San Domingo, and there they reposed unquestioned until 1795, when the Spanish Government and the Duke of Veragua immediately and hastily, on the conclusion of the treaty of Basle, and to avoid the complications of leaving them on other than Spanish soil, undertook their removal. In the haste of the removal no other grave in that sanctuary was thought of but that of Columbus, and the first grave found on the gospel side was taken to be his, and the remains were immediately removed to Habana. There was no inscription by which to identify the remains, and yet should other graves be afterwards found under the sanctuary, or should another grave be found on the gospel side and especially under the bishop's chair, what authenticity could attach to the remains removed to Habana? But—still stronger—what if another grave should be found thus located, bearing equal evidences of antiquity, and containing five separate and distinct inscriptions stating in unmistakable language that they were the remains of Christopher Columbus? Yet all these were found in 1877. Mr. Greenleaf, in his great work on the laws of evidence, states that the evidence derived from ancient tombs and the inscriptions thereon stands in the very first rank of proof in the court of justice. But, see the corroborating circumstances: first, its location just where Columbus had been buried; second, the finding of the grave of Luis Columbus on the epistle side, just where it had been buried; third, the finding of the empty grave of Diego Columbus, just where it had been located, thus completing the identification of the grave of the three Columbuses; fourth, the remnants of corroded leaden plates in the grave of Diego, showing that there had also been an inscription there, while the other two graves are clearly identified by appropriate inscriptions of Columbus and Luis Columbus; fifth, the high and unimpeachable character of the archbishop and other officials making the discovery and certifying it to the world; sixth, the witnesses called, in the persons of the consuls of foreign nations, to see and certify to the whole proceeding; seventh, the absence of all proof or identification of the remains removed in 1795 as those of Columbus; eighth, the judgment of learned historians and experts in favor of San Domingo; ninth, the current and living acquiescence of the world, as manifested by the fact that, when antiquarians, students, officials, historians, or tourists start out to visit and pay homage to the illustrious man who discovered America, they go directly to San Domingo, and there only."

FEES OF CLERK'S OF DISTRICT COURTS

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent to go back to No. 731 on the calendar, the second bill on the calendar to-day.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to return to Senate bill 3444, Calendar No. 731. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That section 3 of the act of February 11, 1925 (43 Stat. L. p. 857), be, and the same is hereby, amended to read as follows:

"SEC. 3. Upon the filing of any answer or paper joining issue, or the entering of order for trial, there shall be charged and collected by the clerk, from the party or parties filing any such answer or paper, for services performed and to be performed by said clerk in said case or proceeding the further sum of $5: *Provided*, That after one fee, as hereinbefore provided in this section, has been paid by any defendant, cross petitioner, intervenor, or party, other defendants, cross petitioners, intervenors, or parties, separately appearing or filing any answer or paper in said suit or proceeding, shall pay a further fee of $2 for each answer or paper so filed: *And provided further*, That upon a plea of not guilty in any criminal case there shall be charged in the costs the sum of $5, which, however, shall not be demanded of any such defendant unless and until by order, judgment, or decree of the court the costs in the case are taxed and assessed against him."

SEC. 2. That paragraph 6 of section 8 of the said act of February 11, 1925 (43 Stat. L. p. 858), be, and it is hereby, amended to read as follows:

"6. For a copy of any record, entry, or other paper, and the comparison thereof, 15 cents for each folio of 100 words: *Provided*, That in each criminal case not provided for in section 1033 of the Revised Statutes of the United States the clerk shall furnish each defendant, upon his request, a copy of any information filed or indictment returned against him, the fees for said copy and the certificate thereto, at the rates provided for by law, to be taxed as costs; but such fees shall not be demanded of any such defendant unless and until by order, judgment, or decree of the court the costs in the case are assessed against him."

Mr. LAGUARDIA. Mr. Speaker, I move to amend by striking out, on page 2, line 7, after the word "filed," the balance of line 7 and all of lines 8, 9, 10, 11, and 12.

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

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 2, line 7, after the word "filed," strike out: "*And provided further*, That upon a plea of not guilty in any criminal case there shall be charged in the courts a sum of $5, which, however, shall not be demanded of any such defendant unless and until by order, judgment, or decree of the court the costs in the case are taxed and assessed against him."

Mr. LAGUARDIA. Will the gentleman from Pennsylvania be kind enough to accept the amendment?

Mr. GRAHAM. I can not accept the amendment, because it would destroy the bill. The bill is to relieve this tax from these matters until the case is decided. It is left to the court to assess the costs.

Mr. LAGUARDIA. The man might not be convicted.

Mr. GRAHAM. It will not be put on him in that event.

Mr. LAGUARDIA. It is in the discretion of the court?

Mr. GRAHAM. Yes; it is in the discretion of the court.

Mr. LAGUARDIA. Will the gentleman state how it will be in the case of acquittal? In that case the judge can not tax him with the costs?

Mr. GRAHAM. That is the law. You can not tax the man who is acquitted.

Mr. LAGUARDIA. That satisfies my purpose, and I withdraw the amendment.

The SPEAKER. Without objection, the amendment is withdrawn.

There was no objection.

Mr. HILL of Maryland. Mr. Speaker, I move to strike out the last word for the purpose of asking a question of the chairman of the committee.

The SPEAKER. The gentleman from Maryland moves to strike out the last word.

Mr. HILL of Maryland. In the last section of the bill which has just been read I understand the same observation which the chairman made in answer to the question of the gentleman from New York [Mr. LAGUARDIA] applies here. If there is an acquittal in the case, these copies are not charged up in the case?

Mr. GRAHAM. Of course, no costs can be charged to the acquitted man.

Mr. HILL of Maryland. I withdraw the pro forma amendment.

The SPEAKER. Without objection, the pro forma amendment is withdrawn. The question is on the third reading of the Senate bill.

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

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER. The Clerk will report the next bill.

COTTON REPORTS OF THE SECRETARY OF AGRICULTURE

The next business on the Consent Calendar was the bill (H. R. 15539) relating to certain cotton reports of the Secretary of Agriculture.

The title of the bill was read.

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

Mr. LAGUARDIA. Reserving the right to object, I want to ask the gentleman from Texas what provision is in the bill, or what facilities has the department, for access in order to conform to the requirements of the bill?

Mr. JONES. Section 4 provides for that.

Mr. LAGUARDIA. The Secretary expresses grave doubts as to that.

Mr. JONES. That was before section 4 was put in. When the report was made the Secretary approved it.

Mr. LAGUARDIA. The Secretary approves a suspension of the reports for certain months?

Mr. JONES. Yes. It was the unanimous opinion in the South that it ought to be limited.

Mr. LAGUARDIA. Is it not a fact that suspension of reports is to the disadvantage of the farmers, because speculators are in a better condition to indicate the condition of the crop entire than anybody else?

Mr. JONES. The gin reports are issued every two weeks.

Mr. LAGUARDIA. You would not suspend them?

Mr. JONES. Oh, no.

Mr. SNELL. Will the gentleman from Texas explain the cost of this bill?

Mr. JONES. It will be something like $300,000, according to the Budget estimate. We had a hurried report on this before they got through their investigation. Since then the Senate amendments have been put on.

Mr. SNELL. Does the gentleman approve of the passage of a bill involving an expenditure of $300,000 without definite approval?

Mr. JONES. There is definite approval.

Mr. BLACK of Texas. This was approved by the Department of Agriculture and received the unanimous indorsement of the Committee on Agriculture, and certainly is urged by the cotton planters of the entire South.

Mr. SNELL. I presume that is so. I do not know that I am opposed to the bill, but I do think it is wrong in principle to pass bills of this character by unanimous consent when they provide a charge on the Treasury of $300,000 or $400,000 and with hardly any explanation.

Mr. LAGUARDIA. And it has not the full approval of the department?

Mr. SNELL. I am not opposed to the bill.

Mr. BLACK of Texas. I hope the gentleman will not object. I think this legislation is badly needed.

Mr. SNELL. I wonder whether the gentleman will always take that position.

Mr. BLACK of Texas. I will try to do so.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That, of the reports issued by the Secretary of Agriculture pursuant to the act entitled "An act authorizing the Department of Agriculture to issue semimonthly cotton-crop reports and providing for their publication simultaneously with the ginning reports of the Department of Commerce," approved May 3, 1924, only four shall be issued hereafter, one as of September 1, one as of October 1, one as of November 1, and one as of December 1, each of which shall state the condition and progress of the crop and the probable number of bales which will be ginned, these reports to be issued simultaneously with the cotton-ginning reports of the Bureau of the Census relating to the same dates, the two reports to be issued from the same place at 11 a. m. of the eighth day following that to which the respective reports relate. When such date of release falls on Sunday or a legal holiday the report shall be issued at 11 a. m. of the next succeeding workday.

SEC. 2. The Secretary of Agriculture shall cause to be issued a report on or before the 10th of July of each year showing by States and in toto the number of acres of cotton in cultivation on July 1, to be followed on September 1 and December 1 with an estimate of the acreage of cotton abandoned since July 1.

SEC. 3. It shall also be the duty of the Secretary of Agriculture, in so far as practicable, to report from time to time the grades, staples, and qualities of the cotton in the warehouses, and his estimate of the grades, staples, and qualities of that which is being produced.

SEC. 4. That for the purposes of section 3 of this act it shall be the duty of every owner, president, treasurer, secretary, director, or other officer or agent of any cotton warehouse, cotton ginnery, cotton mill, or other place or establishment where cotton is stored, whether conducted as a corporation, firm, limited partnership, or individual, when requested by the Secretary of Agriculture, or by any special agent or other employee of the Department of Agriculture, acting under the instructions of said Secretary, to furnish completely and correctly, to the best of his knowledge, all of the information concerning the grades and staple length of cotton on hand, and when requested to permit such agent or employee of the Department of Agriculture to examine and classify samples of all such cotton on hand. The request of the Secretary of Agriculture for such information may be made in writing or by a visiting representative, and if made in writing shall be forwarded by registered mail, and the registry receipt of the Post Office Department shall be accepted as evidence of such demand. Any owner, president, treasurer, secretary, director, or other officer or agent of any cotton warehouse, cotton ginnery, cotton mill, or other place or establishment where cotton is stored, who, under the conditions hereinbefore stated, shall refuse or willfully neglect to furnish any information herein provided for, or shall willfully give answers that are false, or shall refuse to allow agents or employees of the Department of Agriculture to examine or classify any cotton in store in any such establishment, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than $300 or more than $1,000, at the discretion of the court.

SEC. 5. The Secretary of Agriculture shall conduct studies and prepare and publish from time to time reports on the various uses of cotton of the several grades and qualities upon which reports are issued in accordance with section 3 of this act.

SEC. 6. Samples of cotton used or to be used in determining the grades and qualities of cotton in accordance with section 3 of this act shall, under such regulations as the Postmaster General shall prescribe, pass through the mails free of charge, whether deposited in the mails by officers or employees of the Department of Agriculture or by persons from whom such samples are obtained.

SEC. 7. The Secretary of Agriculture may cooperate with any department or agency of the Government, any State, Territory, District, or possession, or department, agency, or political subdivision thereof, or any person; and shall have the power to appoint, remove, and fix the compensation of such officers and employees, not in conflict with existing law, and make such expenditures for the purchase of samples of cotton, for rent outside the District of Columbia, printing, telegrams, telephones, books of reference, periodicals, furniture, stationery, office equipment, travel, and other supplies and expenses as shall be necessary to the administration of this act in the District of Columbia and elsewhere, and there are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for such purposes.

SEC. 8. All laws and parts of laws in conflict herewith are hereby repealed.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

COMPENSATION TO RETIRED WARRANT OFFICERS AND ENLISTED MEN EMPLOYED BY THE PANAMA CANAL

Mr. DENISON. Mr. Speaker, I ask unanimous consent to return to No. 743 on the calendar. That bill was called before I came into the Chamber. I was detained by a committee meeting, and I understand the gentleman from New York [Mr. LAGUARDIA] objected. I would like to ask unanimous consent to return to that bill and see if we can not get the gentleman from New York to withdraw his objection.

The SPEAKER. The gentleman from Illinois asks unanimous consent to return to Calendar No. 743. Is there objection?

Mr. LAGUARDIA. I would not object to its being reconsidered, but when the Speaker puts the question, Is there objection? I shall object.

Mr. DENISON. Has the gentleman decided positively that he will object without any explanation?

Mr. LAGUARDIA. I have had a full conference with the Comptroller General about this. And I am opposed to the general policy of allowing retired men of the Army and Navy to occupy civil positions and draw double pay.

Mr. DENISON. Of course the gentleman knows that this prohibition has been removed as to every other department of the Government by Congress, and it only applies now to the Panama Canal.

Mr. LAGUARDIA. And we are going back the other way, and every time we have the opportunity we are simply going to prevent retired men and officers of the Army and Navy from drawing a pension and also their regular pay.

Mr. DENISON. Of course, this bill only applies to a small number of enlisted men who are employed on the canal.

Mr. LAGUARDIA. Of course, their pension is simply suspended during the time they are receiving pay from their civil occupations.

Mr. DENISON. The gentleman knows this bill has once passed the House?

Mr. LAGUARDIA. I know that; but it is a matter of policy, I will say to the gentleman, and has no relation to the merits of the cases of these particular men. We are trying to get away from having retired men and officers of the Army and Navy occupying civil positions draw both salaries. It puts every civil employee at a disadvantage.

Mr. DENISON. Mr. Speaker, in view of the objection of the gentleman from New York, I will withdraw the request.

RELIEF OF CERTAIN CITIZENS OF EAGLE PASS, TEX.

The next business on the Consent Calendar was the bill (H. R. 13778) for the relief of certain citizens of Eagle Pass, Tex.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of War is authorized and directed to convey by quitclaim deed all the proprietary right, title, and interest of the United States in and to the tract of land near Eagle Pass, Tex., described in the deed to the United States of America, dated May 27, 1919, executed by S. P. Simpson, F. F. Niggli, and Sam Schwartz, and recorded in volume 20, beginning at page 606, of the deed records of Maverick County, Tex., to the trustees described in the conditional limitation clause of such deed, and to their successors, in trust for the purposes set forth in such conditional limitation clause, such deed having been executed as a gift on behalf of numerous citizens of Eagle Pass, upon condition that if the United States should abandon the use of the tract as an Army post or camp, title thereto should revert to the grantors, their heirs and legal representatives, in trust for certain beneficiaries.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

ADJUSTMENT OF THE ACCOUNT BETWEEN THE STATE OF NEW YORK AND THE UNITED STATES

The next business on the Consent Calendar was the joint resolution (H. J. Res. 207) directing the Comptroller General of the United States to correct an error made in the adjustment of the account between the State of New York and the United States, adjusted under the authority contained in the act of February 24, 1905 (33 Stat. L. p. 777), and appropriated for in the deficiency act of February 27, 1906.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the present consideration of the resolution? The resolution requires three objections.

There was no objection.

The Clerk read the resolution, as follows:

Whereas the act of Congress approved February 24, 1905 (33 Stat. L. p. 777), provided for the adjustment of certain claims of the States of New York, Pennsylvania, and Delaware; and

Whereas an adjustment was made by the accounting officers of the Treasury Department of the account of the State of New York, and the amount found due said State was reported to Congress for an appropriation and appropriated for in the deficiency appropriation act of February 27, 1906 (34 Stat. L. p. 29); and

Whereas the Comptroller General of the United States, in response to Senate Resolution No. 378, reported to the Senate on February 16, 1923 (see S. Doc. No. 304, 67th Cong., 4th sess.), that the State of New York had failed to receive the correct application of the rule of settlement prescribed by the act of February 24, 1905, in the manner applied to the accounts of the States of Pennsylvania and Delaware, cobeneficiaries under the act of February 24, 1905; and

Whereas the Comptroller General of the United States, upon an application by the State of New York for a review and a correction of the error made in the adjustment of said account, has held that he is without authority to revise and correct a settlement of an account where, subsequent to an award by the accounting officers, Congress appropriates the amount found due in payment of such award: Therefore be it.

*Resolved, etc.*, That the Comptroller General of the United States be, and he is hereby, authorized and directed to reopen and adjust the claim of the State of New York.

Mr. BEGG. Mr. Speaker, I move to strike out the last word for the purpose of making the suggestion that it seems to me the whereases should be stricken out of this resolution. Do they serve any particular purpose?

Mr. SWEET. Not to my knowledge.

Mr. BEGG. Then I move to strike out the whereases in the resolution.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BEGG. Yes.

Mr. LAGUARDIA. If we strike out the whereases—which, of course, should be done—then we must provide in the resolution itself what claim we are going to adjust, otherwise it throws the doors open to any claim which the State of New York has.

Mr. BEGG. This is the only claim the State of New York has, as I understand it.

Mr. LAGUARDIA. Oh, no; there is another one coming in.

Mr. SWEET. Not of this nature.

Mr. SNELL. It is the only claim of this particular character that could possibly be referred to.

Mr. LAGUARDIA. But you do not specify the character of the claim in your resolution and if you strike out your whereas clauses, permit me to suggest to the gentleman from New York, it would be indefinite.

Mr. BEGG. Mr. Speaker, that being the case, I will ask unanimous consent to withdraw my amendment.

Mr. CHINDBLOM. Mr. Speaker, further reserving the right to object, will not the gentleman frame their bill so as to pass it without the preambles?

Mr. SNELL. That can not be done now.

Mr. CHINDBLOM. Why can it not be done now?

Mr. SNELL. Because that is the subject of the whole bill, the chairman of the committee says.

Mr. CHINDBLOM. I will say, Mr. Speaker, it ought to be known to the Members of the House and of the committee that the House invariably strikes out preambles when they appear in these resolutions, and this is not the way to legislate.

Mr. HILL of Maryland. Can not a simple amendment be made to the bill, taking care of that?

Mr. CHINDBLOM. Of course; the bill can be revamped very easily.

Mr. HILL of Maryland. It seems to me that could be done in a few minutes.

Mr. CHINDBLOM. Why should we go out of our way in this particular case to pass the bill with these preambles?

Mr. GRAHAM. There is no legal feature involved. It is simply following a custom. I know of no objection in sound reason or practice why explanatory preambles should not be included in a measure. That is particularly the case in regard to this provision, and without this history you can not put before the House intelligently what is meant and what is sought to be accomplished. It seems to me there ought to be no objection made simply upon that ground, and the bill should be allowed to pass.

Mr. LAGUARDIA. Of course, it is the intent of Congress to limit this claim to the claim described in the preamble.

Mr. CHINDBLOM. Legislation should not recite matters of history and matters of fact. Bills can be drawn in the ordinary, proper way, and I think gentlemen ought to try to do that.

Mr. GRAHAM. I will take notice of what the gentleman says so far as I am concerned.

Mr. CHINDBLOM. I will say to the gentleman very frankly that I am sorry that I feel impelled to make this observation, but I do not know why some particular bill or some particular committee should indulge in the habit of allowing preambles and whereases in bills. I will undertake in 10 minutes to have the bill ready without the whereases.

Mr. SWEET. Regular order, Mr. Speaker.

The motion to strike out the preamble was withdrawn.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

NATIONAL GUARD

The next business on the Consent Calendar was the joint resolution (H. J. Res. 272) providing for the return of funds belonging to World War National Guard organizations that are not reconstituted.

The Clerk read the title of the resolution.

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

There was no objection.

The Clerk read the resolution, as follows:

*Resolved, etc.*, That the Secretary of War is hereby authorized to transfer to the governors of the respective States and Territories and to the commanding general of the District of Columbia such funds as he may hold in trust for World War units of the National Guard which have not been reconstituted: *Provided*, That in the cases of States and Territories the legislatures thereof first pass acts enabling their respective governors to act as trustees for said funds.

With the following committee amendments:

Line 3, after the word "authorized," insert the words "and directed."

Line 6, after the word "may," insert the word "now."

Line 7, after the word "Guard," strike out the words "which have not been reconstituted."

The committee amendments were agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended to read as follows: "Joint resolution providing for the return of funds belonging to World War National Guard organizations."

EMPLOYEES' COMPENSATION ACT

The next business on the Consent Calendar with the bill (H. R. 11325) to amend an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, and acts in amendment thereof.

The Clerk read the title of the bill.

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

Mr. MOREHEAD, Mr. BLACK of Texas, and Mr. BLANTON objected.

ADDITIONAL DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA

The next business on the Consent Calendar was the bill (S. 1642) to provide for the appointment of an additional district judge for the eastern district of Pennsylvania.

The Clerk read the title of the bill.

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

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent that the bill may be passed without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

DESTRUCTION AND DUMPING OF FARM PRODUCE BY COMMISSION MERCHANTS

The next business on the Consent Calendar was the bill (H. R. 10510) to prevent the destruction or dumping, without good and sufficient cause therefor, of farm produce received in interstate commerce by commission merchants and others, and to require them truly and correctly to account for all farm produce received by them.

The Clerk read the title of the bill.

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

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, will the gentleman allow this bill to go over without prejudice until I can get some information in regard to this matter from my city? The bill can then come up on the next Consent Calendar day.

Mr. HARE. I have no objection to that, but I am afraid if it is delayed the bill will not come up again at this session.

If it can retain its place on the calendar I have no objections.

Mr. LAGUARDIA. I have no objection to that.

Mr. HARE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice and retain its place on the calendar.

The SPEAKER. The Chair will not recognize the gentleman for that purpose; if it is passed over without prejudice it goes to the foot of the calendar. Is there objection?

There was no objection.

REPEALING THE LAW AS TO PURCHASE OF UNIFORMS

The next business on the Consent Calendar was the bill (H. R. 3936) to repeal the laws authorizing the purchase of uniforms, accouterments, and equipment from the Government at cost.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. BLANTON, Mr. BLACK of Texas, Mr. KVALE, and Mr. LOWREY objected.

Mr. PURNELL. Will not the gentlemen give me an opportunity to say a word about this bill?

Mr. BLACK of Texas. I will say to the gentleman that I will be glad to have his explanation, but I want to say to him that I have read every word of the report, and I am certain that I know what the intent is.

Mr. PURNELL. Its purpose is to repeal the law and take the Government out of the business of manufacturing uniforms that it was never contemplated it should be engaged in.

Mr. KVALE. In view of the fact that the Government has been competing with the printers of the country in manufacturing and printing envelopes, and in many other lines, why should not the soldiers and sailors get their uniforms at cost?

Mr. PURNELL. That is hardly pertinent to the discussion here. We have been talking about more business in Government and less Government in business, and I thought it would appeal to the gentleman.

Mr. BLACK of Texas. Will the gentleman permit this observation? Army officers are permitted the indentical privilege of purchasing their uniforms at cost.

Mr. PURNELL. But they have never abused the privilege.

Mr. BLACK of Texas. There is a bill on the calendar to make that permanent law. I think it ought to be made permanent law. Many of these officers are poor men, and it is necessary for them to economize, and since they can now purchase uniforms and equipment from the Government at cost I think they should be continually allowed to do it.

Mr. PURNELL. Does the gentleman know that the Army has the same privilege and has not abused it?

Mr. BLACK of Texas. I am not prepared to say that the Navy has ever abused it.

Mr. PURNELL. Does the gentleman think that the Navy ought to go out and advertise for business and close the doors to private concerns and not permit them to solicit business? Does the gentleman believe that the advertisements which go out to officers in the Navy should be sent under Government frank?

Mr. BLACK of Texas. The report of the Secretary of the Navy is to the effect that all of the overhead expenses connected with the sale of uniforms and equipment is charged to that account. So that when the officer buys a uniform he pays the net cost of the uniform plus the additional overhead charges. If that is correct, I think it is a fair proposition.

Mr. PURNELL. That leads me to believe that the gentleman has not carefully read the report. In 1924, when we had a hearing before the Naval Affairs Committee, Admiral Potter admitted on cross-examination that at that time they owed the Government $168,000. We suggested a curtailment of their activity, to which they agreed. They came back in April of 1926, after we had suggested a curtailment of operations, and we found that instead of reducing the expenditures they had increased it to $202,000.

Mr. LAGUARDIA. Does the gentleman know that the Navy Department recommends the bill?

Mr. PURNELL. The Naval Committee of the House recommends it, and representatives of the Navy have admitted at the hearings and so state that the business has not been properly carried on. Furthermore, they admit that they sell uniforms on the installment plan and have innumerable bad accounts. They have a lot of dead accounts, and the Treasury is holding the bag for them. If we meant what we said when we advocated less Government in business, gentlemen ought to approve this bill.

Mr. KVALE. If this privilege has been abused, why not stop the abuse?

Mr. PURNELL. How would you stop the abuse?

Mr. KVALE. I think the arm of the Government is strong enough.

Mr. PURNELL. Well, they have had several years to do it.

Mr. KVALE. Then get some one at the head of the department that can exercise his authority and stop it.

Mr. PURNELL. We ought to repeal the law. The Government has no business to be competing with private business concerns and citizen taxpayers.

Mr. KVALE. They are doing it along other lines.

Mr. LINTHICUM. Mr. Speaker, will the gentleman yield?

Mr. PURNELL. Yes.

Mr. LINTHICUM. Do not these people issue catalogues that cost thousands of dollars?

Mr. PURNELL. They said in the hearings that they issued catalogues. I saw a catalogue as fine as was ever issued by any concern in the country that cost thousands of dollars.

Mr. LINTHICUM. Is it not true that they will not allow individuals to solicit?

Mr. PURNELL. They will not. They have some 25 or 30 traveling representatives who have entry to the Navy, and other citizen taxpayers and manufacturers are denied that privilege.

Mr. LINTHICUM. And they sell these goods on the installment plan?

Mr. PURNELL. They do.

Mr. NEWTON of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. PURNELL. Yes.

Mr. NEWTON of Minnesota. Does the gentleman mean to say that the Navy is sending out traveling representatives at their own expense to sell their products?

Mr. PURNELL. The Federal Treasury is not paying directly for the traveling representatives, but it is the Government really that is paying the money. Whereas they owed us $168,000 in 1924, they now owe us more than $202,000.

Mr. NEWTON of Minnesota. Are these men who are traveling around and selling this clothing enlisted men and commissioned officers of the Navy?

Mr. PURNELL. They are not. They advertise for these men. Here is a letter which was sent out by Lieutenant Commander Mayo—not a letter but an advertisement—seeking the employment of men to go out and solicit business:

We pay substantial commissions for the procurement of orders for officers' uniforms and the fitting of the same.

For chief petty officers' uniforms we pay a commission of 6 per cent and for sale of equipment a commission of 5 per cent.

We advertise in seven of the service papers, and in addition have a distribution of 10,000 officers' catalogues, and also a special issue of catalogues for chief petty officers. We cover the service from time to time with personal sale letters to officers who have not ordered from us, and in general we do everything possible from our main office to help the sales of our representatives.

There is a case of where our Government is competing with legitimate taxpaying citizens engaged in the tailoring business.

Mr. NEWTON of Minnesota. So that the Government is making its contracts, agreeing to pay commissions to private citizens if they sell one of the uniforms; and in order to carry that out they forbid the entry onto the premises of a salesman from a private concern. Is that right?

Mr. PURNELL. Absolutely, under their own admission.

Mr. NEWTON of Minnesota. Then it ought to stop.

Mr. PURNELL. Salesmen from another house would not be allowed in there. The gentleman from Minnesota has stated his belief in a certain principle, and if he means it he will withdraw his objection.

Mr. KVALE. The gentleman has told us of the cost. Will he tell us how much it has paid these sailors?

Mr. PURNELL. So very little that it is not noticeable.

Mr. LAGUARDIA. It does not pay the sailors anything.

Mr. PURNELL. As a war measure, and bear that in mind, the Government extended this privilege to the Army and the Navy. The Army is on the same footing as the Navy. They have not manufactured, nor have they issued catalogues nor used the Government frank to advertise their business, nor have they set up these air-tight methods of procuring business for the Army. In other words, they have lived up to the spirit of the law. I call the attention of the gentleman to the original act. Here is what the original act says, and I address my remarks particularly now to the three or four gentlemen who object to the consideration of this bill. The act provides—

That hereafter uniforms, accouterments, and equipment shall, upon the request of any officer of the Navy or any officer of the Marine Corps or any officer of the Coast Guard while operating with the Navy or any midshipman at the Naval Academy or cadets at the Coast Guard Academy, be furnished by the Government at cost, subject to such restrictions and regulations as the Secretary of the Navy may prescribe.

It will be seen that these may be furnished upon the request of any officer, and so forth. The Army is furnishing these uniforms on request. The Navy is not only not living up to the spirit of the law but they are absolutely defying it by closing their contracts to the public, sending their representatives to solicit the business, and paying a commission therefor. Of course, the Navy can outsell and outbid private individuals, if they are given the use of the Government frank, free rent, free telephone, and free lights, and give these representatives sole admission to these institutions where the uniforms are sold, and in addition have the Treasury of the United States back of them.

Mr. LAGUARDIA. Mr. Speaker, this is the first time that any member of the Committee on Naval Affairs has admitted that the Navy Department can do any wrong.

Mr. PURNELL. I am not on the Naval Affairs Committee. I am from the Committee on Agriculture, and I am trying to help the farmer.

Mr. KVALE. Is it not a fact that they get these uniforms at about 25 per cent cheaper than from a private tailor?

Mr. PURNELL. No; it is not. I am sorry that the chairman of the Committee on Naval Affairs is not here. He is even more vehement about it than I am.

Mr. KVALE. Then why are the tailors objecting to it if that is not the case?

Mr. PURNELL. They are perfectly willing to meet any legitimate competition, but the United States Government ought, last of all, to be the one to set up competition that is not just. I trust these gentlemen will withdraw their objection. [Cries of "Regular order!"]

The SPEAKER. The regular order is demanded. The question is, Is there objection?

Mr. BLACK of Texas. Mr. Speaker, I object.

Mr. HILL of Alabama. Mr. Speaker, I object.

Mr. KVALE. Mr. Speaker, I object.

The SPEAKER. Three objections have been made, and the bill is stricken from the calendar.

POST-OFFICE SITE AT OLYPHANT, PA.

The next business on the Consent Calendar was the bill (H. R. 13481) authorizing the Secretary of the Treasury to accept title for post-office site at Olyphant, Pa., with mineral reservations.

The Clerk read the title of the bill.

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

Mr. BLANTON. Mr. Speaker, I objected to this bill when it was under consideration on the last consent day. I have been advised since then that there is no chance whatever to obtain this site in any other way. I want to enter my protest against it. This should not become a precedent in the House. I shall object to other bills of a similar nature. I do not think the Government should build post offices on land where there is a string to the title of that land.

Mr. LAGUARDIA. Mr. Speaker, I assure the gentleman that the Committee on the Public Lands reported this bill only by virtue of dire necessity.

Mr. BLANTON. I shall not object to the consideration of the bill at this time, but I shall object to any other similar bills.

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

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the provision of the public building act of March 4, 1913, which authorizes the acquisition of a suitable site for the post office at Olyphant, Pa., be, and the same is hereby, amended as follows:

"*Provided*, That the Secretary of the Treasury may, in his discretion, accept a title which reserves or excepts all ores or minerals on the lands, with the right of mining same."

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

ISSUANCE OF PATENT TO THOSE WHO SERVED IN THE WORLD WAR

Mr. BLANTON. Mr. Speaker, I rise to a question of the privileges of the House, and I present a resolution.

The SPEAKER. The gentleman from Texas rises to a question of the privileges of the House and submits a resolution, which the Clerk will report.

The Clerk read as follows:

Whereas the bill S. 4480 was duly passed by the Senate, was duly engrossed, and by the Senate duly messaged to the House, and was by the House fully passed and the bill was duly enrolled, duly signed by the Speaker, and messaged back to the Senate for the signature of the President of the Senate; and

Whereas thereafter, on December 13, 1926, the Senate messaged to the House a resolution asking that the Speaker withdraw his signature from the enrolled bill, that the House rescind its action in passing said engrossed bill, and that said engrossed bill be returned to the Senate, which action could be taken in the House only by unanimous consent; and

Whereas on said day, December 13, 1926, such unanimous consent was requested in the House and was refused, following which action and report thereof should have been messaged to the Senate with the return of said bill to it, but said bill has remained on the Speaker's table ever since December 13, 1926: Therefore be it

*Resolved by the House of Representatives*, That said bill be messaged back to the Senate with notice of such refusal to grant the action prayed for by the Senate.

Mr. BLANTON. Mr. Speaker, I present this resolution with no intent to reflect upon the action of the Speaker in keeping on the Speaker's table since December 13, 1926, this Senate bill 4480.

The SPEAKER. The gentleman is addressing himself to the question of privilege?

Mr. BLANTON. Just for a few moments; I do not desire to take up much time.

The SPEAKER. Would the gentleman ask unanimous consent; the Chair is not quite ready to rule?

Mr. BLANTON. To comply with the Speaker's request, I ask unanimous consent to proceed for 10 minutes.

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

Mr. BLANTON. Gentlemen, this is a bill which was introduced in the Senate to protect the patent rights of our service

men during the period when they were serving their country under its flag in the trenches of France.

I quote from page 381 of the RECORD for December 13, 1926, as to what happened here in the House concerning it, to wit:

The SPEAKER. The Chair lays before the House the following message from the Senate.

The Clerk read as follows:

"Senate Resolution 293

"IN THE SENATE OF THE UNITED STATES,

"*December 13, 1926.*

"*Resolved*, That the Secretary of the Senate be, and he is hereby, directed to return to the House of Representatives the enrolled bill (S. 4480) providing for the extension of the time limitations under which patents were issued in the case of persons who served in the armed forces of the United States during the World War, together with the engrossed bill, with the request that the Speaker of the House be authorized to rescind his action in signing the enrolled bill; that in the event such authority is granted, the House be, and it is hereby, respectfully requested to reconsider its vote on the passage of the bill and return the engrossed bill to the Senate."

Mr. VESTAL. Mr. Speaker, I ask that the resolution be taken from the Speaker's table and be considered immediately.

The SPEAKER. The gentleman from Indiana asks unanimous consent to take the resolution which has just been reported from the Clerk's desk from the Speaker's table and that it be considered immediately. Is there objection?

And, in connection with his request, the gentleman from Indiana [Mr. VESTAL] then asked unanimous consent to consider an order as follows:

The SPEAKER. The Clerk will report the order.

The Clerk read as follows:

"*Ordered*, That the Speaker be, and he hereby is, empowered and directed to strike his signature from the enrolled bill S. 4480, that the proceedings whereby said bill was passed be, and the same are hereby, vacated, and the engrossed bill be returned to the Senate, in accordance with the request of the Senate."

The SPEAKER. Is there objection to the present consideration of the order?

And having reserved the right to object, I elicited the following information from the gentleman having the matter in charge and objected to its consideration, and I quote from the RECORD the following:

Mr. BLANTON. The purpose of this bill is to protect ex-service men in their rights?

Mr. VESTAL. Giving them advantage over others.

Mr. BLANTON. The gentleman is in favor of doing that?

Mr. VESTAL. Absolutely to an extent; but I do not think the gates ought to be thrown open to the extent that this bill throws them open.

Mr. BLANTON. The gentleman knows that if the Speaker withdraws his signature and the bill goes back to the Senate, as if it had never been passed, it will never pass, will it?

Mr. VESTAL. I would not say that.

Mr. BLANTON. But if objection is made here now this bill will go before the gentleman's committee for consideration, or will it go to the President?

Mr. VESTAL. I think it will.

Mr. BLANTON. I am going to object and let it go to the President.

Mr. TILSON. I do not think the gentleman would be justified in saying this bill would go to the President without the signature of the President of the Senate. It must have the signature of the President of the Senate.

Mr. BLANTON. Can the President of the Senate refuse to put his signature to it when it has passed both Houses and has been engrossed and has the Speaker's signature to it? Let it go to the President and let him assume the responsibility for this bill which the Committee on Patents has not considered.

Mr. JACOBSTEIN. Will the gentleman permit another question? Would it not be easier later to amend this same bill than it would be for the ex-service men to get the thing through?

Mr. BLANTON. I object.

The SPEAKER. Objection is heard.

The purpose of this bill was to protect our soldiers in their patent rights, while they were far away in the trenches of France fighting to save the civilization of the world. And this was an attempt to kill this bill by rescinding our action in passing it.

Mr. LAGUARDIA. Are these patents rights of the original inventors?

Mr. BLANTON. Of the original inventors. It protects their rights when they could not be here to protect them, while they were on the battle fields of France. It was introduced at the instance of the American Legion in behalf of its men, introduced in the Senate, and duly passed. The engrossed copy from the Senate was duly messaged over here to the House. The House duly considered this bill and we passed it in behalf of these soldiers, and the Speaker signed the enrolled copy and there was nothing left to do but for the President of the Senate to sign the bill and send it to the White House for approval. Instead of that action being taken it developed that there were certain soldier boys who had rights that conflicted with certain big interests in the United States, interests which were active here in making money when these soldier boys were fighting in France, and because of the development of these interests the bill was not sent to the White House. These interests were strong enough to influence the Senate to pass a resolution December 13 and asked, first, that the Speaker withdraw his signature from the enrolled bill, and then asked that we rescind our action in passing the engrossed bill, and then that we send that engrossed bill back to the Senate. They say, I understand, if we had done that the bill would have died over there in a committee.

Now, that action took the unanimous consent of this House. That action requested was against the interests of the soldier boys who owned these patent rights, and I refused unanimous consent when it was requested on December 13, and the bill is still on the Speaker's table to-day, engrossed by the Senate, passed by the House, enrolled and signed by our Speaker, and it ought to be signed by the President of the Senate and be forwarded on to the White House so it may become a law.

I am just asking by this resolution that we notify the Senate that the House has refused unanimous consent, that we send this bill back to the Senate with the report that the House has refused to do what is requested. I submit in the interests of the boys who were in France during the war and could not protect their patent rights during that time that we protect them by refusing to take the action requested.

Mr. BEGG. Will the gentleman yield?

Mr. BLANTON. I will.

Mr. BEGG. The bill is ready to be signed by the President.

Mr. BLANTON. All we have to do is to pass a resolution sending it back to the Senate and automatically the Vice President under the rules must sign it and send it to the White House. Then if the President wants to veto it, let him veto it.

Mr. BEGG. Why does this resolution have to be passed?

Mr. BLANTON. Because the Speaker thinks that it requires some kind of affirmative action by the House to warrant him in sending the bill back to the Senate. I do not agree with that contention, although I am not reflecting on the Speaker in any way. My idea is that the present Speaker of this House tries to do what is right according to the light before him at all times. I think he tries to do it. He thinks he has to have some authority from this House. I do not agree with him on that. I think, automatically, when we refuse to grant the Senate request the Speaker should return the bill to the Senate. But the bill remains on the Speaker's table, and has remained there since December 13, 1926, and, in effect, it is a pocket veto by the Speaker of the House, whether he intends it in that way or not. It is a pocket veto, according to my view.

Mr. LINTHICUM. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. LINTHICUM. On what theory does the Speaker hold it?

Mr. BLANTON. Under the parliamentary advice of our parliamentary clerk, who is a good one.

Mr. LINTHICUM. Why does it not automatically go back?

Mr. BLANTON. It is a difference of opinion as to parliamentary procedure. I admit that the Speaker can do this until the House takes affirmative action, and therefore I have introduced the resolution.

Mr. DYER. The resolution will do what was intended to be done?

Mr. BLANTON. Yes. I just want to prevent this bill from dying an unnatural death on the Speaker's table and its parliamentary situation to be upheld by the House.

Mr. SPEAKS. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. SPEAKS. Is it an unusual procedure for the Speaker to hold the bill under these conditions? I am in sympathy with what the gentleman is trying to do.

Mr. BLANTON. Yes; it is unusual. I can find no precedent for it. I knew a chairman of the Committee on Rules once in this Congress who held his hip pocket full of rules authorized by the Committee on Rules to consider legislation immediately, but he let them die with the dying Congress by holding them in his pocket and not calling them up. The Speaker has the right to hold this until you direct him to send it back.

Mr. DYER. He can not do anything else.

Mr. WOODRUFF. The gentleman will remember that the same member of the Committee on Rules who had rules in his hip pocket was left at home by his people.

Mr. BLANTON. Yes. I am not comparing our present Speaker with that gentleman, because there is no comparison between them.

The SPEAKER. The Speaker had no other course to take than to hold the bill on the table, in view of the action of the House. The Chair holds that unanimous consent is necessary to consider the resolution. Is there objection?

Mr. VESTAL. I object.

Mr. BLANTON. Is not this resolution privileged?

The SPEAKER. No. The Chair holds that it is not privileged.

Mr. BLANTON. In the first session of the Fifty-seventh Congress, on June 26, 1902, a request identical with this one was made by the Senate upon the House. The Speaker then held that it required unanimous consent of the House before it could be considered. The former Representative from Texas, Mr. Stephens, objected, and the request of the Senate was thus denied. Whereupon immediately the leader on the floor in charge of proceedings, Mr. Dalzell of Pennsylvania, offered the following resolution, to wit:

*Ordered*, That the Clerk be directed to return to the Senate the enrolled bill (S. 5718) providing, etc., with the information that the House has considered the request of the Senate and that the House vacate the action of the Speaker in signing said enrolled bill, and that the unanimous consent necessary to enable such action to be taken was refused.

When a Member attempted to interpose objection to the consideration of said order, the gentleman from Pennsylvania, Mr. Dalzell, said:

It is absolutely necessary as a matter of comity—

showing that the House should act, and act immediately, and no objection was raised, and said order was passed, and the Senate was thus notified immediately that the House had refused to grant its request. And I think that in this instance we should notify the Senate immediately that we do not agree to rescind our action, but that we insist on this bill going to the White House for the President's signature, and not that it go back to the Senate there to die in a committee.

Will the Chair permit a parliamentary inquiry?

The SPEAKER. Yes. The gentleman will state it.

Mr. BLANTON. What is to become of this bill, with the signature of our Speaker to it? Is it to be held on the Speaker's table until we adjourn?

The SPEAKER. Whatever the House desires.

Mr. BLANTON. Inasmuch as the gentleman from Indiana, who is chairman of the Committee on Patents [Mr. VESTAL], objects to sending our refusal to rescind back, his objection is a practical veto of the bill that has the Speaker's signature to it. Will the Speaker hold the bill on the table interminably?

The SPEAKER. The Chair has nothing else to do.

Mr. BLANTON. Well, if that is the situation, it is just up to the soldier boys to take their medicine.

The SPEAKER. The Chair has no power to do anything except by an order of the House.

Mr. BLANTON. Would the Speaker recognize me later in the afternoon to move to suspend the rules and pass this resolution?

The SPEAKER. The Speaker has already agreed to recognize five suspensions.

Mr. BLANTON. Make me the sixth one.

The SPEAKER. The Chair doubts very much whether time will be given.

Mr. BLANTON. Thank you.

The SPEAKER. The Clerk will report the next bill.

SHOSHONE TRIBE OF INDIANS OF THE WIND RIVER RESERVATION IN WYOMING

The next business on the Consent Calendar was the bill (S. 2301) authorizing the Shoshone Tribe of Indians of the Wind River Reservation in Wyoming to submit claims to the Court of Claims.

The title of the bill was read.

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

Mr. LAGUARDIA. I object. This is not approved by the Secretary of the Interior and is in conflict with the President's Budget program. It requires three objections to let the House have notice.

The SPEAKER. Is there objection?

Mr. BLANTON. Reserving the right to object, I did not catch the statement of the gentleman from New York.

Mr. LAGUARDIA. This bill is not approved by the Department of the Interior.

Mr. BLANTON. Has the gentleman objected?

Mr. LAGUARDIA. Yes. I am only one.

Mr. BLANTON. I object.

The SPEAKER. Two objections are heard. Is there another?

Mr. TAYLOR of Colorado. Mr. Speaker, what is this bill about?

The SPEAKER. Without objection, the Clerk will again report the bill by title.

The title of the bill was again read.

The SPEAKER. The Chair has noticed two objections. Are there any more? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That jurisdiction be, and is hereby, conferred upon the Court of Claims, with right of appeal to the Supreme Court of the United States by either party, notwithstanding the lapse of time or statutes of limitation, to hear, examine, adjudicate, and render judgment in any and all legal and equitable claims which the Shoshone Tribe of Indians of the Wind River Reservation in the State of Wyoming may have against the United States arising under or growing out of the treaty of July 3, 1868 (15 Stat. p. 673), or arising under or growing out of any subsequent treaty or agreement between said Shoshone Tribe of Indians and the United States or any subsequent act of Congress affecting said tribe, which claims have not heretofore been determined and adjudicated upon their merits by the Court of Claims or the Supreme Court of the United States.

SEC. 2. The claims of said tribe shall be presented by petition, subject, however, to amendment at any time. The suit under this act shall be instituted or petition filed in the Court of Claims within three years from the date of approval of this act. Such suit shall make the Shoshone Tribe of Indians of the Wind River Reservation in Wyoming party plaintiff and the United States party defendant. The petition shall be verified upon information and belief by the attorney or attorneys employed by said tribe to prosecute said claims under contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior. Letters, papers, documents, and public records, or certified copies thereof, bearing upon the claims presented, may be used in evidence, and the departments of Government shall give the attorney of said tribe access to any such letters, papers, documents, or public records and shall furnish certified copies of such thereof as may be deemed material.

SEC. 3. In said suit the court shall also hear, examine, and adjudicate any claims which the United States may have against said tribe, but any payment including gratuities which the United States may have made to said tribe shall not operate as an estoppel, but may be pleaded as an offset in such suit.

SEC. 4. If it be determined by the court that the United States, in violation of the terms and provisions of any law, treaty, or agreement, has appropriated or disposed of any lands, money, or other property belonging to the Indians, damages therefor shall be confined to the value of the money, lands, or other property at the time of such appropriation or disposal, together with interest thereon at 5 per cent per annum from the date thereof; and with reference to all claims which may be the subject matter of the suits herein authorized, the decree of the court shall be in full settlement of all damages, if any, committed by the Government of the United States, and shall annul and cancel all claim, right, and title of the said Shoshone Indians in and to such money, lands, or other property.

SEC. 5. Upon final determination of such suit or suits the Court of Claims shall have jurisdiction to fix and determine a reasonable fee, not to exceed 10 per cent of the recovery, together with all necessary and proper expenses incurred in preparation and prosecution of the suit, to be paid to the attorneys employed by said Shoshone Tribe of Indians, and the same shall be included in the decree and shall be paid out of any sum or sums found to be due said tribe.

SEC. 6. The Court of Claims shall have full authority by proper orders and process to bring in and make parties to said suit any or all persons deemed by it necessary or proper to the final determination of the matters in controversy.

SEC. 7. A copy of the petition in such suit shall be served upon the Attorney General of the United States, and he, or some attorney from the Department of Justice to be designated by him, is hereby directed to appear and defend the interests of the United States.

SEC. 8. All amounts which may be found due and recovered for said tribe under the provisions of this act, less attorneys' fees and expenses, shall be deposited in the Treasury of the United States to the credit of said tribe and shall draw interest at the rate of 4 per cent per annum from the date of the judgment or decree.

With a committee amendment:

Page 3, line 6, after the word "suit" strike out the period, insert a colon and add "*Provided, however*, That the United States may inter-

pose to such suit or action any and all pleas of defense, affirmative and negative, legal and equitable, which it may have thereto not herein specifically barred by the provisions of this act."

The SPEAKER pro tempore (Mr. SNELL). The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

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

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

SECRETARY OF THE NAVY

The next business on the Consent Calendar was the bill (H. R. 14248) to amend the provision contained in the act approved March 3, 1915, providing that the Chief of Naval Operations, during the temporary absence of the Secretary and Assistant Secretary of the Navy, shall be next in succession to act as Secretary of the Navy.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the provision contained in the act of March 3, 1915 (vol. 38, Stats. L. p. 929), providing that the Chief of Naval Operations, during the temporary absence of the Secretary and the Assistant Secretary of the Navy, shall be next in succession to act as Secretary of the Navy, is hereby amended to read as follows: "During the temporary absence of the Secretary and the Assistant Secretaries of the Navy, the Chief of Naval Operations shall be next in succession to act as Secretary of the Navy."

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

DELIVERY OF A BELL OF A BATTLESHIP

The next business on the Consent Calendar was the bill (H. R. 10130) 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.

The Clerk read the title of the bill.

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

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, this bill requires three objections. This simply establishes the precedent of distributing Government property to private organizations.

Mr. PURNELL. Obsolete bells.

Mr. LAGUARDIA. You will have to dismantle all of your battleships in order to supply these private organizations with bells.

Mr. BLANTON. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BLANTON. Is this a "b-e-l-l" or a "b-e-l-l-e"?

Mr. LAGUARDIA. B-e-l-l.

Mr. PURNELL. The gentleman would not object if it were "b-e-l-l-e"?

Mr. LAGUARDIA. The Navy keeps all the belles.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Navy be, and he is hereby, authorized, 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: *Provided*, That no expense shall be incurred by the United States through the delivery of said bell.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

CODE OF LAWS OF THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (H. R. 12661) to amend the Code of Law of the District of Columbia relating to corporations by inserting a new section to be known as section 645.

The Clerk read the title of the bill.

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

Mr. LAGUARDIA. Mr. Speaker, there is very serious objection to this bill. I believe the membership ought to know that similar provisions now exist in the New York laws. It will simply permit loan sharks to obtain usurious rates of interest when otherwise they would not be permitted to receive those usurious rates of interest. It compels the small householder to incorporate in order to obtain a second mortgage on his little home, because these loan companies will not make a loan if we put the provisions of this bill on the statute books unless the borrower incorporates in order that he may not avail himself of the usury laws. I hope there will be enough objections to prevent this bill from coming up.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA, Mr. BLANTON, and Mr. BLACK of Texas objected.

The SPEAKER pro tempore. Three objections are heard.

FORT BELKNAP RESERVATION

The next business on the Consent Calendar was the bill (S. 4533) extending to lands released from withdrawal under the Carey Act the right of the State of Montana to secure indemnity for losses to its school grant in the Fort Belknap Reservation.

The Clerk read the title of the bill.

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

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, in the event that these lands so released subsequently are found to be mineral lands, are the rights of the Government preserved?

Mr. LEAVITT. They are. This is done under the general law.

Mr. LAGUARDIA. So, in the event these lands are discovered to be mineral lands, the regular law will be followed and the right of the Government in those mineral lands are reserved?

Mr. LEAVITT. Yes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the right of indemnity conferred upon the State of Montana by section 7 of the act of March 3, 1921 (41 Stats. pp. 1355, 1359), be, and the same is hereby, extended to embrace any nonmineral public land in Montana, which has been or may be released from segregation under section 4 of the act of August 18, 1894 (28 Stats. pp. 372, 422), to the extent that such right has not been and can not be exercised within the limits of the Fort Belknap Reservation.

SEC. 2. That for 60 days from and after the date of the opening to entry of lands released from segregation under said act of August 18, 1894, the State of Montana shall have the right to select and file in the local land office or offices a list or lists of selection under this act; and such list or lists shall be paramount to any other application for or claim of preference right to the land selected by the State.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

BRIDGE ACROSS THE OHIO RIVER AT EVANSVILLE, IND.

The next business on the Consent Calendar was the bill (H. R. 15129), granting the consent of Congress to the Indiana Bridge Co. to construct, maintain, and operate a toll bridge across the Ohio River at Evansville, Ind.

The Clerk read the title of the bill.

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

There was no objection.

The SPEAKER pro tempore. Without objection, the Clerk will read the committee amendment.

There was no objection.

The Clerk read as follows:

That the consent of Congress is hereby granted to the Indiana Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Ohio River at a point suitable to the interests of navigation, at or near the city of Evansville, Ind., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the Indiana Bridge Co., its successors and assigns, all such rights and powers to enter upon lands

and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches and terminals, as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation and expropriation of property in such State.

SEC. 3. The said Indiana Bridge Co., its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Indiana, the State of Kentucky, any political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall be taken over or acquired by the States or political subdivisions thereof as provided in section 4 of this act, and if tolls are charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, to pay an adequate return on the cost thereof, and to provide a sinking fund sufficient to amortize the amount paid therefor as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient to pay the cost of acquiring the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for acquiring the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept, and shall be available for the information of all persons interested.

SEC. 6. The Indiana Bridge Co., its successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, at any time within three years after the completion of such bridge, investigate the actual cost of constructing the same, and for such purpose the said Indiana Bridge Co., its successors and assigns, shall make available all of its records in connection with the financing and the construction thereof. The findings of the Secretary of War as to the actual original cost of the bridge shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Indiana Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The committee amendment was agreed to.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

AMERICAN PRINTING HOUSE FOR THE BLIND

The next business on the Consent Calendar was the bill (H. R. 13453) to amend the act providing additional aid for the American Printing House for the Blind.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the act entitled "An act providing additional aid for the American Printing House for the Blind," approved August 4, 1919, is hereby amended to read as follows:

"That for the purpose of enabling the American Printing House for the Blind more adequately to provide books and apparatus for the education of the blind there is hereby authorized to be appropriated annually to it, in addition to the permanent appropriation of $10,000 made in the act entitled 'An act to promote the education of the blind,' approved March 3, 1879, as amended, the sum of $65,000, which sum shall be expended in accordance with the requirements of said act to promote the education of the blind."

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. BLANTON. Mr. Speaker, may I ask the gentleman from Kentucky [Mr. THATCHER] a question? I think the gentleman from Kentucky deserves commendation for the amount of propaganda he was able to get up on behalf of the bill which has just been passed. I think I have received more letters in behalf of that bill than I have received on any one bill during this session of Congress.

The letters have come from every portion of the country, and how on earth the gentleman has been instrumental in getting all these propaganda letters sent here I do not know. But his bill is a meritorious one, and I think he deserves commendation for securing its passage.

Mr. THATCHER. I will say to the gentleman from Texas that the bill sold itself on its merits. There was no propaganda about it. It is a very meritorious bill.

Mr. Speaker, I ask unanimous consent to be allowed to extend my remarks on the bill just passed, and I ask the same privilege for my colleague the gentleman from Kentucky [Mr. ROBSION].

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. THATCHER. Mr. Speaker, the purpose of this bill, of which I have the honor to be the author, known on the calendar as H. R. 13453, is to increase the total annual authorization of Federal funds for the American Printing House for the Blind from $50,000 to $75,000. It is as follows:

*Be it enacted, etc.*, That the act entitled "An act providing additional aid for the American Printing House for the Blind," approved August 4, 1919, is hereby amended to read as follows:

That for the purpose of enabling the American Printing House for the Blind more adequately to provide books and apparatus for the education of the blind, there is hereby authorized to be appropriated annually to it, in addition to the permanent appropriation of $10,000 made in the act entitled "An act to promote the education of the blind," approved March 3, 1879, as amended, the sum of $65,000, which sum shall be expended in accordance with the requirements of said act to promote the education of the blind.

This bill is an amendment of the act of August 4, 1919 (Stat. L. 1919–1921, vol. 41, p. 272), which authorized an annual appropriation of $40,000 for the printing of books and for the making of "tangible" apparatus for the use of those maintained in the various schools for the blind in all the States and Territories of the United States, and in the District of Columbia. In 1879 this work of printing books for the schools for the blind at Federal cost began. Under the act of March 3, 1879 (Stat. L. 1877–1879, vol. 20, p. 467), a permanent annual fund of $10,000 was provided for this purpose. The act of 1879 sets forth the terms and conditions under which this initial sum is to be expended; and these provisions fully apply to the additional annual sum of $40,000 authorized in 1919; and they will likewise apply to the additional annual authorization of $25,000 carried in the pending bill. In other words, all the provisions of the act of 1879 setting forth the terms and conditions under which the original annual fund of $10,000 should be expended are yet in full force and effect; and the bill now before us, and which has just passed the House, is in all respects subject to those provisions. I deem it appropriate to incorporate here the act of 1879, as it is the basic law on the subject. It is as follows:

*Be it enacted, etc.*, That the sum of $250,000 out of money in the United States Treasury not otherwise appropriated be, and hereby is, set apart as a perpetual fund for the purpose of aiding the education of the blind in the United States of America, through the American Printing House for the Blind.

SEC. 2. That the Secretary of the Treasury of the United States is hereby directed to hold said sum in trust for the purpose aforesaid; and it shall be his duty, upon the passage of this act, to invest said sum in United States interest-bearing bonds, bearing interest at 4 per cent, of the issue of July, 1870, and upon their maturity to reinvest their proceeds in other United States interest-bearing bonds, and so on forever.

SEC. 3. That the Secretary of the Treasury of the United States is hereby authorized to pay over, semiannually, to the trustees of the American Printing House for the Blind, located in Louisville, Ky., and chartered in 1858 by the Legislature of Kentucky, upon the requisition of their president, countersigned by their treasurer, the semiannual interest upon the said bonds, upon the following conditions:

First. The income upon the bonds thus held in trust for the education of the blind shall be expended by the trustees of the American Printing House each year in manufacturing and furnishing embossed books for the blind and tangible apparatus for their instruction; and the total amount of such books and apparatus so manufactured and furnished by this income shall each year be distributed among all the public institutions for the education of the blind in the States and Territories of the United States and the District of Columbia, upon the requisition of the superintendent of each, duly certified by its board of trustees. The basis of such distribution shall be the total number of pupils in all the public institutions for the education of the blind, to be authenticated in such manner and as often as the trustees of the said American Printing House shall require; and each institution shall receive, in books and apparatus, that portion of the total income of said bonds held by the Secretary of the Treasury of the United States in trust for the education of the blind, as is shown by the ratio between the number of pupils in that institution for the education of the blind and the total number of pupils in all the public institutions for the education of the blind, which ratio shall be computed upon the first Monday in January of each year.

Second. No part of the income from said bonds shall be expended in the erection or leasing of buildings.

Third. No profit shall be put on any books or tangible apparatus for the instruction of the blind manufactured or furnished by the trustees of said American Printing House for the Blind, located in Louisville, Ky.; and the price put upon each article so manufactured or furnished shall only be its actual cost.

Fourth. The Secretary of the Treasury of the United States shall have the authority to withhold the income arising from said bonds thus set apart for the education of the blind of the United States whenever he shall receive satisfactory proof that the trustees of said American Printing House for the Blind, located in Louisville, Ky., are not using the income from these bonds for the benefit of the blind in the public institutions for the education of the blind in the United States.

Fifth. Before any money be paid to the treasurer of the American Printing House for the Blind by the Secretary of the Treasury of the United States the treasurer of the American Printing House for the Blind shall execute a bond, with two approved sureties, to the amount of $20,000, conditioned that the interest so received shall be expended according to this law and all amendments thereto, which shall be held by the Secretary of the Treasury of the United States, and shall be renewed every two years.

Sixth. The superintendents of the various public institutions for the education of the blind in the United States shall each, ex officio, be a member of the board of trustees of the American Printing House for the Blind, located in the city of Louisville, Ky.

SEC. 4. That the trustees of said American Printing House for the Blind shall annually make to the Secretary of the Treasury of the United States a report of the items of their expenditure of the income of said bonds during the year preceding their report, and shall annually furnish him with a voucher from each public institution for the education of the blind, showing that the amount of books and tangible apparatus due has been received.

SEC. 5. That this act shall take effect from and after its passage.

Mr. Speaker and Members, you will note that under the act of 1879 the funds appropriated or provided are absolutely limited or restricted to the printing of books—chiefly textbooks for use in these schools—and the making of what is termed "tangible apparatus," raised charts, maps, and the like. You will also note that no part of these funds can be used for the construction or the leasing of buildings or grounds or for any purposes except those just indicated. The act of 1879 also provides that the basis of distribution of such books and apparatus shall be the ratio of the total of pupils maintained in the institutions for the education of the blind in any State or Territory or the District of Columbia to the total of such pupils maintained in all the States and Territories of the United States and the District of Columbia. Moreover, all such books and apparatus must be so furnished to the various schools and institutions maintained for the blind at the actual cost of their production. For fiscal administrative purposes the act placed the American Printing House for the Blind under the Treasury Department of the United States. The institution's accounts are carefully watched and inspected by officials of the Treasury Department and are also carefully audited by public accountants.

The State of Kentucky was a pioneer in the matter of printing books and making apparatus for the blind. In Kentucky the first step was taken in 1858. In that year the General Assembly of Kentucky passed an act entitled "An act to establish the American Printing House for the Blind." It created a board of trustees—made up of seven members—and this number of active trustees yet obtains; but, in addition, under the provisions of the further act of the General Assembly of Kentucky of March 3, 1861, yet in force, all superintendents of State institutions devoted exclusively to the education of the blind are ex officio members of this board of trustees. There is held in Louisville, Ky., where this institution is located, each year a meeting of all these trustees, where the general policies of the American Printing House for the Blind are formulated and the scope and plans for printing determined and the operation of the plant studied. The active management, subject to this general supervisory control, is carried on by a board of seven trustees residing at Louisville and a superintendent. These seven trustees serve without compensation.

Because this work started in Kentucky, and because Kentucky founded there a plant for this kind of work, the other States joined in asking the Congress for legislation and funds enabling them to receive the benefit of the work. The cost of separate plants in each State and Territory for the printing of these books and the making of the required apparatus for the blind would have been prohibitive. Kentucky had, by her own appropriations and funds, constructed and equipped a plant for such purposes, and with Federal funds supplied therefor could print enough books in the "point" system to take care of the needs of all the schools for the blind in all the States and Territories and the District of Columbia. This led to the enactment by Congress of the act of 1879. The printing of books in this institution revolutionized the teaching of the blind throughout the United States. The so-called Braille system has been modified and revised and is now employed in the preparation of all these books. Practically all of the textbooks used in all of the institutions for the education of the blind in the United States, including its Territories and the District of Columbia, are prepared in the American Printing House for the Blind, and it is the largest printing establishment for the blind in the entire world.

The demand in these institutions for these books grew so that in 1919 Congress passed the act in that year, already referred to, authorizing an additional annual appropriation of $40,000, making altogether a total of $50,000 for these purposes. Since 1919 Congress has been regularly appropriating $40,000 authorized by the act of 1919, and the permanent annual appropriation of $10,000 has also been used, and there is now being expended this total of $50,000 for the preparation of books for the blind and the making of tangible apparatus for their use. However, the work has grown so greatly that it has been found that $50,000 for the indicated purposes is insufficient, and the superintendents of these institutions for the blind throughout the country have joined the active members of the board of trustees—of which board these superintendents are ex-officio members—in asking for an increased authorization of $25,000 a year carried in the pending bill. The bill has been introduced as a result of the unanimous judgment of these trustees and represents the pressing needs of all of the States and Territories and the District of Columbia.

As an evidence that this additional authorization is needed, reference is made to the fact that in addition to the books and apparatus furnished the various institutions for the blind in the country at large, under existing law, to the extent of $50,000 per year, a number of States are purchasing from the American Printing House for the Blind, books above the quotas to which they—the respective States so purchasing—are entitled. Other States and Territories, although standing in need of books and apparatus, because of financial inability, are unable to purchase them.

In this connection it should be borne in mind, as was shown in the hearings on this bill before the House Committee on Education, that the State of Kentucky has expended of its own funds, without any contribution from Federal or other sources whatsoever, nearly $100,000 for building and equipping this plant at Louisville, now owned and operated by the American Printing House for the Blind, a corporation created under the laws of Kentucky for the purpose of operating the plant and carrying on this work. As late as 1922 the State of Kentucky appropriated the sum of $25,000 and expended it in adding a wing to the existing structure. Yet the State of

Kentucky does not receive in books and apparatus, one penny more or above the ration provided by the act of 1879, than any other State or Territory of the Union. The allocation of books and apparatus made to Kentucky is made upon exactly the same basis as that made to all other States and the Territories and the District of Columbia; that is to say, upon the basis of the actual blind population maintained in its schools for the blind.

If the pending bill is enacted into law, the total authorization of funds for the indicated purpose will be $75,000 as against $50,000 now provided. There is a great and urgent need for this enactment. It is to be hoped that the Senate will act with the promptness and unanimity which has characterized the action of the House in dealing with this measure. The Bureau of the Budget advises that the enactment of this bill is in harmony with the President's financial program.

Under the supervision of Prof. B. B. Huntoon and Miss Susan B. Merwin, former superintendents, the American Printing House for the Blind built up its great work for the blind children of the Nation. Their service was of a monumental character; and in like spirit that service is being carried on to-day under the supervision of the present superintendent, Mr. E. E. Bramlette, and the board of trustees of the institution, headed by Mr. John W. Barr, jr., of Louisville, Ky., its chairman. And, in passing, I may add that one of the most competent superintendents of institutions for the blind in the United States to-day is Prof. Clifford B. Martin, himself blind, who is superintendent of the Kentucky School for the Blind. He was educated by means of books printed in the American Printing House for the Blind.

Since the American Printing House for the Blind has been functioning under the acts of the State of Kentucky and the acts of Congress it has proved itself to be one of the most beneficent institutions in the entire country. By means of the books and apparatus printed and prepared in this plant those who once were "blind" now "see." The whole field of knowledge, which before the "point" system of printing was devised, was practically unknown to those of the "unseeing world," has been opened up to them, with the result that to-day thousands of those in our midst who are sightless are being educated in all of the arts and sciences, and have become and are becoming competitors in every line of worthy endeavor with those of the seeing world. No more meritorious measure can come before the Congress than that which is now presented.

I am very grateful to my colleagues, Congressmen REED of New York, chairman of the House Committee on Education, and ROBSION of Kentucky, and to the other members of that committee for their careful consideration of this measure, and for the favorable committee report thereon, and for their cooperation here to-day. I am also deeply appreciative of the kind reference made on the floor to-day by my esteemed colleague, Congressman BLANTON, of Texas, to my work in behalf of the bill; and I thank him for his presence and assistance in behalf of the measure.

In conclusion, Mr. Speaker and Members, let me say that if our action in providing adequate funds for the purposes under discussion be not in all truth the "Lord's work," then I know not what the "Lord's work" may be.

Mr. REED of New York. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. REED of New York. Mr. Speaker, the bill (H. R. 13453) introduced by Mr. THATCHER, of Kentucky, to authorize an additional appropriation for the printing of books for the blind is one of the most meritorious pieces of legislation that has come before the Education Committee, of which I have the honor to be chairman.

It is a bill that appeals to and touches the heart and arouses the sympathy of every Member of this House. The benefits to be derived under the additional appropriation asked for under the terms of this bill will, under the act of 1879, be equitably shared by every State in the Union.

This great humanitarian work was started by the great State of Kentucky under an act of its legislature in 1858. It has lifted the curtain and permitted the sunlight of knowledge to penetrate into the recesses of the mind of those who suffer from an affliction which enlists the sympathy of all of us. This beneficent work is open and available to a blind population in the United States, as shown by the 1920 census, of 52,567.

A history of this legislation, so far as Congress is concerned, dates from the act of 1879, which provided for an income on $250,000, or $10,000 a year, 4 per cent income, to be set apart for the printing of books for the blind and the manufacture of tangible apparatus in the institution known as the American Printing House for the Blind.

Later, in 1919, an act increasing the Federal aid for this purpose amounted to $40,000 a year, making the annual total funds $50,000. It is a matter of common knowledge that since the act of 1919 the cost of printing materials in this highly technical work has greatly increased. The bill now before the House, H. R. 13453, is an amendment to the act of 1919 to increase the $40,000 annual authorization in that act to $65,000, which will insure a total authorization of $75,000 a year.

The hearings on this bill show most conclusively that the various blind schools throughout the country are sending many of their students to the universities. Every State has reason to be proud of this great humanitarian service and, so far as I know, there has never been the slightest disposition to curtail appropriations when it could be shown that additional funds were required.

It may be of interest to the Members of the House to know that this legislation in no way changes the policy of the organic act on the subject. Therefore the books will continue to be printed at cost and furnished without charge up to the limit of the quota. This quota is according to the proportion of their respective local blind schools to the total blind-school population of the United States. I am taking this opportunity to include in my remarks a list of the States having institutions for the blind, with other facts and figures which I believe will be of interest to the Members of the House:

| States having institutions for the blind | Number of pupils | | Amount of quota | |
|---|---|---|---|---|
| | 1924 | 1925 | 1923–24 | 1924–25 |
| Alabama School for the Blind (white) | 123 | 122 | $1,112.12 | $1,060.87 |
| Alabama School for the Negro Deaf and Blind | 20 | 16 | 180.83 | 139.13 |
| Arizona School for the Deaf and Blind | 8 | 7 | 72.33 | 60.87 |
| Arkansas School for the Blind | 92 | 100 | 831.83 | 869.57 |
| Atlanta Public Schools, department for the blind | | 9 | | 78.26 |
| Buffalo Public Schools, department for the blind | 11 | 12 | 99.46 | 104.35 |
| California School for the Blind | 100 | 103 | 904.16 | 895.65 |
| Chicago Public Schools, department for the blind | 48 | 57 | 433.99 | 495.65 |
| Cincinnati Public Schools, department for the blind | 13 | 13 | 117.54 | 113.04 |
| Cleveland Public Schools, department for the blind | 55 | 36 | 497.29 | 313.04 |
| Colorado School for the Deaf and Blind | 62 | 70 | 560.58 | 608.70 |
| Connecticut School for the Blind | 67 | 58 | 605.79 | 504.35 |
| Connecticut Nursery for the Blind | 11 | 9 | 99.46 | 78.26 |
| Detroit Public Schools, department for the blind | 18 | 25 | 162.75 | 217.39 |
| Duluth Public Schools, department for the blind | 6 | 6 | 54.25 | 52.17 |
| Florida School for the Deaf and the Blind | 57 | 63 | 515.37 | 547.83 |
| Georgia Academy for the Blind | 97 | 106 | 877.03 | 921.74 |
| Hadley Correspondence School, department for the blind | | 51 | | 443.48 |
| Idaho School for the Deaf and Blind | 18 | 23 | 162.75 | 200.00 |
| Illinois School for the Blind | 235 | 234 | 2,124.77 | 2,034.78 |
| Indiana School for the Blind | 160 | 151 | 1,446.65 | 1,313.04 |
| Iowa College for the Blind | 110 | 124 | 994.58 | 1,078.26 |
| Jersey City Public Schools, department for the blind | 7 | 8 | 63.29 | 69.57 |
| Kansas School for the Blind | 120 | 124 | 1,084.99 | 1,078.26 |
| Kentucky School for the Blind | 112 | 120 | 1,012.66 | 1,043.48 |
| Los Angeles Public Schools, department for the blind | 24 | 32 | 216.99 | 278.26 |
| Louisiana School for the Blind | 73 | 80 | 660.04 | 695.65 |
| Louisiana School for Negro Blind | 19 | 23 | 171.79 | 200.00 |
| Maryland School for the Blind | 127 | 130 | 1,148.28 | 1,130.44 |
| Massachusetts School and Perkins Institution for the Blind | 278 | 282 | 2,513.56 | 2,452.17 |
| Michigan Employment Institution for the Blind | 64 | 106 | 578.66 | 921.74 |
| Michigan School for the Blind | 172 | 179 | 1,555.15 | 1,556.52 |
| Milwaukee Public Schools, department for the blind | 16 | 15 | 144.67 | 130.44 |
| Minnesota School for the Blind | 142 | 128 | 1,283.91 | 1,113.04 |
| Minneapolis Public Schools, department for the blind | 16 | 23 | 144.67 | 200.00 |
| Mississippi Institution for the Blind | 84 | 82 | 759.49 | 713.04 |
| Missouri School for the Blind | 124 | 120 | 1,121.16 | 1,043.48 |
| Montana School for the Deaf and Blind | 22 | 25 | 198.91 | 217.39 |
| Nebraska School for the Blind | 66 | 65 | 596.74 | 565.22 |
| Newark Public Schools, department for the blind | 21 | 21 | 189.87 | 182.61 |
| New Mexico Institution for the Blind | 82 | 84 | 741.41 | 730.44 |
| New Orleans Public Schools, department for the blind | | 7 | | 60.87 |
| New York Institute for the Education of the Blind | 111 | 119 | 1,003.62 | 1,034.78 |
| New York State School for the Blind | 183 | 178 | 1,654.61 | 1,547.83 |
| New York City Public Schools, department for the blind | 120 | 101 | 1,084.99 | 878.26 |
| North Carolina School for the Deaf and Blind | 198 | 230 | 1,790.24 | 2,000.00 |
| North Dakota School for the Blind | 38 | 36 | 343.58 | 313.04 |
| Ohio State School for the Blind | 250 | 250 | 2,260.40 | 2,173.91 |
| Oklahoma School for the Blind | 129 | 131 | 1,166.37 | 1,139.13 |
| Oregon Institute for the Blind | 49 | 46 | 443.04 | 400.00 |
| Oregon Employment Institution for the Blind | 42 | 48 | 379.75 | 417.39 |

| States having institutions for the blind | Number of pupils | | Amount of quota | |
|---|---|---|---|---|
| | 1924 | 1925 | 1923-24 | 1924-25 |
| Paterson Public Schools, department for the blind | 10 | 11 | $90.41 | $95.65 |
| Pennsylvania Institution for the Instruction of the Blind | 251 | 241 | 2,269.44 | 2,095.65 |
| Racine Public Schools, department for the blind | 2 | 1 | 18.08 | 8.70 |
| Seattle Public Schools, department for the blind | 6 | 6 | 54.25 | 52.17 |
| South Carolina School for the Deaf and Blind | 106 | 106 | 958.41 | 921.74 |
| South Dakota School for the Blind | 35 | 39 | 316.46 | 339.13 |
| Tennessee School for the Blind | 211 | 201 | 1,907.78 | 1,747.83 |
| Texas School for the Blind | 238 | 218 | 2,151.90 | 1,895.65 |
| Texas Institution for the Deaf and Blind (colored) | 85 | 89 | 768.54 | 773.91 |
| Toledo Public Schools, Department for the Blind | 7 | 9 | 63.29 | 78.26 |
| Utah School for the Blind | 30 | 32 | 271.25 | 278.26 |
| Virginia School for the Deaf and Blind | 79 | 82 | 714.28 | 713.04 |
| Virginia School for the Colored Deaf and Blind | 20 | 24 | 180.83 | 208.70 |
| Washington School for the Blind | 70 | 74 | 632.91 | 643.48 |
| Western Pennsylvania School for the Blind | 134 | 138 | 211.57 | 1,200.00 |
| West Virginia Schools for the deaf and blind | 73 | 77 | 660.04 | 669.57 |
| Wisconsin School for the Blind | 165 | 205 | 1,491.86 | 1,782.61 |
| Youngstown Public Schools, department for the blind | 8 | 9 | 72.33 | 78.26 |
| Total | 5,530 | 5,750 | 50,000.00 | 50,000.00 |

Per capita, $8.6956522. Sixty-nine schools; number of pupils, 5,750.

INDIAN FIELD SERVICE

The next business on the Consent Calendar was the bill (H. R. 13494) to permit detailing of employees of the Indian field service to the Washington office.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That hereafter the Commissioner of Indian Affairs may detail employees of the Indian field service for temporary duty in the Indian Bureau at Washington for such time as he finds necessary in connection with their field duties.

Mr. BEGG. Mr. Speaker, I move to strike out the last word.

I do this merely to call the attention of the House to what is in this bill and incidentally to say that the House has been appropriating a good many million dollars this afternoon, and we are doing it by unanimous consent, with very little consideration and knowledge.

If this bill is enacted into law, the head of the Bureau of Indian Affairs can bring every field employee to Washington every month in the year if he wants to, and in addition to getting his transportation, he will get his per diem, and he can stay here a week or 10 days or two weeks or a month and then go back home. I think this bill, as well as several others that have been passed over, nobody knowing what is in them, ought to have some consideration by the House, should be debated and then voted upon, and it is for that reason I am making this comment.

I think the House ought to know what it is voting on, because next summer or next year you will wake up and find you have a great increase in appropriations for travel and allowances in half a dozen of these bureaus and you will want to know how it happened and will say, "I did not know we did that."

Mr. HUDSON. Will the gentleman yield?

Mr. BEGG. I yield to the gentleman.

Mr. HUDSON. Does not the gentleman, my distinguished friend from Ohio, realize the utmost confidence this House has in the gentleman and because he does not object, we follow his lead in passing these bills?

Mr. BEGG. The gentleman should not have that much confidence. It is too much responsibility. The gentleman is doing his duty now when he calls the attention of the House to what is in the bill. If the House wants to pass it, the gentleman from Ohio is not further concerned.

Mr. BLANTON. Will the gentleman yield?

Mr. BEGG. Gladly.

Mr. BLANTON. Is this notice to the membership that the gentleman from Ohio is going to stop functioning?

Mr. BEGG. No; it is not that at all; but it is notice to the membership that it is their responsibility just as much as it is mine or yours.

The pro forma amendment was withdrawn.

Mr. LAGUARDIA. Mr. Speaker, I move to strike out the enacting clause.

This will bring the matter squarely before the House. The purpose of this bill, as the gentleman from Ohio says, is to take perfectly good field agents, bring them to Washington, and make "no-good" clerks out of them. There is not a department in Washington that is not overmanned and overcrowded with employees so that they are in each other's way. If the Indian Bureau has too many fields agents, the thing to do is to dispose of some of them. If you go up to the Department of the Interior, you can not find your way through there because there are so many employees, and, as the gentleman from Ohio points out, if you bring them here from their work in the field, then the Department of Agriculture will come in with the same kind of bill, while the Army and the Navy are doing this very thing now. We have officers now in the Navy Department that ought to be in submarines learning to navigate under the water.

They are either playing polo, as the gentleman from Texas pointed out the other day, or they are in swivel-chair positions. You have a General Staff of the Army that is overcrowded. I pointed out yesterday that you have one officer for every 10 soldiers, and there is not an army in the world, except the army of Nicaragua, that has so many officers.

I hope the gentleman from Montana [Mr. LEAVITT] will not press his bill, and I hope that the gentlemen of the House will respond and approve my amendment to strike out the enacting clause and kill this bill now, because now is the time to kill it.

Mr. LEAVITT. Mr. Speaker, I rise in opposition to the motion to strike out the enacting clause.

This is a bill that was introduced at the request of the Secretary of the Interior to bring about greater efficiency in the handling of Indian matters. The situation is that in the reorganization of the Indian Service there has been worked out a more efficient form of handling the education of the Indians, the health matters, and the different programs for the advancement of the Indians toward becoming self-supporting.

At the present time there is authority for almost all of the departments and almost all of the bureaus to bring their field employees to Washington, when that is necessary for the proper carrying on of their work, and that has been continually done by the Indian Bureau, but for fear there is some technicality in the way of it, because of an act already in existence, this change in the law is asked for.

Even if this is not passed, it is perfectly proper, under the law, for officials from the Washington office to go out into the field and to have these conferences with those who have charge of the different districts. All this is intended for is to give authority to the Commissioner of Indian Affairs to also call these men here. If, for example, he wished to hold a consultation with those in charge of the educational matters, or those in charge of health matters, or any work in the western country where the Indians exist, he can call them together here where the records are, where they can confer with each other, and all get the benefit of each other's views, where plans can be worked out for the benefit and betterment of the Indians.

Mr. LAGUARDIA. How long will these conferences take?

Mr. LEAVITT. It may take a week or two weeks.

Mr. LAGUARDIA. Under the bill they can call them here for six months, send them home, and then recall them.

Mr. LEAVITT. He could not go beyond the appropriation, and the committee, under the leadership of the gentleman from Michigan [Mr. CRAMTON], scrutinizes these appropriations. The department will have to justify the items used for this purpose, and there will be restrictions in the appropriation bills.

Mr. LAGUARDIA. Under the bill they could be brought here and kept here indefinitely, and if they had available funds it would be all right and if they did not it would be charged up to the deficiency bill.

Mr. LEAVITT. The gentleman knows that nothing of that kind will be done. This same authority exists in reference to other bureaus and it is not done there in that way.

Mr. EVANS. Will the gentleman yield?

Mr. LEAVITT. I will.

Mr. EVANS. Under the present law the Commissioner of Indian Affairs goes to the field to hold a conference?

Mr. LEAVITT. Yes.

Mr. EVANS. And under this bill, instead of the commissioner going to the field the men will come to Washington?

Mr. LEAVITT. Yes.

Mr. BEGG. If the gentleman from Montana had a private business and had 100 agents scattered throughout the United States and had a central office at Washington, what would he do? Bring all the agents here or would he meet them out West at some central point?

Mr. LEAVITT. I might do either. The commissioner ought to have the authority which is given him under this bill to do either according to the necessities of the case.

Mr. LAGUARDIA. These are local agents out on the Indian reservations?

Mr. LEAVITT. Not always; sometimes they are superintendents of the districts, some in charge of handling health, some in charge of handling the educational work, and such matters as have to do with the industrial development of the Indians.

Mr. LAGUARDIA. It would be far better for the superior officer to go out and get in contact with the Indians.

Mr. LEAVITT. In most cases the Washington official does go out there, but it is sometimes better for officials to come to Washington and get the views of the central office.

The SPEAKER pro tempore. The question is on the motion of the gentleman from New York to strike out the enacting clause.

The question was taken, and the motion was rejected.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

CONFERRING JURISDICTION ON THE COURT OF CLAIMS

The next business on the Consent Calendar was the bill (S. 1857) to confer jurisdiction on the Court of Claims to certify certain findings of fact, and for other purposes.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA, Mr. BLACK of Texas, and Mr. HARE objected.

TO ESTABLISH A NATIONAL MILITARY PARK AT FREDERICKSBURG, VA.

The next business on the Consent Calendar was the bill (H. R. 9045) to establish a national military park at and near Fredericksburg, Va., and to mark and preserve historical points connected with the battles of Fredericksburg, Spotsylvania Court House, Wilderness, and Chancellorsville, including Salem Church, Va.

The Clerk read the title to the bill.

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

There was no objection.

The Clerk read as follows:

*Be it enacted, etc.*, That in order to commemorate the Civil War battles of Fredericksburg, Spotsylvania Court House, Wilderness, and Chancellorsville, including Salem Church, all located at or near Fredericksburg, Va., and to mark and preserve for historical purposes the breastworks, earthworks, gun emplacements, walls, or other defenses or shelters used by the armies in said battles, so far as the marking and preservation of the same are practicable, the land herein authorized to be acquired, or so much thereof as may be taken, and the highways and approaches herein authorized to be constructed, are hereby declared to be a national military park whenever the title to the same shall have been acquired by the United States, the said land so to be acquired being the land necessary for a park of the plan indicated on the index map sheet filed with the report of the Battle Field Commission appointed pursuant to an act entitled "An act to provide for the inspection of the battle fields in and around Fredericksburg and Spotsylvania Court House, Va.," approved on the 7th day of June, 1924, said index map sheet being referred to in said report, and particularly in the "Combined plan—Antietam system" described in said report, the first of the plans mentioned in said report under the heading "Combined plan—Antietam system" being the plan which is hereby adopted, the said land herein authorized to be acquired being such land as the Secretary of War may deem necessary to establish a park on the combined plan, Antietam system, above referred to, the particular boundaries of such land to be fixed by surveys made previous to the attempt to acquire the same, and authority is hereby given to the Secretary of War to acquire for the purposes of this act the land above mentioned, or so much thereof as he may deem necessary, together with all such existing breastworks, earthworks, gun emplacements, walls, defenses, shelters, or other historical points as the Secretary of War may deem necessary, whether shown on said index map sheet or not, and together also with such additional land as the Secretary of War may deem necessary for monuments, markers, tablets, roads, highways, paths, approaches, and to carry out the general purposes of this act. As title is acquired to parts of the land herein authorized to be acquired, the Secretary of War may proceed with the establishment of the park upon such portions so acquired, and the remaining portions of the lands desired shall be respectively brought within said park as titles to said portions are severally acquired.

With the following committee amendment:

Page 2, line 6, after the word "park," insert the following: "to be known as the Fredericksburg and Spotsylvania County battle fields memorial."

The committee amendment was agreed to.

Mr. HUDSON. Mr. Speaker, I move to strike out the last word for the purpose of asking the gentleman from Virginia about how much land this national park will embrace?

Mr. BLAND. As ascertained by the commission which made the investigation, and which appears on page 26 of the hearing, the total is 535 acres. It is not contemplated to take a large area in any one place. The purpose is to have a park on the order of the Antietam system, and taking the existing intrenchments and important locations of that character with a minimum area of land. It will be noted that we are covering four major battle fields at the present time.

Mr. HUDSON. And it does not embrace any historical buildings that are to be kept up?

Mr. BLAND. Whether there are buildings there or not?

Mr. HUDSON. Yes; historical buildings are to be preserved, and perhaps rebuilt.

Mr. BLAND. I do not think any buildings are contemplated by this at all. It will be so much as the Secretary may deem necessary, and I have not in mind now any buildings that will be taken.

Mr. HUDSON. So that the upkeep will be a small upkeep of grounds?

Mr. BLAND. The upkeep ascertained and reported by the commission that made the investigation is $24,000.

The SPEAKER pro tempore. The pro forma amendment will be withdrawn and the Clerk will read.

The Clerk completed the reading of the bill, as follows:

SEC. 2. The Secretary of War is hereby authorized to cause condemnation proceedings to be instituted in the name of the United States under the provisions of the act of August 1, 1888, entitled "An act to authorize condemnation of lands for sites for public buildings, and for other purposes" (25th Stat. L. p. 357), to acquire title to the lands, interests therein, or rights pertaining thereto within the said Fredericksburg National Military Park, hereinabove authorized to be acquired, and the United States shall be entitled to immediate possession upon the filing of the petition in condemnation in the United States District Court for the Eastern District of Virginia: *Provided*, That when the owner of such lands, interests therein, or rights pertaining thereto shall fix a price for the same, which in the opinion of the commission, hereinafter referred to, and the Secretary of War, shall be reasonable, the Secretary may purchase the same without further delay: *Provided further*, That the Secretary of War is hereby authorized to accept, on behalf of the United States, donations of lands, interests therein, or rights pertaining thereto required for the said Fredericksburg National Military Park: *And provided further*, That no public money shall be expended for title to any lands until a written opinion of the Attorney General shall be had in favor of the validity of title thereto.

SEC. 3. The Secretary of War is hereby authorized to enter into leases with the owners of such of the lands, works, defenses, and buildings thereon within the said Fredicksburg National Military Park as in his discretion it is unnecessary to forthwith acquire title to, and such leases shall be on such terms and conditions as the Secretary of War may prescribe, and may contain options to purchase, subject to later acceptance if in the judgment of the Secretary of War it is as economical to purchase as condemn title to the property: *Provided*, That the Secretary of War may enter into agreements upon such nominal terms as he may prescribe, permitting the present owners or their tenants to occupy or cultivate their present holdings, upon condition that they will preserve the present breastworks, earthworks, walls, defenses, shelters, buildings, and roads, and the present outlines of the battle fields, and that they will only cut trees or underbrush or disturb or remove the soil under such regulations as the Secretary of War may prescribe, and that they will assist in caring for and protecting all tablets, monuments, or such other artificial works as may from time to time be erected by proper authority: *Provided further*, That if such agreements to lease cover any lands the title to which shall have been acquired by the United States, the proceeds from such agreements shall be applied by the Secretary of War toward the maintenance of the park.

SEC. 4. The affairs of the said Fredericksburg National Military Park shall, subject to the supervision and direction of the Secretary of War, be in charge of three commissioners, consisting of Army officers, civilians, or both, to be appointed by the Secretary of War, one of whom shall be designated as chairman and another as secretary of the commission.

SEC. 5. It shall be the duty of the commissioners, under the direction of the Secretary of War, to survey, locate, and preserve the lines of the opposing armies in said battles, to open, construct, and repair such

roads, highways, paths, and other approaches as may be necessary to make the historical points accessible to the public and to students of said battles and for the purposes of the park, to ascertain and mark with historical monuments, markers, tablets, or otherwise, as the Secretary of War may determine, all breastworks, earthworks, gun emplacements, walls, or other defenses or shelters, lines of battle, location of troops, buildings, and other historical points of interest within the park or in its vicinity, and to establish and construct such observation towers as the Secretary of War may deem necessary for said park, and the said commission in establishing the park shall have authority, under the direction of the Secretary of War, to employ such labor and services at rates to be fixed by the Secretary of War, and to obtain such supplies and materials as may be necessary to carry out the provisions of this act.

SEC. 6. The commission, acting through the Secretary of War, is authorized to receive gifts and contributions from States, Territories, societies, organizations, and individuals for the said Fredericksburg National Military Park: *Provided*, That all contributions of money received shall be deposited in the Treasury of the United States and credited to a fund to be designated "Fredericksburg National Military Park fund," which fund shall be applied to and expended under the direction of the Secretary of War for carrying out the provisions of this act.

SEC. 7. It shall be lawful for the authorities of any State having had troops engaged in said battles of Fredericksburg, Spotsylvania Court House, Wilderness, and Chancellorsville, including Salem Church, or in any of said battles, to enter upon the lands and approaches of the Fredericksburg National Military Park for the purposes of ascertaining and marking the lines of battle of troops engaged therein: *Provided*, That before any such lines are permanently designated, the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise, including the design and inscription for the same, shall be submitted to the Secretary of War, and shall first receive written approval of the Secretary, which approval shall be based upon formal written reports to be made to him in each case by the commissioners of the park: *Provided*, That no discrimination shall be made against any State as to the manner of designing lines, but any grant made to any State by the Secretary of War may be used by any other State.

SEC. 8. If any person shall, except by permission of the Secretary of War, destroy, mutilate, deface, injure, or remove any monument, column, statue, memorial structure, or work of art that shall be erected or placed upon the grounds of the park by lawful authority, or shall destroy or remove any fence, railing, inclosure, or other work for the protection or ornament of said park, or any portion thereof, or shall destroy, cut, hack, bark, break down, or otherwise injure any tree, bush, or shrubbery that may be growing upon said park, or shall cut down or fell or remove any timber, battle relic, tree or trees growing or being upon said park, or hunt within the limits of the park, or shall remove or destroy any breastworks, earthworks, walls, or other defenses or shelter or any part thereof constructed by the armies formerly engaged in the battles on the lands or approaches to the park, any person so offending and found guilty thereof before any justice of the peace of the county in which the offense may be committed, or any court of competent jurisdiction, shall for each and every such offense forfeit and pay a fine, in the discretion of the justice, according to the aggravation of the offense, of not less than $5 nor more than $50, one half for the use of the park and the other half to the informer, to be enforced and recovered before such justice in like manner as debts of like nature are now by law recoverable in the several counties where the offense may be committed.

SEC. 9. The Secretary of War, subject to the approval of the President, shall have the power to make and shall make all needful rules and regulations for the care of the park, and for the establishment and marking of lines of battle and other historical features of the park.

SEC. 10. Upon completion of the acquisition of the land and the work of the commission, the Secretary of War shall render a report thereon to Congress, and thereafter the park shall be placed in charge of a superintendent at a salary to be fixed by the Secretary of War and paid out of the appropriation available for the maintenance of the park.

SEC. 11. To enable the Secretary of War to begin to carry out the provisions of this act, including the condemnation, purchase, or lease of the necessary lands, surveys, maps, marking the boundaries of the park, opening, constructing, or repairing necessary roads, pay and expenses of commissioners, salaries for labor and services, traveling expenses, supplies, and materials, the sum of $50,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to remain available until expended and such additional sums are hereby authorized to be appropriated from time to time as may be necessary for the completion of the project and for the proper maintenance of said park. All disbursements under this act shall be annually reported by the Secretary of War to Congress.

The following committee amendments were severally reported and severally agreed to:

Page 3, line 25, after the word "said," strike out the words "Fredericksburg National Military Park" and insert "Fredericksburg and Spottsylvania County Battle Fields Memorial."

Page 4, line 14, after the word "said," strike out "Fredericksburg National Military Park" and insert "Fredericksburg and Spottsylvania County Battle Fields Memorial."

Page 4, line 22, after the word "said," strike out the words "Fredericksburg National Military Park" and insert "Fredericksburg and Spottsylvania County Battle Fields Memorial."

Page 5, line 21, after the word "said," strike out "Fredericksburg National Military Park" and insert "Fredericksburg and Spottsylvania County Battle Fields Memorial."

Page 7, line 1, strike out "Fredericksburg National Military Park" and insert "Fredericksburg and Spottsylvania County Battle Fields Memorial."

Page 7, line 5, strike out "Fredericksburg National Military Park" and insert "Fredericksburg and Spottsylvania County Battle Fields Memorial."

Page 7, line 14, strike out "Fredericksburg National Military Park" and insert "Fredericksburg and Spottsylvania County Battle Fields Memorial."

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS ST. FRANCIS RIVER, ARK.-MO.

The next business on the Consent Calendar was the bill (H. R. 15011) granting the consent of Congress to the Paragould-Hopkins Bridge road improvement district of Greene County, Ark., to construct a bridge across the St. Francis River.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the consent of Congress is hereby granted to the Paragould-Hopkins Bridge road improvement district of Greene County, Ark., a public agency, to construct, maintain, and operate a bridge and approaches thereto across the St. Francis River at a point suitable to the interests of navigation and at that point on said river where the Hopkins Bridge now spans same, at the Arkansas-Missouri State line and connecting the States of Arkansas and Missouri at said point, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

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

With the following committee amendments:

Page 1, line 6, after the article "a," insert the word "free" and in line 8, after the word "at," insert the words "or near."

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

MUNICIPAL BRIDGE ACROSS MISSISSIPPI RIVER AT ST. LOUIS, MO.

The next business on the Consent Calendar was the bill (H. R. 15012) to amend the act entitled "An act to extend the time for the completion of the municipal bridge approaches and extensions or additions thereto by the city of St. Louis, within the States of Illinois and Missouri," approved February 13, 1924.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the first section of the act entitled "An act to extend the time for the completion of the municipal bridge approaches, and extensions or additions thereto, by the city of St. Louis, within the States of Illinois and Missouri," approved February 13, 1924, is amended to read as follows:

"That the time for the construction and completion of the municipal bridge approaches, and also extensions or additions thereto, which said construction and completion was authorized by the act entitled 'An act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Missis-

sippi River,' approved June 25, 1906, is extended for the period of six years from February 11, 1924."

SEC. 2. Section 3 of such act approved February 13, 1924, is amended to read as follows:

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

With the following committee amendments:

Page 2, line 7, strike out the word "is" and insert "be and the same is hereby."

Strike out all of lines 10, 11, 12, and 13, as follows:

"SEC. 2. Section 3 of such act approved February 13, 1924, is amended to read as follows:

"'SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.'"

The committee amendments were agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PAY CLAIMS OF ARMY OFFICERS

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent to return to the bill (S. 1857) to confer jurisdiction on the Court of Claims to certify certain findings of fact, and for other purposes, No. 767 on the calendar. The gentleman from Texas [Mr. BLACK] has said to me that he would withdraw his objection, and the gentleman from New York [Mr. LAGUARDIA] has agreed to withdraw his objection.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to return to S. 1857, No. 767 on the calendar. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Court of Claims shall certify to the proper accounting officers of the United States the findings of fact heretofore made for claimants in claims of officers of the United States Army for longevity pay under the decisions of the Supreme Court of the United States in United States *v.* Morton (vol. 112, U. S. Repts., p. 1) and United States *v.* Watson (vol. 130, U. S. Repts., p. 80), and of the Court of Claims in Stewart *v.* United States, vol. 34, Court of Claims Reports, p. 553).

And that the proper accounting officers of the United States shall proceed to settle the claims so certified and all other claims for longevity pay and allowances on account of services of officers in the Regular Army arising under section 15 of an act approved July 5, 1838, entitled "An act to increase the present Military Establishment of the United States, and for other purposes," and subsequent acts affecting longevity pay and allowances, in accordance with the decisions of the courts of the United States in all cases in which heretofore, namely, between 1890 and 1908, such claims were disallowed by any accounting officer of the Treasury, and no decision of a comptroller heretofore made against a claimant under said section 15 shall prevent a settlement under the terms of this act of any such disallowed claim. Every such claim shall be payable to the claimant or to his widow or to his legal representative: *Provided*, That no claim hereunder shall be allowed if made by any person who is an assignee of such claim nor to a legal representative without proof of the existence of blood relations to whom the fund would be distributed: *Provided further*, That it shall be unlawful for any agent or attorney, firm of attorneys, or any person engaged heretofore or hereafter in preparing, presenting, or prosecuting any claim under this act to charge or receive more than 20 per cent of any amount appropriated in satisfaction of the claim.

Mr. BEGG. Mr. Speaker, I move to strike out the last word. I do not find myself in very great sympathy with the purpose of this bill. But I must be old-fashioned. Yes; surely the United States has been very derelict in its duty in not counting, in computing longevity pay, the four years of school that is given to the Army officer and which he is paid to attend. I supposed we should pension the boys who fail to pass the exams because they have shown such patriotic intentions. I know the argument for this bill is that it should pass because this allowance has been made to some others, and, then, that it was stopped awhile and then reallowed; and that this is to correct the wrong done to those who came in during the period of omission.

Now, it is not counted to the boys who are in the two military academies at the present time, and, of course, by the time they reach the age of retirement somebody will introduce a bill to put these men on the retired list and count four years' service at the expense of the Government in computing their longevity pay. There is no more rhyme or reason in this than there is in voting an additional four or five years before the man ever enlists and receives an appointment to the Military Academy. But here we are, probably 75 Members, and if we call the roll and the men come on the floor the only information they would have before voting would be that it is to equalize the pay of retired Army officers. I want to ask somebody in this House if it is not pretty near time to begin to equalize the pay of some men somewhere down the line who do not belong to the Army and Navy. I have no complaint against the Army and Navy, not a bit in the world. I fight for them when I think they are right just as I fight against them when I think they are wrong. I think it is positively a scandal. This old bill has been kicked around Congress until it has white hair, and yet you are going to pass it this afternoon. There are not three men in Congress able to discuss it and tell whether it should pass rather than to say it is to equalize the pay of some retired officers. Why——

Mr. GILBERT. I can give the best reason in the world for it.

Mr. BEGG. I do not want a speech in my time.

Mr. GILBERT. It is this. It is because the Supreme Court of the United States has said that we owe this money. The gentleman's argument is a plausible argument as an original proposition, but the United States has no right to welch on a bargain it makes and the Supreme Court has handed down a decision holding that we owe this money.

Mr. BEGG. I will admit there is no question about the technicality of these boys in these schools being in the service, but there is a lot of question in my mind about the kind of motive that is back of the man who is pushing a suit and who is not in every case an official or officer in the Army. There would never be a suit about this kind of a claim in Congress except that some attorney got a 20 per cent commission on every case. All of these men have retired, a lot of them have passed away. They may be wonderful officers, I am not criticizing their military standing. I criticize the motives back of Congress making an appropriation at the behest of some lawyer who trumps up a case for the sake of a 20 per cent commission. I think it wrong, and I will not vote for it. I have kept it from being voted on for about four years, and I feel I will have discharged my duty when I have stated to the men present on this floor why it has not come to bat sooner. With that, Mr. Speaker, I am perfectly willing to have a vote.

Mr. BLACK of Texas. Mr. Chairman, I desire to offer an amendment. Line 2, page 3, strike out "20" and insert "10."

Mr. GILBERT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GILBERT. I just came in and I do not catch just the situation before the House.

The SPEAKER. The gentleman from Pennsylvania asked unanimous consent to return to this bill for the purpose of consideration, and no objection was made.

Mr. GILBERT. May I ask the gentleman from Pennsylvania, it was my understanding this was to be called up under suspension of the rules.

Mr. GRAHAM. Not necessarily. It was to have been called up under suspension of the rules later in the day, but I spoke to the gentlemen objecting, Mr. BLACK of Texas and Mr. LAGUARDIA, of New York, and they consented that I might call it up under unanimous consent, and it is now before the House, and I would like to reply, and I think I have a right to answer on the motion to strike out the last word.

Mr. BLACK of Texas. I have offered an amendment.

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

The Clerk read as follows:

Amendment offered by Mr. BLACK of Texas: On page 3, line 2, strike out the figure "20" and insert in lieu thereof the figure "10."

Mr. GRAHAM. I will say to my friend I have no objection personally to it. I have no interest in it at all, and I will accept the amendment.

Mr. GILBERT. Mr. Speaker, I rise in opposition to the amendment. Mr. Speaker, my purpose is really not in opposition to the amendment but in answer to the gentleman from Ohio as to the motives behind this bill. I know nothing of any motives behind the bill which the gentleman suggests. This was brought to my attention by two splendid ladies in my district who are sisters of one who now is dead and who would have received this pay. There is no man in this House who would refuse to pay an honest debt if he had the money. There is no lawyer in this House who would advise a client to refuse to pay a debt if he had the money. I can not understand the legislative mind that wants the Government of the United States to assume a position so ignoble that they themselves would not countenance it in their private business.

The gentleman from Ohio makes some very sensible remarks for our future guidance. Those provisions have already been

adopted and this matter will not arise again. But we are not in this matter legislating for the future, but correcting an error of the past. These boys assumed a relationship to the United States which was prescribed by certain laws. The Supreme Court has decided that the United States, by reason of its contracts with these boys, now owes this money, and I do not believe that there is a man in this House who wants the Government of the United States to stand as an example before the citizens of the United States in refusing to pay a debt which the Supreme Court of the United States says it owes just simply because it has the power to do so.

Mr. SNELL. About how many people does this bill affect?

Mr. GILBERT. I do not know. How does that affect the principle involved? I understand there are very few people affected. Most of them have already been paid, and these also would have been paid if it had not been for the arbitrary ruling of the Comptroller of the Treasury.

Mr. SNELL. Can the gentlemen of the committee inform us?

Mr. GRAHAM. A report made by the Secretary of War, Mr. Newton D. Baker, in recommending the payment of these claims, said there were about 500. I remember in connection with a bill to repeal a certain statute which allowed men in the Confederate Army to be paid longevity pay, it having been previously declared by an act of Congress as illegal because of their sympathies for the South, I took up the matter as a matter of grace, to promote good feeling between the North and the South, as recommended by Judge Clayton, and about $160,000, as I recall, was paid to men or relatives of men, among them relatives of as distinguished generals as General Lee and General Jackson. They received this longevity. Among those on the other side were men like Grant and Sheridan, who also received it.

Mr. GILBERT. The Confederates are not included in it?

Mr. GRAHAM. No. The Confederates are not. The Supreme Court decided that a part of the service of an enlisted man was his service in the academy. Whether right or wrong, that was the decision of the Supreme Court of our country, and we are obliged to stand by it. In the administration of the law in the Treasury Department, after the decision, one man came along as comptroller and defied the decision of the court and suspended payment.

A new comptroller came along and took up the old law and decided it as it had been before, and then payments commenced again. One comptroller could not revoke the action of another comptroller in the Treasury. Some of those claims were referred to the Court of Claims and approved, and the rest are left in this suspended position, and every effort has been made to have them paid. As a matter of honor, I stood by the bill in the House, and when the gentleman from Ohio [Mr. BEGG] says some attorney is interested, I want to say that I know nothing about that, but as a man who has stood for the soldiers of the Southern Confederacy I am bound by honor also to stand by the men who were not in the Confederate service.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. BLACK].

The amendment was agreed to.

Mr. BLANTON. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The gentleman from Texas moves to strike out the last word.

Mr. BLANTON. Later on I will withdraw that motion. This bill came up to-day on the Consent Calendar. Three objections would take it off the calendar. There were three objections, and the bill went off the calendar.

Then our friend from Pennsylvania [Mr. GRAHAM], the chairman of the Committee on the Judiciary, asked unanimous consent that we return to the consideration of this bill. That action could have been taken only by unanimous consent. One man could have stopped that action. The gentleman from Ohio [Mr. BEGG] could have stopped it by interposing his own single personal objection, and consent was not granted until I had put the gentleman on notice as to what this bill was. I asked the Speaker to have the Clerk report to the House what bill this was which the gentleman from Pennsylvania called up, and the Speaker had the bill reported by the Clerk, putting the gentleman on notice, and yet no one objected.

The gentleman from Ohio occupies a unique position of distinction here in the House. If there is an assistant Speaker here in the House, it is the gentleman from Ohio. If there is an assistant floor leader here, it is the gentleman from Ohio. Yet he made no attempt to stop this bill, when it required unanimous consent to consider it.

Mr. BEGG. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. BEGG. I just wanted to advise the gentleman from Texas that "the gentleman from Ohio" did not need to be informed by the gentleman from Texas what was coming.

Mr. BLANTON. The gentleman from Ohio let it come up by unanimous consent, and it would have taken but three objections to have again knocked it off the calendar after it was so called up. Surely the gentleman from Ohio could have gotten two others to act with him and stop the bill. But the gentleman did not see fit to do that. He gets up here and inveighs against it, and then lets the bill be considered and passed.

Mr. LAGUARDIA. This bill, it was announced, was to be taken up under suspension of the rules of the House.

Mr. BLANTON. I was just noting the ludicrousness of the position taken by the gentleman from Ohio. He lets it come up by unanimous consent, and then he gets up and inveighs against it when he could have stopped it.

Mr. Speaker, I ask leave to withdraw my motion.

The SPEAKER. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

Mr. SNELL. Mr. Speaker, I do not know that I am opposed to this bill; but it seems to me that a bill of this character, which changes the policy of the Government, ought to have some definite explanation before the House before it is passed. From anything that I heard I do not know how many people will be affected or how much it will cost. I think such figures should be presented to the House before a bill of such an important character is passed. I would like to have the gentleman from Pennsylvania [Mr. GRAHAM] or somebody else inform the House how many men it applies to and what it will cost. I think we are entitled to that information before we vote on the bill.

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

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

The SPEAKER. The question is on the passage of the bill.

The question was taken; and there were on a division (demanded by Mr. BEGG)—ayes 115, noes 14.

So the bill was passed.

On motion of Mr. GRAHAM, a motion to reconsider the vote whereby the bill was passed was laid on the table.

PANAMA CANAL ACT

Mr. DENISON. Mr. Speaker, I ask unanimous consent to take up Calendar No. 800 out of order. My reason for doing so is this: The bill is to correct clerical errors that were made in a bill that passed the House about six weeks ago. This is very important; there is no controversy about it, and it will take only about two minutes to do it.

The SPEAKER. It is the practice of the Chair not to recognize gentlemen to take up bills on the calendar out of order unless the Chair is assured it is a matter of real urgency.

Mr. DENISON. It is a matter of great urgency because the legislation we have passed is really meaningless unless this bill is passed immediately.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I understand there have been some errors made in the numbering of the paragraphs and references to other sections.

Mr. DENISON. Yes.

Mr. LAGUARDIA. This bill does not change or disturb the bill it seeks to amend in any degree?

Mr. DENISON. Not at all. The bill had about 23 sections; the Senate committee amended the bill by striking out one section and that made it necessary to change the numbers of all the other sections, which was done, but the Senate committee failed to change the references to other sections in the body of the bill and that was not discovered until after the bill had become a law.

Mr. LINTHICUM. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. LINTHICUM. What is the haste and why do you want to advance the consideration of this bill? Can not you wait until it is reached?

Mr. DENISON. Here is the reason: The bill has become a law but it can not be administered until this amendatory act is passed. This action is very important in connection with the administration of the Canal Zone. It will take only about two minutes and, as I have said, the bill is simply to correct clerical errors.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted etc.*, That the act entitled "An act to amend the Panama Canal act and other laws applicable to the Canal Zone, and for other purposes," approved December 29, 1926, is amended—

(1) By striking out "13" in paragraph (4) of subdivision (a) of section 9, and inserting in lieu thereof "12."

(2) By striking out "13" in subdivision (b) of section 13, and inserting in lieu thereof "12."

(3) By striking out "14, 15, or 16" in subdivision (a) of section 16, and inserting in lieu thereof "13, 14, or 15."

(4) By striking out "20" in subdivision (a) of section 20, and inserting in lieu thereof "19."

(5) By striking out "20" in subdivision (c) of section 20, and inserting in lieu thereof "19."

(6) By striking out "19 and 21" in section 21, and inserting in lieu thereof "18 and 20."

(7) By striking out "19" in section 22, and inserting in lieu thereof "18."

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

COMPENSATION FOR EMPLOYEES OF THE UNITED STATES SUFFERING INJURIES WHILE IN THE PERFORMANCE OF THEIR DUTIES

Mr. GRAHAM. Mr. Speaker, I move to take up House bill 11325, with amendments, and move that the rules be suspended and the bill be passed.

The SPEAKER. The gentleman from Pennsylvania moves to suspend the rules and pass House bill 11325, with amendments. The Clerk will report the amendments first and read the bill as amended.

The Clerk read as follows:

Amend the bill by striking out all of sections 2, 6, and 7.

Strike out the figure "3" after the word "Sec.", in line 23, page 3, and insert "2."

Strike out the figure "4" in line 17, page 4, and insert "3."

Strike out the figure "5" in line 1, page 5, and insert the figure "4."

The bill as amended is as follows:

*Be it enacted, etc.*, That section 6 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, and acts in amendment thereof, is amended to read as follows:

"SEC. 6. That the monthly compensation for total disability shall not be more than $116.66, nor less than $58.33, unless the employee's monthly pay is less than $58.33, in which case his monthly compensation shall be the full amount of his monthly pay. The monthly compensation for partial disability shall not be more than $116.66. In the case of persons who at the time of the injury were minors or employed in a learner's capacity and who were not physically or mentally defective the commisison shall, on any review after the time when the monthly wage-earning capacity of such persons would probably, but for the injury, have increased, award compensation based on such probable monthly wage-earning capacity. The commission may, on any review after the time when the monthly wage-earning capacity of the disabled employee would probably, irrespective of the injury, have decreased on account of old age, award compensation based on such probable monthly wage-earning capacity."

SEC. 2. That subdivision H of section 10 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," is amended to read as follows:

"(H) As used in this section, the term 'child' includes step-children, adopted children, and posthumous children, but does not include married children. The terms 'brother' and 'sister' include step-brothers and stepsisters, half brothers and half sisters, and brothers and sisters by adoption, but do not include married brothers or married sisters. All of the above terms and the term 'grandchild' include only persons who at the time of the death of the deceased employee are under 18 years of age or over that age and incapable of self-support. The term 'parent' includes stepparents and parents by adoption. The term 'widow' includes only the decedent's wife living with or dependent for support upon him at time of his death or living apart for reasonable cause or by reason of his desertion."

SEC. 3. That subdivision K of section 10 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," is amended to read as follows:

"(K) In computing compensation under this section the monthly pay shall be considered not to be more than $175 nor less than $87.50, but the total monthly compensation shall not exceed the monthly pay computed as provided in section 12."

SEC. 4. That section 11 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," is amended to read as follows:

"SEC. 11. That if death results from the injury within six years the United States shall pay to the personal representative of the deceased employee funeral and burial expenses not to exceed $200, in the discretion of the commission. In the case of an employee whose home is within the United States, if his death occurs away from his home office or outside of the United States, and if so desired by his relatives, the body shall, in the discretion of the commission, be embalmed and transported in a hermetically sealed casket to the home of the employee. Such funeral and burial expenses shall not be paid and such transportation shall not be furnished where the death takes place more than one year after the cessation of disability resulting from such injury or, if there has been no disability preceding death, more than one year after the injury."

The SPEAKER. Is a second demanded?

Mr. BLACK of Texas. Mr. Speaker, I demand a second.

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. The gentleman from Pennsylvania [Mr. GRAHAM] is entitled to 20 minutes and the gentleman from Texas [Mr. BLACK] to 20 minutes.

Mr. GRAHAM. Mr. Speaker, I will make a few remarks in explanation of the situation, briefly, reserving the rest of my time.

This bill with the amendments, if adopted, will effect one thing and that is to increase the compensation of the employees under the employees' compensation act. As originally drafted, the act covered other subjects, but those have been covered by laws separately, and are now unnecessary. The only thing, therefore, to do is to strike out sections 2, 6, and 7 and make the numeral corrections in numbering the different sections, and the bill can then be passed with but one effect, and that is to increase the compensation. Eleven or twelve years ago the maximum compensation was fixed by the bill then passed at $16.66 a week with the gradations. Since then the cost of living, it has been estimated, has increased 73 per cent. This proposed bill will increase the allowance from $16.66 to $29 a week.

When the present law was passed, 32 States had compensation acts and only 1 had a maximum higher than the Federal act and only 8 had a maximum higher than $12 a week. Now 43 States have compensation acts, and of these States 23 have a maximum higher than the Federal act, and in 10 States the maximum is twenty-some dollars. I submit this as the preliminary explanation.

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

Mr. GRAHAM. Yes.

Mr. McKEOWN. There is one question that gives us a great deal of trouble, and that is why the compensation goes beyond $100, the amount that our soldiers usually get. That is a matter that is causing us a great deal of concern over here.

Mr. GRAHAM. This represents the consensus of opinion, and I think was unanimously passed in our committee and was so reported and approved by the Board of Compensations and favored as a just and fair compensation. That is the only explanation I have to make.

Mr. TILSON. May I ask the gentleman a question?

Mr. GRAHAM. Yes.

Mr. TILSON. Is it not a fact that this makes the compensation to be paid by the United States larger than that paid by any State of the Union.

Mr. GRAHAM. Indeed, no. Twenty-three States already have a maximum higher than the Federal act.

Mr. TILSON. Yes; higher than the present Federal act, but how many States have a higher compensation than the United States will have in case this bill is passed? The gentleman has made a comparison with the Federal act as it stands to-day. I should like to have his comparison as the matter will stand when this bill becomes a law.

Mr. GRAHAM. I have not the figures on the entire country except for the States having a higher maximum than the Federal law now. The committee held hearings upon the subject and after the hearings these figures were adopted and approved by the Compensation Board.

Mr. BLACK of Texas. Mr. Speaker, I do not know whether there is any opportunity to defeat in the House of Representatives any bill that proposes to increase the pension of somebody either in the civil service of the United States or in the military service. My experience in the past leads me to believe that all opposition to such measures is futile. Nevertheless, I

feel that on certain occasions it is my duty to speak my sentiments.

In order that we may understand just what this bill does, I will state that at the present time the maximum compensation that can be paid to any civilian employee who is totally disabled while working in the Government service is $66⅔ per month. The provisions of this bill will increase that maximum by 75 per cent and make it $116⅔ per month. The employees' compensation law was enacted 10 or 12 years ago, when the cost of living was much lower than it is now, and I am perfectly willing to grant there should be some increase of the rates provided in the original law, but I think this bill goes entirely too far in its increases.

Upon another occasion this bill was on the Consent Calendar, and I objected to its consideration, because I do not think that legislation involving this large an increase of public funds should come up on the Consent Calendar. The passage of this bill will increase public expenditures about $700,000 annually. It is my understanding that the United States Employees' Compensation Commission has not asked for a greater increase than 50 per cent over the amounts provided in the original law, which would make the maximum $100 per month. Even at that figure the rates would be in excess of those provided in the employees' compensation acts of most of the States of the Union.

Gentlemen, if you pass this bill, let me call your attention to what you will be doing when you pass it. You will provide a maximum compensation to civil employees of the Government, such as rural carriers, Government clerks, letter carriers, postal clerks, immigration inspectors, customhouse employees, and so on, who are totally disabled in the civil service of the Government—you will provide a better compensation for total disability in such cases than you have provided for our valiant men who were totally disabled on the battle fields of France. I am against such a proposition.

Mr. SCHAFER. Will the gentleman yield?

Mr. BLACK of Texas. I yield.

Mr. SCHAFER. Then why not increase the compensation that you provide for those soldiers?

Mr. BLACK of Texas. We have not that proposition before us, and what I am contending is——

Mr. SCHAFER. The gentleman is bringing it before us as a point of argument.

Mr. BLACK of Texas. Yes; not only that, but I have no apology to make for the argument. If the gentleman is willing to sit here and vote for a bill that will give a greater compensation to civilian employees of the Government for total disability than that which is paid to a man who was totally disabled on the battle fields of France, if he is willing to do that, he is willing to do more than I am willing to do. I have no attack to make on rural letter carriers, postal clerks, Government clerks in general, and men of that kind; no attack whatever. They are worthy men. They do efficient service for the Government of the United States; but I am not going to put myself in the position of voting one of these civilian employees a greater compensation for disability than we are paying to the men who were disabled on the battle fields in defense of their country's flag. Other Members of the House can do that if they wish, but I will not be among the number.

Mr. VAILE. Will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. VAILE. While the gentleman is emphasizing that point, will he not be good enough to admit that the compensation paid to soldiers can be considerably more than this amount when such a soldier has dependents? And most of these civil-service employees will have dependents.

Mr. BLACK of Texas. Not necessarily. Let me call this fact to the gentleman's attention. This bill will permit a payment for temporary disability to a civilian employee of $116 a month, and yet the gentleman well knows that the rating for temporary disability in the Veterans' Bureau is $80 a month.

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

Mr. BLACK of Texas. I yield to the gentleman from Texas.

Mr. HUDSPETH. If I understand the bill correctly, this additional pay comes out of the fund that these employees pay in.

Mr. BLACK of Texas. Not a cent of it in the world. If the employees contributed the fund, I would not make any objection.

It all comes out of the Treasury of the United States and is paid by the taxpayers and there is no contribution on the part of the employee for these disability benefits paid under the provisions of the employees' compensation act. If a farmer gets injured while following his very useful and necessary calling, he gets no compensation at all, unless he happens to have accident insurance which he has paid for out of his own hard-earned funds; whereas under the United States compensation act, if a rural letter carrier, postal clerk, customhouse employee, or any other Government employee is injured, he gets fairly liberal compensation, even under present provisions of the act.

Under this bill which we are now considering these compensation benefits will be increased by 75 per cent, and every cent of it will come out of the pockets of the taxpayers and none of it will come out of funds contributed by the Government employees. I am against it.

Mr. VAILE. Will the gentleman indulge me? The compensation of veterans is doubled in certain cases.

Mr. BLACK of Texas. I know. I would have no objection to a provision of that kind here. If you will write a provision that affects only a comparatively few, I would be glad to vote for it. I do not mind stating that when some representatives of the employees came to see me about it I stated to them that if they would have the bill amended to provide for special cases, I would be glad to vote for it.

Mr. VAILE. The whole argument of the gentleman is that we ought not to give these men enough because other men have not got enough.

Mr. BLACK of Texas. The argument that I am making is that the Congress of the United States has by affirmative vote said that $100 shall be paid per month for permanent total disability to disabled veterans of the World War, and for a temporary total disability $80 per month shall be paid to such veterans. That is the law of the land; it has been the law for several years. Not only that, but Congress has failed to put on the retired list, as provided by the Fitzgerald bill and the Tyson bill emergency Army officers, and many of them who were totally disabled are only drawing $100 per month. Now, I submit that if we are going into the business of increasing compensation above $100 we should first begin in favor of those who were totally disabled in the defense of the flag of our country. [Applause.]

Mr. SCHAFER. Will the gentleman yield?

Mr. BLACK of Texas. I will yield to the gentleman.

Mr. SCHAFER. Will the gentleman vote for all legislation to increase the compensation for disabled veterans?

Mr. BLACK of Texas. I can answer that by saying that I have supported most all legislation of that kind. I am not on the Veterans Committee, but I have been voting consistently in support of legislation that has been brought before the House for the benefit of disabled ex-service men. I think this bill we are now considering should be defeated, and therefore I shall vote against it. Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania to suspend the rules and pass the bill as amended.

The question was taken; and on a division (demanded by Mr. BLACK of Texas) there were—83 ayes and 27 noes.

Mr. BLACK of Texas. Mr. Speaker, I object to the vote on the ground that there is no quorum present.

The SPEAKER. Evidently there is no quorum present.

The doors were closed, the Sergeant at Arms was directed to bring in absent Members, and the Clerk called the roll.

The question was taken; and there were—yeas 310, nays 20, answered "present" 1, not voting 102, as follows:

[Roll No. 10]

YEAS—310

| | | | |
|---|---|---|---|
| Ackerman | Boylan | Connery | Fish |
| Adkins | Brand, Ga. | Cooper, Wis. | Fisher |
| Aldrich | Brand, Ohio | Corning | Fitzgerald, Roy G. |
| Allen | Briggs | Coyle | Fitzgerald, W. T. |
| Allgood | Brigham | Crisp | Fletcher |
| Almon | Britten | Crosser | Fort |
| Andresen | Browne | Crowther | Foss |
| Andrew | Browning | Crumpacker | Free |
| Appleby | Brumm | Dallinger | Freeman |
| Arentz | Buchanan | Darrow | French |
| Arnold | Bulwinkle | Davis | Frothingham |
| Aswell | Burtness | Dempsey | Funk |
| Auf der Heide | Burton | Denison | Furlow |
| Ayres | Busby | Dickinson, Iowa | Gallivan |
| Bacharach | Butler | Dickinson, Mo. | Gambrill |
| Bachmann | Byrns | Doughton | Gardner, Ind. |
| Bacon | Campbell | Dowell | Garrett, Tex. |
| Bailey | Cannon | Drane | Gasque |
| Barbour | Carpenter | Drewry | Gibson |
| Beck | Carss | Driver | Gifford |
| Beedy | Carter, Calif. | Dyer | Goodwin |
| Beers | Carter, Okla. | Eaton | Graham |
| Begg | Chalmers | Edwards | Green, Fla. |
| Berger | Chapman | Elliott | Greenwood |
| Black, N. Y. | Chindblom | Ellis | Griest |
| Bland | Christopherson | Englebright | Griffin |
| Bloom | Clague | Eslick | Hadley |
| Boies | Cochran | Esterly | Hall, N. Dak. |
| Bowles | Cole | Evans | Hammer |
| Bowling | Collier | Fairchild | Hardy |
| Bowman | Colton | Faust | Hastings |
| Box | Connally, Tex. | Fenn | Haugen |

| | | | |
|---|---|---|---|
| Hawley | Lozier | Pratt | Sweet |
| Hayden | Luce | Purnell | Taylor, Colo. |
| Hersey | Lyon | Quin | Taylor, Tenn. |
| Hill, Ala. | McClintic | Ragon | Temple |
| Hill, Md. | McDuffie | Rainey | Thatcher |
| Hill, Wash. | McKeown | Ramseyer | Thomas |
| Hogg | McLeod | Rathbone | Thompson |
| Holaday | McReynolds | Rayburn | Thurston |
| Hooper | McSweeney | Reece | Tilson |
| Houston | MacGregor | Reed, N. Y. | Timberlake |
| Howard | Magee, N. Y. | Reid, Ill. | Tinkham |
| Huddleston | Major | Robinson, Iowa | Tolley |
| Hudson | Manlove | Robsion, Ky. | Treadway |
| Hudspeth | Mansfield | Rogers | Tucker |
| Hull, Tenn. | Mapes | Romjue | Tydings |
| Hull, William E. | Martin, La. | Rouse | Underwood |
| Irwin | Martin, Mass. | Rowbottom | Vaile |
| James | Menges | Rubey | Vestal |
| Jenkins | Michaelson | Rutherford | Vincent, Mich. |
| Johnson, S. Dak. | Michener | Sanders, N. Y. | Vinson, Ga. |
| Johnson, Tex. | Miller | Sanders, Tex. | Vinson, Ky. |
| Johnson, Wash. | Milligan | Sandlin | Voigt |
| Jones | Montague | Schafer | Walters |
| Kahn | Moore, Ky. | Schneider | Warren |
| Kearns | Moore, Ohio | Scott | Wason |
| Keller | Morehead | Sears, Fla. | Watres |
| Kemp | Morgan | Sears, Nebr. | Watson |
| Kerr | Morrow | Seger | Weaver |
| Ketcham | Murphy | Shreve | Welch, Calif. |
| Kiefner | Nelson, Me. | Simmons | Wheeler |
| Kincheloe | Nelson, Mo. | Sinclair | White, Kans. |
| Kopp | Nelson, Wis. | Sinnott | Whitehead |
| Kvale | Newton, Minn. | Smith | Williams, Ill. |
| LaGuardia | Newton, Mo. | Smithwick | Williams, Tex. |
| Lampert | Norton | Snell | Williamson |
| Lanham | O'Connell, N. Y. | Sosnowski | Wilson, La. |
| Lankford | O'Connell, R. I. | Speaks | Wilson, Miss. |
| Lazaro | O'Connor, La. | Spearing | Winter |
| Lea, Calif. | Oldfield | Sproul, Kans. | Wolverton |
| Leatherwood | Oliver, Ala. | Stalker | Woodruff |
| Leavitt | Patterson | Stobbs | Woodyard |
| Lehlbach | Peavey | Strother | Wright |
| Letts | Perkins | Sullivan | Wurzbach |
| Lineberger | Porter | Summers, Wash. | Yates |
| Linthicum | Pou | Sumners, Tex. | |
| Little | Prall | Swank | |

NAYS—20

| | | | |
|---|---|---|---|
| Black, Tex. | Fulmer | Hoch | Shallenberger |
| Blanton | Garber | Lowrey | Steagall |
| Cox | Garner, Tex. | McMillan | Stevenson |
| Deal | Gilbert | McSwain | Tincher |
| Dominick | Hare | Peery | Whittington |

ANSWERED "PRESENT"—1

Rankin

NOT VOTING—102

| | | | |
|---|---|---|---|
| Abernethy | Golder | McFadden | Stephens |
| Anthony | Goldsborough | McLaughlin, Mich. | Strong, Kans. |
| Bankhead | Gorman | McLaughlin, Nebr. | Strong, Pa. |
| Barkley | Green, Iowa | Madden | Swartz |
| Bell | Hale | Magee, Pa. | Swing |
| Bixler | Hall, Ind. | Magrady | Swoope |
| Burdick | Harrison | Mead | Taber |
| Canfield | Hickey | Merritt | Taylor, N. J. |
| Carew | Hull, Morton D. | Mills | Taylor, W. Va. |
| Celler | Jacobstein | Montgomery | Tillman |
| Cleary | Jeffers | Mooney | Underhill |
| Collins | Johnson, Ill. | Moore, Va. | Updike |
| Connolly, Pa. | Johnson, Ind. | Morin | Upshaw |
| Cooper, Ohio | Johnson, Ky. | O'Connor, N. Y. | Vare |
| Cramton | Kelly | Oliver, N. Y. | Wainwright |
| Cullen | Kendall | Parker | Wefald |
| Curry | Kiess | Parks | Weller |
| Davenport | Kindred | Perlman | Welsh, Pa. |
| Davey | King | Phillips | White, Me. |
| Dickstein | Kirk | Quayle | Wingo |
| Douglass | Knutson | Ransley | Wood |
| Doyle | Kunz | Reed, Ark. | Woodrum |
| Frear | Kurtz | Sabath | Wyant |
| Fredericks | Larsen | Somers, N. Y. | Zihlman |
| Garrett, Tenn. | Lee, Ga. | Sproul, Ill. | |
| Glynn | Lindsay | Stedman | |

So, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

The Clerk announced the following pairs:

General pairs until further notice:

Mr. Madden with Mr. Garrett of Tennessee.
Mr. Wood with Mr. Douglass.
Mr. Stephens with Mr. Steadman.
Mr. Underhill with Mr. Bankhead.
Mr. Mills with Mr. Moore of Virginia.
Mr. Cramton with Mr. Carew.
Mr. Hall of Indiana with Mr. Mooney.
Mr. McFadden with Mr. Tillman.
Mr. Connolly of Pennsylvania with Mr. Harrison.
Mr. Merritt with Mr. Kunz.
Mr. McLaughlin of Michigan with Mr. Woodrum.
Mr. Morin with Mr. Lindsay.
Mr. Johnson of Illinois with Mr. Davey.
Mr. Strong of Pennsylvania with Mr. Mead.
Mr. Kendall with Mr. Doyle.
Mr. Anthony with Mr. Weller.
Mr. Welsh of Pennsylvania with Mr. Cleary.
Mr. Green of Iowa with Mr. O'Connor of New York.
Mr. Vare with Mr. Bell.
Mr. Phillips with Mr. Cullen.
Mr. Swing with Mr. Parks.
Mr. Taber with Mr. Quayle.
Mr. Kiess with Mr. Barkley.
Mr. Knutson with Mr. Wingo.
Mr. Ransley with Mr. Johnson of Kentucky.
Mr. Curry with Mr. Larsen.
Mr. Wyant with Mr. Canfield.
Mr. Burdick with Mr. Somers of New York.
Mr. Davenport with Mr. Abernethy.
Mr. Hickey with Mr. Upshaw.
Mr. King with Mr. Jeffers.
Mr. Taylor of New Jersey with Mr. Oliver of New York.
Mr. Swoope with Mr. Collins.
Mr. Sproul of Illinois with Mr. Taylor of West Virginia.
Mr. Kurtz with Mr. Dickstein.
Mr. Wainwright with Mr. Reed of Arkansas.
Mr. Cooper of Ohio with Mr. Sabath.
Mr. White of Maine with Mr. Kindred.
Mr. Zihlman with Mr. Jacobstein.
Mr. Glynn with Mr. Lee of Georgia.
Mr. Parker with Mr. Goldsborough.
Mr. Frear with Mr. Celler.
Mr. Johnson of Indiana with Mr. Wefald.

INCREASE OF PENSIONS TO MAIMED VETERANS

Mr. ELLIOTT. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 13451) to increase the pensions of certain maimed veterans who have lost limbs or have been totally disabled in the same in line of duty, in the military or naval service of the United States; and to amend section 4788 of the Revised Statutes of the United States by increasing the rates therein for artificial limbs.

The SPEAKER. The gentleman from Indiana moves to suspend the rules and pass the bill H. R. 13451, which the Clerk will report.

The Clerk read as follows:

*Be it enacted, etc.*, That from and after the approval of this act all persons now on the pension roll, and all persons hereafter granted a pension, who while in the military or naval service of the United States, and in line of duty, shall have lost one hand or one foot, or have been totally disabled in the same, shall receive a pension at the rate of $80 per month; that all persons who in like manner shall have lost an arm at or at any point above the elbow, or a leg at or at any point above the knee, or have been totally disabled in the same, shall receive a pension at the rate of $90 per month.

SEC. 2. That section 4788 of the Revised Statutes of the United States is hereby amended to read as follows: Every person entitled to the benefits of the preceding section may, if he so elects, receive, instead of such limb or apparatus, the money value thereof at the following rates, namely: For artificial legs, $125; for arms, $100; for feet, $100; for apparatus for resection, $100.

The SPEAKER. Is a second demanded?

Mr. UNDERWOOD. Mr. Speaker, I demand a second.

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Indiana is entitled to 20 minutes and the gentleman from Ohio to 20 minutes.

Mr. ELLIOTT. Mr. Speaker, this bill will apply to 1,097 pensioners of the United States now on the rolls. It increases the pensions of the soldiers who shall have lost one hand or foot or have been totally disabled in the same by $15 a month. They are now getting $65 a month and this bill will give them $80 a month. It also increases the pension of those who have lost an arm at or any point above the elbow, or a leg at or any point above the knee, or have been totally disabled in the same, by $15 a month. They are now getting $75 a month and this new act will give them $90 a month.

Section 2 of the bill amends section 4788 of the Revised Statutes of the United States, which was approved June 17, 1870, and which provides for the furnishing to these maimed soldiers of artificial legs, arms, feet, and apparatus for resection. In all these cases the amount is increased $50 in order to meet the condition that now exists in regard to the cost of these various things.

Mr. McSWAIN. From which committee does this report come?

Mr. ELLIOTT. From the Committee on Invalid Pensions.

Mr. McSWAIN. To what class of soldiers does the bill apply?

Mr. ELLIOTT. It applies to any maimed soldier of any war. I think there are about four or five men, probably, of the World War that are drawing compensation under this act. I do not know why. It applies principally to soldiers of the Spanish War, the Civil War, and the Mexican War.

Mr. McSWAIN. And soldiers in the Regular Establishment?

Mr. ELLIOTT. Yes; any soldier who was injured in this way.

Mr. IRWIN. Are the World War veterans included in this?

Mr. ELLIOTT. The World War veterans could be pensioned under this, but this does not amend the act under which they receive compensation for like injuries. Their act is more liberal than this.

Mr. IRWIN. The bill says all soldiers on the pension rolls.

Mr. ELLIOTT. They are not on the pension rolls. They are on the compensation rolls.

Mr. IRWIN. They would be excluded?

Mr. ELLIOTT. Yes. Mr. Speaker, I reserve the remainder of my time.

Mr. UNDERWOOD. Mr. Speaker, I do not have any requests for time.

The SPEAKER. The question is on the motion of the gentleman from Indiana to suspend the rules and pass the bill.

The question was taken; and in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

SURVEY OF PUBLIC BUILDINGS (H. DOC. NO. 651)

Mr. ELLIOTT. Mr. Speaker, I desire to submit a request for unanimous consent. On Saturday afternoon the Secretary of the Treasury and the Postmaster General sent to the Committee on Public Buildings and Grounds of the House of Representatives a report of the survey they had made throughout the country of the public buildings situation. This is a voluminous report and contains information that almost every Member of the House and the Senate needs and wants. I ask unanimous consent that this report be printed as a House document.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the report recently submitted by the Secretary of the Treasury in regard to the public building situation be printed as a public document. Is there objection?

There was no objection.

CONSTRUCTION AT CERTAIN MILITARY POSTS

Mr. JAMES. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 15547) to authorize appropriations for construction at military posts, and for other purposes, which I send to the desk.

The SPEAKER. The gentleman from Michigan moves to suspend the rules and pass the bill, which the Clerk will report.

The Clerk read as follows:

*Be it enacted, etc.*, That there is hereby authorized to be appropriated not to exceed $3,680,000 from the net proceeds derived from the sale of surplus War Department real property, including the sale of surplus buildings, deposited in the Treasury, as authorized by the act approved March 12, 1926 (Public, No. 45, 69th Cong.), and there is hereby authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $1,400,000, the total of said sums to be expended for the construction and installation at military posts of such buildings and utilities and appurtenances thereto as in the judgment of the Secretary of War may be necessary, as follows: Schofield Barracks, hospital $260,000; Camp Lewis, Wash., hospital $128,000, officers' quarters $72,000, noncommissioned officers' quarters $30,000; Camp Devens, Mass., hospital $300,000; Fort Benning, Ga., barracks $465,000, hospital $180,000; Fort Sam Houston, Tex., barracks $300,000; Fort Bragg, N. C., barracks $310,000, officers' quarters $72,000, noncommissioned officers' quarters $45,000; Camp Meade, Md., barracks $300,000; Selfridge Field, Mich., officers' quarters $72,000; Fort Monmouth, N. J., officers' quarters $72,000, noncommissioned officers' quarters, $15,000; Fort Sill, Okla., officers' quarters $72,000; Fort Riley, Kans., officers' quarters $72,000; March Field, Calif., barracks $550,000, officers' quarters $750,000; Kelly Field, Tex., barracks $490,000; Brooks Field, Tex., barracks $521,000: *Provided*, That any unexpended balances or combined unexpended balances of any of the above amounts shall be available interchangeably for appropriation on any of the hospitals, barracks, or noncommissioned officers' quarters herein authorized: *And provided further*, That hereafter no part of this appropriation or any appropriation hereafter made shall be expended for the construction of quarters for officers of the Army in the United States or its possessions, the total cost of which, including heating and plumbing apparatus, wiring, and fixtures, shall exceed in the case of an officer above the rank of captain, $14,500, and of an officer of and below the rank of captain, $12,500.

The SPEAKER. Is a second demanded? [After a pause.] No demand being made for a second, the question is on the motion of the gentleman from Michigan to suspend the rules and pass the bill.

The question was taken, and in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

The SPEAKER. The Clerk will resume the reading of the bills on the Consent Calendar.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT QUINCY, ILL.

The next business on the Consent Calendar was the bill (H. R. 15014) granting the consent of Congress to the city of Quincy, State of Illinois, its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

*Be it enacted, etc.*, That the consent of Congress is hereby granted to the city of Quincy, State of Illinois, its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River at a point suitable to the interests of navigation, between the city of Quincy, State of Illinois, and a point opposite in the State of Missouri, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the city of Quincy, its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property in such State.

SEC. 3. The said city of Quincy, its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. In fixing the rates of toll to be charged for the use of such bridge the same shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, and to provide a sinking fund sufficient to amortize the cost of such bridge and its approaches as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the completion thereof. After a sinking fund sufficient to pay the cost of constructing the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the cost of the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 5. The right to alter, amend, or repeal this act is hereby expressly reserved.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE RED RIVER AT FULTON, ARK.

The next business on the Consent Calendar was the bill (H. R. 15530) to extend the time for the construction of a bridge across Red River at Fulton, Ark.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

*Be it enacted, etc.*, That the time for beginning and completing the construction of the bridge authorized by the "act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across Red River near Fulton, Ark.," approved February 4, 1926, is hereby extended one year and three years, respectively, from the date of the approval hereof.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

LOAN OF COTS, BLANKETS, ETC., TO THE VIRGINIA DEPARTMENT OF THE VETERANS OF FOREIGN WARS ENCAMPMENT

The next business on the Consent Calendar was the joint resolution (H. J. Res. 318) to authorize the Secretary or War to lend tentage, cots, and blankets for the use of the Virginia Department of the Veterans of Foreign Wars at its annual encampment, June, 1927.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The Clerk read as follows:

*Resolved, etc.*, That the Secretary of War be, and he is hereby, authorized to lend, at his discretion, to the Thurbert Conklin Post No. 1177 of the Veterans of Foreign Wars of the United States, of Purcellville, Va., for use in connection with the annual encampment of the Virginia Department of the Veterans of Foreign Wars of the United States, to be held at Purcellville, Va., on or about June 27, 28, and 29, 1927, 30 tents, of size and pattern available, and 100 cots and 100 blankets: *Provided*, That no expense shall be caused the United States by the delivery and return of said property, the same to be delivered at such time prior to the holding of the said encampment as may be agreed upon by the Secretary of War and Richard D. Dear, post commander: *Provided further*, That the Secretary of War, before delivering said property, shall take from said Richard D. Dear a good and sufficient bond for the safe return of said property in good order and condition, and the whole without expense to the United States.

The joint resolution was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider the vote by which the joint resolution was passed was laid on the table.

PURCHASE OF LAND FOR CAMP MARFA, TEX.

The next business on the Consent Calendar was the bill (H. R. 11321) for the purchase of land for use in connection with Camp Marfa, Tex.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I notice that the report says the lease provides for annual rentals until 1929, next year, for 21½ acres and until 2018 for 426½ acres. Now, will this purchase the 448 acres or just the 21½ acres?

Mr. WURZBACH. It provides for 448 acres.

Mr. LAGUARDIA. Will the gentleman accept an amendment in line 6 and say not less than 448 acres, because there seems to be some confusion?

Mr. HUDSPETH. It is contemplated to purchase 448 acres. But it may not be necessary to purchase the entire amount, so I suggest that the gentleman would not want to offer that amendment.

Mr. LAGUARDIA. What we want to make clear for the record is that the $27,000 is not only for the 21½ acres of land, the lease of which expires next year, but——

Mr. HUDSPETH. But I will say to the gentleman from New York it is to purchase 448 acres, as stated by General Cheatham in his statement.

Mr. LAGUARDIA. The lease on the 426½ acres does not expire until 2018. If the bill makes it clear now, of course I will not insist on my amendment.

Mr. WURZBACH. The gentleman will note that this purchase will save $2,400 a year in rent.

Mr. LAGUARDIA. That is what you stop if you got the 448 acres?

Mr. WURZBACH. Absolutely; and the Government will save that $2,400 a year at least.

Mr. LAGUARDIA. Is this the understanding of the chairman of the Committee on Military Affairs?

Mr. JAMES. Yes.

Mr. HUDSPETH. Mr. Speaker, I ask unanimous consent to substitute the bill S. 3992, an identical bill, which is now on the calendar.

The SPEAKER. The gentleman from Texas asks unanimous consent to substitute the bill S. 3992 for the bill H. R. 11321. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That a sum not to exceed $27,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the acquisition of the fee title to land in the vicinity of and in connection with the present military reservation at Camp Marfa, Tex., and the Secretary of War is hereby empowered and authorized to acquire said land either by purchase or condemnation.

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

A motion to reconsider the vote by which the bill was passed was laid on the table. A similar House bill (H. R. 11321) was laid on the table.

REVISION AND PRINTING OF INDEX TO FEDERAL STATUTES

The next business on the Consent Calendar was the bill (H. R. 9173) providing for the revision and printing of the index to the Federal Statutes.

The Clerk read the title of the bill.

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

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That the Librarian of Congress is hereby authorized and directed to have the index to the Federal Statutes, published in 1908 and known as the Scott and Beaman Index, revised and extended to include the acts of Congress down to and including the acts of the Sixty-ninth Congress, and to have the revised index printed at the Government Printing Office.

SEC. 2. There is hereby authorized to be appropriated for carrying out the provisions of this act the sum of $25,000, to remain available until expended.

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

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

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

BIENNIAL INDEX TO STATE LEGISLATION

The next business on the Consent Calendar was the bill (H. R. 9174) providing for the preparation of a biennial index to State legislation.

The title of the bill was read.

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

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That the Librarian of Congress is hereby authorized and directed to prepare and to report to Congress biennially an index to the legislation of the States of the United States enacted during the biennium.

SEC. 2. There is hereby authorized to be appropriated annually for carrying out the provisions of this act the sum of $25,000, to remain available until expended.

Mr. LAGUARDIA. Mr. Speaker, I see by the report that it is anticipated that the cost of printing is defrayed by the sale of the index. While this work should be done, there will be no such demand for it as to bring in the amount which the printing and compiling of this index would cost, which is $25,000 a year. I do not suppose there will be a demand for more than a thousand copies a year. That would not be anything like the amount appropriated here, whereas the report might give that impression, that this is a paying proposition.

Mr. LUCE. Having appeared in behalf of this bill before the Committee on the Judiciary, I may attempt to answer the question, although I am not on the committee itself. The demand for this index comes from lawyers, from writers, from departments of political science, from the large public libraries over the country, from the legislative reference bureaus, from the law libraries, as well as from the libraries now maintained by the research departments of the large corporations. Perhaps the gentleman from New York does not realize how large a factor that last possibility is. There are now many great business concerns in the country which maintain at much expense organizations for profiting by pertinent information of every kind. It is undoubtedly through their support that such a publication as the United States Daily can be maintained. I would not, of course, say that there is any certainty that this will cost the Government nothing, but the feeling of the librarians of the country and of those who work in this field is that it is desirable to have a work of such importance done in any case.

Mr. LAGUARDIA. I appreciate the great importance of the work, but I put the House on notice that it will probably not be self-sustaining. However, I shall not vote against the bill.

Mr. BLACK of Texas. Mr. Speaker, will the gentleman from Massachusetts [Mr. LUCE] give us information as to whether this work provided for in the bill just passed will be a duplicate of what is to be done under the bill revising the statutes? If I recall correctly, when the bill recently passed the House authorizing a revision of the statutes it also authorized a complete index of the statutes.

Mr. LUCE. Mr. Speaker, the gentleman from Texas is addressing his remarks to the wrong bill.

Mr. BLACK of Texas. I am addressing my remarks to the prior bill.

Mr. LUCE. I had no share in that bill.

Mr. BLACK of Texas. Mr. Speaker, can the gentleman from Maine [Mr. HERSEY] give us some information on that?

Mr. HERSEY. There will be no duplication, I can say to the gentleman. He will remember that the bill under consideration now is the biennial index of legislation, which could not possibly be of much help to them.

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

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

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER. The Clerk will report the next bill.

BRIDGE ACROSS ARCHER'S CREEK IN SOUTH CAROLINA

The next business on the Consent Calendar was the bill (H. R. 12852) authorizing the Secretary of the Navy to accept on behalf of the United States title in fee simple to a certain strip of land and the construction of a bridge across Archers Creek in South Carolina.

The title of the bill was read.

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

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That the Secretary of the Navy is hereby authorized to accept on behalf of the United States, free from encumbrances and without cost to the United States, the title in fee simple to the following described parcel of land, to be used as right of way for a road from Jericho Point to the Marine Corps reservation on Parris Island, S. C.: Starting at a point on the north bank of Archers Creek, north 64 degrees, 29 minutes west, 6,563 feet from monument No. 31 at the marine barracks, Parris Island, S. C., thence north, 13 degrees, 40 minutes west, 4,605 feet to a point at the mean high water line near Jericho Point; thence north, 87 degrees, 39 minutes east, 204 feet to a point also at the mean high water line near Jericho Point; thence south, 13 degrees and 40 minutes east, 4,565 feet to a point on the north bank of Archers Creek; thence south 76 degrees and 20 minutes west, 200 feet to the point of beginning.

SEC. 2. That the Secretary of the Navy is further authorized and directed to cause to be constructed, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906 (34 Stat., p. 84), a steel bridge across Archers Creek in Beaufort County, State of South Carolina, to connect the Marine Corps reservation on Parris Island with Port Royal Island to Jericho Point, in said county, at a cost to the Government of the United States not to exceed $30,000, which sum, or so much thereof as may be necessary, is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expense and cost of constructing said bridge.

SEC. 3. The Secretary of the Navy is further authorized to execute on behalf of the United States all instruments necessary to accomplish the purposes aforesaid.

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

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

GRANTING OF CERTAIN LANDS TO BOUNTIFUL, UTAH

The next business on the Consent Calendar was the bill (H. R. 13212) granting certain lands to the city of Bountiful, Utah, to protect the watershed of the water-supply system of said city.

The title of the bill was read.

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

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That upon payment of $1.25 per acre there is hereby granted to the city of Bountiful, Utah, and the Secretary of the Interior is hereby authorized and directed to issue patent to the city of Bountiful, Utah, for certain public lands for the protection of the watershed furnishing the water for said city, the lands being described as follows: All of section 24, township 2 north, range 1 east, Salt Lake meridian, and containing approximately 640 acres, more or less.

SEC. 2. The conveyance hereby authorized shall not include any lands which at the date of the issuance of patent shall be covered by a valid existing bona fide right or claim initiated under the laws of the United States: *Provided*, That there shall be reserved to the United States all oil, coal, and other mineral deposits that may be found on the lands so granted and the right to prospect for, mine, and remove the same: *Provided further*, That said city shall not have the right to sell or convey the land herein granted, or any part thereof, or to devote the same to any other purpose than as hereinbefore described; and if the said land shall not be used for such municipal purpose the same, or such parts thereof not so used, shall revert to the United States. The conditions and reservations herein provided for shall be expressed in the patent.

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

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

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER. The Clerk will report the next bill.

POST-OFFICE SITE AT TAMAQUA, PA.

The next business on the Consent Calendar was the bill (H. R. 15016) to authorize the purchase of a post-office site at Tamaqua, Pa., subject to mineral reservations.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That in carrying into effect existing legislation providing for the purchase of a site and the erection of a post-office building at Tamaqua, Pa., the Secretary of the Treasury is hereby authorized to accept a title subject to the reservation of mineral rights.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

SUBTREASURY BUILDING AND SITE IN SAN FRANCISCO, CALIF.

The next business on the Consent Calendar was the bill (H. R. 14925) authorizing the sale of the new subtreasury building and site in San Francisco, Calif.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and empowered, in his discretion, to sell the new subtreasury building and site, San Francisco, Calif., at such time and upon such terms as he may deem to be to the best interests of the United States, and to convey such property to the purchaser thereof by the usual quitclaim deed; the proceeds of said sale to be covered into the Treasury as miscellaneous receipts.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

HELIUM GAS

The next business on the Consent Calendar was the bill (H. R. 15344) to amend the act entitled "An act authorizing the conservation, production, and exploitation of helium gas, a mineral resource pertaining to the national defense, and to the development of commercial aeronautics, and for other purposes."

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the act entitled "An act authorizing the conservation, production, and exploitation of helium gas, a mineral resource pertaining to the national defense, and to the development of commercial aeronautics, and for other purposes," approved March 3, 1925, be, and it is hereby, amended to read as follows:

"SECTION 1. That for the purpose of producing helium with which to supply the needs of the Army and Navy and other branches of the Federal Government, the Secretary of Commerce is hereby authorized to acquire land or interest in land by purchase, lease, or condemnation, where necessary, when helium can not be purchased from private parties at less cost, to explore for, procure, or conserve helium-bearing gas; to drill or otherwise test such lands; and to construct plants, pipe lines, facilities, and accessories for the production, storage, and repurification of helium: *Provided*, That any known helium-gas bearing land on the public domain not covered at the time by leases or permits under the act of February 25, 1920, entitled 'An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain,' may be reserved for the purposes of this act, and that the United States reserves the ownership and the right to extract, under such rules and regulations as shall be prescribed by the Secretary of

the Interior, helium from all gas produced from lands so permitted, leased, or otherwise granted for development.

"SEC. 2. That the Bureau of Mines, acting under the direction of the Secretary of Commerce, is authorized to maintain and operate helium production and repurification plants, together with facilities and accessories thereto; to store and care for helium; to conduct exploration for and production of helium on and from the lands acquired or set aside under this act; to conduct experimentation and research for the purpose of discovering helium supplies and improving processes and methods of helium production, repurification, storage, and utilization.

"SEC. 3. That all Government plants operated by the Government or under lease or contract with it for the production of helium shall be under the jurisdiction of the Bureau of Mines: *Provided*, That the Army and Navy and other branches of the Federal service requiring helium may requisition it from the said bureau and make payment therefor from any applicable appropriation at actual cost of said helium to the United States, including all expenses connected therewith: *Provided further*, That any surplus helium produced may, until needed for Government use, be leased to American citizens or American corporations under regulations approved by the President: *and provided further*, That even though no surplus exists, helium may be furnished to aid scientific and commercial development upon approval of the Secretary of War, the Secretary of the Navy, and the Secretary of Commerce, and under regulations approved by the President: *And provided further*, That all moneys received from the sale or leasing of helium shall be credited to a helium-production account and shall be and remain available for the purposes of this section; and that any gas belonging to the United States, after the extraction of helium or any by-product not needed for Government use, shall be sold; and the proceeds of such sales in excess of the cost of said gas or by-product shall be deposited in the Treasury to the credit of miscellaneous receipts.

"SEC. 4. That hereafter no helium gas shall be exported from the United States, or from its possessions, until after application for such exportation has been made to the Secretary of Commerce and permission for said exportation has been obtained from the President of the United States, on the joint recommendation of the Secretary of War, the Secretary of the Navy, and the Secretary of Commerce. That any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine of not more than $5,000 or by imprisonment of not more than one year, or by both such fine and imprisonment, and the Federal courts of the United States are hereby granted jurisdiction to try and determine all questions arising under this section.

"SEC. 5. The Army and Navy may each designate an officer to cooperate with the Department of Commerce in carrying out the purposes of this act, and shall have complete right of access to plants, data, and accounts."

With the following committee amendments:

On page 3, line 17, strike out the words "*And provided*" and insert in lieu thereof the word "*Provided*."

On page 3, line 18, after the word "helium," insert the words "in an amount not to exceed 5,000 cubic feet in any one year."

Page 3, line 20, strike out the word "furnished" and insert in lieu thereof the words "leased or sold."

The committee amendments were agreed to.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

LONGEVITY PAY BILL

The SPEAKER. The House this morning passed what was known as the longevity pay bill, a Senate bill. Without objection, the Chair will lay on the table a similar House bill.

Mr. BLACK of Texas. Mr. Speaker, there was one difference between the House bill and the Senate bill. The Senate bill provided a limitation of 20 per cent on attorneys' fees, while the House bill provided a limitation of 10 per cent. I do not know whether that would be a difference substantial enough to prevent the laying of the House bill on the table?

The SPEAKER. The Chair would not think so. The Chair thinks it would be proper to lay the House bill on the table without objection. Is there objection?

There was no objection.

BUCKEYE TARGET RANGE, ARIZ.

The next business on the Consent Calendar was the bill (H. R. 12797) to authorize the sale of the Buckeye Target Range, Ariz.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of War is hereby authorized and directed to sell the Buckeye Target Range, consisting of the east half of section 30 and the southeast quarter of section 19, township 1 north, range 3 west, Gila and Salt River base and Meridian, Ariz., and to dispose of the proceeds of such sale, as is provided by the act of Congress, approved May 12, 1917 (40 Stat. L. p. 67), providing for the sale of target ranges acquired by purchase: *Provided*, That said land shall be sold at public sale after such advertisement and under such regulations as the Secretary of War may prescribe.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

DONATION OF BRASS CANNON TO THE WAYNE COUNTY COUNCIL OF THE VETERANS OF FOREIGN WARS, DETROIT, MICH.

The next business on the Consent Calendar was the bill (H. R. 1130) authorizing the Secretary of War to donate to the Wayne County Council of the Veterans of Foreign Wars, of Detroit, State of Michigan, two brass cannons or field pieces.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the War Department be authorized through its Chief of Ordnance to issue and donate two obsolete brass cannons, from the supply available for such donation, to the Wayne County Council of the Veterans of Foreign Wars, General Motors Building, Detroit, Mich.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The title was amended to read as follows: "A bill authorizing the Secretary of War to donate to the Wayne County Council of the Veterans of Foreign Wars, of Detroit, State of Michigan, two obsolete brass cannons."

UNIVERSITY OF UTAH

The next business on the Consent Calendar was the bill (H. R. 13050) releasing and granting to the State of Utah and the University of Utah any and all reversionary rights of the United States in and to the grounds now occupied as a campus by the University of Utah.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That any and all reversionary right, title, or interest which the United States now has in and to the land occupied by the University of Utah as a campus and more particularly described as follows:

Commencing on the west boundary line of the Fort Douglas Military Reservation at a point where it is intersected by the north line of Fourth South Street in Salt Lake City, Utah Territory, and running thence north on said line 136 rods, more or less, to a point where the south line of First South Street, in said city, according to the plat thereof, intersects the said boundary line; thence running east 70 $\frac{5}{10}$ rods; thence south parallel with said west boundary line 136 rods, more or less, to a point due east of the point of beginning; thence running west 70$\frac{5}{10}$ rods to the point of beginning, containing 60 acres, for a site and campus for the University of Utah, and upon the condition that such tract shall be occupied by the said university within five years after the passage of this act, and perpetually thereafter; and in case it is not so occupied and used it shall revert to the United States.

Also the following-described land lying within the Fort Douglas Military Reservation and adjacent to the site of said university in the State of Utah, namely: Beginning at a point of intersection of the wast boundary line of Fort Douglas Reservation and north boundary line of Fourth South Street of Salt Lake City, which point is 10.23 rods east and 192.14 rods south of the northeast corner of section 5, township 1 south, range 1 east, Salt Lake meridian, and which marks the southwest corner of the present campus of the University of Utah, and running thence south 48 rods, thence east 80 rods, thence north 184 rods to the intersection of the prolongation of the north boundary of the campus of the University of Utah, thence west 9.4 rods to the northeast corner of the university campus, thence south 136 rods along the east boundary of the campus to the southeast corner of same; thence west 70.6 rods to point of beginning; and any and all right, title, or interest which the United States may hereafter acquire in or

to any of said lands herein described, or any part thereof, by virtue of the failure of the State of Utah or the University of Utah to occupy and improve said land and maintain the same for university purposes and not otherwise, or in case said State of Utah or the University of Utah should abandon said land for university purposes, be, and the same hereby are, released and granted to and vested in the State of Utah and the University of Utah, and this act shall be deemed a conveyance in fee simple to the land herein described: *Provided*, That the grant of said land shall in no manner carry with it any right or title in or to any portion of the waters of the Red Butte Canyon Creek: *And provided further*, That there is reserved to the United States the perpetual right to maintain, alter, rebuild, and enlarge the sewer which runs from the Fort Douglas military post across said tract of land, or to construct and maintain a new sewer system across the same, should it be desirable so to do.

With the following committee amendments:

On page 1, line 6, strike out all after the word "described" down to and including the word "purposes" in line 17, page 3, and insert: "In the acts of Congress granting same, dated, respectively, July 23, 1894 (28 U. S. Stat. p. 117), and May 16, 1906 (34 U. S. Stat. p. 195)."

Page 3, line 23, after the word "simple," strike out the words "to the land herein described" and insert in lieu thereof the words "of the said land."

Page 3, line 25, after the word "any," insert the word "interest."

Page 4, line 7, after the word "be," insert the words "or become."

The committee amendments were agreed to.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

BOUNDARIES OF BLACK HILLS AND HARNEY FORESTS

The next business on the Consent Calendar was the bill (H. R. 5991) authorizing the adjustment of the boundaries of the Black Hills and Harney Forests, and for other purposes.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That any lands within 5 miles of the exterior boundaries of the Black Hills National or Harney National Forest not in Government ownership, which are found by the Secretary of Agriculture to be chiefly valuable for national forest purposes, may be offered and title thereto accepted in exchange for national forest land or timber in the Black Hills National or Harney National Forest, under and in accordance with the provisions of the act of March 20, 1922, Public 173, and the acts amendatory thereto. Lands conveyed to the United States under this act shall upon acceptance of title become parts of the adjacent national forest.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

INTERNATIONAL TRADE EXHIBITION

The next business on the Consent Calendar was the bill (H. R. 12931) to provide for maintaining, promoting, and advertising the International Trade Exhibition.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That for the purpose of providing the corporation known as the International Trade Exhibition with funds for use in maintaining, promoting, and advertising the permanent trade exposition at New Orleans, La., inaugurated on September 15, 1925, there is hereby authorized to be appropriated a sum not in excess of $150,000. Such sum when appropriated may be expended for such purposes by the corporation.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

CONSTRUCTION AT CERTAIN MILITARY POSTS

Mr. HILL of Maryland. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill (H. R. 15547) which has just been passed.

The SPEAKER. Is there objection?

There was no objection.

Mr. HILL of Maryland. Mr. Speaker, we have just passed, under suspension of the rules, House bill 15547, a bill to authorize appropriations for construction at military posts and for other purposes. This bill authorizes the appropriation at Camp Meade, Md., of $300,000 for barracks. This appropriation is in addition to the $410,000 for barracks at Camp Meade, authorized and appropriated in the last session of this Congress. The $710,000 so appropriated or authorized is to come out of the permanent military posts construction fund, created by the Wadsworth-Hill Act, approved March 12, 1926 (Public, 45th–69th Cong.).

The authorization bill which the House just passed is the second step in the coordination of military posts throughout the United States to correspond to the present corps-area defense system provided by the national defense act. It is also the second step in the very needed housing of the Army.

Several years ago there was considerable apprehension in Maryland lest Camp Meade be discontinued as Third Corps mobilization and training center. I recollect very well several years ago that a delegation of business men from Baltimore came to Washington upon this question. The day they arrived we were holding hearings before a joint subcommittee of the Senate and House Military Affairs Committees on the Wadsworth-Hill bill relating to Army posts and so to the future of Camp Meade. I recollect I was not able to go to the meeting here of the business men from Baltimore; but while they were holding such meeting, in answer to my question before the subcommittee, the Secretary of War stated that it was proposed to retain and develop Camp Meade. The situation as to Camp Meade is fully set forth in the following extract from the report from the Committee on Military Affairs, submitted with the bill we have just passed, and it is as follows:

Camp Meade, Md. (Infantry brigade station): Three hundred thousand dollars for barracks to house one battalion of Infantry. Four hundred and ten thousand dollars was appropriated during the first session of the Sixty-ninth Congress for barracks for the Seventeenth Tank Battalion of 512 men. The entire garrison is occupying temporary war-time frame buildings. It is planned to provide accommodations for 2,965 enlisted men and 152 officers.

The enlisted men scheduled to occupy the new barracks at Camp Meade are now stationed at Forts Howard, Washington, and Eustis. War Department plans contemplate the sale of Forts Washington and Howard, and it is therefore necessary to proceed with the construction of the barracks at Meade in order that those posts may be vacated. At the present time the troops from these forts have to make a journey every year to Camp Meade for their own instruction and for training of the civilian components of the Third Corps Area, resulting in unnecessary cost for transportation and the upkeep of two separate places.

I call attention to this matter not merely because of my interest in Camp Meade, but because of the fact that the development of Camp Meade means the abandonment of small and very expensive posts, in accordance with the recommendations of every Chief of Staff of the Army for the past 40 years.

The old frontier posts that existed in different parts of the United States are not appropriate for the defense system under the national defense act. Troops should be in posts of sufficient size to provide not only for their own training but for the training of the National Guard and the Organized Reserve. Our military and naval establishments are insurance against war, and they should be the best that we possibly can maintain. Eventually Camp Meade, the retention of which as Third Corps Area mobilization center has been made certain by the above appropriations, amounting to $710,000, will be developed as the most important Army post in the vicinity of the National Capital. By reason of its location, its railroad facilities, its nearness to water transportation, and for various other reasons, it is the best possible site for such an Army post.

FARM SURPLUS CONTROL BILL

Mr. McSWAIN. Mr. Speaker, I ask that I be permitted to extend my remarks in the RECORD on the bill H. R. 16250, a bill introduced by myself, to regulate interstate and foreign commerce.

There was no objection.

Mr. McSWAIN. Mr. Speaker, under leave to extend remarks on H. R. 16250, I append letter to me from Mr. Alfred Scarborough, general manager of South Carolina Cotton Growers' Cooperative Association of Columbia, S. C.

Hon. JOHN J. McSWAIN,

*House of Representatives, Washington, D. C.*

DEAR CONGRESSMAN: The board of directors of the South Carolina Cotton Growers' Cooperative Association, at their last meeting held on December 22, 1926, unanimously went on record requesting that each Senator and Congressman be requested to vote at this session of Congress for a way by which unpreventable surpluses may be taken off the

market and not permitted to depress the price of the entire crop below the cost of production. At this time they had in mind most particularly the McNary bill, and are entirely in favor of its passage at the earliest possible moment during this session of Congress, with only such amendments or variations as might be made if deemed necessary, but at the same time making sure that if any changes are made that they be only in so far as will not hinder in the passage at this time of this bill.

No cooperative can afford to burden its members with the entire cost and risk of borrowing money to buy a seasonal surplus and carry it over to other years, nor can a cooperative afford to borrow money for marketing purposes and place a charge upon all commodities to be handled by them over a long period of years to cover losses and costs incurred in buying and handling the surplus for the benefit of all producers of a given commodity. Farmers would not join a cooperative which had mortgaged its future in any such manner.

While there is need for an improvement of Government credit agencies which serve agriculture, no effective or permanent relief can be secured from the conditions which now depress agriculture by novel and extraordinary credit extension, but such relief will come only through the extension and strengthening of cooperative marketing and the establishment by appropriate legislation of agencies and methods for dealing effectively with the surplus problem.

We therefore respectfully petition you to do all you can to aid in the passage at this session of Congress legislation which will create a Federal farm board, with whose cooperation surpluses can be effectively handled by cooperative agencies created by farmers and distribute the cost of managing such surpluses as broadly as the resultant benefits are distributed; that is, over each marketed unit of a particular commodity through an equalization fee.

We feel that production has been stressed in agriculture and that the farmer has become proficient in this phase of his business, but that marketing which should have along with his financing been developed contemporaneously with the production has been largely ignored, and that marketing is basic to both successful or profitable production and to sound finance. The result has been disastrous to the farmer, because he has been taught to grow two blades of grass before he had an appropriate means of marketing and distribution for the one blade which he formerly grew. His economic status is therefore entirely unsound and the results have brought great disaster to him. He feels the absolute necessity of having this situation balanced out, in order that he may have a means of paying back the great indebtedness that he finds himself in the midst of and placed on a parity with the other lines of endeavor that have received legislation appropriate to their needs. In asking for the type legislation that is being requested, he would not be receiving anything in excess of that which has already been granted in one form or another to our railroads, our banks through the Federal reserve act, our laborers through the immigration laws, and certain phases of legislation which have had to do greatly with the interest of manufacturing.

It is essential to get the selling of the product into the hands of the man that produces it through organization around modern businesslike marketing and cooperative marketing should be as thoroughly established in the economic structure for the farmers as are certain particular institutions established in the economic structure in accord with the need of our urban people. The surplus problem is of great interest to the consuming public, as well as to the farmer in the first instance, because of the numerousness of the class of farmer and the varying degree of intelligence among them; because of the difficulty of regulating the proper supply to conform with the prospective demand and because of the very nature of the business, in that the only way that he can try to regulate the supply is by a decrease in acreage, which does not necessarily mean a reduction in the supply because of the fact that with a reduced acreage with favorable seasonal conditions and nominal damage from insect sources he may on the reduced acreage raise a surplus of the crop planted. Too, it is serious for the farmer, in that he has but a one-time turnover during the year from any one particular crop and his cycle extends over a two-year period. The consuming public is vastly interested in being sure that there is an adequate supply at all times in existence of every necessary commodity. They would rather see a reasonable businesslike means of handling a surplus problem accomplished than to take chances because of the unprofitableness of agriculture of having an undersupply at any time. Proper methods of marketing and organization are essential for the proper functioning of any surplus legislation. I feel that they are two separate and distinct problems which to be advantageously solved must be considered in their mutual relationship. In solving the surplus problem it can best be handled in and through cooperative marketing and more nearly assure the successful handling of the surplus and at the same time give greater emphasis and help to the more rapid advancement of cooperative marketing of the respective farm commodities. We are very anxious to see the farmer have a balanced agriculture economy, and in order to obtain this, as all the emphasis has been placed upon production, from now on disproportionately great emphasis will have to be placed upon obtaining proper marketing for him, thus giving him the correlated and coordinated development of these three elements in agriculture that he is most concerned with—production, marketing, and financing.

All efforts should be turned at this time to bring forward as rapidly as possible the proper marketing, which includes both the normal supply and such surplus as he may have.

We feel that the accomplishment of such legislation is of the utmost importance not only to agriculture but to our urban people, who are vitally interested in our original sources of wealth giving a reasonable profit on the cost of production, in order that the purchasing power of the one-third of our Nation may be placed where it should be; that this great agricultural people be kept peaceful and happy and content in order to retain in our Nation the great stabilizing influence that our rural people have always been to our country in times of war and in times of peace.

Yours very truly,

ALFRED SCARBOROUGH,
*General Manager.*

INTERNATIONAL TRADE EXHIBIT

Mr. O'CONNOR of Louisiana. Mr. Speaker I ask unanimous consent to extend my remarks in the RECORD on the bill (H. R. 12931) which has just been passed.

The SPEAKER. Is there objection?

There was no objection.

Mr. O'CONNOR of Louisiana. Mr. Speaker, the purpose of this bill is to provide the corporation known as the International Trade Exhibition with funds for use in maintaining, promoting and advertising the permanent trade exposition at New Orleans, La., inaugurated on September 15, 1925, and authorizing an appropriation of $150,000 to secure that end.

I have no doubt that this corporation, through its directors, who represent the best in the financial, commercial, social, and patriotic aspects of our great and attractive city, will judiciously, wisely, and economically expend this appropriation when made in accordance with the mandate of this bill. I am proud to have my name associated with this great enterprise. It is one of the best things I have done in my legislative career. From the viewpoint of my activity in pushing this bill to consideration, I may feel with Kingsley the satisfaction that proceeds from having done noble things, not dreamt them all day long, if I may be permitted the liberty of altering immortal lines in order to make his unforgetable sentiment applicable to my labors in behalf of this measure.

I wish at this time to thank the Louisiana delegation for their tireless and indefatigable energy in presenting the merits of my bill to the Members of the House and our gratitude to the many Members who were generous enough to listen patiently to the convincing but necessarily lengthy arguments we had to make and present "in order to convert the heathen" and intellectually subdue the hard-hearted, who had to be shown as the man from "Mizzoura" and who finally yielded to the persuasive logic, force, and economic truth that the bill inherently possesses. "Ye shall know the truth and the truth will make you free" was the inspiration behind the voice of our delegation.

Nor shall I soon forget the membership of the Committee on Arts and Expositions, who unanimously gave my bill a favorable report. Particularly am I grateful for the splendid report prepared for the committee by Congressman DAN REED, whose interest in industrial fields and enterprises has made him a national figure. His advice along lines of social welfare, civic planning, and school necessities, as well as those of church, proper amusements, and gymnasia, has not only saved millions of dollars to our business leaders by way of preventing a big turnover in labor, but has brought sunshine into the homes of thousands of toilers whose hard lot is somewhat softened by desirable conditions and surroundings in which their children may be reared and fitted for the discharge of the solemn duties that devolve upon American men and women. And true to his generous disposition, he called me in as the author of the bill to collaborate with him in the completing of the short but luminous, concise, but convincing, report which is before you. He that would bring home the wealth of the Indies must carry the wealth of the Indies with him. Our exhibition makes for a greater knowledge of the countries to the south of us, broadens and expands our commerce with Latin America, and makes for peace, understanding, amity, and good will. It is a bill that carries with it peace and trade, not a sword, with violence and blood as its aim.

It is through trade that the peace of the earth will be made. It is through my bill that friction will be removed and harmony of purpose and action be restored between ourselves and our romantic and interesting friends to the far south. They are more than mere neighbors. They are a people who occupy

the same hemisphere and same continent as ourselves. Divided as the waves we are one as the sea.

I repeat, and I can not repeat it too often, that it is apparent from the bill that its purpose is to promote international trade, especially between Latin America, which includes Mexico and Central America and all the great countries to the south of us. The plan had its inception in a bill passed by Congress in February, 1925, and signed by the President. Under the provisions of this act the nations of the world were invited to participate in an international trades exhibition located in the city of New Orleans, La. In order to assist in that great enterprise the Government leased to the corporation known as the International Trades Exhibition one of three units of several large structures constructed in the city of New Orleans during the war as a base of supplies for war material. These three units were constructed at a cost of around $15,000,000 upon the banks of the Mississippi River at a most advantageous point for the present use for exhibition purposes. These buildings are permanent structures, made of concrete and iron, and will last for many years.

This enterprise was started last year after very considerable effort on the part of the local people of New Orleans, and, due to their energy, sacrifice, and determination, the exhibition proved to be a very great success. The plan now is to make this a permanent exhibit, where space can be assigned to industries and business houses at reasonable fees which will meet all the expenses of the enterprise. It will be not only a permanent exhibition on the part of all industries and business houses, but other countries, especially Latin America, Mexico, and Central America as well. This will visualize the products of the respective countries, establish closer and more cordial business relations, and will promote and stimulate trade, to the advantage of the countries that participate.

The corporation is not a private enterprise for profit, but a public enterprise so conducted as to pay its own way.

The location of this permanent trade exhibition is ideal for many reasons. It is 600 miles nearer the Panama Canal than New York City, and there are many people in Louisiana who speak the French language and large numbers who speak Spanish fluently. There is a close, friendly relationship between the people of New Orleans and the people of Latin America. It is the opinion of the committee that because of the initial start that has been made, the success that has been attained, the fine spirit shown by the business men of New Orleans, the hearty cooperation of the people at large, the potential trade possibilities which the exhibition has thus far disclosed, leads the committee to believe that Congress ought to encourage this enterprise at this time. This exhibition will furnish a clearing house for the whole people of the United States, the industrial East as well as the great agricultural sections of the country.

The hearings disclosed that if this authorization is made for $150,000 it will put the proposition upon a firm and successful foundation and that no further congressional appropriation will be necessary nor required. The conspicuous success which this exhibition has already attained under the leadership of the ablest business men in New Orleans amply fortifies this statement. The testimony before the committee is to the effect that the exhibition is already a financial success in every way, so far as paying its own way, outside of the necessary funds to promote or to carry on the initial advertising and preliminary contact work.

While a fund of $150,000 for initial advertising may seem large to some, it is very small when we consider what a single industry sometimes spends through the medium of posters, advertising in newspapers, periodicals, sales literature, and other advertising mediums. It was the belief of the committee that if we are to meet the competition from abroad where the countries do not hesitate to send folders written in English, French, Spanish, Italian, and Portugese in order to promote their trade that this legislation should receive favorable action. After full and complete hearings and careful consideration of the merits of H. R. 12931, the committee reported favorably thereon and unanimously recommended that the bill do pass.

No more propitious time than the present could there be for the passage of this bill. If it be a sacred duty to bind the wounds, heal the lacerations, and remove the scars of conflict, how much greater the responsibility for removing friction, subduing discord, vanquishing antagonism, and supplanting these evil forces with friendship, understanding, mutual forbearance, and good will where there has been, and is no cause for, strife. To accomplish this end is great, and there is no other greatness than to labor with zest and give of your best for the joy and the sweetness of the giving, to help folks along with hand and with song. Why, there is the real sunshine of living. The International Trade Exhibition will forge links in the chain of trade and affection which we hope will bind together the nations of Pan America.

It is destined to be a great institution in the commercial, industrial, and legislative history of the country. Like grass, trade grows everywhere and conquers the most stubborn things. Its victories are free from bloodstains and are won by men who are making the world a little better and happier for their efforts. Should the spirit of barter, exchange, and trade ever fail the race, good night and an eternal farewell to civilization. Intrex, as we call our exhibition—no, not ours, but yours—intrex radiates the spirit which permeates, animates it in its every part. If gifted with vocalization, that gigantic enterprise might sing its message in these thrilling commercial lines:

Hark to the song of the shuttle and loom,
Keep up your commerce or crawl to your tomb;
Study new methods, open new lines,
Quicken your factories, foundries, and mines;
Think of Columbus, De Gama, and Howe,
And waste not their labors by slacking it now;
Work is life's currency; you must earn what you are worth,
And send out your commerce to the ends of the earth.

HARRISON NARCOTIC ACT

The next business on the Consent Calendar was the bill (S. 4537) to amend the Harrison Narcotic Act of December 17, 1914, as amended, and for other purposes.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Harrison Narcotic Act of December 17, 1914, as amended, be further amended as follows:

SEC. 2. After the last sentence of section 2 add the following: "The President is further authorized and directed to issue such Executive order as will permit those persons in the Virgin Islands of the United States lawfully entitled to sell, deal in, dispense, prescribe, and distribute the aforesaid drugs, to obtain said drugs from persons registered under this act within the continental United States for legitimate medical purposes without regard to the order forms described in this section."

With the following committee amendment:

Strike out all of lines 3 and 4 on page 1 and insert in lieu thereof the following: "That section 2 of the narcotic act of Congress, approved December 17, 1914, as amended, be further amended as follows."

The committee amendment was agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended to read as follows: "An act to amend the narcotic act of Congress, approved December 17, 1914, as amended, and for other purposes."

MOSES STEADHAM

The next business on the Consent Calendar was the bill (H. R. 12889) to relinquish the title of the United States to the land in the claim of Moses Steadham, situate in the county of Baldwin, State of Alabama.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That all the right, title, and interest of the United States in and to that certain land in Baldwin County, Ala., known as the Moses Steadham tract, section 50, township 2 north, range 2 east, and section 42, township 3 north, range 2 east, St. Stephens meridian, Alabama, be, and the same is hereby, released, relinquished, and confirmed by the United States to the equitable owners of the equitable title thereto and to their respective heirs and assigns forever, as fully and completely in every respect whatever as could be done by patents issued according to law: *Provided*, That this act shall amount only to a relinquishment of any title that the United States has, or is supposed to have, in and to any of said lands, and shall not be construed to abridge, impair, injure, prejudice, or divest in any manner any valid right, title, or interest of any person or body corporate whatever; the true intent of this act being to concede and abandon all right, title, and interest of the United States to those persons, estates, firms, or corporations who would be the true and lawful owners of said lands by reason of long continuous possession under color of title with claim of ownership, or otherwise, under the laws of Alabama, including the laws of prescription and limitation, in the absence of the said interest, title, and estate of the United States.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

HAWAII NATIONAL PARK

The next business on the Consent Calendar was the bill (H. R. 15821) to revise the boundary of the Hawaii National Park on the island of Maui in the Territory of Hawaii.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the boundary of the Hawaii National Park on the island of Maui is hereby changed to read as follows:

"Beginning at a triangle on set stone, said mark being the Government survey triangulation station Puu Nianiau in the land of Kalialinui, and running by true azimuths:

"1. Three hundred degrees fifty-seven minutes thirty seconds eleven thousand seven hundred and sixty-nine and three-tenths feet along the remaining portion of the land of Kalialinui to a concrete monument marked No. 1 on spur and on the west edge of Koolau Gap.

"2. Two hundred and ninety-seven degrees forty-seven minutes thirty seconds fourteen thousand six hundred and fifty-two and six-tenths feet along same and across Koolau Gap to a concrete monument marked No. 3, the true azimuth and distance from said monument to Government survey triangulation station Hanakauhi being forty-five degrees fourteen minutes nine hundred and eighty-eight feet.

"3. Two hundred and sixty-nine degrees fifty-seven minutes thirty seconds nine thousand and one and three-tenths feet along same to a concrete monument marked No. 7 on the southwest boundary of the land of Haiku.

"4. Three hundred and six degrees thirty-nine minutes three thousand nine hundred and thirteen and four-tenths feet along the southwest boundary of the land of Haiku to a cross on large flat rock called Pohaku Palaha.

"5. Two hundred and seventy-three degrees seven minutes four hundred and forty feet along the Nahiku tract to Government survey triangulation station Pakihi.

"6. Thence following along summit of dividing ridge between Haleakala Crater and Kipahulu Valley to an ahu at a place called Pakihi, the direct azimuth and distance being three hundred and fifty degrees four minutes thirty seconds seven thousand four hundred and fourteen and seven-tenths feet.

"7. Thence along Government land and following along rim of the crater and crest of wall of Kaupo Gap to a 4 foot by 4 foot redwood post, the direct azimuth and distance being three hundred and fifty-six degrees forty-one minutes ten thousand eight hundred and sixty-seven and nine-tenths feet.

"8. Eighty-six degrees one-tenth minute thirty seconds six thousand seven hundred and seventy-seven and four-tenths feet along grant 3457, lot 1, to A. V. Marciel, and the remaining portion of the land of Nuu (R. P. 8049, L. C. A. 6239 Apana 2 to Kalaimoku), passing over a cross on stone at Kauhaokamoa at three thousand four hundred and forty-one and eight-tenths feet and passing over an iron pipe on west edge of the Koolau Gap at five thousand eight hundred and seventy-four feet.

"9. One hundred and thirty-eight degrees forty-two minutes thirty seconds nine thousand five hundred and seventy-four and two-tenths feet along the remaining portion of said land of Nuu to a cross on rock, the true azimuth and distance to Government survey triangulation station Haleakala 2 being one hundred and seventy-nine degrees thirteen minutes fifteen seconds nine hundred and forty-three and two-tenths feet.

"10. Ninety-one degrees thirty-four minutes forty-five seconds nine thousand nine hundred and sixty and four-tenths feet along same to a concrete monument marked No. 14, the true azimuth and distance from said monument to an anchor on rock called Kumuiliahi, marking the northeast corner of the land of Nakula, being one hundred and sixty-seven degrees twenty-eight minutes nine hundred and twenty-eight and seven-tenths feet.

"11. Ninety degrees twenty-three minutes thirty seconds twelve thousand two hundred and forty-nine and three-tenths feet along the remaining portion of the lands of Nakula and Kahikinui to a concrete monument marked No. 15.

"12. One hundred and seventeen degrees fifty-two minutes thirty seconds five thousand two hundred and nine and two-tenths feet along the remaining portion of the land of Kahikinui to a concrete monument marked No. 16, the true azimuth and distance from said monument to Government survey triangulation station Kolekole, being ninety-eight degrees thirty minutes one thousand five hundred and forty-three and five-tenths feet.

"13. One hundred and twenty-seven degrees thirty-eight minutes two thousand one hundred and seventy-five and six-tenths feet along same and the land of Papaanui to a concrete monument marked No. 17, the true azimuth and distance from said monument to a concrete monument Marked No. 25, which marks the south corner of the land of Kealahou 3 and 4 being forty degrees ten minutes thirty seconds four hundred and sixty-six and two-tenths feet.

"14. Two hundred and thirteen degrees forty-six minutes eight thousand two hundred and forty-one and two-tenths feet along the remaining portions of the lands of Kealahou 3 and 4 and Pulehunui to a concrete monument marked No. 19, the true azimuth and distance from said monument to a "K" marked on a large lava rock called Kilohana, at the east corner of the lands of Kealahou 3 and 4, being three hundred and twenty-three degrees fifty-three minutes nine hundred and forty-seven and three-tenths feet.

"15. One hundred and forty-three degrees fifty-three minutes six thousand nine hundred and five and three-tenths feet along the land of Pulehunui to a concrete monument marked No. 20.

"16. One hundred and ninety-nine degrees twenty-three minutes ten thousand seven hundred and twenty-six feet along the remaining portion of the land of Kalialinui to the point of beginning, passing over a concrete monument marked No. 22 at a distance of six thousand four hundred thirty-six and seven-tenths feet; including portions of the lands of Kealahou 3 and 4, Pulehunui, Kalialinui, Kaupo, Nuu, Nakula, Kahikinui, and Papaanui, Island of Maui, and containing seventeen thousand one hundred and thirty acres, more or less; and all of those lands lying within the boundary above described are hereby included in and made a part of the Hawaii National Park subject to all laws and regulations pertaining to said park."

SEC. 2. That the provisions of the act of February 27, 1920, entitled "An act to authorize the Governor of the Territory of Hawaii to acquire privately owned lands and rights of way within the boundaries of the Hawaii National Park," are hereby extended over and made applicable to the lands added to the park and included within the boundary established by the preceding section of this act.

Mr. SINNOTT. Mr. Speaker, I offer the following amendments:

The Clerk read as follows:

Page 3, line 5, strike out the words "4 foot by 4 foot" and insert in lieu thereof the words "4 inch by 4 inch."

Page 3, line 9, strike out the word "one-tenth" and insert in lieu thereof the word "one."

Page 4, line 5, strike out the word "anchor" and insert the word "arrow."

Page 6, line 2, insert close quotation marks after the words "more or less."

Page 6, line 5, strike out the close quotation marks at the end of the line.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider by Mr. SINNOTT was laid on the table.

SUMMER CAMP FOR BOY SCOUTS

The next business on the Consent Calendar was the bill (S. 4252) setting aside certain land in Douglas County, Oreg., as a summer camp for boy scouts.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BLANTON. Reserving the right to object, I will ask the gentleman from Oregon if this is a summer camp for boys in Oregon?

Mr. HAWLEY. Yes.

Mr. BLANTON. For how many years is it to be leased?

Mr. HAWLEY. Fifty years, subject to the discretion of the Secretary of the Treasury.

Mr. BLANTON. This is public land in Oregon?

Mr. HAWLEY. Public land in Oregon.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read as follows:

*Be it enacted, etc.*, That the Secretary of the Interior is authorized and directed to lease the lands included within the west half of the southwest quarter, section 9, township 27 south, range 2 west, Williamette meridian, in Douglas County, Oreg., to the Douglas County Boy Scouts Council, or a duly authorized representative of such council, as a summer camp for the boy scouts of Douglas County, Oreg. Such lease shall be without cost to the council for term of 50 years and under such other terms and conditions, including provisions for the care, removal, and disposition of timber by the United States, as the Secretary of the Interior deems advisable to safeguard the interests of the United States.

The bill was ordered to be engrossed and read the third time; was read the third time and passed.

A motion to reconsider the vote by Mr. HAWLEY was laid on the table.

BRIDGE ACROSS THE ST. JOSEPH RIVER AT BENTON HARBOR, MICH.

The next business on the Consent Calendar was the bill (H. R. 15642) granting the consent of Congress to the State

of Michigan and Berrien County, or either of them, to reconstruct, maintain, and operate a bridge across the St. Joseph River.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the consent of Congress is hereby granted to the State of Michigan and Berrien County, or either of them, to reconstruct the existing bridge and approaches thereto across the St. Joseph River at or near Benton Harbor, Mich., at a point suitable to the interests of navigation, and to maintain and operate the same in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

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

With the following committee amendment:

Page 2, line 1, after the figures "1906," insert a period and strike out the remainder of the section.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

SALE OF LAND AT THE MARGIN OF ROCK CREEK FOR CONSTRUCTION OF A CHURCH

The next business on the Consent Calendar was the bill (H. R. 16170) authorizing the sale of land at margin of the Rock Creek and Potomac Parkway for construction of a church and provision for proper ingress and egress to said church building.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. LAGUARDIA rose.

Mr. BLANTON. Is the gentleman from New York going to object?

Mr. LAGUARDIA. I want some information.

Mr. GARNER of Texas. I think the gentleman from Tennessee [Mr. GARRETT] is the author of the bill, and he is out for a moment. This is for church purposes.

Mr. BLANTON. This is not the bill I thought it was. I have looked into this matter, and I have no objection to it.

Mr. LAGUARDIA. What I wanted to know was if it took in any part of the park property for any other purposes?

Mr. DAVIS. I do not think so. Colonel Grant in his report says that this church will be a desirable neighbor on the border or the park, and one that can be relied upon to produce a thoroughly attractive development in harmony with the park and its purposes. He does not think it would interfere with park purposes, and that it would enhance rather than injure the park.

Mr. LAGUARDIA. The gentleman realizes that there must be some strong reason to divert land from park purposes?

Mr. DAVIS. I think that is true; but Colonel Grant says that it would be a proper thing to do. Mr. Speaker, I ask unanimous consent to substitute Senate bill 5231, it being an identical bill on the calendar.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Clerk read the Senate bill, as follows:

*Be it enacted, etc.*, That the Director of Public Buildings and Public Parks of the National Capital, for and in behalf of the United States of America be, and is hereby, authorized to convey the title of United States of America in and to the land and premises lying south of and adjacent to lot No. 25, in square 2510, in the District of Columbia, described as follows: Beginning at the southeast corner of said lot No. 25; thence northwesterly along the south line of said lot No. 25, 150 feet to the southwest corner of said lot; thence southwesterly on the projection of the east line of a public alley and at right angles to the said south line of lot No. 25, 17 feet; thence southeasterly and parallel to said south line of lot 25, 150 feet to the west line of Florida Avenue; thence northeasterly on the west line of Florida Avenue 17 feet to the point of beginning, containing 2,550 square feet, more or less, upon the payment to the United States of America, in consideration thereof of a sum not less than the price paid for said land by the Rock Creek and Potomac Parkway Commission. And the Director of Public Buildings and Public Parks of the National Capital is authorized and directed to permit the trustees of the Church of the Pilgrims (Inc.), to construct and utilize on the property acquired for the Rock Creek and Potomac Parkway in square 2510 a driveway for proper access to and egress from the church, this driveway to be located and constructed in accordance with plans approved by the Director of Public Buildings and Public Parks of the National Capital and to be maintained at the expense of said Church of the Pilgrims until such time as the Director of Public Buildings and Public Parks of the National Capital may deem it advisable to make the same available for general use.

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

A motion by Mr. DAVIS to reconsider the vote whereby the bill was passed was laid on the table.

The similar House bill was laid on the table.

CONGRESS OF MILITARY MEDICINE AND PHARMACY

The next business on the Consent Calendar was House joint resolution (H. J. Res. 328) to provide for the expenses of delegates of the United States to the Congress of Military Medicine and Pharmacy to be held at Warsaw, Poland.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

The Clerk read the joint resolution, as follows:

*Resolved, etc.*, That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 for the expenses of delegates of the United States to the Congress of Military Medicine and Pharmacy to be held at Warsaw, Poland, including personal services, travel, subsistence, or per diem in lieu of subsistence, notwithstanding the provisions of any other act, and such other expenses as the President may deem necessary.

With the following committee amendments:

Page 1, line 6, after the word "States" insert "to be appointed by the President."

The committee amendment was agreed to and the joint resolution was ordered to be engrossed and read a third time; was read the third time, and passed.

A motion to reconsider the vote by which the joint resolution was passed was laid on the table.

PAN AMERICAN CONFERENCE ON HIGHWAYS

The next business on the Consent Calendar was the House joint resolution (H. J. Res. 329) to provide for the expenses of participation by the United States in the second Pan American Conference on Highways at Rio de Janeiro.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

The Clerk read the joint resolution, as follows:

*Resolved, etc.*, That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $15,000 for the expenses of participation by the United States in the second Pan American Conference on Highways at Rio de Janeiro, including the compensation of employees, travel, subsistence, or per diem in lieu of subsistence (notwithstanding the provisions of any other act), and such miscellaneous and other expenses as the President shall deem proper.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the joint resolution was passed was laid on the table.

EIGHTH PAN AMERICAN SANITARY CONFERENCE

The next business on the Consent Calendar was House joint resolution (H. J. Res. 330) to provide for the expenses of delegates of the United States to the Eighth Pan American Sanitary Conference to be held at Lima, Peru.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

The Clerk read the joint resolution, as follows:

*Resolved, etc.*, That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $3,000 for the expenses of delegates of the United States to the Eighth Pan American Sanitary Conference to be held at Lima, Peru, including the compensation of employees, travel, subsistence, or per diem in lieu of subsistence (notwithstanding the provisions of any other act), and such miscellaneous and other expenses as the President shall deem proper, to be expended under the direction of the Secretary of State.

With the following committee amendment:

Line 6, after the word "States," insert "to be appointed by the President."

The committee amendment was agreed to, and the joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the joint resolution was passed was laid on the table.

INTERNATIONAL INSTITUTE FOR THE PROTECTION OF CHILDHOOD

The next business on the Consent Calendar was House joint resolution (H. J. Res. 331) to provide for the membership of the United States in the American International Office of Protection for Childhood.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

The Clerk read the joint resolution, as follows:

*Resolved, etc.*, That to enable the United States to become a member of the American International Office of Protection for Childhood at Montevideo, Uruguay, there is hereby authorized to be appropriated the sum of $2,000 per annum for the contribution by the United States toward the support of the institution.

With the following committee amendments:

Line 4, strike out the words "Office of" and insert "Institute for the."

Line 5, strike out the word "for" and insert the word "of."

The committee amendments were agreed to and the joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the joint resolution was passed was laid on the table.

The title was amended so as to read: "Joint resolution to provide for the membership of the United States in the American International Institute for the Protection of Childhood."

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

Mr. JAMES. Mr. Speaker, I ask unanimous consent that the next bill on the calendar, H. R. 13115, to increase the membership of the National Advisory Committee for Aeronautics, and for other purposes, be rereferred to the Committee on Military Affairs.

The SPEAKER. Is there objection?

Mr. McSWAIN. Mr. Speaker, reserving the right to object, the National Advisory Committee for Aeronautics, under an amendment to the national defense act passed on July 2, 1926, known as the air bill, has a very important function, which the country should well understand, as it becomes the special preliminary adviser to the action of a new board set up by that legislation known as the patents and designs board. It is essential that this national advisory committee should be enlarged and that the country should understand that in the great program for the development of aviation it is to occupy an important and special mission. For that reason we desire thus to emphasize in this way the action of the committee and to call the attention of the country to the fact that said advisory committee is now a valuable wheel in the machinery of building up aviation.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. LAGUARDIA. That all being so, the gentleman can not then present any reason why we should encumber this scientific board by adding new members to it who are not scientific men.

Mr. McSWAIN. In answer to the gentleman, the proposition is to so reconstruct this board, if possible, as to make it function with a liberal, progressive, generous policy toward aviation, and the encouragement of inventors and designers.

Mr. LAGUARDIA. Take the politicians off and put the scientific men on?

Mr. McSWAIN. If the gentleman will help us, we will be delighted. We wish to open the door to meritorious developments, whether they come from the great scientific engineers or from humble, obscure, poor inventors.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the bill referred to, H. R. 13115, be rereferred to the Committee on Military Affairs. Is there objection?

There was no objection.

TO SAFEGUARD DISBURSEMENT OF FEDERAL FUNDS

The next business on the Consent Calendar was the bill (H. R. 8902) to regulate, control, and safeguard the disbursement of Federal funds expended for the creation, construction, extension, repair, or ornamentation of any public building, highway, dam, excavation, dredging, drainage, or other construction project, and for other purposes.

The Clerk read the title of the bill.

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

Mr. BOWLING. Mr. Speaker, I object.

The SPEAKER. The gentleman from Alabama objects.

INDEMNITY FOR BRITISH STEAMSHIP "MAVISBROOK"

The next business on the Consent Calendar was the bill (S. 1730) to authorize the payment of indemnity to the Government of Great Britain on account of losses sustained by the owners of the British steamship *Mavisbrook* as a result of collision between it and the U. S. transport *Carolinian*.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Government of Great Britain out of any money in the Treasury not otherwise appropriated, the sum of $16,397.26, as full indemnity for the losses sustained by the owners of the British steamship *Mavisbrook* as a result of a collision between said steamship *Mavisbrook* and the U. S. transport *Carolinian* at or near Brest, France, on or about February 15, 1918.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

TO AMEND SECTION 4900, REVISED STATUTES

The next business on the Consent Calendar was the bill (H. R. 7563) to amend section 4900 of the United States Revised Statutes.

The Clerk read the title of the bill.

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

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object—no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That section 4900 of the Revised Statutes of the United States shall be amended to read as follows:

"It shall be the duty of all patentees and their assigns and legal representatives, and of all persons making or vending any patented article for or under them, to give sufficient notice to the public that the same is patented; either by fixing thereon the word 'patent,' together with the number of the patent, or when, from the character of the article, this can not be done, by fixing to it, or to the package wherein one or more of them is inclosed, a label containing the like notice: *Provided, however*, That with respect to any patent issued prior to April 1, 1925, it shall be sufficient to give such notice in the form following, viz: 'Patented,' together with the day and year the patent was granted; and in any suit for infringement by the party failing so to mark, no damages shall be recovered by the plaintiff, except on proof that the defendant was duly notified of the infringement and continued, after such notice, to make, use, or vend the article so patented."

Committee amendment:

Page 2, line 3, strike out the word and figures "April 1, 1925," and insert in lieu thereof "April 1, 1927."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PURCHASE OF HORSES FOR THE MILITARY ESTABLISHMENT

The next business on the Consent Calendar was the bill (H. R. 15838) to provide for the purchase of horses for the Military Establishment.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BLANTON. Mr. Speaker, I object.

The SPEAKER. The bill is ordered stricken from the calendar.

ARMY AND NAVY RATIONS

The next business on the Consent Calendar was the bill (H. R. 16077) to amend section 40 of the act approved February 2, 1901 (31 Stats., p. 758), relative to rations.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

*Be it enacted, etc.*, That section 40 of the act approved February 2, 1901 (31 Stats., p. 758), is amended to read as follows:

"The Army ration shall consist of the following daily allowance of provisions to each person: One pound and a quarter of salt or smoked meat, with 3 ounces of dried or 6 ounces of canned or preserved fruit, and 3 gills of beans or peas, or 12 ounces of flour; or 1 pound of preserved meat, with 3 ounces of dried or 6 ounces of canned or preserved fruit and 8 ounces of rice or 12 ounces of canned vegetables, or 6 ounces of desiccated vegetables; together with 1 pound of biscuit, 2 ounces of butter, 4 ounces of sugar, 2 ounces of coffee or cocoa, or one-half ounce of tea, and 1 ounce of condensed milk or evaporated cream; and a weekly allowance of one-quarter pound of macaroni, 4 ounces of cheese, 4 ounces of tomatoes, one-half pint of vinegar or sauce, one-quarter pint of pickels, one-quarter pint of molasses, 4 ounces of salt, one-half ounce of pepper, one-eighth ounce of spices, and one-half ounce of dry mustard. Seven pounds of lard, or a suitable substitute, shall be allowed for every hundred pounds of flour issued as bread, and such quantities of yeast and flavoring extracts as may be necessary.

"The following substitution for the components of the ration may be made when deemed necessary by the senior officer present in command: For 1¼ pounds of salt or smoked meat or 1 pound of preserved meat, 1¾ pounds of fresh meat or fresh fish or 8 eggs; in lieu of the articles usually issued with salt, smoked, or preserved meat, 1¾ pounds of fresh vegetables; for 1 pound of biscuit, 1¼ pounds of soft bread or 18 ounces of flour; for 3 gills of beans or peas, 12 ounces of flour or 8 ounces of rice, or other starch food, or 12 ounces of canned vegetables; for 1 pound of condensed milk or evaporated cream, 1 quart of fresh milk; for 3 ounces of dried or 6 ounces of canned or preserved fruit, 9 ounces of fresh fruit; and for 12 ounces of flour or 8 ounces of rice or other starch food, or 12 ounces of canned vegetables, 3 gills of beans or peas; in lieu of the weekly allowance of one-quarter pound of macaroni, 4 ounces of cheese, one-half pint of vinegar or sauce, one-quarter pound of pickles, one-quarter pint of molasses, and one-eighth ounce of spices, 3 pounds of sugar or 1½ pounds of condensed milk, or 1 pound of coffee, or 1½ pounds of canned fruit, or 4 pounds of fresh vegetables, or 4 pounds of flour.

"Any article comprised in the Army ration may be issued in excess of the authorized quantity, provided there be an underissue of the same value in some other article or articles."

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

AMENDING SECTIONS 476 AND 4934 OF THE REVISED STATUTES

The next business on the Consent Calendar was the bill (H. R. 15537) to amend section 476 and section 4934 of the Revised Statutes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

*Be it enacted, etc.*, That section 476 of the Revised Statutes be amended to read as follows:

"SEC. 476. There shall be in the Patent Office a Commissioner of Patents, one first assistant commissioner, one assistant commissioner, and six examiners in chief, who shall be appointed by the President, by and with the advice and consent of the Senate. The first assistant commissioner and the assistant commissioner shall perform such duties pertaining to his office of commissioner as may be assigned to them, respectively, from time to time by the Commissioner of Patents. All other officers, clerks, and employees authorized by law for the office shall be appointed by the Secretary of Commerce upon the nomination of the Commissioner of Patents in accordance with existing law."

SEC. 2. That section 4934 of the Revised Statutes be amended to read as follows:

"SEC. 4934. The following shall be the rates for patent fees:

"On filing each original application for a patent, except in design cases, $20, and $1 for each claim in excess of 20.

"If an amendment to an application is filed containing claims in such number that the total number of the claims in the application is in excess of 20, then there shall be paid a fee of $1 for each such additional claim presented by the amendment.

"On issuing each original patent, except in design cases, $20, and $1 for each claim in excess of 20.

"In design cases: For three years and six months, $10; for seven years, $15; for 14 years, $30.

"On every application for the reissue of a patent, $30.

"On filing each disclaimer, $10.

"On an appeal for the first time from the primary examiners to the examiners in chief, $10.

"On every appeal from the examiners in chief to the commissioner, $20.

"For uncertified printed copies of specifications and drawings of patents, 10 cents per copy: *Provided*, That the Commissioner of Patents may supply public libraries of the United States with such copies as published for $50 per annum: *Provided further*, That the Commissioner of Patents may exchange copies of United States patents for those of foreign countries.

"For copies of records made by the Patent Office, excluding printed copies, 10 cents per hundred words.

"For each certificate, 25 cents.

"For recording every assignment, agreement, power of attorney, or other paper of 300 words or under, $1; of over 300 and under 1,000 words, $2; and for each additional thousand words or fraction thereof, $1; for each additional patent or application included or involved in one writing, where more than one is so included or involved, 25 cents additional.

"For copies of drawings, the reasonable cost of making them."

SEC. 3. That the provisions of section 2 hereof shall take effect three months after the approval of this act.

Committee amendments:

Page 2, line 13, strike out all of lines 13, 14, 15, 16, and 17.

Page 3, line 23, strike out "3" and insert "2."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PROMOTION OF RIFLE PRACTICE THROUGHOUT THE UNITED STATES

The next business on the Consent Calendar was the bill (H. R. 15604) for the promotion of rifle practice throughout the United States.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

*Be it enacted, etc.*, That for the purpose of furnishing a national trophy and medals and other prizes to be provided and contested for annually, under such regulations as may be prescribed by the Secretary of War, said contest to be open to the Army, Navy, Marine Corps, and the National Guard or Organized Militia of the several States, Territories, and the District of Columbia, members of rifle clubs, and civilians, and for the cost of trophy, prizes, and medals herein provided for, and for the promotion of rifle practice throughout the United States, including the reimbursement of necessary expense of members of the National Board for the Promotion of Rifle Practice to be expended for the purpose hereinbefore prescribed, under the direction of the Secretary of War, the sum of $7,000 is hereby authorized to be appropriated annually: *Provided*, That no competitor shall be entitled to commutation of rations in excess of $1.50 per day, and when meals are furnished no greater expense than that sum per man per day for the period the contest is in progress.

Committee amendment:

Page 2, line 5, strike out "$7,000" and insert in lieu thereof "$7,500."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

ENCOURAGE BREEDING OF RIDING HORSES FOR ARMY PURPOSES

The next business on the Consent Calendar was the bill (H. R. 15651) to encourage breeding of riding horses for Army purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, I want to ask the gentleman a question under the reservation. Does this go any further than merely permitting the Army to receive gifts of horses?

Mr. VINSON of Kentucky. Gifts of horses and donations of money or other property to be used in exhibiting horses at fairs and horse shows.

Mr. BLANTON. It does not enlarge our present Remount Service?

Mr. VINSON of Kentucky. Not at the expense of the Government. It is simply the donation of other men's money and other things.

Mr. BLANTON. That is far as it goes?

Mr. VINSON of Kentucky. Yes.

Mr. TILSON. Mr. Speaker, will the gentleman from Kentucky yield right there?

Mr. VINSON of Kentucky. Yes.

Mr. TILSON. That is substantially what we have been doing by the insertion of a paragraph in the appropriation bills for several years past?

Mr. VINSON of Kentucky. Yes. The language in the bill H. R. 15651 is identical with the language carried in the appropriation bills.

Mr. TILSON. So that we are doing now by legislation what we have heretofore been doing by our annual appropriation bills?

Mr. VINSON of Kentucky. Yes.

Mr. BLANTON. This is to make lawful what the Committee on Appropriations has been doing unlawfully in the supply bills.

Mr. TILSON. If the purpose is all right, the gentleman from Texas is in accord with it.

Mr. VINSON of Kentucky. I am certain the gentleman from Texas would not do anything that would preclude the Government from accepting gifts.

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

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That the Secretary of War may, in his discretion, and under such rules and regulations as he may prescribe, accept donations of animals for breeding and donations of money or other property to be used as prizes or awards at agricultural fairs, horse shows, and similar exhibitions, in order to encourage the breeding of riding horses suitable for Army purposes.

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

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

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER. The Clerk will report the next bill.

QUARTERS FOR CIVILIAN INSTRUCTORS IN THE MILITARY ACADEMY

The next business on the Consent Calendar was the bill (H. R. 15653) to furnish public quarters, fuel, and light to certain civilian instructors in the United States Military Academy.

The title of the bill was read.

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

Mr. LAGUARDIA. That applies to civilian instructors?

Mr. JAMES. Yes. I do not know the names of the gentlemen. This item has been carried for years in the appropriation bill and will be carried in the appropriation bill.

Mr. LAGUARDIA. These instructors are at present quartered at the posts at the expense of the Government?

Mr. JAMES. Yes.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That the civilian instructors employed in the departments of modern languages and tactics in the United States Military Academy shall be entitled to public quarters, fuel, and light.

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

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

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER. The Clerk will report the next bill.

SALES COMMISSARIES OF THE WAR DEPARTMENT

The next business on the Consent Calendar was the bill (H. R. 15661) to regulate the operation of sales commissaries and other utilities of the War Department selling services or supplies.

The title of the bill was read.

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

Mr. BLANTON. I object.

The SPEAKER. The gentleman from Texas objects, and the bill is stricken from the calendar. The Clerk will report the next bill.

PROHIBITION OF CERTAIN ASSIGNMENTS TO DUTY IN BUREAUS OF THE WAR DEPARTMENT

The next business on the Consent Calendar was the bill (H. R. 15828) to prohibit certain assignments of duty in bureaus of the War Department.

The title of the bill was read.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That no clerk, messenger, or laborer at headquarters of tactical divisions, military departments, brigades, service schools, and office of the Chief of Staff shall be assigned to duty in any bureau of the War Department.

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

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

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER. The Clerk will report the next bill.

DAVIS SCHOOL OF FARMINGTON, UTAH

The next business on the Consent Calendar was the bill (H. R. 15839) authorizing the Davis School District of Farmington, Utah, to secure water for the use of the South Weber School from the water supply of the Ogden ordnance reserve depot.

The tite of the bill was read.

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

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That the Secretary of War is authorized, in his discretion, to permit the Davis school district of Farmington, Utah, to secure water for use at the South Weber School from the water supply of the Ogden ordnance reserve depot: *Provided*, That the United States shall incur no expense under this authority and the Secretary of War may revoke this permission, either temporarily or permanently, at any time that the entire water supply may be needed for use of the Ogden ordnance reserve depot.

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

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

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER. The Clerk will report the next bill.

LANDS GRANTED IN AID OF COMMON OR PUBLIC SCHOOLS

The next business on the Consent Calendar was the bill (S. 564) confirming in States and Territories title to lands granted by the United States in the aid of common or public schools.

The title of the bill was read.

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

Mr. LAGUARDIA. Reserving the right to object, I would like to ask the chairman of the Committee on Public Lands this question: In the bill have all the objectionable features pointed out by the department been eliminated?

Mr. SINNOTT. Yes. This bill is in the exact language that the Secretary submitted to the committee by letter of January 8, 1927. The Secretary's letter is set forth on page 2 of the report. This is what the Secretary agreed to, and also Judge Finney.

Mr. LAGUARDIA. There is no danger that by this bill we change the status of the lands on the oil fields in controversy?

Mr. SINNOTT. No. Everything in pending litigation is excepted.

I may add that the Secretary of the Interior is entitled to great credit for this legislation. The Secretary in this substitute, while it follows in the main the provisions of the bill originally reported from the Public Lands Committee of the House, yet he has clarified the language, has eliminated the school lands of Alaska, the quantity grants, and has made it clear that indemnity lands can not be selected from mineral lands. While I do not think that under the original bill, especially with the amendment suggested before the Rules Committee, that indemnity lands could be taken where they are mineral, the Secretary's substitute makes this absolutely clear and certain.

This controversy over the disposition of the school lands found to be mineral has been one of many years' standing; for years bills have been introduced to settle the question. It was not until Secretary Work took hold of the matter and gave it his serious and friendly consideration did we have any prospect of settlement. I have not agreed with the Secretary on everything, but I believe in giving credit where credit is due. To Secretary Work great credit is due for this very important piece of legislation.

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

There was no objection.

The SPEAKER. The Clerk will report the bill as amended by the committee.

The Clerk read as follows:

*Be it enacted, etc.*, That, subject to the provisions of subsections (a), (b), and (c) of this section, the several grants to the States of numbered sections in place for the support or in aid of common or public schools be, and they are hereby, extended to embrace numbered school sections mineral in character, unless land has been granted to and/or selected by and certified or approved, to any such State or States as indemnity or in lieu of any land so granted by numbered sections.

(a) That the grant of numbered mineral sections under this act shall be of the same effect as prior grants for the numbered nonmineral sections, and titles to such numbered mineral sections shall vest in the States at the time and in the manner and be subject to all the rights of adverse parties recognized by existing law in the grants of numbered nonmineral sections.

(b) That the additional grant made by this act is upon the express condition that all sales, grants, deeds, or patents for any of the lands so granted shall be subject to and contain a reservation to the State of all the coal and other minerals in the lands so sold, granted, deeded, or patented, together with the right to prospect for, mine, and remove the same. The coal and other mineral deposits in such lands shall be subject to lease by the State as the State legislature may direct, the proceeds of rentals and royalties therefrom to be utilized for the support or in aid of the common or public schools: *Provided*, That any lands or minerals disposed of contrary to the provisions of this act shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in the United States district court for the district in which the property or some part thereof is located.

(c) That any lands included within the limits of existing reservations of or by the United States, or specifically reserved for water-power purposes, or included in any pending suit or proceedings in the courts of the United States, or subject to or included in any valid application, claim, or right initiated or held under any of the existing laws of the United States, unless or until such application, claim, or right is relinquished or canceled, and all lands in the Territory of Alaska, are excluded from the provisions of this Act.

SEC. 2. That nothing herein contained is intended or shall be held or construed to increase, diminish, or affect the rights of States under grants other than for the support of common or public schools by numbered school sections in place, and this act shall not apply to indemnity or lieu selections or exchanges or the right hereafter to select indemnity for numbered school sections in place lost to the State under the provisions of this or other acts, and all existing laws governing such grants and indemnity or lieu selections and exchanges are hereby continued in full force and effect.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the third reading of the bill as amended.

The bill as amended was ordered to be read a third time; was read the third time and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

SCHOOL LAND-GRANT MEASURE

Mr. COLTON. Mr. Speaker, I ask unanimous consent to extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. COLTON. Mr. Speaker, Congress has recently enacted a law of far-reaching importance, particularly to the public-land State. I refer to the so-called school-section and land-grant measure.

No problem in recent years has given the various State administrations more serious concern than the question of the rights of States to the school sections in place granted to them by the Congress of the United States under the terms of the various enabling acts. When this grant was made to my own State there were no restrictions whatever upon it.

To be exact I shall quote from the Utah enabling act:

That upon the admission of the said State into the Union, sections 2, 16, 32, and 36 in every township of said proposed State are hereby granted to said State for the support of common schools.

In every public-land State Congress gave from one to four sections in every township in aid of the schools. From the very beginning the policy of the Federal Government has been a liberal one concerning education, because in addition to the sections in place there were other floating grants made for the benefit of the State universities and agricultural colleges and other State institutions.

In recent years, however, by reason of certain decisions of the Department of the Interior and the Supreme Court the value of these grants was greatly reduced and a cloud placed upon the title of the school lands, which in many instances rendered them practically valueless. As I have explained, in the enabling act of my State, no reservation was made of the minerals by Congress. The decisions, to which I have referred, undid the work of Congress by claiming that lands known to be valuable for mineral were not included in the grants made to the States, even though no mention was made of minerals.

Attempts were first made to secure relief from what was believed unjust decisions in the courts, but these attempts were unavailing, and for a time it looked as if very much of the lands heretofore granted to the States would be taken from them because of the presence, or supposed presence, of minerals. It was not really necessary to actually find minerals upon land to have them taken away from the States by the Government, but the doctrine of geological inference was invented, by which if it could be reasonably inferred that somewhere beneath the surface there was mineral in any of these lands the title was clouded. In hundreds of cases actions were brought to take these lands from the States. Of course, our States bitterly resented this attempt. Over 1,700 cases had been filed by the Interior Department attacking the States' title to these school lands at the beginning of 1926.

To defend the cases meant a very great expense to the States. Long and vexatious litigation would have been the inevitable result, with the chances very much in favor of the States losing in the end.

This matter was of vital importance to the public-land States. In fact, we felt that the very life blood of our common-school system was being drained away. It was no answer to say that it was being legally done. If a law works unjustly, its results are just as harmful as if there were no law covering the point. Many of the Western States are but sparsely settled and nearly all of them have areas of arid, desolate, barren, and desert wastes which are almost totally valueless. Taxation in these States is high and would have been much higher had they been deprived of the mineral school lands as was contemplated.

These States must depend largely upon the funds derived from the sale of these lands for the maintenance of that great institution—our common-school system. It also worked a great injustice upon the citizens who, in good faith, made purchases of these lands. The State would transfer its title in good faith. In later years subsequent development of the surrounding territory would show promise of being mineral in character, and this often after extensive and expensive exploration work had been done or perhaps, in the meantime, science had developed a new process making valuable a deposit which theretofore had no value or science may conclude that certain physical conditions are now known to indicate the presence of mineral. When these circumstances would arise the title would be attacked for the first time and the purchasers in good faith or the State, or both, would be called upon to defend a title which had been in repose for many years. In some instances, it was shown that land which had been classified as nonmineral land by one branch of the Government would, years afterwards, be claimed as mineral land by another branch of the Government. The result was hopeless, endless confusion and chaos because the States could not rely upon a classification of the Government's own agents nor, in fact, would the Government rely upon the classification made by its agents. This was particularly true in the States of Arizona, California, Colorado, Idaho, Nevada, Montana, New Mexico, Oregon, Washington, Wyoming, and Utah.

This condition made it absolutely imperative that Congress should take up the situation and deal with it in some fair and just way to the Government and the various States.

It was argued against the legislation that it was in effect a new grant. I am not prepared to admit this altogether, although I am free to state that it was an enlargement of the grant in many of the States; but even if it were an entirely new grant, no one will gainsay or deny the justness of it.

It was argued that it would reduce the funds now available for reclamation purposes. As is well known, the royalties received from minerals coming into the Treasury under the act of February, 1920, are divided as follows: Thirty-seven per cent goes to the State within which the minerals are found, 52½ per cent to the reclamation fund, where it is used primarily in the States which demanded the enactment of this legislation. Only 10 per cent was reserved by the Government for administration purposes. Of course, it must be admitted that in some States it would mean that one-ninth of these funds

would be diverted to the school fund for which the land was granted. In other cases it will only amount to a diversion of one-eighteenth and in some cases to only one thirty-sixth. When it comes to a choice in those States between the reclamation fund and the school fund we unhesitatingly choose the school fund. Certainly the diversion of this money could not be made for a better purpose than the education of the people. Surely no one will deny that the States affected should have the right to choose between their schools and the reclamation fund.

Mr. Speaker, now that this has become a law, I want to express my appreciation for the spirit of magnanimity displayed by this Congress and the Government in finally conceding to the States the mineral contained in the sections granted where rights have not heretofore attached. As to the value of these grants, it is very difficult at this time to fix any accurate estimation. Some have fixed the amount given to the States by this law as high as $100,000,000. Some recent figures given out by the Secretary of the Interior, based upon an estimate of the value of the "natural estate" in the remaining public-land areas, are extremely interesting and are substantially as follows:

Sale value of the surface of public lands outside national forests—190,000,000 acres—$310,000,000.

Value of national forests and resources, $1,000,000,000.

Royalty value of coal in public ownership: Bituminous, 10,000,000,000 tons, at 10 cents; subbituminous, 30,000,000,000 tons, at 8 cents; and lignite, 50,000,000,000 tons, at 5 cents, aggregating $5,900,000,000.

Royalty value of 700,000,000 barrels of oil, at 12½ per cent, $175,000,000.

Royalty value of 50,000,000,000 barrels of shale oil, at 5 per cent, $5,000,000,000.

Royalty value of 3,500,000,000 tons of phosphate, at 2 per cent, $280,000,000.

Royalty value of 20,000,000 tons of phosphate, at 2 per cent, $30,000,000.

Royalty value, Alaska: Coal of all grades, 20,000,000,000 tons, at 5 cents, $1,000,000,000. Twenty-five million barrels of oil, at 10 per cent, $2,500,000.

Total estimated royalty and sale value of public lands and resources, $13,697,500,000.

The law just passed relinquishes to the various States the title of the United States to all lands designated in the grant, including the mineral therein found, in aid of common or public schools. It excepts therefrom "any lands included within any reservation for national purposes, included in any pending suit or proceeding in the courts of the United States or subject to valid adverse claims of third parties." There are certain other lands which are excluded from the provisions of this law. Particularly those included within any military, Indian, or other reservation, or specifically reserved for water-power purposes. These lands will all be included within the scope and purposes of the act only from and after the date of the extinguishment of such reservation of the restoration of such land to the public domain. It will thus be seen that all existing rights are fully protected.

I want to note, also, that this bill is a conservation measure:

The bill also requires the States to reserve and withhold unto themselves all minerals of whatsoever character in any and all lands which they might transfer or sell, giving to them, however, the right to lease the minerals in the lands and to utilize the proceeds received as royalties or rentals "for the attainment of the purposes for which the lands were granted as the case may be."

In conclusion, I want to express in behalf of the people of my State and of the great West deep appreciation for all who assisted in the working out and passage of this bill.

Much credit is due the National Education Association and the State educational associations which consistently and at every opportune time took occasion to write letters and urge the support of this legislation in every way possible.

The western division of the American Mining Congress, the American Mining Congress, the Chamber of Commerce of the United States, the National Association of Attorneys General, and the department of superintendents of the National Education Association of the United States, all passed strong resolutions favoring this bill. A number of the States sent their representatives here to do everything possible in aid of the legislation. My own State sent Mr. W. Halverson Farr, one of its deputy attorneys general who remained in Washington for many weeks working in season and out of season for the passage of the measure. To him must be accorded a great deal of credit for his efficient work. The Secretary of the Interior made suggestions and he and his corps of able assistants finally drew the measure which was enacted into law. Many of the Senators and Representatives from the Western States spent much time and effort in this work. I can not, however, entirely close my remarks without making especial reference to my own senior Senator SMOOT and to Chairman SINNOTT of the Public Land Committee, who had been especially active in securing this legislation. Chairman SINNOTT having had years of experience in public-land matters and throwing the weight of his great influence and ability back of this measure has rendered invaluable service to his constituents and to all of the public-land States. I think we are especially indebted to him for the proviso retaining in the States the mineral which we hope will build, in the future, a great school fund.

Mr. Speaker, while the people of my State are for reasonable conservation of the great resources of this country, they stand first for the conservation and training of the human mind and soul. We are asking for the conservation of the resources of our school lands for the benefit of our children and our children's children. We are thinking in terms of people more than in terms of dollars. Our first thought has always been for the educational and moral uplift of our children. The schoolhouse and church were our first buildings after our homes. With a chance to have better schools and better homes we will reward the generosity of the Nation with a better, more patriotic liberty-loving citizenship.

### WATER RIGHTS ON THE COLORADO RIVER

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. TAYLOR of Colorado. Mr. Speaker, under leave granted me I insert herewith in the RECORD an address delivered by Mr. L. Ward Bannister, special counsel to the city of Denver, before the Denver Chamber of Commerce, on January 14, 1927, relative to the proposed development of the water resources of the Colorado River, and more particularly in reply to the address delivered before that same body by Senator PHIPPS, of Colorado, on December 31, 1926, upon the same subject, which appears in the CONGRESSIONAL RECORD of January 10, at page 1334.

I only insert the portion of the address pertaining to that particular project. I feel that the address is a legal and very logical and fair presentation of the matter, and of the rights of the respective States, and I am confident that it frankly reflects the sentiment of an overwhelming majority of the people of Colorado on the subject. It reads as follows:

#### THE LAW OF INTERSTATE STREAMS

Legislation concerning interstate streams can not be judged intelligently without preliminary observations as to the law governing the use of waters of these streams in the absence of interstate agreement and as to the content of the Colorado River compact.

Every American State has its own water law to be applied to water users within its own boundaries. In some of the States that law is to the effect that all land ownerships contiguous to a stream shall be entitled to a fair share of the water, regardless of relative dates of use. In still other States the rule is that whether or not the land ownerships are contiguous to the streams is immaterial and that the water is to be parceled out among the users in the order of their seniority in time of use—to the oldest user the first right, to the second oldest user the second right, and so on. The former system is known as the riparian system; the latter as the appropriation or priority system. Under the latter system, whether the latest user obtains any water or not, depends upon whether there is any water left for him after first satisfying the needs of the older users.

As for the division of the waters of interstate streams as between States the Supreme Court of the United States in the case of Kansas against Colorado, the former being fundamentally a riparian State and the latter fundamentally an appropriation State, laid down as to the Arkansas the rule of "equitable division," that each State was to have a fair portion of the water for use within its boundaries, without any conclusive regard to the relative dates of use as between the two States. In the later case of Wyoming against Colorado, a suit between two States, both of which were fundamentally appropriation States, the same court, while expressly commending its earlier decision in respect to a controversy between a riparian State on the one hand and an appropriation State on the other, declared with certain important modifications as to the Laramie that the rule between two appropriation States should be to the effect that the States were to share in the waters of the interstate stream in the order of their seniority of use.

Of the Colorado River States, six, in their water law, are fundamentally appropriation States, while the seventh, California, is as fundamentally riparian. True, in California they have both riparian and appropriation rights, but the appropriation rights there, in legal theory, are carved out of preexisting riparian rights.

Which of the two rules would be applied by the United States Supreme Court to a division of the waters of the Colorado among the States of the Colorado River Basin, in the absence of interstate agreement, no one can predict with assurance sufficient to justify large capital investment either by governmental or private enterprise. To develop the river without court decision, which would take years to obtain, or without interstate agreement, is to build on chaos. One thing that is certain is that any division of the water between States which fails to take into account the future needs as well as present uses, can not secure the approval of man's innate sense of justice. A monopoly or near monopoly of the use of the water by one State or by two States as against others would be as abhorrent as any other kind of monopoly at any time or any place. No State and no private interest will dare espouse a different view before the Congress of the American people.

However, another thing that is certain is that as a matter of caution Colorado in protecting herself against the other States should proceed upon the theory that the law may turn out to be "priority regardless of State lines."

THE COLORADO RIVER COMPACT

The average annual natural flow of the Colorado River is something like 20,500,000 acre-feet of water. Roughly speaking, the compact divides this flow by allowing annually to the four upper States of Wyoming, New Mexico, Utah, and Colorado 7,500,000 acre-feet, while assigning to the lower three of Arizona, Nevada, and California 8,500,000 acre-feet, and providing for a division between the same two groups some years hence of the remainder of the water less whatever amount, if any, should happen to be awarded to Mexico through the medium of a treaty should one be made between Mexico and the United States. The division provided for by the compact can not become effective, according to the terms of the compact, until that instrument shall have been ratified by all seven of the Colorado River States and by the Congress. Thus far it has been ratified absolutely by five out of the seven, the five being Nevada, New Mexico, Utah, Wyoming, and Colorado.

The same five States have passed special statutes by which the compact will become operative among as few as six of the States if six see fit to ratify it.

The States which are withholding their ratifications are California and Arizona, the former chiefly because she is unwilling to ratify except in exchange for a dam which will protect from flood the 50,000 of her people who live below sea level, and the latter chiefly because, before committing herself to the Colorado River compact, she wants an agreement with California and Nevada dividing among the three that quantity of the water of the river which the compact allocates to them in their combined capacity, and an agreement on the part of California to pay to Arizona an annual tax of $5 or $6 on every horsepower of electrical energy produced in Arizona and transported to California for consumption.

THE BOULDER CANYON PROJECT—THE SWING-JOHNSON BILL

TERMS OF THE BILL

If the Swing-Johnson bill, inclusive of the protective amendments which were offered by the upper States, should be passed, the Government, through the Secretary of the Interior, would be authorized to build, own, and operate a dam at or near Boulder Canyon on the river boundary between Arizona and Nevada, a dam sufficient to impound 20,000,000 acre-feet of water, for the purpose of protecting the lowlands of California and Arizona against flood, for the irrigation of 500,000 acres of Government and private lands in California and Arizona, for municipal and domestic use, and for the generation of hydroelectric power. The bill authorizes also the building of an all-American canal whereby to carry a portion of the impounded water into the Imperial Valley and neighboring districts of California, the canal to serve as an enlarged substitute for the canal now supplying the valley and which, for a portion of its distance, crosses into Mexico. As for the power plant, which the bill likewise authorizes, it may be built and operated either by the Government or, through contract with the Secretary of the Interior, private enterprise may lease the water privileges, build, own, and operate the plant. Knowing as we do the avowed policy of the administration to keep the Government as far as possible out of business, we may feel assured that unless compelled by extraordinary circumstances, such as by the failure of private applicants to bid enough to permit the Government to reimburse itself, the Government is not going into the power business at Boulder Canyon. Uncle Sam by nature is a policeman, and not a producer.

The dam is to be the greatest in the world, yet, according to the terms of the Swing-Johnson bill, it ultimately is not to cost the people of the United States a single cent. The total cost of the dam, canal, and power plant, and interest during construction would be somewhere around $125,000,000, whereof approximately $40,000,000 would be for the dam, $30,000,000 for the all-American canal, $35,000,000 for the power plant, if as unlikely the power plant were to be constructed by the Government, and the remaining $20,000,000 for interest. While the bill provides that the initial cost of whatever the Government may construct shall be advanced by the Government, yet it also provides that the Secretary of the Interior shall not turn a spade until he has in his hands contracts covering delivery of irrigation and other water and delivery of electrical energy or else of water privileges that others may develop the energy in a sum sufficient to reimburse the Government within a period of 50 years for its outlay with interest added.

The river is international, and Mexico is already using over 600,000 acre-feet for the irrigation of approximately 200,000 acres of land, and in increasing the use for additional lands as rapidly as possible in the expectation that in some way or other it will be able to establish a claim against the United States for the retention of all the water thus applied. The substitution of an all-American canal for the present international canal serving the Imperial Valley and vicinity would have the effect of protecting the States of the Colorado River Basin against any increased uses in Mexico, and the cost of the substituted canal, if Mexico will not lessen her water demands against the present canal, is not to be thought of in comparison with the economic gain to our own countrymen as the result of preventing increased uses in Mexico.

While we should continue to hope and work for the universal ratification of the Colorado River compact which the commissioners of the States negotiated under the chairmanship of Secretary Hoover, the Swing-Johnson bill offers to the upper States of the basin, in the meantime, the maximum protection that is humanly possible short of such universal ratification. In the first place, the bill assures us of the ratification of the compact upon at least a six-State basis, for it provides that the Secretary of the Interior shall start no construction work and that the Government shall appropriate no waters until first as many as six of the river States, inclusive of California, whose adherence is certain, shall have ratified. By that provision the upper States become protected as against any and all appropriations made in Nevada or California, in that through the ratification of the compact these two States agree that there shall be exempted in favor of the upper States and as free from appropriations made in the two States themselves the very quantity of water which the compact itself reserves for the upper States.

What about the protection given by the bill as against water appropriations in Arizona? These appropriations or uses may be considered as of two classes: Those to be connected with the project which the bill authorizes and those not thus connected. There will be no such connected uses for power generation in Arizona, because the bill requires the location of the power plants connected with the project to be in a ratifying State; in other words, in Nevada, unless Arizona should ratify the compact in which event their location in the latter State would be immaterial. As a matter of fact, physical conditions for power development are better on the Nevada side of the river than on the Arizona.

As for Arizona uses of water from the project for irrigation, the bill permits them, but undertakes, and I am strongly inclined to believe successfully, to protect the upper States by exempting in their favor the quantity of water reserved to them by the compact itself and by directing the Department of the Interior, in the administration of the waters of the project, to observe the terms of that instrument.

When it comes to Arizona appropriations or uses of water, not connected with the Boulder Canyon project authorized by the bill, but taken from other points on the river or its tributaries generally, the bill seeks to protect the upper States by limiting the quantity of water that Arizona and her people, under water rights initiated hereafter, may store upon or transport over Government lands, to such a quantity as does not encroach upon the amount reserved to the upper States by the compact. There may be some question as to whether such a limitation by the Congress on the use of Government lands would be valid—we are without precedents—but the probability is in favor of the validity. At any rate, the limitation is the best that can be devised short of Arizona's ratification of the compact.

When it comes to Arizona water appropriations or uses to be made hereafter and not requiring the use of Government lands for storage or transportation, the probability is that as a physical matter there are few, if any, appropriations or uses of major importance that could be made. Whether this is the probability or not, the bill undertakes to subordinate them also to the terms of the compact, although with what legal success no one can say definitely one way or the other.

The protection which the bill gives the upper States, as against the lower States of California and Nevada, is as complete as ever an interstate agreement with those States could make it; because, by the insured subsequent ratification of the compact by California, for which the bill opens the way, the upper States obtain that very agreement. As to Arizona, the bill gives the upper States, by strong probability, full protection against any and all Arizona water appropriations or uses from the waters of the project itself and probably against most appropriations or uses of consequence not connected with the project.

The bill gives us a whole loaf of protection from California, another from Nevada, and at least two-thirds of a loaf from Arizona. Without the bill we are likely to lose not only the two-thirds of a loaf but two whole ones as well.

DANGER FROM POWER LICENSES

The ideal solution of the controversy between the upper and lower States, which is the greatest controversy over the waters of the river,

would be the ratification of the compact upon a seven-State basis. We still may and should work for that objective, but if in doing so we either oppose or kill by intentional neglect the Swing-Johnson bill, the upper States run the risk of the resumption on the part of the Federal Power Commission of the granting of power licenses on the lower river, and in the uncertain condition of our interstate law governing the use of interstate streams, they run the possible risk, much as they may contend for the contrary rule, of water priorities being acquired by licensees of the commission sufficient to exhaust the entire now unused flow of the river, with the consequent possible effect that these States would be required as a matter of law to allow this water thereafter to go down unused to satisfy the needs of the power plants licensed instead of being permitted to use a fair part of it for irrigation, industrial, municipal, domestic, and other uses in the expansion of their economic life within their own borders. We of the upper States do not say that this is the law—in fact, most of us contend to the contrary—but we also know that, so far as the law is concerned, the whole question is in doubt. In a matter so grave as the economic future of our region let us run no risks. Let us build on certainties, not upon doubts. To protective provisions inserted in the licenses of the Federal Power Commission, in the attempt to protect the upper States, we dare not trust, because no one can predict with certainty whether provisions of that kind would be valid or not.

The danger that the commission may resume the issuance of licenses is not fanciful. The sword of Damocles hangs over us. We do not know when it will fall. Three times now during as many years the commission, largely at the instance of the upper States, suspended action upon one of the applications, that of James Girand for a power plant on the Colorado River in Arizona near the mouth of Diamond Creek. It did so with great reluctance on account of the heavy expenditure which Girand and his associates had made already and only because the public interest of the basin as a whole seemed to require a division, if possible, of the water of the river between the two groups of States before the acquisition of any more water priorities for power purposes in either group. At the time of the last suspension by the commission, which was in October, 1925, the action was suspended upon over 20 other applications, but, according to the order of the commission itself, the suspension was only for "a reasonable time" wherein to permit the States affected to reach an agreement over a division of the uses of the river. So deeply impressed was the commission by the equities of the Girand application that a companion order was entered to the effect that upon a withdrawal of the general order of suspension the Girand application should be given preferred consideration. We may hope not, but the commission may conclude that "a reasonable time" will have expired with the adjournment of the coming January sessions of the California and Arizona legislative sessions. We have no assurance that it will not.

THE SWING-JOHNSON BILL AND SENATOR PHIPPS

There are many thing in the Swing-Johnson bill with which Senator PHIPPS is in agreement. He believes in the division of water between the two groups of States which the bill attempts to make; that the dam itself should be built, owned, and operated by the Government; that the best site for the dam probably is the Boulder Canyon site, which already has been approved by the Department of the Interior, although he would like to have the selection further confirmed by engineering authority. He believes, too, that the dam should be devoted: First, to flood control; second, to irrigation and other water uses, except power generation; and third, to the generation of power, in the order of dominance named which is what the bill itself provides. He also thinks that the Government should regulate the discharge of waters from the dam in order to comply with the order of dominance just mentioned. He imparts financial standing to the project by expressing the opinion that there will be a ready market for the electric energy generated. He admits that California will ratify the compact immediately upon the passage of the bill and goes so far as to say that as a last resort—which, however, he does not believe has come as yet—he might be for the bill. To this extent the Senator's agreement with the principles of the bill is both gratifying and hopeful. In itself, however, it brings no water to Colorado because of his residuum of negation. Water can be produced only by the pump of affirmative action.

The Senator's objections are numerous. As a present substitute for the bill or at least as a preliminary to any bill of such character, he insists upon a seven-State ratification of the compact, although after four years of waiting that much-desired objective has not been achieved. Indeed, during that time Colorado and the other upper States have lost ground and are threatened constantly by even greater losses. What about San Carlos? What about the Laguna Dam power plant and the Cameron bill authorizing it? What about the Federal Power Commission licenses which are ever in the shadow?

The Senator thinks it un-American to seek to make the Colorado River compact the law of the river as against Arizona unless with the full voluntary consent of that State. I think it un-American not to defend Colorado, un-American to allow Arizona to hold off any longer with one hand the passage of the Swing-Johnson bill while at the same time grasping at water priorities against the upper States with the other. It never has been un-American to curb aggression, even by a State, and it is not so now.

While the Senator believes that if the bill passes California will enter immediately into the compact on a six-State basis, he thinks Arizona will stay out. It is far from certain, however, that Arizona would enter the compact if the bill were not passed, and it is certain that California would stay out. Let's have a compact at least on a six-State basis as against none at all.

The Senator fears that, should the bill be passed, Arizona will attack its constitutionality in the courts. I say, let her attack; there are six States to defend, and the Government as well. It is better to fight for our rights and take a chance in the fight than to stand by and see them go without a fight. Does the Senator imagine that the Colorado River compact itself, even if ratified by all seven States, is going to escape challenge on constitutional grounds from some private water user if from no other quarter?

In opposition to the bill and in support of a contention that six-State ratification, which the Swing-Johnson bill insures, "will probably have no legal efficacy," he quoted the opinion of one Ward Bannister given the Senate Committee on Irrigation and Reclamation December 15, 1925. Of course, the eminence of the authority quoted is conceded, as is also the compliment implied by the citation. However, the want of legal efficacy of six-State ratification was stated by the opinion to exist as against Arizona and not as against the other two lower States entering into the compact. That such a compact would not of itself give protection against Arizona with her out of it is as clear as that it would, on the other hand, give protection against Nevada and California with them in it. Obviously the protection against Arizona must be and now is found in the protective provisions of the bill, aside from those founded on the idea of a six-State compact.

The Senator also again quotes from the same general opinion in support of the contention that the bill probably would not protect as against Arizona, the quotation being, "I do not believe it (the Swing-Johnson bill) can be drawn so as to protect the upper States with certainty in the absence of universal ratification of the Colorado River compact." The Senator quoted correctly, but in his application failed to observe the words "with certainty." Both of the specific opinions quoted were expressed before the amendments protective of upper States had been prepared or made. Those amendments now are part of the bill. They accomplished about all that can be accomplished without Arizona's ratification of the compact. Although these amendments may not be fully accompanied by absolute "certainty" as to their validity against Arizona, and although the protection they afford may not be as "certain" as it would be under a compact ratified by Arizona, the validity is probably enough, in our jeopardy, to justify our support of the bill. When we are inclined to doubt this proposition all we have to do is to contemplate the protection we should have if the bill were not passed. The "certainty" of protection is greater under the bill than it would be without it, because under the bill we get at least the protection which a six-State compact affords against California and Nevada, together with the probability of a most substantial measure of protection against Arizona, whereas without the bill there is a strong chance of getting neither.

The Senator does not like the bill's authorization of the building of an all-American canal. He, to use his own language, is "not at all satisfied that such a canal could prove an economic success" and may want to amend the bill with a substitute device, such as pumping, for supplying the Imperial Valley, without using the present Imperial Valley ditch, which passes through Mexico.

The Secretary of the Interior believes that an all-American canal is feasible and that it should be built, unless Mexican interests now obtaining water through the present international ditch will lessen their demands on the water transported in order that the Imperial Valley may have more. This is a minor matter. The great thing is to build the dam for the lower States and to reserve water for the upper. If the Senator wants to amend, let him amend. We should be satisfied so long as his insistence on the smaller thing does not go so far as, should it prove unavailing, to prevent a favorable vote upon the greater thing in which Colorado is infinitely more interested.

When it comes to the generation of power at the dam, the bill, allowing the Government either to build and operate the power plants itself, or, as the Federal water power act itself permits, lease the water privileges to municipalities or to private corporations with the same preference in favor of the municipalities as the Federal water power act provides, the Senator favors the elimination from the bill of the alternative of governmental ownership and operation, and recommends a further amendment of the bill by putting the disposal of water privileges for power generation under the Federal Power Commission, which has general jurisdiction of the leasing of water privileges at Government dams. Being for private enterprise myself, I see no objection, providing first, that the amendment clearly provides that the power plants are to be constructed in a ratifying State and that the uses of the impounded waters for power generation and other purposes be put under those provisions of the bill protective of

the upper States, and if the Secretary of the Interior be authorized to regulate the discharge of the water from the dam; second, that the necessary arrangements be made with Secretaries Work and Hoover and the proponents of the bill, so that the bill, as thus amended in favor of the private power industry, will have the support that insures passage. This second condition is just as essential as the first. Indeed there are one or two other changes that might be made in favor of private power. But if in the end a choice must be made between what would satisfy the private power industry on the one hand and what yields water to Colorado and the other upper States on the other, then I am for Colorado.

The Senator's address was not as clear in consistency as it might have been, but one of the things causing me the greatest concern was an apparent suggestion that the Swing-Johnson bill could be dispensed with entirely and, failing a seven-State compact, the whole problem of the reservation of water for the upper States and of flood control and water uses for the lower States could be worked out by the Federal Power Commission under the Federal water power act. This method would not bring about a ratification of the compact on a six-State basis, with the protection such a compact would afford. The commission under its present powers could not impose on Arizona protective provisions in favor of the upper States with one-tenth the effectiveness that they can be imposed by the Congress itself. Any attempt to carry out such a suggestion, as compared with other protective methods, would be but to trifle with the water future of this city and State. I protest against it and will fight it at every turn. I, too, am for private enterprise, but I am for it in the upper States as well as in the lower. The private enterprise of farms not yet under irrigation and of factories not yet expanded or built in these upper States is just as precious as is any private enterprise, whether in the power industry or in any other industry in the States below, and by the Eternal it shall be protected!

We are reminded by the Senator that projects cost money and that the proposed development in Boulder Canyon will not be without some burden upon Colorado. Is this an argument against the project? If so, let's get out our pencils. The Government is not likely to build or operate the power plant, but only a dam and the all-American canal, leaving the power plants to private enterprise; but assuming that the power plant is to be included, the total cost would be $125,000,000. That money the Government is to get back out of revenues from the project, and can not commence work upon the project until the revenue contracts are in hand. Even if those contracts should fail to yield any expected return, Colorado's share in the loss would be about 1 per cent of the cost of construction, or $1,250,000. What is that compared with 1,000,000 acres of irrigated land, or any substantial part of it, at $125 per acre, or a gross annual income of $50 per acre? When did the Senator ever fail to invest a million to make a hundred million? You and I are not going to be any less wise than he if we can help it.

The Senator believes the Federal Power Commission should not issue any licenses during a wait for a seven-State compact. So do we all. But the Senator did not pledge himself to obtain from the commission any advance assurance that the commission would extend the present period of suspension, which was only for a "reasonable time." Who's going to put the bell on the cat that we may know when the licenses are coming? Colorado now appoints the senior Senator to the job, and the whole State will look on while he does it. Will he do it, as he ought to, before the Swing-Johnson bill comes to vote, so that all Senators and Congressmen may know in advance what they may expect if the bill should not be passed? And if the commission should extend the time, how is the Senator during this period of what has been a rather watchless, instead of watchful, waiting, going to hold back the Congress itself and the Senate—the Congress that with his help voted the San Carlos project, the Senate that with his help voted the Cameron bill for the power plant at the Laguna Dam? And what is he going to do about that Cameron bill now in the House? These are questions that count.

No; the policy of further waiting on Arizona is wrong. The bill gives Arizona all the privileges in the way of uses of water and of power which it gives to California or to Nevada. Welcome hands are out for her at any time she may choose to enter the compact, and we all hope that she will come in. But to wait longer is impossible. Physical conditions tell us that the Imperial Valley with its 50,000 people and its one hundred millions of property and adjacent Arizona lands are menaced yearly by flood. The human nature of the Congress tells us that the Congress will be providing a dam for flood control sooner or later. Sound business considerations tell us, as the Senator himself advises, that when the dam is built the impounded waters, in order to reimburse the Government out of revenue for costs of construction, should be used to generate power and to water thirsty lands. Caution on the part of the upper States dictates that no dam should be built, even for flood purposes, without a ratification of the compact on at least a six-State basis and without protective provisions against the State not ratifying.

These upper States can not afford to run the risk of priorities being acquired against them in the generation of power or the irrigation of land or for any other purpose under the guise of flood protection. Since, therefore, a dam is going to be built, anyway, let us of the upper States not adopt a position of opposition but rather one of constructive aid at all times, and with a reservation of water in our behalf primarily in mind. Let us build this dam at a time when, in doing so, we can count on a compact from Nevada and California, whether we can obtain one from Arizona or not. Let us do it while we can have their affirmative help to extend against Arizona provisions protective of the reservation of water so much needed. As for the Senator, he did not by his address close the door against his own aid. Let us all hope and believe that we shall have it before it is too late. He can not be anything else than for Colorado. The Colorado Engineering Council, representing over 2,000 technical men of the State, the Colorado Association of Commercial Organizations, the city of Denver, the Denver Chamber of Commerce, all of the newspapers of the city, many of the papers outside, Secretaries Work and Hoover, and most of the Colorado River States have come out for the bill. Let us be swerved neither to the right nor to the left by considerations that are minor, but press forward, keeping steadily in view the one supreme objective by which all loyalty is to be tested—water for the upper States, and therefore for Colorado.

SCHOOL LAND TITLES AND LEGISLATION

Mr. MORROW. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. MORROW. Mr. Speaker, in the passage of Senate bill 564, introduced in the Senate by Senator JONES of New Mexico and amended in the House, an important step has been accomplished in the securing of title to the school lands which have been granted to 12 of these Western States. The placing of the mineral rights in charge of the States will bring to each State an immense school fund if each State will in turn use business judgment.

The mineral being reserved to the State in the act just passed for the use of schools is very proper and timely.

History presents to us examples of the failure of nearly all the States receiving the earlier grants for its public schools to save and invest the revenue in a permanent fund. The State of New Mexico, which I have the honor to represent, has within its school lands nearly all the valuable minerals so important to the Nation and which possess a great future potential value.

The securing title by the States to the lands granted in aid of the public schools, and the lands granted to State institutions has been a long struggle for the Western States admitted into the Union since the year 1845.

By the passage of this act, the State of New Mexico should secure title, in fee, to 8,711,152 acres of land; the 12 States involved, a total of 54,587,647 acres. What a vast heritage this will be for our public schools! Also, what an immense burden in taxation will be lifted from the taxpayer, if this vast estate is handled honestly, faithfully, and economically.

It is up to the States to see that their future State officers in charge of this vast empire of wealth possess the ability, integrity, and judgment to carry forward in the manner indicated in the act of Congress. Some will fail unless future State legislation is so enacted as a complete safeguard for the trust that its officers will be required to manage and carry out.

This land will not be disposed of in a few years; but should be sold so as to create a permanent fund. This fund if handled properly will continue to grow and accumulate for a century to come.

The title to our school land having been accomplished, there remains a further step by the States interested in this act of Congress just passed. That is, all of the remaining public land in all the public-land States should pass to the control of each State wherein situated and all Federal control cease concerning it.

Should the States secure title to the remaining public land, each State should at once take over the reclamation projects and assume the obligation to pay the Government the return that it is entitled to therein.

This will entail supervision by the States over reclamation matters within the States where such projects are located. In my opinion the States can in the future handle these matters more satisfactorily, economically, and beneficially than the Federal Government. This would be a step toward reducing the governing power of at least one of the departments of Government in giving it an opportunity to reduce some of its bureaus.

This will be in line with the thought so well expressed by Representative THOMAS, of Oklahoma, in his speech of March 19, 1926, before this body, as follows:

"It is charged that there is being developed here in Washington a centralized bureaucratic government in which the people are losing control.

"It is charged that the centralization of the powers of Government in Washington is destroying the sovereignty of the States, and thereby robbing the people of their inalienable rights to local self-government."

The public-land States in order to maintain State government need to utilize all the land within their borders. The fact that about one-half of the entire land in my State is still property of the United States Government, and is not taxed, leaves the State a great burden in maintaining the expenses incident to State government. The lands in my opinion can be best administered by the State and a large reduction made in Government expense; this would in no manner interfere with the Forest Service.

Many writers and Members of Congress have at various times referred to the fact that the thirteen original States did not receive grants of public land for development in the thirteen original States. It shall be my purpose to show the origin of the use of the land termed public land, and what became of same during the origin and growth of the Nation down to the present law, just passed by Congress. In doing this millions of acres that passed by private grants to individuals are not enumerated, but that which passed by legislation in the interest of States, canals, and railroad corporations is fairly accurately stated in my remarks.

The first record of the reservation of public lands was taken from the town records of Cambridge, Mass., May 3, 1638, when two-thirds acre was reserved for public schools and colleges. The school referred to was Harvard College, and the professor was Nathaniel Eaton. There was granted to Cambridge for the use of the college 100 acres, and to the president of the institution 400 acres. Various other grants were made. In 1652, the general court granted to the college 800 acres and in 1654 a further grant of 200 acres. In 1683, 1,000 acres were granted with adjoining land.

In 1715, 105,793 acres obtained by Connecticut from Massachusetts in settlement of a boundary dispute were sold and £500 of the proceeds given to the college at New Haven. This was followed in 1732 by an additional grant of 300 acres in each of five townships. In 1746 the institution which later became Princeton University was granted a charter under the name of the College of New Jersey. Six years later, original location having been changed and the permanent home being chosen, the town granted to the school 10 acres for a campus and 200 acres of woodland. Dartmouth College was originally founded by Eleazor Wheelock, as an institution for the education of the Indians and also for missionary service among the Indians. In 1771 the town of Hanover granted to the college 300 acres of land. The year previous the provincial government had given to the trustees of the institution a township of land. The title to this proved defective, and in 1789 compensation was made by a grant of 40,960 acres on the Connecticut River.

In 1780 Virginia granted 8,000 acres of land—she had acquired lands now in the present State of Kentucky—for the purpose of public schools. Three years later these lands were given to Transylvania Seminary. In 1784 grants of land near Williamsburg and Jamestown were made to William and Mary University. During the period of the Revolutionary War grants for the support of colleges were made by the States of Vermont and New Hampshire. In 1785 a grant of 23,000 acres was made to Dartmouth College. The Legislature of Pennsylvania in 1779 authorized a reservation of lands secured from confiscated estates for the support of colleges and academies and a charitable institution to be known as the School of Philadelphia, which is now the University of Pennsylvania.

In 1786 Dickinson College received a grant of 10,000 acres of land. The next year Franklin College was granted a like amount. In 1784 the Georgia Legislature reserved 20,000 acres of land in each county to colleges and seminaries for the purposes of learning. This was the first step toward the establishment of the University of Georgia. In 1785 Charleston College was incorporated and was vested with land.

In 1789 North Carolina provided that all property that should escheat to the State should be vested in trustees for the benefit of the university. In 1790 New York granted several large tracts of land for the support of Columbia College. Prior to 1787 eight of the original States had used their public land for the maintenance of institutions called colleges.

The question of the public domain started with the original 13 Colonies. The original 13 States had some dispute as to how the lands were to be disposed of. In the Articles of Confederation there was a provision that all of the western lands should become the property of the United States. This originally failed. By 1786 all States claiming land in what was then known as the Northwestern Territory ceded their western land. North Carolina made her cession of the lands, which now are embraced within the State of Tennessee, in 1790.

South Carolina ceded her land in 1787 and Georgia in 1802. This was the beginning, as stated before, of the public domain. This was added to by the Louisiana Purchase in 1803, the acquisition of Florida in 1819, the Oregon territory in 1846, the cessions from Mexico in 1848 and 1853, the purchase of Alaska in 1847, and Hawaii in 1898, and the later cessions from Spain in the Spanish-American War. The addition of these immense bodies of land added to the public domain of the United States millions of acres. Texas in coming into the Union in 1845 retained all the vacant and unappropriated lands within her borders for the State. The first grant of land began in 1859 with the Morril Act, which carried a grant of 20,000 acres to each State for each Senator and Representative in Congress. In 1862 this grant was increased one-half in the same way. The amount that each State was granted under these acts is as follows:

| | Acres |
|---|---|
| Arizona | 150,000 |
| California | 150,000 |
| Colorado | 90,000 |
| Idaho | 90,000 |
| Iowa | 240,000 |
| Kansas | 90,000 |
| Michigan | 240,000 |
| Minnesota | 120,000 |
| Missouri | 330,000 |
| Montana | 90,000 |
| Nebraska | 90,000 |
| Nevada | 90,000 |
| New Mexico | 150,000 |
| North Dakota | 90,000 |
| Oklahoma | 250,000 |
| Oregon | 90,000 |
| South Dakota | 120,000 |
| Utah | 200,000 |
| Washington | 90,000 |
| Wisconsin | 240,000 |
| Wyoming | 90,000 |
| Total | 3,090,000 |

Then came a grant of scrip to the States in the following amounts:

| | Acres |
|---|---|
| Alabama | 240,000 |
| Arkansas | 150,000 |
| Connecticut | 180,000 |
| Delaware | 90,000 |
| Florida | 90,000 |
| Georgia | 270,000 |
| Illinois | 480,000 |
| Indiana | 390,000 |
| Kentucky | 330,000 |
| Louisiana | 210,000 |
| Maine | 210,000 |
| Maryland | 210,000 |
| Massachusetts | 360,000 |
| Mississippi | 210,000 |
| New Hampshire | 150,000 |
| New Jersey | 210,000 |
| New York | 990,000 |
| North Carolina | 270,000 |
| Ohio | 630,000 |
| Pennsylvania | 700,000 |
| Rhode Island | 120,000 |
| South Carolina | 180,000 |
| Tennessee | 300,000 |
| Texas | 180,000 |
| Vermont | 150,000 |
| Virginia | 300,000 |
| West Virginia | 150,000 |
| Total | 7,750,000 |
| Grand total | 10,840,000 |

Next came the Federal grant for public roads in Ohio and through various States, including Indiana. This continued up until the Civil War. According to the report of the Commissioner of the General Land Office, made in the year 1911, the grants for highways were as follows:

| Time of grant | Road | State | Number of acres certified or patented up to June 30, 1911 |
|---|---|---|---|
| Feb. 28, 1823 | Miami of Lake Erie to Connecticut Western Reserve. | Ohio | 80,773.54 |
| Mar. 2, 1827 | Lake Michigan to Ohio River | Indiana | 170,580.24 |
| Mar. 3, 1863 | Fort Wilkins, Copper Harbor, Mich., to Wisconsin State line. | Michigan | 221,013.35 |
| Do | Fort Howard, Green Bay, Wis., to Michigan State line. | Wisconsin | 302,930.96 |
| July 2, 1864 | Oregon Central Military Road | Oregon | 666,655.78 |
| July 4, 1866 | Corvallis and Yaquina Bay | do | 81,895.25 |
| July 5, 1866 | Willamette Valley and Cascade Mountains. | do | 861,511.86 |
| Feb. 25, 1867 | Dalles Military Road | do | 556,827.04 |
| Mar. 3, 1869 | Coos Bay Military Road | do | 105,240.11 |
| | Total | | 3,047,428.13 |

Following came grants for canals and rivers, among others the canals to the Great Lakes. Many of the States received grants for this purpose up to the year 1827, when a bill was introduced into Congress reserving alternate sections for the Federal Government for internal improvements. This was amended to a grant of five sections on each side of the canal, reserving alternate sections to the Government. This was followed by additional grants in 1822 and 1824. A grant of land was made to Illinois connecting the Illinois River with Lake Michigan. In 1828 a grant was made to Ohio extending the Miami Canal from Dayton to Lake Erie. At the same time a grant of 5,000,000 acres for aiding the payment of debts contracted in the construction of canals was made to the State of Ohio. In 1838 the Territory of Wisconsin received a grant of land. In 1850 a grant was made to Indiana for the completion of the Wabash and Erie Canal. In 1852 the State of Michigan received a grant of 750,000 acres for the construction of a canal. In 1865 and 1866 400,000 acres were granted for building a canal from Lake Superior to Portage Lake. In 1866, 100,000 acres was granted for building a canal from Lake Superior to Lac La Belle. At the same time Wisconsin was granted 200,000 acres to construct a harbor and a canal from Green Bay to Lake Michigan. The amount of the grants for some of the canals and the date is set out here, as follows:

| Date of grant | Canal | State | Total area |
|---|---|---|---|
| Mar. 2, 1827 | Illinois and Lake Michigan | Illinois | 324,282.74 |
| Do. Mar. 3, 1845 | Wabash and Erie | Indiana | 1,480,408.87 |
| May 24, 1828 | do | Ohio | 265,815.45 |
| May 25, 1828 | Miami and Dayton | do | 438,301.32 |
| May 24, 1828 | Canals general | do | 500,000.00 |
| June 18, 1828 | Milwaukee and Rock River | Wisconsin | 138,995.99 |
| Apr. 10, 1866 | Green Bay and Lake Michigan | do | 200,000.00 |
| Aug. 26, 1852 | St. Marys Ship | Michigan | 750,000.00 |
| Mar. 3, 1865 July 2, 1866 | Portage Lake and Lake Superior Ship | do | 400,000.00 |
| July 3, 1866 | Lake Superior and Lac La Belle | do | 100,000.00 |
| | Total | | 4,597,804.37 |

Many grants of public lands were made for the improvement of the rivers. The first of this kind was received by the State of Alabama in 1828, when 400,000 acres of land were given for the improvement of the navigation of Muscle Shoals and Colvert's Shoals in the Tennessee River, and also other improvements of channels in rivers.

In 1884 one section of land was granted to Wisconsin to improve the navigation of the Grant River. Two years later, in order to improve the navigation and connect the Fox and Wisconsin Rivers by a canal, three sections for each mile were given along the Fox River from its mouth to the canal and along the canal to the Wisconsin River. This was provided for by a sale of the land. The time for the completion of this canal had been fixed at 20 years. In 1867 an extension of 5 years was granted and under the grant made in 1826 Wisconsin received 683,732 acres of land. That same year the State of Iowa received a grant of land to aid in the improvement of a canal of the Des Moines River, consisting of one-half of all sections unappropriated within 5 miles of the river. This was a similar grant to the conditions of the grant of land to Wisconsin. The State received 1,161,513 acres and used for canal construction only 321,422 acres. The balance was given to the Des Moines Valley Railroad. In 1868 the State of Minnesota received a grant of 200,000 acres for the construction of a lock and a dam at Meeker's Island. This was to improve navigation at the mouth of the Minnesota and the Falls of St. Anthony. This grant reverted to the Government owing to the fact that the work was never done. During the war of 1812 the national debt increased to $127,000,000 in 1815. It was decreased from year to year until the Government was unable to expend its surplus revenue.

The States demanded all the public lands within their limits to be ceded to them. This matter came up for action in Congress in the year 1829. In place of ceding the lands the States agreed to divide the funds derived from the sale of public lands in an annual distribution among all the States. At this time the public lands were 1,090,871,753 acres, with a value of $1,363,589,691, at the minimum price of $1.25 per acre. The argument against ceding these lands to the States at this time was that it would be unfair to the older States and that the land should be used for the common benefit of all the States. As a compromise, as stated heretofore, it was agreed that each public-land State should receive 10 per cent of the net proceeds from the sale of public lands within its borders, and that the remainder should be distributed among all of the States according to population for a period of five years. This measure was vetoed by President Jackson. The matter of the distribution of the funds derived from the sale of public lands agitated Congress session after session.

In 1841 the proposition was combined with a general preemption bill. The act carried two distinct grants: Money and a grant of land. The first was the distribution proposition, granting to each public-land State, in addition to the 5 per cent grant, 10 per cent of the net proceeds from the sale of public land within its borders. The balance was distributed to the 26 States, the Territories of Iowa, Wisconsin, and Florida, and the District of Columbia, according to their "respective Federal representative population." For the District of Columbia education was named as the purpose of the grant. The other grantees were left to dispose of their shares as they would. Debts due the United States were to be offset before any State or Territory received its distributive share.

In 1841 a grant of 500,000 acres of land to each public-land State for internal improvement was made except the State of Tennessee. This was restricted from States that had already received land for this purpose, except to bring their total up to 500,000 acres. Nineteen States received this grant. Five States requested that they be authorized to devote the lands granted for internal improvements to the support of common schools, which was granted to Wisconsin and Alabama in 1848, Iowa in 1849, Nevada in 1866, Oregon in 1871. This granting of lands heretofore to the States for internal improvements finally brought the policy of the Government granting lands for railroad construction, and every Congress for several years dealt with this problem. In 1834 a grant was made of property used at Harpers Ferry to the Winchester & Potomac Railroad. Then followed grants of the public domain in Florida and Alabama. Numerous special grants followed, such as sites for depots and watering places. From 1839 to 1841 every session of Congress took some action toward granting lands to railroads. In 1856 the country went wild over granting lands to railroads. The first grant to the Pacific Railroad was made to the Union Pacific in 1862. This was the first of the railroad corporations. The last railroad land grant to a State was made to California in 1867. The last railroad corporation to receive a land grant was the Texas Pacific in 1871. The railroad land grant of 1850 carried a donation of every alternate section within 6 miles of the road. The amount was 3,840 acres for each mile of railroad, and in case the sections within 6 miles of the road had been selected, permission was given to select within 15 miles of the road.

In 1863 in the grant to Kansas this was increased to every alternate section within 10 miles of the road, and the range of selection was increased to 20 miles.

In 1864 a grant to the Union Pacific, another transcontinental road, was increased to every alternate section within 20 miles of the road for those parts of the road passing through the territory, which amounted to 40 acres for each rod of road built. In 1866 the grants to the Northern Pacific, Atlantic & Pacific, and Southern & Pacific were increased to 40 sections for each mile of road in the Territories and one-half that amount in the States. Of the 18 public-land States that had entered the Union prior to the date the grants were made to the railroads, 13 received grants of land for railroads. Of the other 5 States, Ohio and Indiana had received equivalent grants for canals. In Oregon grants for military roads were made, and in Nebraska and Nevada for the Pacific railroads. So far as the claims have been adjusted the grants to States of public lands, as heretofore stated, is as follows:

| | Acres |
|---|---|
| Alabama | 2,746,400.41 |
| Arkansas | 2,562,095.30 |
| Florida | 2,205,146.66 |
| Illinois | 2,595,133.00 |
| Iowa | 4,929,758.26 |
| Kansas | 4,633,760.73 |
| Louisiana | 463,746.78 |
| Michigan | 3,133,176.23 |
| Minnesota | 8,028,999.95 |
| Mississippi | 1,075,345.02 |
| Missouri | 1,837,728.17 |
| Wisconsin | 3,649,749.15 |
| Total | 37,860,300.39 |

So far the adjusted grants to corporations are as follows:

| | Acres |
|---|---|
| Union Pacific | 11,930,685.95 |
| Central Pacific | 5,842,717.72 |
| Central Pacific (successor by consolidation with Western Pacific) | 458,147.97 |
| Central Branch Union Pacific | 223,080.50 |
| Union Pacific (Kansas Division) | 6,175,660.63 |
| Union Pacific (successor to Denver Pacific Railway Co.) | 807,564.76 |
| Burlington & Missouri River in Nebraska | 2,374,090.77 |
| Sioux City & Pacific (now Missouri Valley Land Co.) | 42,610.95 |
| Northern Pacific | 33,279,866.99 |
| Oregon Branch of the Central Pacific | 3,154,994.16 |
| Oregon & California | 2,765,677.10 |

| | Acres |
|---|---|
| Atlantic & Pacific (now Santa Fe Pacific) | 4,280,502.45 |
| Southern Pacific (main line) | 3,677,509.83 |
| Southern Pacific (branch line) | 1,451,281.08 |
| Oregon Central | 128,618.13 |
| New Orleans Pacific | 1,001,783.27 |
| Total | 77,594,792.26 |

So far as the record shows as to the adjustment of lands granted to the States and corporations, it is 115,455,093.65 acres. Add to this 29,000,000 acres still in dispute which has not yet been determined, making a total of 145,000,000 acres. There was a reservation made by the Government that all of the railroads receiving grants should make their roads a public highway for the use of the United States. This was carried out during the Civil War. Later this was modified to some extent by Congress paying a reasonable charge thereafter.

So that Congress may be advised how other public lands have been disposed of; I desire to mention further States receiving grants known as salt springs, the acreage and date as follows:

| State | Time | Area |
|---|---|---|
| Ohio | Apr. 30, 1902 | 24,216 |
| Indiana | Apr. 19, 1816 | 23,040 |
| Illinois | Apr. 18, 1818 | 121,629 |
| Alabama | Mar. 2, 1819 | 46,080 |
| Missouri | Mar. 6, 1820 | 23,040 |
| Michigan | June 23, 1826 | 46,080 |
| Arkansas | June 23, 1836 | 46,080 |
| Iowa | Mar. 3, 1845 | 46,080 |
| Wisconsin | Aug. 6, 1846 | 46,080 |
| Minnesota | Feb. 26, 1857 | 46,080 |
| Oregon | Feb. 14, 1859 | 46,080 |
| Kansas | Jan. 29, 1861 | 46,080 |
| Nebraska | Apr. 19, 1864 | 46,080 |
| Colorado | Mar. 3, 1875 | 46,080 |
| Total | | 652,725 |

In 1889 Congress abandoned the policy of granting salt spring lands to the new States and also giving swamp lands and lands for internal improvements. The States coming in later received in lieu of the grants heretofore made, the older States' lands were granted for the support of penal, charitable, and educational institutions, as follows:

| North Dakota and South Dakota granted February 22, 1889: | Acres |
|---|---|
| Purpose of grant— | |
| School of mines | 40,000 |
| University | 40,000 |
| Agricultural college | 40,000 |
| Reform school | 40,000 |
| Normal schools | 80,000 |
| Deaf and dumb asylum | 40,000 |
| Public buildings at capital | 50,000 |
| Other educational and charitable institutions | 170,000 |
| United States penitentiary | 170,000 |
| Total | 500,000 |

| Montana granted February 22, 1889: | |
|---|---|
| Purpose of grant— | |
| School of mines | 100,000 |
| Agricultural college | 50,000 |
| Reform school | 50,000 |
| Normal schools | 100,000 |
| Deaf and dumb asylum | 50,000 |
| Public buildings at capital | 150,000 |
| Deer Lodge Penitentiary | |
| Total | 500,000 |

| Idaho granted July 3, 1890: | |
|---|---|
| Purpose of grant— | |
| Scientific school | 100,000 |
| University at Moscow | 50,000 |
| Normal schools | 100,000 |
| Penitentiary at Boise City | 50,000 |
| Insane asylum at Blackfoot | 50,000 |
| Other charitable, penal, educational, and reformatory institutions | 150,000 |
| Total | 500,000 |

| Wyoming, granted July 10, 1890: | |
|---|---|
| Purpose of grant— | |
| Insane asylum in Unita County | 30,000 |
| Penal, educational, and reformatory institutions in Carbon County | 30,000 |
| Penitentiary in Albany County | 30,000 |
| Fish hatchery in Albany County | 5,000 |
| Deaf, dumb, and blind asylum in Laramie County | 30,000 |
| Poor farm in Fremont County | 10,000 |
| Hospital for miners disabled in mines of State | 30,000 |
| Public buildings at capital | 75,000 |
| State charitable, educational, penal, and reformatory institutions | 260,000 |
| Total | 500,000 |

| Utah, granted July 16, 1894: | Acres |
|---|---|
| Purpose of grant— | |
| University | 110,000 |
| Permanent water reservoirs for irrigation purposes | 500,000 |
| Insane asylum | 100,000 |
| School of mines in connection with university | 100,000 |
| Deaf and dumb asylum | 100,000 |
| Reform school | 100,000 |
| Normal schools | 100,000 |
| Institution for the blind | 100,000 |
| Miners' hospital for disabled miners | 50,000 |
| Total | 1,260,000 |

| Oklahoma, granted June 16, 1906: | |
|---|---|
| Purpose of grant— | |
| University | 250,000 |
| University preparatory school | 150,000 |
| Agricultural and mechanical college | 250,000 |
| Colored agricultural and normal university | 100,000 |
| Normal schools | 300,000 |
| Total | 1,050,000 |

| New Mexico territorial grant June 21, 1898: | |
|---|---|
| Purpose of grant— | |
| Military institute | 50,000 |
| Normal schools | 100,000 |
| Reform school | 50,000 |
| Asylum for deaf and dumb | 50,000 |
| School of mines | 50,000 |
| Institute for blind | 50,000 |
| Hospital for disabled miners | 50,000 |
| Insane asylum | 50,000 |
| Penitentiary | 50,000 |
| Permanent water reservoir | 500,000 |
| Improvement Rio Grande and increase of surface flow | 100,000 |
| Total | 1,100,000 |

| Arizona and New Mexico granted June 20, 1910: | |
|---|---|
| Purpose of grant— | |
| University | 200,000 |
| School of mines | 150,000 |
| Agricultural and mechanic arts college | 150,000 |
| Military institutes | 100,000 |
| Normal schools | 200,000 |
| Schools and asylums for deaf, dumb, and blind | 100,000 |
| Insane asylums | 100,000 |
| Penitentiaries | 100,000 |
| Miners' hospital for disabled miners | 50,000 |
| Legislative, executive, and judicial buildings | 100,000 |
| Charitable, penal, and reformatory institutions | 100,000 |
| Payment of bonds issued by certain counties | 1,000,000 |
| Total | 2,350,000 |

The building lands received by each of the States is shown by the following table:

| State | Number of sections | Purpose | Time |
|---|---|---|---|
| Indiana | 4 | Seat of government | 1816 |
| Mississippi | 2 | do | 1819 |
| Illinois | 4 | do | 1819 |
| Alabama | (1) | do | 1819 |
| Missouri | 4 | do | 1820 |
| Arkansas | 10 | Public buildings at seat of government | 1831 |
| | 5 | do | 1836 |
| Michigan | 5 | do | 1836 |
| Iowa | 1 | Seat of government | 1839 |
| | 5 | Public buildings at seat of government | 1845 |
| Florida | ¼ | Both purposes | 1824 |
| | ¼ | Public buildings (regranted in 1829) | 1827 |
| | 1 | Public buildings | 1829 |
| | ½ | Not specified | 1829 |
| | 8 | Seat of government | 1845 |
| Wisconsin | 10 | Public buildings at seat of government | 1846 |
| California | (2) | Site for a penitentiary | 1864 |
| | 10 | Public buildings at seat of government | |
| Minnesota | 10 | do | 1857 |
| Oregon | 10 | do | 1859 |
| Kansas | 10 | do | 1861 |
| Nebraska | 20 | do | 1864 |
| | 50 | Penitentiary | 1864 |
| Nevada | 20 | Public buildings at seat of government | 1864 |
| | 20 | Penitentiary | 1864 |
| Colorado | 50 | Public buildings at seat of government | 1875 |
| | 50 | Penitentiary | 1875 |
| North Dakota | 50 | Public buildings at seat of government | 1889 |
| South Dakota | 50 | do | 1889 |
| Montana | 50 | do | 1889 |
| Washington | 50 | do | 1889 |
| Idaho | 50 | do | 1890 |
| Wyoming | 50 | do | 1890 |
| Utah | 100 | do | 1894 |
| Oklahoma | (3) | do | 1906 |
| Arizona | 50 | do | 1910 |
| New Mexico | 50 | do | 1910 |

[1] 1,620 acres.
[2] 450 acres.
[3] Sec. 33 in certain Indian reservations, amounting to 274,228 acres.

This makes a total of a little more than half a million acres.

Following is a statement of the amount accrued and paid on account of grants of 2, 3, and 5 per cent of the net proceeds

of the sales of public lands to June 30, 1910, as well as during the fiscal year 1910:

| State | Fiscal year 1910 | Aggregate to June 30, 1910 |
|---|---|---|
| Alabama | $749.18 | $1,076,404.03 |
| Arkansas | 1,676.80 | 319,032.92 |
| California | 15,718.58 | 1,048,614.93 |
| Colorado | 20,617.21 | 429,227.12 |
| Florida | 1,098.38 | 131,239.38 |
| Idaho | 13,440.14 | 220,163.89 |
| Illinois | | 1,187,908.89 |
| Indiana | | 1,040,255.26 |
| Iowa | | 633,638.10 |
| Kansas | 6,180.63 | 1,118,426.51 |
| Louisiana | 179.75 | 467,432.81 |
| Michigan | 393.77 | 586,579.96 |
| Minnesota | 7,995.76 | 582,077.05 |
| Mississippi | | 1,069,843.91 |
| Missouri | 1,803.49 | 1,058,970.43 |
| Montana | 31,658.77 | 332,310.65 |
| Nebraska | 4,538.07 | 544,915.02 |
| Nevada | 2,660.55 | 25,984.82 |
| New Mexico | 23,293.48 | 95,369.71 |
| North Dakota | 39,448.72 | 473,354.64 |
| Ohio | | 999,353.01 |
| Oklahoma | 11,484.23 | 50,127.86 |
| Oregon | 13,532.09 | 688,902.14 |
| South Dakota | 35,069.76 | 213,568.12 |
| Utah | 17,310.06 | 71,596.56 |
| Washington | 13,018.42 | 380,718.96 |
| Wisconsin | 91.52 | 586,137.60 |
| Wyoming | 14,442.56 | 174,627.62 |
| Total | 276,401.92 | 15,606,721.90 |

The swamp land act of 1850 was perhaps the largest single grant made by the Government to the individual State and was largely frittered away. The State of Florida received the largest grant of any State and Ohio the least amount from this act. The following shows the amount patented to each State to June 30, 1907:

| | Acres |
|---|---|
| Alabama | 418,520.14 |
| Arkansas | 7,685,255.21 |
| California | 2,042,214.99 |
| Florida | 20,139,584.76 |
| Illinois | 1,457,380.98 |
| Indiana | 1,254,230.73 |
| Iowa | 871,702.71 |
| Louisiana (act of 1849) | 8,922,389.43 |
| Louisiana (act of 1850) | 394,237.45 |
| Michigan | 5,655,533.16 |
| Minnesota | 4,356,485.39 |
| Mississippi | 3,282,643.80 |
| Missouri | 3,345,514.51 |
| Ohio | 26,251.95 |
| Oregon | 253,493.46 |
| Wisconsin | 3,251,102.34 |
| Total | 63,356,541.01 |

The school lands granted to the States, as shown by the Land Office records, are as follows:

| | Acres |
|---|---|
| States receiving section No. 16: | |
| Alabama | 901,725 |
| Arkansas | 928,057 |
| Florida | 1,053,653 |
| Illinois | 985,141 |
| Indiana | 601,049 |
| Iowa | 978,578 |
| Louisiana | 798,085 |
| Michigan | 1,003,573 |
| Mississippi | 838,329 |
| Missouri | 1,162,137 |
| Ohio | 710,610 |
| Wisconsin | 958,649 |
| States receiving sections Nos. 16 and 36: | |
| California | 5,610,702 |
| Colorado | 3,715,555 |
| Idaho | 3,063,271 |
| Kansas | 2,876,124 |
| Minnesota | 2,969,991 |
| Montana | 5,102,107 |
| Nebraska | 2,637,155 |
| Nevada | 2,000,000 |
| North Dakota | 2,531,200 |
| Oklahoma | 1,413,862 |
| Oregon | 3,387,520 |
| South Dakota | 2,813,511 |
| Washington | 2,488,675 |
| Wyoming | 3,368,924 |
| States receiving sections Nos. 2, 16, 32, and 36: | |
| Arizona | 8,035,000 |
| New Mexico | 8,464,000 |
| Utah | 6,007,182 |
| Total | 77,404,365 |

The bill as passed h.. for its purpose the quieting of title to the school sections granted to the public-land States. By the passage of this act controversies over the title to the school lands in each public-land State, pending from a half century in some cases down to 15 years in others, are at last settled.

Notwithstanding this long period of time, the Government asserted its right to claim the mineral in the land, unless the same had been previously passed upon by the Secretary of the Interior. Many contests were pending and no definite title or policy could be passed as to these school lands by the States affected, until the passage of this legislation which grants title of the school sections in place to the public-land States.

This act places the State receiving the grant in a position to proceed in leasing or selling this land with a degree of definite understanding as to its contracts with the lessee or purchaser.

In my opinion this is as beneficial legislation as any that has been enacted by Congress in behalf of the public-land States for a period of a quarter of a century; and as stated by one well toward the front in a department of the Government:

> The Government, by the passage of this law, has given in value, at this time, mineral rights in the school lands worth a hundred million dollars to the States for the education of its public-school children.

The mineral contained in all the land granted to the States for the common or public schools becomes the property of the States, subject to the restriction that in all sales, grants, or conveyance by deed, the States shall reserve the mineral and all revenue derived from all sources. The revenue thus derived shall be placed in a fund in aid of the common or public schools.

What this fund will mean to States like Colorado, Utah, Montana, Wyoming, Arizona, and New Mexico can not now be estimated with any degree of accuracy; suffice to say that the question of title between the States and the Government, concerning title to school land, is finally determined to the satisfaction of the western public-land States.

### CALENDAR WEDNESDAY

Mr. TILSON. Mr. Speaker, I ask unanimous consent that Calendar Wednesday business for this week be dispensed with.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that Calendar Wednesday business for this week be dispensed with. Is there objection?

There was no objection.

### PERMISSION TO ADDRESS THE HOUSE

Mr. GARNER of Texas. Mr. Speaker, I ask unanimous consent that my colleague [Mr. RAYBURN] be permitted to address the House for 15 minutes on next Wednesday after the reading of the Journal and the disposition of business on the Speaker's table.

The SPEAKER. The gentleman from Texas asks unanimous consent that his colleague [Mr. RAYBURN] be permitted to address the House for 15 minutes on Wednesday next, after the conclusion of the reading of the Journal and the disposition of matters on the Speaker's table. Is there objection?

There was no objection.

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that on Thursday next I may be permitted to address the House for 20 minutes.

The SPEAKER. The gentleman from New York asks unanimous consent that on next Thursday, after the reading of the Journal and the disposition of matters on the Speaker's table, he may be permitted to address the House for 20 minutes. Is there objection?

There was no objection.

### FILING OF MINORITY VIEWS

Mr. SPROUL of Kansas. Mr. Speaker, I ask unanimous consent to have until to-morrow noon within which to file minority views on the Indian oil leasing bill.

The SPEAKER. The gentleman from Kansas asks unanimous consent to have until noon to-morrow to file minority views on the Indian oil leasing bill. Is there objection?

There was no objection.

### ADJOURNMENT

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

The motion was agreed to; accordingly (at 4 o'clock and 38 minutes p. m.) the House adjourned until to-morrow, Tuesday, January 18, 1927, at 12 o'clock noon.

## COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, January 18, 1927, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

District of Columbia appropriation bill.

COMMITTEE ON AGRICULTURE

(10 a. m.)

To amend section 10 of the plant quarantine act approved August 20, 1912 (H. R. 16172).

Authorizing an appropriation of $6,000,000 for the purchase of feed and seed grain to be supplied to farmers in the crop-failure areas of the United States, said amount to be expended under the rules and regulations prescribed by the Secretary of Agriculture (H. R. 15973).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To amend the Federal farm loan act (H. R. 15540).

COMMITTEE ON DISTRICT OF COLUMBIA

(7.30 p. m.)

To discuss the methods of appointing the members of the Board of Education.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

(10.30 a. m.)

To amend the immigration act of 1924 by the repeal of the national origin provision (H. J. Res. 250).

To amend sections 11 and 12 of an act to limit the immigration of aliens into the United States, approved May 26, 1924 (H. R. 12806).

COMMITTEE ON MILITARY AFFAIRS

(10 a. m.)

To amend the act entitled "An act for making further and more effectual provision for the national defense," approved July 3, 1916, as amended (H. R. 444).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To authorize the Secretary of the Navy to proceed with the construction of certain public works (H. R. 11492).

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rules XXIV, executive communications were taken from the Speaker's table and referred as follows:

877. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Department of the Interior, Bureau of Indian Affairs, for the fiscal year ending June 30, 1927, $125,000; also proposed appropriations of Indian tribal funds, $60,288.88; in all, $185,288.88 (H. Doc. No. 649); to the Committee on Appropriations and ordered to be printed.

878. A letter from the Secretary of the Interior, transmitting a copy of a letter from the Commissioner of Pensions dated January 4, 1927, together with a report of the Board of Actuaries of the civil service retirement and disability fund (H. Doc. No. 650); to the Committee on the Civil Service and ordered to be printed.

879. A letter from the Secretary of the Interior, transmitting reports relating specifically to the findings and awards in damage cases of the Indians of the Tesuque and Jemez Pueblos, N. Mex.; to the Committee on Indian Affairs.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII.

Mr. REID of Illinois: Committee on Flood Control. H. R. 16390. A bill authorizing preliminary examinations and surveys of sundry streams with a view to the control of their floods, and for other purposes; without amendment (Rept. No. 1783). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEHLBACH: Committee on the Civil Service. H. R. 13477. A bill to amend the act entitled "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," approved July 3, 1926, and for other purposes; with an amendment (Rept. No. 1786). Referred to the Committee of the Whole House on the state of the Union.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 15830. A bill to authorize an increase in the limit of cost of certain naval vessels; without amendment (Rept. No. 1788). Referred to the Committee of the Whole House on the state of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII.

Mr. KNUTSON: Committee on Pensions. H. R. 16389. A bill granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, etc.; without amendment (Rept. No. 1782). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 13580. A bill for the relief of Agfa Raw Film Corporation; without amendment (Rept. No. 1787). Referred to the Committee of the Whole House.

## ADVERSE REPORTS

Under clause 2 of Rule XII,

Mr. GRAHAM: Committee on the Judiciary. H. Res. 369. A resolution directing the Secretary of the Treasury to furnish the House of Representatives certain information concerning the Howell & King Brewery; adverse (Rept. No. 1784). Laid on the table.

Mr. GRAHAM: Committee on the Judiciary. H. Res. 374. A resolution directing the Secretary of the Treasury to furnish to the House of Representatives certain information concerning M. H. Blood and L. D. Mayme, and for other purposes; adverse (Rept. No. 1785). Laid on the table.

## CHANGE OF REFERENCE

Under clause 2 of Rule XXII the Committee on Pensions was discharged from the consideration of the bill (H. R. 15858) granting a pension to Pricilla Hillegas, and the same was 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. KNUTSON: A bill (H. R. 16389) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, etc.; committed to the Committee of the Whole House.

By Mr. REID of Illinois: A bill (H. R. 16390) authorizing preliminary examinations and surveys of sundry streams with a view to the control of their floods, and for other purposes; to the Committee on Flood Control.

By Mr. GREEN of Iowa: A bill (H. R. 16391) to authorize the Secretary of the Treasury to execute agreements of indemnity to the Union Trust Co., Providence, R. I., and the National Bank of Commerce, Philadelphia, Pa.; to the Committee on Ways and Means.

By Mr. MONTAGUE: A bill (H. R. 16392) to remit the duty on a carillon of bells to be imported for the Virginia World War Memorial, Richmond, Va.; to the Committee on Ways and Means.

By Mr. DALLINGER: A bill (H. R. 16393) to amend an act entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such adjustment, and for other purposes," approved February 28, 1925; to the Committee on the Post Office and Post Roads.

By Mr. ROBSION of Kentucky: A bill (H. R. 16394) to amend the World War adjusted compensation act, as amended; to the Committee on Ways and Means.

By Mr. GARNER of Texas: A bill (H. R. 16395) granting the consent of Congress to the Starr County Bridge Co., State of Texas, to construct a bridge across the Rio Grande River, at or near Roma, Tex.; to the Committee on Interstate and Foreign Commerce.

By Mr. REECE: A bill (H. R. 16396) to provide for the preservation, completion, maintenance, operation, and use of the United States Muscle Shoals project for war, navigation, and fertilizer manufacture, electric power production, and other purposes, and, in connection therewith, the incorporation of the Farmers Federated Fertilizer Corporation and the lease to it of the said project; to the Committee on Military Affairs.

By Mr. BLANTON: A bill (H. R. 16397) to transfer the United States park police to the Metropolitan police force of the District of Columbia, to confer additional functions upon

the Metropolitan police, and to repeal the provision of law requiring street-railway companies to pay the salaries of certain policemen, and for other purposes; to the Committee on the District of Columbia.

## 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. 16398) granting a pension to Julia A. Roberts; to the Committee on Invalid Pensions.

By Mr. BRAND of Ohio: A bill (H. R. 16399) granting a pension to Flossie M. Blauvelt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16400) granting a pension to Irene McGee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16401) granting an increase of pension to Nancy Ellen West; to the Committee on Invalid Pensions.

By Mr. BLOOM: A bill (H. R. 16402) granting a pension to Rebecca Bristol; to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 16403) granting an increase of pension to Sarah J. Hanna; to the Committee on Invalid Pensions.

By Mr. DAVENPORT. A bill (H. R. 16404) granting an increase of pension to Eliza Sears; to the Committee on Invalid Pensions.

By Mr. DEAL: A bill (H. R. 16405) granting an increase of pension to Lucille Dodson Brown; to the Committee on Pensions.

By Mr. DRANE: A bill (H. R. 16406) granting a pension to William E. Drane; to the Committee on Pensions.

Also, a bill (H. R. 16407) granting an increase of pension to Kate S. Callender; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 16408) granting an increase of pension to George Washington; to the Committee on Pensions.

By Mr. ESTERLY: A bill (H. R. 16409) granting an increase of pension to Annie J. Peiffer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16410) granting an increase of pension to Sarah Ann Garnet; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16411) granting an increase of pension to Rebecca Redcay; to the Committee on Invalid Pensions.

By Mr. FROTHINGHAM: A bill (H. R. 16412) granting a pension to Emma J. Tirrell; to the Committee on Invalid Pensions.

By Mr. GARDNER of Indiana: A bill (H. R. 16413) granting an increase of pension to Alice Eckert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16414) granting an increase of pension to Mary Rogier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16415) granting a pension to Jacob Sigler; to the Committee on Invalid Pensions.

By Mr. KNUTSON: A bill (H. R. 16416) granting an increase of pension to Clemania Parker; to the Committee on Invalid Pensions.

By Mr. MacGREGOR: A bill (H. R. 16417) granting an increase of pension to Kate Congdon; to the Committee on Invalid Pensions.

By Mr. MILLIGAN: A bill (H. R. 16418) for the relief of James F. Alexander; to the Committee on Military Affairs.

By Mr. REED of New York: A bill (H. R. 16419) granting an increase of pension to Ida A. Tuller; to the Committee on Invalid Pensions.

By Mr. ROWBOTTOM: A bill (H. R. 16420) granting an increase of pension to Nancy E. Hebb; to the Committee on Invalid Pensions.

By Mr. SANDERS of New York: A bill (H. R. 16421) granting an increase of pension to Emma J. Philhower; to the Committee on Invalid Pensions.

By Mr. SCHAFER: A bill (H. R. 16422) granting an increase of pension to Leroy Palmer; to the Committee on Pensions.

By Mr. SEGER: A bill (H. R. 16423) granting an increase of pension to Elizabeth Brady; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 16424) granting an increase of pension to Charles O. Wallace; to the Committee on Pensions.

Also, a bill (H. R. 16425) granting a pension to Eliza Vandergriff; to the Committee on Invalid Pensions.

By Mr. TIMBERLAKE: A bill (H. R. 16426) granting an increase of pension to Elizabeth M. Snodgrass; to the Committee on Invalid Pensions.

By Mr. TINCHER: A bill (H. R. 16427) granting an increase of pension to Zula A. Springer; to the Committee on Invalid Pensions.

By Mr. UPDIKE: A bill (H. R. 16428) granting an increase of pension to Anna J. Newton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16429) granting an increase of pension to Margaret Gerber; to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 16430) granting a pension to Josephine Woodrum; to the Committee on Invalid Pensions.

By Mr. VAILE: A bill (H. R. 16431) granting a pension to Mary W. D. Perkins; to the Committee on Invalid Pensions.

## PETITIONS, ETC.

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

5051. Petition of Uncle Sam Council, Cleveland, Ohio, protesting against the passage of the Aswell bill, requiring the registration and fingerprinting of aliens; to the Committee on Immigration and Naturalization.

5052. By Mr. ANDREW: Resolution adopted by citizens of Beverly, Mass., and vicinity, indorsing the action of the administration in the matter of the preservation of American property rights and the rights of American citizens in Mexico and Nicaragua; to the Committee on Foreign Affairs.

5053. By Mr. BRIGHAM: Memorial from the Legislature of the State of Vermont, in form of a resolution, requesting that the enumeration of population be fixed, as heretofore, in the early summer, due to the difficulty of obtaining correct information in midwinter; to the Committee on the Census.

5054. By Mr. BURTNESS: Petition of 99 residents of Casselton, N. Dak., in favor of increases in pension for veterans of Civil War and their widows; to the Committee on Invalid Pensions.

5055. Also, petition of Hon. Smith Stimmel and seven others of Fargo, N. Dak., in favor of increases in pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

5056. Also, petition of Mrs. Lucy A. Wilson, of Lisbon, N. Dak., and 21 other signers, in favor of increases in pension for Civil War veterans and their widows; to the Committee on Invalid Pensions.

5057. By Mr. BULWINKLE: Petition of Mr. J. W. Beach and other citizens of North Carolina, protesting the passage of House bill 10311; to the Committee on the District of Columbia.

5058. By Mr. CROWTHER: Petition of citizens of Johnstown, N. Y., in favor of increases in pension for veterans of Civil War and their widows; to the Committee on Invalid Pensions.

5059. Also, petition of citizens of Schenectady, N. Y., in favor of increases in pension for veterans of Civil War and their widows; to the Committee on Invalid Pensions.

5060. By Mr. DALLINGER: Petition of a public meeting held in Watertown, Mass., January 12, 1927, expressing appreciation of the action by President Coolidge and Secretary of State Frank B. Kellogg in Mexico and Central America; to the Committee on Foreign Affairs.

5061. By Mr. W. T. FITZGERALD: Memorial of Allen Council, No. 347, Junior Order United American Mechanics, protesting against and opposing the Wadsworth amendment to House bill 6238, relating to admission of certain aliens without regard to present quota; to the Committee on Immigration and Naturalization.

5062. Also, memorial of Troy Council, Junior Order of United American Mechanics, opposing amendment to House bill 6238, providing for admitting certain aliens without regard to quota restrictions; to the Committee on Immigration and Naturalization.

5063. Also, memorial of Arcanum (Ohio) Council, Junior Order United American Mechanics, opposing enactment of the Wadsworth amendment to House bill 6238 and urging its defeat; to the Committee on Immigration and Naturalization.

5064. Also, memorial of Piqua Council, No. 80, Junior Order United American Mechanics, protesting against enactment of amendment to House bill 6238, proposing to admit certain aliens over and above the present quota restrictions; to the Committee on Immigration and Naturalization.

5065. Also, memorial of Gen. W. H. Lawton Council, No. 147, Junior Order United American Mechanics, Greenville, Ohio, protesting against enactment of amendment to House bill 6238, for the admission of aliens into the United States without regard to the present quota law; to the Committee on Immigration and Naturalization.

5066. By Mr. FROTHINGHAM: Petition signed by citizens of Easton, Mass., favoring the passage of further legislation

providing increases in pension for veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

5067. Also, petition of residents of Brockton, Whitman, West Bridgewater, Abington, Stoughton, and Avon, Mass., urging the immediate passage of radio legislation; to the Committee on the Merchant Marine and Fisheries.

5068. By Mr. GALLIVAN: Petition of American Irish Historical Society, John J. Murphy, chairman joint committee, 132 East Sixteenth Street, New York, N. Y., urging immediate repeal of the "national origins" clause of the immigration act of 1924; to the Committee on Immigration and Naturalization.

5069. By Mr. GARBER: Petition of the Oklahoma Branch of the Associated General Contractors of America, urging enactment of House bill 8902; to the Committee on the Judiciary.

5070. Also, petition of the Association of American State Geologists indorsing the Newton bill for stimulating more prompt and more rapid water resource investigations in this country; to the Committee on Interstate and Foreign Commerce.

5071. By Mr. GARDNER of Indiana: Petition of Israel B. Denny and 27 other citizens of Washington County, Ind., urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune in order that relief may be accorded to needy and suffering veterans and their widows; to the Committee on Invalid Pensions.

5072. By Mr. HERSEY: Petition of Mr. C. P. Whitney and many other residents of Caribou, Me., asking that legislation be passed aiding the soldiers of the Civil War and their widows; to the Committee on Invalid Pensions.

5073. By Mr. IRWIN: Petition of E. J. Buell et al., of East St. Louis, Ill., urging the passage of pension legislation for the relief of veterans of the Civil War and their widows at the present session of Congress; to the Committee on Invalid Pensions.

5074. Also, petition of residents of St. Clair, Madison, and Bond Counties, to oppose the compulsory Sunday observation bill (H. R. 10311); to the Committee on the District of Columbia.

5075. By Mr. KINDRED: Petition of the Maritime Association of the Port of New York, protesting against the transfer of the American Republic Line to any other port as a base of operations; to the Committee on the Merchant Marine and Fisheries.

5076. Also, petition of the Publishers' Association of New York City, favoring the passage of an amendment to the postal law restoring the 1920 rates to second-class mail; to the Committee on the Post Office and Post Roads.

5077. By Mr. MADDEN: Petition of sundry citizens of the city of Chicago, Ill., opposing the passage of the Sunday observance bill; to the Committee on the District of Columbia.

5078. By Mr. MAGEE of New York: Petition of Mrs. J. A. Coleman et al., Cortland, N. Y., in opposition to House bill 10311; to the Committee on the District of Columbia.

5079. By Mr. MANLOVE: Petition of Mrs. H. J. Kramer, E. C. Robertson, and eight other citizens of Walker, Mo., urging the passage of legislation favorable to veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

5080. Also, petition of L. E. Rainey, L. V. Baxter, and 39 other citizens of Schell City, Mo., urging the passage of legislation favorable to veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

5081. Also, petition of H. L. Jones, T. H. Leib, and 37 other citizens of Joplin and Webb City, Mo., urging the passage of legislation favorable to soldiers of the Civil War and their widows; to the Committee on Invalid Pensions.

5082. By Mr. MEAD: Petition of employees of Steamboat Inspection Service, of Buffalo, N. Y., on House bill 359; to the Committee on the Civil Service.

5083. By Mr. O'CONNELL of New York: Petition of the Denver Chapter, Denver, Colo., Disabled Emergency Officers of the World War, favoring the passage of the Tyson-Fitzgerald bill; to the Committee on Military Affairs.

5084. Also, petition of the Chamber of Commerce of the State of New York, strongly urging that the headquarters of the American Republic Line remain in New York; to the Committee on the Merchant Marine and Fisheries.

5085. By Mr. OLDFIELD: Petition of citizens of Brinkley, Ark., urging the passage of widows' pension bill (H. R. 13450); to the Committee on Invalid Pensions.

5086. By Mr. RAINEY: Petition of Mrs. C. R. Anderson and 20 other citizens of Jerseyville, Ill., and vicinity, against passage of compulsory Sunday observance bill; to the Committee on the District of Columbia.

5087. Petition of M. B. Keplinger and 48 other citizens of Franklin, Ill., favoring passage of Civil War pension bill carrying rates favored by the National Tribune; to the Committee on Invalid Pensions.

5088. By Mr. RATHBONE: Memorial of board of directors of German-American Citizens' League of the United States, protesting against change proposed in the immigration quota for Germany; to the Committee on Immigration and Naturalization.

5089. By Mr. REED of New York: Petition of citizens of Frewsburg, N. Y., in behalf of a Civil War pension bill; to the Committee on Invalid Pensions.

5090. By Mr. REID of Illinois: Petition of citizens of Harvard, Ill., urging increased pensions for Civil War veterans; to the Committee on Invalid Pensions.

5091. By Mr. ROBINSON of Iowa: Petition for the Civil War pension bill, sent by the citizens of Cascade, Dubuque County, Iowa; to the Committee on Invalid Pensions.

5092. By Mr. ROMJUE: Petition of G. P. Allen, Harry F. Allen, and others, of Putnam County, Mo., asking for legislation granting increased pensions to veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

5093. By Mr. SANDERS of New York: Petition of Mary A. Arnold and Mr. and Mrs. H. D. Starkweather, of Arcade, N. Y., urging the passage of Civil War pension increase legislation; to the Committee on Invalid Pensions.

5094. By Mr. SWING: Petition of Los Angeles Chamber of Commerce, urging the House of Representatives to direct the Rules Committee to report quickly a rule allowing vote on the Fitzgerald bill (H. R. 4548) for retirement of disabled emergency Army officers of the World War; to the Committee on Rules.

5095. By Mr. TAYLOR of New Jersey: Petition of sundry citizens of Newark, N. J., urging the immediate passage of House bill 13450 in behalf of Civil War veterans and widows; to the Committee on Invalid Pensions.

5096. By Mr. UPDIKE: Petition of W. M. Coy, L. J. Holtman, Aurelia Smith, Eliza Luery, and others, all citizens of Marion County, Ind., favoring the passage of pension legislation for the relief of veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

5097. By Mr. WOLVERTON: Petition of Oliver P. Smith and others, of Ritchie County, W. Va., urging immediate passage of the bill granting an increase of pension to Civil War widows; to the Committee on Invalid Pensions.

5098. By Mr. WYANT: Petition of citizens of Apollo, Pa., urging the enactment of pension legislation for the relief of Civil War veterans and their widows; to the Committee on Invalid Pensions.

5099. Also, petition of certain residents of Monessen and Belle Vernon, Westmoreland County, Pa., urging prompt enactment of proper legislation to clear up the situation regarding radio broadcasting; to the Committee on the Merchant Marine and Fisheries.

5100. Also, petition of citizens of Lycippus, Pa., urging the enactment of pension legislation for the relief of Civil War veterans and their widows; to the Committee on Invalid Pensions.

5101. Also, petition of O. J. Fleming and other residents of Irwin, Pa., urging the passage of House bill 10311, known as the Lankford Sunday rest bill for the District of Columbia; to the Committee on the District of Columbia.

5102. Also, petition of Rev. Robert A. Blair and other residents of Parnassus, Pa., for an acknowledgment of the authority of Christ and of the law of God in the Constitution of the United States; to the Committee on Revision of the Laws.

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## SENATE

TUESDAY, *January 18, 1927*

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

Our heavenly Father, we come into Thy presence this morning conscious of our needs. Without Thee all our problems can not be solved favorably. We are left in the darkness many times with our conjectures and misgivings, but we come this morning with the consciousness that wisdom can be had from Thee. Help, we beseech of Thee, and so direct the engagements of this day that Thine honor shall be magnified and good accomplished. Through Jesus Christ, our Lord. Amen.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.