To be lieutenant commanders

Cornelius W. Flynn.
Horace E. Burks.
William F. Loventhal.
Milton O. Carlson.

To be lieutenants

Raymond C. Percival.
Clark L. Green.
Leo L. Pace.
Willard E. Dillon.

To be lieutenant (junior grade)

John R. McKinney.

To be medical directors

Samuel S. Rodman.
George S. Hathaway.
Edward C. White.

To be medical inspector

Willard J. Riddick.

To be surgeons

Russell I. Craig.
Edwin Peterson.
Joseph L. Schwartz.
John B. Farrior
William W. Davies, jr.

To be passed assistant surgeons

James F. Finnegan.
Frank K. Soukup.

To be dental surgeons

James L. Brown.
Eugene H. Tennent.
Harry W. Blaisdell.
Cornelius H. Mack.

To be pay directors

Lewis W. Jennings, jr.
Harry E. Collins.
John H. Gunnell.
Kenneth C. McIntosh.
Leon N. Wertenbaker.
William S. Zane.
Richard H. Johnston.

To be pay inspector

Charles E. Parsons.

To be chief boatswains

Thomas O. Kirby.
Svend J. Skou.
Frank H. Lemon.
Vern W. McGrew.
John O. Strickland.
William H. Fiddler, jr.
James F. Jeter.
James L. Freese.
Edgar J. Hayden.
Lyle Turner.
Albert A. Webb.
Marshall McN. Angleton.
Victor A. Leonard.
Richard E. Hawes.
Milo Hazard.
Kenneth C. Ingraham.
Fred Michaelis.
Henry M. Brun.
Thomas F. McDermott.
Harold E. Russell.

To be chief pay clerks

Roderick C. Outten.
William L. A. Strawbridge.

MARINE CORPS

To be major

Maurice S. Berry.

To be chief marine gunner

Paul H. Benz.

To be chief quartermaster clerks

John T. Baugh.
Frederick I. Van Anden.

To be chief pay clerk

Judson T. Armstrong.

POSTMASTERS

COLORADO

James F. Cohig, West Portal.

IOWA

John G. Ranous, Keota.
Ava Rigdon, Menlo.
Spencer C. Nelson, Tama.
Albert L. Richards, West Liberty.

MAINE

Ralph T. Horton, Calais.

MISSISSIPPI

Howard H. Smith, Duncan.
Thomas F. Kirkpatrick, Hollandale.
John L. Kirby, Water Valley.

MONTANA

Melvin W. Markuson, Dooley.

NEBRASKA

Edward T. Best, jr., Neligh.
Dayle G. Stallman, Petersburg.
Myrtle L. Anderson, Republican City.
Percy A. Brundage, Tecumseh.

NEW YORK

Lewis E. Fredenburg, Afton.
William S. White, Oriskany.
William E. Mills, Rose Hill.
Francis D. Lynch, Stony Point.

NORTH DAKOTA

Aloysius A. Allers, Garrison.

OHIO

Cora A. Emery, Gates Mills.
Anthony L. Stanchina, jr., Laferty.
Otha C. Burris, London.
George R. Irwin, Upper Sandusky.

OKLAHOMA

Clyde O. Thomas, Arapaho.
Maud Cassetty, Calvin.
Lillian E. Whitman, Catoosa.
Clarence C. Werrell, Depew.
James H. Sparks, Healdton.
Ralph E. Bain, Hitchcock.
John P. Rookstool, Hominy.

TEXAS

Oliver S. York, Galveston.
Herman L. Stulken, Hallettsville.

UTAH

William T. Boyle, Beaver.

WYOMING

George J. Snyder, Glendo.
Edward Bottomley, Kleenburn.
James E. Hamilton, Meeteetse.

WITHDRAWAL

Executive nomination withdrawn from the Senate February 26, 1927

Mike E. Gensman to be postmaster at Slinger, in the State of Wisconsin.

HOUSE OF REPRESENTATIVES

SATURDAY, *February 26, 1927*

The House met at 12 o'clock noon.

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

Speak, Lord, for Thy servants heareth. O fountain of mercy, ocean of goodness, suffer now the light of Thy countenance to arise upon us. Teach us evermore to acknowledge Thee as our Lord and benefactor. According to Thy will, direct the work of our hands. Oh, may life mean to us new promises, new riches of joy, faith, and hope. Upheld by Thee, we have a refuge which time and its perishing accidents can not touch. Blessed Lord, rebuke us, but not in judgment; lay Thy hand upon us, but not Thy rod, and receive us again into Thy favor. Forgive us our sins, and may we know Thee, whom to know is life eternal. Through Christ. Amen.

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

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed with amendments the following House bill, in which the concurrence of the House is requested:

H. R. 17243. An act to authorize appropriations for construction at military posts, and for other purposes.

The message also announced that the Senate agrees to the amendments of the House of Representatives to Senate bills of the following titles:

S. 179. An act for the relief of J. W. Neil;

S. 244. An act for the relief of Elizabeth W. Kieffer;

S. 2085. An act to correct the naval record of John Cronin; and

S. 2348. An act for the relief of Nick Masonich.

The message also announced that the Senate had passed Senate bills of the following titles, in which the concurrence of the House is requested:

S. 5362. An act to amend the Federal water power act, and for other purposes; and

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

S. 5744. An act authorizing the Secretary of the Treasury to sell certain land to the First Baptist Church, of Oxford, N. C.

The message also announced that the Vice President appointed Mr. SMOOT and Mr. SIMMONS members of the joint select committee on the part of the Senate as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Treasury Department.

The message also announced that the Presiding Officer appointed Mr. GERRY as a member of the conference committee on the part of the Senate on the bill (H. R. 16886) entitled "An act to authorize the Director of the United States Veterans' Bureau to make loans to veterans upon the security of adjusted service certificates," vice Mr. SIMMONS, excused.

SENATE BILL REFERRED

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred as indicated below:

S. 5362. An act to amend the Federal water power act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

SPEAKER PRO TEMPORE FOR TO-MORROW

The SPEAKER. The Chair appoints the gentleman from California [Mr. CURRY] to preside at the exercises in the House to-morrow.

CONFERENCE REPORT—PROMOTION OF CERTAIN OFFICERS OF THE ARMY NOW ON THE RETIRED LIST

Mr. JAMES. Mr. Speaker, I call up the conference report on H. R. 5028, for the promotion of certain officers of the United States Army now on the retired list.

The SPEAKER. The gentleman from Michigan calls up a conference report, which the Clerk will report.

The Clerk read the conference report.

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5028) for the promotion of certain officers of the United States Army now on the retired list having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, and 4, and agree to the same.

W. FRANK JAMES,
JNO. C. SPEAKS,
PERCY E. QUIN,
Managers on the part of the House.
J. W. WADSWORTH, Jr.,
DAVID A. REED,
WALTER F. GEORGE,
Managers on the part of the Senate.

The conference report was agreed to.

SOLDIERS OF THE CONFEDERATE ARMY

Mr. JAMES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table and consider H. R. 13482, to authorize and direct the Secretary of War to receive evidence with respect to a charge of desertion affecting certain soldiers who served in the Confederate Army.

The SPEAKER. The gentleman from Michigan asks unanimous consent to take from the Speaker's table and consider House bill 13482, which the Clerk will report.

The Clerk read the bill, as follows:

Whereas in the archives of the War Department there is an unsigned document consisting of 17 sheets of paper headed "List of Confederate soldiers remaining in United States military prison (Libby), Richmond, April 10, 1865," describing as deserters many of the persons named; and

Whereas it is alleged by Confederate veteran organizations that the soldiers thus described were not deserters, but soldiers who had been captured while in service; and

Whereas as a just measure of relief it is proper that an opportunity should be afforded to citizens who may be interested to present evidence to the Secretary of War touching the correctness of said description: Therefore

Be it enacted, etc., That the Secretary of War is authorized and directed to receive any evidence which may be presented to him for the purpose of showing that the soldiers described in the said document as deserters were not in fact deserters, or that any individual soldier so described was not a deserter, and to make a record of the evidence thus presented, to be attached to or accompany said document.

SEC. 2. This act shall be in force from its passage.

The SPEAKER. Is there objection?

Mr. BEGG. Mr. Speaker, reserving the right to object, I would like to ask the author of the bill a question about it. If I understood the reading of the bill, it is to correct the record or to furnish an opportunity to correct the record of Confederate soldiers. Is that right?

Mr. MOORE of Virginia. Just briefly stated, on April 10, 1865, which was a few days after the surrender and when the Federal troops had possession of Richmond, there was a document, unsigned, filed in the War Department, consisting of 17 pages and describing more than 1,000 men who had served in the Confederate Army as deserters. It is alleged that was a mistake. The entire purpose of this bill is to authorize the Secretary of War to receive evidence on the question as to whether they were deserters or not.

Mr. BEGG. Will the gentleman permit another question?

Mr. MOORE of Virginia. Yes.

Mr. BEGG. Does the United States Government go into the record of any soldier of the Confederate Army in order to determine whether he was a deserter or otherwise? I am certainly not ready to consider such a proposition, and I wish we had a little chance to go into it.

Mr. MOORE of Virginia. No civil disabilities, of course, attach to any surviving veterans, but here happens this record—very imperfect, but nevertheless a record—that is in the archives of the War Department, and the only purpose is to afford an opportunity to offer evidence and to have that evidence coupled with the document, so that in time to come if some inquiry is made as to whether an individual was in fact a deserter or not the evidence will appear. I thought when I introduced the bill, and the committee thought in reporting it unanimously, that this would be only just to those who are involved. It does not put any obligation on the Government at all; it only affords a chance to present evidence.

Mr. BEGG. If the gentleman had introduced a bill asking for the turning over of these records to whatever veterans' associations there are, I certainly would not have had any objection to it.

Mr. MOORE of Virginia. The Secretary of War said that would be impossible.

Mr. BEGG. Why?

Mr. MOORE of Virginia. The Secretary of War said it is a record that can not be eliminated. It is in the custody of the War Department, and all that can be done, as we conceive, is to open the door for the presentation of evidence. The men who are designated as deserters came from every section of the South, and it does not seem to me that my friend should make any objection.

Mr. BEGG. I wish the gentleman would withdraw his request to take up this bill for the time being. I have two or three misgivings about it. In the first place, it does not strike me that the United States ought to be the agency through which this correction is made; in other words, I can see a lot of excitement and discontent being aroused. I have no inclination to do a thing which would bar these soldiers from clearing their record with their own organizations or anything of that kind.

Mr. MOORE of Virginia. The War Department is not called upon to do anything except merely receive evidence.

Mr. BEGG. We have got to receive it and file it.

Mr. MOORE of Virginia. The Secretary of War states that even without legislation he can receive evidence.

Mr. BEGG. Then let him do it.

Mr. MOORE of Virginia. But there is this about it: The bill is designed to provide that any evidence offered shall be coupled with this old record. The difficulty, I will say to my friend from Ohio, is that if we do not act now we will perhaps be unable to put the bill through the Senate.

Mr. BEGG. I do not want to object, I will say to the gentleman. I do not want to object for two or three reasons. I do not want to object, because it is the gentleman's bill, and he is on my committee; I do not want to do that, but I certainly do not want this to be taken up as a surprise party on us when I never heard of it before. Would not the gentleman be willing to carry it over until Monday, because I can make up my mind by Monday?

Mr. SNELL. Will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. SNELL. Would not this be, in a certain way, recognizing men who fought against the Government in this war?

Mr. MOORE of Virginia. Not in the slightest degree.

Mr. SNELL. It seems to me it would, in effect, be correcting their military record.

Mr. MOORE of Virginia. It does not correct their military record; it is only, as I have said several times, to give a chance for evidence to be presented.

Mr. SNELL. I agree with the gentleman from Ohio and I wish the gentleman would let it go over so that we may look into it.

Mr. MOORE of Virginia. If that is satisfactory to the chairman of the committee, I am willing.

Mr. JAMES. Mr. Speaker, I withdraw the request.

MUNICIPAL HOSPITAL, MUSKOGEE, OKLA.

Mr. HASTINGS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 16688) to authorize the city of Muskogee, Okla., to remove and retain title to the boilers from the municipal hospital building recently conveyed by the city to the United States Veterans' Bureau Hospital, No. 90, at Muskogee, Okla.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent for the present consideration of the bill (H. R. 16688). The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the city of Muskogee, Okla., through its authorized representatives be, and it is hereby, authorized to remove from the municipal hospital building, recently sold by said city to the United States Veterans' Bureau Hospital, No. 90, at Muskogee, Okla., and retain title to the boilers in said municipal hospital building, having been reserved when the sale of said hospital building was consummated, but which reservation was erroneously omitted from the deed conveying said Municipal Hospital Building from said city to the United States Veterans' Hospital, No. 90.

Mr. CRAMTON. Mr. Speaker, I was listening very carefully but I was unable to ascertain what the bill is about.

Mr. HASTINGS. Mr. Speaker, the city of Muskogee sold a municipal hospital to the Federal Government, the hospital being adjacent to the veterans' hospital, but reserved the equipment and the boilers. Subsequently, in the making of the deed, this exception was not expressed in it. They are now seeking by this act to do what they contracted to do, namely, to retain the boilers. It is recommended by the Veterans' Bureau and also by the Committee on World War Veterans' Legislation.

Mr. CRAMTON. Mr. Speaker, under the reservation of an objection, and possibly somewhat as a parliamentary inquiry——

The SPEAKER. The gentleman will state it.

Mr. CRAMTON. I find I have no objection to this bill. It treats of a matter that I know nothing about. I understand that the days now near the end of the session are days when suspensions of the rules are in order if the Speaker desires to grant recognition; but I note these bills are coming up by request for unanimous consent, and I am wondering whether we could understand that the Speaker would recognize gentlemen for that purpose only at the beginning of the session at least, so that we might not be taken by surprise.

The SPEAKER. The Speaker has made it a practice, particularly in the closing days of the session, to recognize requests for unanimous consent only with respect to bills the author of which or the proponent of which states to the Speaker are matters of real emergency; or in the case of Senate bills on the Speaker's table, where a similar House bill has been reported.

Mr. CRAMTON. My inquiry was whether Members of the House could understand that such recognition would only come at the opening of the sessions so that we might be on hand at least at that time.

The SPEAKER. The Chair thinks that as a rule when bills are on the Consent Calendar they should take their chances with all other bills on the calendar, unless it is clear that a real emergency exists so that it is necessary for the bills to have immediate consideration.

Mr. CRAMTON. My only suggestion, Mr. Speaker, was that in such cases the Speaker give recognition at this time in the session rather than later in the day, so that some of us who are watching certain matters of legislation might not be taken by surprise. We can make it our business to be here early in the day but we can not always remain throughout the day.

Mr. GARNER of Texas. Mr. Speaker, if the gentleman will permit; I do not think that ought to be a binding rule on the Speaker of the House. The Speaker ought to be the one to determine whether or not these are matters of sufficient emergency to be considered or whether they are matters that might be objectionable to the House. The responsibility is with the Speaker to grant recognition at any time during the last days of the session. I think the procedure which the gentleman from Michigan suggests would perhaps be a good one for to-day and Monday, but later in the week there might be something come up which the Senate had passed upon and I do not think the Speaker ought to be bound in that way.

Mr. CRAMTON. I agree with the gentleman from Texas that a situation would obtain on Thursday, for instance, which would not obtain on Monday, but with respect to such matters as may otherwise come up late to-day, there would be an opportunity on Monday to call them up.

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

There was no objection.

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 MILITARY POST

Mr. JAMES. Mr. Speaker, I ask unanimous consent to take from the Speakers' table the bill (H. R. 17243) to authorize appropriations for construction at military posts, and for other purposes, with Senate amendments, disagree to the Senate amendments, and ask for a conference.

The Clerk read the title of the bill.

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

Mr. EDWARDS. Mr. Speaker, reserving the right to object, this has nothing to do with respect to the sale of fort properties?

Mr. JAMES. It is with respect to Army housing.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and appoints the following conferees: Mr. JAMES, Mr. HILL of Maryland, and Mr. MCSWAIN.

FIRST BAPTIST CHURCH, OXFORD, N. C.

Mr. STEDMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 5744) authorizing the Secretary of the Treasury to sell certain land to the First Baptist Church, of Oxford, N. C.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to take from the Speaker's table the bill S. 5744 and consider the same. The Clerk will report the bill.

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, in his discretion, to sell to the First Baptist Church, of Oxford, N. C., a small triangular-shaped strip of land along the southern boundary of the Federal building site in said city, 1 foot and 6 inches by 40 feet, more or less, at such time, and upon such terms as he may deem to be to the best interests of the United States; to convey the land to the duly authorized representatives of said First Baptist Church by the usual quitclaim deed and to deposit the proceeds of such sale in the Treasury of the United States as a miscellaneous receipt.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

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.

BOTANIC GARDEN

Mr. LUCE. Mr. Speaker, yesterday when I sought to bring up the bill S. 5722, to authorize the construction of a new conservatory and other necessary buildings for the United States Botanic Garden, the gentleman from Texas [Mr. BLACK] desired further opportunity to study the matter. We have now gone over it, and I know of no objection to it. I ask unanimous consent to take the bill, S. 5722, from the Speaker's table and consider the same.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

An act (S. 5722) to authorize the construction of new conservatories and other necessary buildings for the United States Botanic Garden

Be it enacted, etc., That the Architect of the Capitol, under the direction and supervision of the Joint Committee on the Library, is authorized and directed to provide for the construction of new conservatories and other necessary buildings for the United States Botanic Garden, in accordance with the report submitted to Congress pursuant to paragraph (4) of section 1 of the act entitled "An act to provide for enlarging and relocating the United States Botanic Garden, and for other purposes," approved January 5, 1927. The Architect of the Capitol is authorized to enter into such contracts in the open market, to make such expenditures (including expenditures for material, supplies, equipment, accessories, advertising, travel, and subsistence), and to employ

such professional and other assistants, without regard to the provisions of section 35 of the public buildings omnibus act, approved June 25, 1910, as amended, as may be necessary to carry out the provisions of this act.

SEC. 2. There is hereby authorized to be appropriated the sum of $876,398, or so much thereof as may be necessary, to carry out the provisions of this act. Appropriations made under authority of this act or under authority of section 2 of such act of January 5, 1927, shall be disbursed by the disbursing officer of the Library of Congress.

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.

A similar House bill was laid on the table.

JUDGE COOPER

Mr. GRAHAM. Mr. Speaker, I rise to a question of privilege and ask unanimous consent to address the House for one minute.

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

There was no objection.

Mr. GRAHAM. Mr. Speaker, a prominent newspaper published in Washington, the Washington Post, this morning, under the heading of Congressional Proceedings, says that a letter had been produced before the Judiciary Committee by the gentleman from New York [Mr. LAGUARDIA] and read, implicating Judge Cooper in bootleg proceedings. I wish to say that the committee had no meeting on yesterday, no one appeared before them, and the statement is utterly false.

Mr. BLANTON. Will the gentleman yield?

Mr. GRAHAM. If I have the time.

Mr. BLANTON. Criticism came to me from several people that the committee held a secret session with Mr. LAGUARDIA, who is prosecuting Judge Cooper and did not allow Judge Cooper's attorneys to be present. Did anything like that happen?

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. LAGUARDIA. Mr. Speaker, there is a very serious question about the letter. I gave out that letter and I gave out the letter to show the country what is going on. The letter I demanded and the letter which Mr. Merritt referred to in his testimony is a letter dated November 14, 1924. He presented a letter dated November 24, 1924. The letter of November 14, 1924, has been taken from the files. That is the kind of procedure I am up against. The letter of November 14, 1924, was in the files. I have been after that letter, but the letter has been removed. The letter is missing, but I am going to get that letter or some one is going to get into serious legal trouble.

Mr. GRAHAM. Mr. Speaker, may I proceed for one minute?

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

There was no objection.

Mr. GRAHAM. Mr. Speaker, I have only to say to the Members of the House that Mr. Merritt called upon me this morning and said he had shown to Mr. LAGUARDIA the letter he was calling for. I told him to be on hand on Monday and have his letters with him. That is all I have to say. I do not mind utterances and innuendoes, but in due time the committee will report and this House will be satisfied with the report and the fairness of it from beginning to end.

FARM RELIEF THROUGH ORGANIC CHEMISTRY

Mr. COLE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of chemistry as applied to agriculture, and to include an article written by Dr. William J. Hale, of the Bureau of Chemical Research.

The SPEAKER. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. COLE. Mr. Speaker and Members of the House, on January 25 I presented in a speech the subject of the utilization of agricultural wastes. In those remarks I discussed what I called, or rather what the chemists call, the pentosans, which I described as—

cellular substances of many plants, chief among which are cornstalks and corn cobs, oat hulls, and cottonseed hulls, the stalks of cotton and straw, and even the peanut shells.

I made this speech in pursuit of my quest of new uses for our agricultural products, deeming the finding of such new uses an essential part of the solution of our pending farm problems. It has been my theory that agriculture has not kept pace with other industries in chemical and industrial development.

Previously—that is, on April 29, 1924, and again on March 22, 1926—I discussed allied subjects. In the first of these speeches I discussed corn sugar, finding in it a "new market for corn and a new food for the people." In the second speech I again presented corn sugar, but laid equal stress upon a new sugar which has been successfully developed in the Bureau of Standards from the plant known as the Jerusalem artichoke, a plant that can be grown in all parts of the United States, in the semiarid lands as well as in the more favored lands. If the corn borer should become the menace that we fear, the cultivation of this artichoke might well be used to diversify our agriculture, for the foliage is a useful stock food.

In the February issue of the Tariff Review, Dr. William J. Hale, chairman, division of chemistry and chemical technology, National Research Council, Washington, D. C., makes an enlightening presentation of these same subjects. He entitles his articles "Farm relief through organic chemistry."

Among other things he says:

The nineteenth century age of coal tar gives way to the twentieth century age of cellulose.

The farmer is the great producer of cellulose and his future lies in its increased utilization.

He is thus a partner in the great organic chemical industry of this country, and it is in its development that the only permanent agricultural "relief" is to be found.

I need not concede that this affords what he calls the only relief, for I still think we may find some relief in legislative processes—at least, I hope so—but I accept the development of these chemical and industrial ideas as at least a part of the solution of our farm problem, and they may become more important as time goes on.

Under leave to print I therefore am going to include the major portions or practically all of Doctor Hale's article in this connection, as follows:

The farmer belongs to a class of industrialists that has fallen out of step. No one denies the fact that he is not sharing the prosperity and the happiness of our other industrialists. * * *

No measure conceived in the spirit in which most of these various farm-relief measures have been conceived and planned along the lines that they have been planned along will permanently solve the farmer's problem. A prerequisite in the scientific study of any problem is the ability to state such problem in its simplest terms, and in terms that will connote all possible interpretations. Thus it is that when we consider the science of agriculture, we of necessity must define the farmer simply as an organic chemical manufacturer. He is nothing else, never was, and never will be. A few inorganic compounds may be attributed to the farmer's activities, but the organic so far outweigh the inorganic that the latter may be considered nil.

If our farmer, then, is a chemical manufacturer, why, the logic of the situation demands, has he not shared in the success and prosperity of the organic chemical industry in America during and since the great war? There are, of course, many successful farmers. There are likewise hundreds—hundreds of thousands—who themselves would be the first to admit that they are far from successful. And it is with these hundreds of thousands of farmers, or organic chemical manufacturers, that this discussion is primarily concerned.

ORGANIC CHEMISTRY SINCE 1900

Prior to 1900 there existed in America no organic chemical industry worthy of note. Coal-tar distillates, in large volume, were fractionated into benzene products of approximate purity, but they found, for the most part, their best market on foreign soil. From thence, after further chemical manipulation, they were returned to us in highly developed form. A number of refined organic products came slowly into production in America in the years preceding the World War. Their manufacture, however, can only be construed in the light of a gratuity on the part of foreigners. For the most part, these compounds were of the simplest sort, usually of tonnage output and required no skilled technique in manufacturing operations.

During the World War there arose a great dearth of all chemicals and particularly was this stress felt in the organic field. The cutting off of imports gave the greatest possible protection for which a manufacturer could ask and producers thronged into this field, hoping that by the time the war was over their manufacturing processes might have reached a degree of perfection such that they could continue in this work, a work clearly indicative as a necessity to every leading nation. Immediately at the close of the war, the embargo on chemicals was continued in force, pending the passage of a protective tariff. In September, 1922, the Fordney-McCumber tariff became a

law, and herein lay the turning point. A modern chemical-manufacturing America emerged from the old-time raw-product chemical-supplying America.

THE TARIFF LAW AS A FACTOR

There are many people to-day who look upon the tariff as a political question. If we grant this, then all political parties henceforth must espouse the tariff as the salvation of our country. Those of us of Democratic leaning as well as those of Republican leaning realize more and more fully that the Fordney-McCumber tariff is the greatest tariff ever written for America. The men who sponsored and defended this bill and who secured its passage are responsible for the energies of a nation having been directed into intensive industrial activity, with the result of spurring the mental powers of the individual to higher and higher attainments in the realms of discovery and invention.

Had it not been for the tariff of 1922 with its strong protection for organic chemistry, this enormous industry would have been lost to America and thus the greatest industry of all time left in the control of foreign powers. As it was, heaven smiled upon us and the manufacture of organic chemicals has progressed by leaps and bounds to an extent little dreamed of even by the early financial promoters. It may not be generally known that the total annual output of all our iron and steel plants is scarcely one-fourth in value compared with that of our manufactured food products which, exclusive of all farm staples used directly as foods, amounts to $13,000,000,000 annually.

THE TARIFF OF 1922

But, it will be asked at this point, what has all this discussion of the benefits of the Fordney-McCumber tariff to the American organic chemical industry got to do with the present state of affairs in American agriculture? In brief, just this, which is both premise and conclusion of this discussion: The tariff law of 1922 has made possible the continued development of an American organic chemical industry in which the American farmer, whether he knows it or not, is a partner. He therefore is vitally interested in the continued development of the organic chemical industry in this country as the ultimate and only permanently satisfactory solution of his problems. Only as the future development of this chemical industry makes possible the increased utilization of the products of the farm, now only partially used or discarded altogether, will agriculture throw off its ancient and medieval standards. And only then will agriculture be able to claim its rightful place in the science of industry in his country and entitled to as full a share in industrial prosperity as are other industries.

This must be our starting point. In fact, it is—or rather was—our starting point. Only as the products of our farms are scientifically produced and just as scientifically used will our farmers attain the economic prominence which they have been too often told in the past they had and which they now full well know they do not have. Nor is this otherwise than as it should be. From time immemorial, of all economic pursuits, agriculture seems to have been regarded as almost the one industry open to all free men, and for which little or no training or apprenticeship was necessary. Surely as a man soweth so does he reap, and farmers of the twentieth century are reaping the sowings of centuries before them. But the old order is changing; it has changed, and it is those of our agriculturists who do not see the change that suffer most.

It began two or three decades ago when scientific farming was first talked of in earnest; it is now being completed with the scientific utilization of the products of the farm. A "dirt farmer" may be a more picturesque individual than an "organic chemist," but in the survival of the fittest the "dirt farmer" will need more than his picturesqueness if he is to compete with his colleague who has seen the handwriting on the wall, and who according regards his farm as a chemical plant and himself a chemist.

The time is not far away when the feeding of corn to hogs will be classed with that other unholy act—the feeding of raw bituminous coal to a furnace for heat supply.

FARMING AS A CHEMICAL INDUSTRY

Staple agricultural products must not be supplied to the consumer directly, but must come to him indirectly through the chemical manufacturer. In other words, the valuable by-products and coproducts that lurk in grains and all other agricultural staples must needs be removed in order that the main products can be supplied at lower costs. The extent to which this is being done and can be done can best be brought out by a discussion of the accomplishments and possibilities in connection with a few leading agricultural products.

AS APPLIED TO SPECIFIC PRODUCTS

Oats is used primarily as a feed for livestock and for the manufacture of cereals. From the hulls, about 10 per cent by weight of furfural is easily obtainable through a simple steam distillation process. This furfural is already finding a market. From the furfural we shall derive a large number of chemical compounds of considerable value. Though the hulls constitute but 30 per cent of the weight of the oats, the chemical compounds derivable from this fraction will certainly approach a value equal to that of the remaining 70 per cent of the oat kernels.

Sugar cane has been cultivated primarily for its sugar content, but one-fourth of the total weight of the sugar cane consists of the tops, and these may serve admirably for silage. One-fourth of all the sugar cane and sorghum stalks grown in our Southern States is now furnishing a by-product for further manufacture. In Louisiana we note the average yield per acre of 20 tons of sugar-cane stalks which, after extraction of the 10 per cent sugar content, yield a bagasse capable of giving another 10 per cent of the original weight of cane, in the form of dry fiber even stronger than wood fiber.

From this fiber is now manufactured celotex, a kind of board of non-heat-conducting properties, especially suited for the lining of refrigerator cars and interior walls of buildings. In this connection, we may assume that the stalks of wheat and corn will come into use in the preparation of similar, but coarser, wood substitutes.

Of greatest interest in the last few years is the development of the soy-bean industry. This bean is distinctly rich in nitrogen. Soy-bean oil is used for making lard and butter substitutes, for soaps and for edible oil. It is also used in the making of waterproofing materials, enamels, varnishes, and printing inks. The oil cake is an excellent stock food and finds use further in the manufacture of a flour for man's consumption and for special food for invalids and infants.

CORN AND CORN SUGAR

Corn gives a great number of products. The germ yields a fine cooking oil (1 pound per bushel) and paragol, a substitute for rubber. The germ residue is an excellent cattle food. The starch granules of the corn are convertible to laundry starch (33 pounds per bushel) and already 50,000,000 bushels of corn are diverted into this channel. From this corn starch we derive corn sirup, dextrose, and crystalline maltose. This latter is a recent development of the Bureau of Chemistry and is made by mashing starch with malt and allowing the mixture to hydrolize for a week. About 25 pounds of sugars can be made from a bushel of 56 pounds of corn and a residue of about 15 pounds of molasses collected.

From the corn-hulls we obtain gluten (14.5 pounds from each bushel). This is a valuable tissue-building food for livestock. From this same source we also obtain phytin, a food containing 21 per cent assimilable organic phosphorus, especially valuable for those suffering from nervous disorders. The cobs of the corn, which amount, all told, to 20,000,000 tons of our total crop of 3,000,000,000 bushels, may be made to yield, by simple steam distillation, an adhesive substance valuable as briquetting material and also an appreciable quantity of furfural, previously mentioned in connection with the oat-hulls.

From the corn which enters the butyl alcohol industry we obtain per bushel about 10 to 11 pounds of solvents made up of about 30 per cent acetone, 60 per cent normal butyl alcohol, and 10 per cent ethyl alcohol and certain high-boiling acids, all of which are meeting with increasing demands in the industries. In this fermentation of starch, present in corn to 60 per cent by weight, a large quantity of carbon dioxide and hydrogen in equal volumes is simultaneously evolved. These gases constitute a weight almost twice that of the combined solvents. The remaining 40 per cent, or nonstarchy materials of the corn left after fermentation, contains 10 per cent of protein and considerable fiber and pentosans. This residual mixture when carefully dried is well adapted as food for stock and will be returned to the farm in ever-increasing proportions.

The gaseous hydrogen evolved in these fermentation processes is soon to be employed for the synthesis of ammonia by combination with atmospheric nitrogen, and thus is insured a low-priced ammonia. The ammonia in turn may then be made to react with the waste carbon dioxide under pressure to yield urea, one of the most desirable forms of fixed-nitrogen fertilizers.

CORNSTALKS COMING INTO USE

When we reflect upon the great waste in our corn to-day—some 40 per cent for swine, 20 per cent for horses and mules, 15 per cent for cattle, and only 10 per cent for man and 15 per cent for manufacture—we know full well that the chemical utilization of this crop is most inefficient. More of the corn must come into fermentation processes and more soya beans must be raised to furnish greater and greater amounts of food for livestock. These vitamines which are present in the corn and have such beneficial influence upon hogs must be isolated and supplied to the hogs through some other medium than raw corn. The coming utilization of cornstalks in chemical processes will naturally lower the price of the corn grains, and it may still be possible to feed livestock with appreciable quantities of corn without encouraging chemical waste.

Worthy of particular attention on the part of southern landowners is the assuredly growing importance of peanut oil. From this oil, by hydrogenation, an excellent substitute for lard is obtainable. Hogs take particular delight in rooting out the ungarnered peanuts left in the ground. Each acre can thus afford nutriment to fatten 30 hogs up to within three weeks of sale when corn, for the present, must be used to bring the hogs into first-class condition.

Moreover, we must introduce new crops into various parts of the country for cultivation. A Chinese seed, Aleuritis fordii, has recently

been planted in central Florida. From this seed we shall obtain tung oil, especially adapted to high-grade varnishes, paints, and linoleums.

Upon poor southern land we shall grow dasheens and yams, which yield such large starch crops particularly adapted for fermentation.

The long-leaf pine is destined to come into prominence by reason of the new developments in the chemistry of turpentine. From the pinene fraction of turpentine synthetic camphor is now produced abroad at such prices as to make it highly competitive with natural camphor. Whereas the remaining portion of the turpentine, by careful halogenation and oxidation, yields an excellent substitute for the best quality of linseed oil.

Upon poor northern lands, notably in Michigan, Norway spruce will be planted. In 25 years the spruce will be ready for cutting and shipment to artificial-silk plants. With the replacement of young trees for those cut each year, this will give the Michigan farmers something to secure them against failure in other crops. A new waste product in the artificial-silk industry is found to possess qualities approaching those of wool; though not so soft to the touch nor of the same warmth in garment form, these desirable properties will soon be supplied either by admixture with other organic chemical products or with wool itself.

JERUSALEM ARTICHOKES AND THEIR USE

When we consider the mounting costs attached to the cultivation of such well-known crops as cotton we can not overlook the possible introduction of the culture of weeds or such material inherently resistant to all ravages of disease and insects. It is not beyond hope that common milkweed will more than likely claim the attention of our organic chemical manufacturers. And certainly the expense of its cultivation can not be appreciable. Such weeds will be grown primarily for their plant juices and secondarily for linters and cellulose. The Jerusalem artichoke (Helianthus tuberosus), or the sunflower that grows wild on western lands, will soon be domesticated and diverted into chemical manufacture.

The war food committee of the Royal Society of Great Britain reported this plant as capable of producing the greatest amount of food per acre. It can be grown on waste land and without cultivation. The average yield per acre may be made to approach 20 tons whereas the Irish potato yields not more than . tons per acre. Freezing does not affect the tubers; hence they may be left in the ground until needed. These tubers contain a carbohydrate known as inulin, a product hydrolyzable into levulose or fructose, with a yield amounting to 10 or 12 per cent of the weight of the tuber. This fructose is 50 per cent sweeter than ordinary sugar and its preparation in pure crystalline form has just been completed by investigators at the Bureau of Standards. Although this sugar is somewhat deliquescent, this need not interfere with many of its possible uses. When fermented the carbohydrates of the artichoke yield alcohol and acetone but this fermenting proceeds somewhat more slowly than in the ordinary fermentation of glucose. The artichoke may also be used as food in the same manner as potatoes and the seeds undoubtedly will find a market for the production of oils and meal.

There thus appears no end of possibilities for farm lands and likewise it is evident that the adaptation of all sorts of agricultural wastes to a multiplicity of uses has only just begun. There are as many possibilities ahead of this enterprise as there were a century ago for the utilization of coal tar. This statement may seem utterly absurd to the layman but to the chemist it is a certainty.

COMING OF THE AGE OF CELLULOSE

Just as the nineteenth century from one chemical standpoint may be regarded as the coal-tar age, so will the chemical progress of the twentieth century center around the chemical adaptation of cellulose. It is this that brings us directly to the crux of the entire problem of agriculture and it is this also which ought to make the analogy between the farm and the organic chemical plant perfectly obvious. The predictions made presage the continuation of prosperity in the modern chemical industry. The manufacturers in this industry, as indicated above, have prospered greatly through our protective tariff policy.

The same tariff that has protected the organic chemical industry in the past few years and which has brought success to so many manufacturing industries is the same tariff at whose doors the unscientific mind would lay the farmers' troubles. As rough as has been the farmers' road during the last several years, had it not been for the protection afforded the organic chemical manufacturers by the tariff act of 1922 not only would the farmers' present plight be infinitely worse but there would be no signs of a brighter dawn. As the industries manufacturing organic chemicals extend their researches and increase their developments, more and more will agricultural products enter into these industries and hence more and more will the farmers emerge from their complete and total dependence upon consumers' markets.

WILL IMPORT NOT EXPORT GRAINS WITHIN 10 YEARS

This development is surely coming, although its progress appears not so rapid as the agriculturist may desire. Those who talk of solving the farmers' troubles simply by marketing surplus farm products live only for to-day, even as they see it. We shall be importing large quantities of grain within 10 years.

In this connection we must not belittle the efforts already put forth by agriculturalists and manufacturers to bring agriculture into a better economic position. Our agricultural colleges and farm bureaus have everywhere outdone themselves in the dissemination of scientific methods making for increased production on our lands. The farmers have applied well these teachings, but have they not overlooked the first and foremost point in all business—the creating of an increased demand before building up an increased supply? Now this is all changed. The demand is increasing and increasing enormously from year to year. Our farm products are becoming increasingly the greatest source of raw material for manufacturing plants—second only, for the time being, to coal tar in importance. Our farmers therefore must cooperate with American industrialists and in close association with them work for their own good and the good of all.

THE TARIFF PROBLEM

There is thus, as we must see it, no tariff problem between the industrial East and the agricultural West. There have been signs in the past which made it look as though this were so, but they are passing or already gone. Every force and influence which aids in the increased chemical utilization and adaptation of cellulose benefits the organic chemical producer, whether he operates a farm or a factory. At the present time an adequate protective tariff which will foster the growth and development of the organic chemical industry benefits the chemical plant in New Jersey and in Michigan, and the farmers in Iowa and Indiana.

A NEW PROSPERITY IN A NEW ERA

If the half of these hopes can be realized—and I am one of those who believe that we shall realize even more than all of them—agriculture will be restored to its primal importance and the farmer will become again the factor he was in the older order of things.

The world is moving on and it is moving very rapidly. We shall not by the fiat of many laws be able to keep and certainly not to make the older order either permanent or profitable to those who labor in agricultural ways, which ought to be the most pleasant of all ways, but without profit there can be no pleasure in any walk of life.

In the past our agricultural colleges have been chiefly concerned in increasing production. Science has been applied to the cultivation of soil crops and the breeding of livestock until now in their raw forms we are confronted with surpluses, surpluses that have perplexed us in the markets and in legislation.

Fortunately, these colleges are now falling in line with the new thought and the new development of agriculture. They are going to make good in these fields as well as in the original undertakings.

In Iowa, the premier agricultural State, the college at Ames is one of the new pacemakers. Dr. O. R. Sweeney, at the head of the department of chemical engineering, has developed processes and products that have attracted national attention. He has studied the pentosans, the cellular products of Doctor Hale's article, and he has developed processes for their utilization. What he has done at Ames was the basis for an appropriation by this Congress to enable the Bureau of Standards of Washington to cooperate with the college at Ames and with other institutions engaged in like work for the completion of these processes and the resulting products, both scientifically and especially commercially.

For this purpose the appropriation bill for the Department of Commerce carried a small appropriation, amounting to only $50,000. The amount was far too small for such a big purpose. But it was all that we dared to ask for in the face of possible opposition. When it comes to the use of money for such purposes we are still mostly men of narrow vision. New ideas still fill us with fear. When Morse asked for a small appropriation to aid the telegraph he was sneered at. Professor Langley met with no better reception when he proposed the flying machine which is now revolutionizing the world of transportation.

The other day in almost the twinking of an eye we started on an expenditure of $51,000,000 for the construction of three new cruisers. We must not neglect our national defenses, but I may call attention to the fact that while we are so ready to spend such vast sums on the means of destruction we ought to be at least as ready to spend more modest amounts in the development of new ideas and the construction of new industries. Instead of $50,000 we ought to have made that appropriation at least a million dollars, and for one I believe that it would have repaid us a millionfold in the years to come.

CORN AND INDUSTRIAL ALCOHOL

To promote the utilization of our agricultural products I have recently introduced a bill to increase the tariff duty on imported blackstrap, which is the refuse of foreign sugar mills, which is now being used in this country for the manufacture of industrial alcohol. This refuse material is brought into this coun-

try under such a low tariff that it has displaced corn and rye in the manufacture of this alcohol. A few days ago there was landed in New York a shipment of 1,500,000 gallons of this stuff which was brought from Holland and Poland, being the refuse of their beet-sugar factories. It is estimated that the import of this blackstrap will aggregate 100,000,000 gallons this year, and it is also estimated that these imports displace from 25,000,000 to 40,000,000 bushels of corn, with the surplus of which we have been struggling in vain in a legislative way.

This same bill was introduced in the Senate by my colleague, Hon. DAVID W. STEWART, of Iowa. But as it is a tariff measure, it has to be considered first in the House. Such consideration can not be obtained for it in this session of the Congress, for the tariff law is too big a subject to be opened up in a short session.

I shall therefore reintroduce this bill so soon as the new Congress meets, and I shall press for a hearing before the Ways and Means Committee. In this I believe that every man who believes in agriculture—and we all do—and who believes in an equitable distribution of tariff benefits ought to be willing to join. If we could restore this industry to our own agricultural benefit I believe it will have a marked influence. To take 25,000,000 bushels of corn off the market would make a material advance in the price of corn.

All these are battles for agriculture that must be fought out, but I do not despair of the final victories. We have a right to ask for the same tariff protection for agricultural products that is granted to other industries. We shall win on that slogan.

Even some of the great departments of our Government have been reluctant to give the consideration that is due to these new developments. The use of the new sugars, to one of which Doctor Hale has made a pointed reference—that is, the sugar that can be made from the Jerusalem artichoke—has been hampered in the food administration which is under the Department of Agriculture. This administration adheres to an old and long-obsolete definition of sugar as sucrose. The sugar made from the artichoke is not sucrose but levulose, and by reason of that chemical definition the introduction and the use of this new product so vital to agriculture is restricted.

A bill which I introduced for the removal of these restrictions, and which the late Senator Cummins introduced in the Senate, will probably fail of passage in the Senate at this session. In the House, I am glad to say that a partial victory for this sugar was won by a majority of 44. What should have been done by unanimous consent, for it is so manifestly beneficial, was forced to a roll call by those who were opposed to it, and the same influences defeated it in the Senate by talking it to death.

But while there may be temporary objections and obstructions to such legislation, I know that it will be successful in the end, for no new and beneficial idea can be permanently defeated.

Pending the final victory, I believe, that the Department of Agriculture, if it will act for agriculture, can facilitate these developments which are so essential to both the agricultural and industrial welfare of the country, by removing the arbitrary unscientific and uneconomical restrictions which we have sought to remove, in small part, by what is known as the corn sugar bill. All the department has to do is to define sugar as it is now defined in all the standard dictionaries, instead of continuing a definition that was made by a board of pundits more than a generation ago.

The use of sugar made from corn, and from the artichoke—which is not yet made commercially—is now permitted by the food administration in all bakery products, in all confectionery and in ice cream, in all of which it had come into such general use that it was no longer possible, or reasonable, to deny it.

If it may be used in these products, pray, by what manner of reasoning is it still excluded from a can of tomatoes or sweet corn, or condensed milk? If it may be used in candy, eaten by infants and adults daily why not in tomatoes? And if it may be used in ice cream, which is a form of frozen milk, why may it not be used in condensed milk?

I am going to leave these questions with the Department of Agriculture, under which the food act is now so inconsistently interpreted and enforced until Congress meets again. And I am going to ask Doctor Jardine, the Secretary of that Department, to "keep an eye on the deputies," as the admonition and injunction reads in a chapter of Les Miserables, by Victor Hugo, who are still wedded to obsolete ideas.

FARM RELIEF

Mr. ASWELL. Mr. Speaker, recognizing the urgent need of farm-relief legislation at this session of the Congress, and in view of the fact that the President has vetoed the McNary-Haugen bill on the grounds of its unconstitutionality because it contains limitations on the Executive and contains the equalization fee; in view of the further fact that my agricultural export corporation bill, containing no such provisions, was debated on this floor for more than 18 hours, when a change of only 9 votes would have substituted it, I ask unanimous consent for the immediate consideration of H. R. 15655, known as the Aswell farm relief bill.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to take up for consideration the bill H. R. 15655. Is there objection?

Mr. ADKINS. I object.

Mr. ASWELL. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. ASWELL. Mr. Speaker and gentlemen of the House, I think it is fair to say that on account of the clear provisions of my bill it could be put through both Houses of the Congress within a single day or a single night session. I am astounded that one of the leaders of the McNary-Haugen bill, the gentleman from Illinois [Mr. ADKINS], who has been shouting for farm relief throughout the country for three years, would now admit on the floor of this House that he with the other Haugen leaders does not want any farm relief.

In his veto message the President said:

> Other plans have been proposed in Congress for advancement in this recovery, which plans offer promise of sound assistance to the farmers without these unconstitutionalities, invasions of Executive authority, this contracting with packers and flour millers and other manufacturers, this overproduction with its inflation and inevitable crash, without this indirect price fixing, buying, and selling, this creation of huge bureaucracies. I have frequently urged such legislation. I wish again to renew my recommendation that some such plan be adopted.

The Aswell agricultural export corporation bill is clearly in line with the President's repeated recommendations and could be put through both Houses in a single day or in a single night session. I repeat that it has been debated for 18 hours in the House, and its provisions are so simple and definite that it would require little further debate. A change of nine votes would have substituted it the other day, and a majority of the supporters of the McNary-Haugen bill should now be released from the Haugen lobby lash. I am sure that these gentlemen would gladly vote for the Aswell bill to-day.

I repeat, gentlemen of the House, that when the leaders of the Haugen bill rise on this floor this morning and object to the immediate consideration of the Aswell bill that further convinces the Congress and the country that they do not want any farm relief legislation. They prefer to continue agitation and political turmoil. I want the country to know the truth concerning the leaders of the Haugen supporters, both in and out of the Congress. They are solely responsible for defeating farm relief legislation.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. HAUGEN. Mr. Speaker, the gentleman's bill has been discussed in this House, and the House has given considerable time to the discussion of farm relief. We have had an expression of the House in respect to the measure proposed by the gentleman. In reply to the gentleman's suggestion, my suggestion is that we give the farmers the relief they ask, to give them something they want rather than to cram down their throats something that practically all the farmers object to. That is all I have to say.

Mr. ASWELL. Mr. Speaker, will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. ASWELL. Is the gentleman not willing to take up any measure now in this session and give farm relief?

Mr. HAUGEN. I am willing to take up any measure that will grant relief, but not a mere subterfuge.

Mr. ASWELL. Will any measure except the Haugen bill suit you? It should be remembered that a change of 9 votes the other day would have substituted my bill for the Haugen bill. Yet the gentleman from Iowa still under the Corn Belt lash shouts, "Haugen bill or nothing."

Mr. HAUGEN. If somebody will suggest something, we will pass on it when it is suggested.

Mr. ASWELL. Will the gentleman object to the request that I have made?

Mr. HAUGEN. I object.

Mr. ASWELL. I want the RECORD to show that.

Mr. HAUGEN. The RECORD will show it all right.

The SPEAKER. The time of the gentleman from Iowa has expired.

PROTECTION OF NAVIGABLE STREAMS

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table 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, and to substitute therefor a House bill as passed by the House.

The SPEAKER. The gentleman from Iowa asks unanimous consent for the present consideration of Senate bill 718, which the Clerk will report by title.

The Clerk reported the title of the bill.

The SPEAKER. Is there objection?

Mr. RANKIN. Mr. Speaker, reserving the right to object, will this entail any expense on the part of the Government?

Mr. HAUGEN. In explanation I would say that the House passed a bill which carries an appropriation of $4,000,000, $2,000,000 a year for the fiscal years ending June 30, 1928, and June 30, 1929. The Senate bill carries an appropriation of $40,000,000. The House amended the bill so as to conform with the suggestion made by the Budget.

Mr. RANKIN. What does the bill mean the way it stands to-day?

Mr. HAUGEN. It provides for the purchase of land at the head of navigable streams, for the protection of navigable streams, under the Clarke-McNary Act.

The SPEAKER. What does the gentleman desire to do at the present time?

Mr. HAUGEN. To substitute the provisions of the House bill.

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

Mr. CONNALLY of Texas. Mr. Speaker, reserving the right to object, the gentleman from Iowa asks unanimous consent to take up this measure and then substitute another measure for it.

Mr. HAUGEN. The provisions of the House bill; yes.

Mr. CONNALLY of Texas. The gentleman a moment ago objected to the request of the gentleman from Louisiana [Mr. ASWELL] to take up the Aswell bill to grant farm relief. If the gentleman can substitute this bill, why does not the gentleman agree to take up the Aswell bill and then offer such amendments as might perfect that bill, and give the country farm relief now, without waiting until Mr. Lowden is President of the United States three or four years from now.

Mr. HAUGEN. That is a matter for the House to pass on. I have serious doubt about the bill being germane to the bill now under consideration.

Mr. ASWELL. Does the chairman of our Committee on Agriculture recall that the Aswell bill would have been adopted with a change of nine votes on this floor, and those votes have now been released from the Haugen lash?

Mr. BLANTON. Mr. Speaker, reserving the right to object, what explanation is the gentleman from Iowa going to take with him back to Iowa?

Mr. HAUGEN. I shall take my chances on that.

Mr. MACGREGOR. Mr. Speaker, is this the Weeks bill that the gentleman wants to call up?

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

The SPEAKER. The regular order is demanded. Is there objection to the present consideration of the bill?

Mr. RANKIN. Mr. Speaker, I object.

BRIDGE ACROSS LAKE CHAMPLAIN

Mr. DENISON. Mr. Speaker, I ask unanimous consent for the present consideration of H. R. 17298, granting the consent of Congress to the States of New York and Vermont to construct, maintain, and operate a free highway bridge across Lake Champlain. This is an important bill, Mr. Speaker, and I have an amendment to it which I desire to offer.

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

There was no objection.

The bill is as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the States of New York and Vermont, their successors and assigns, to construct, maintain, and operate a free highway bridge and approaches thereto across Lake Champlain at a point suitable to the interests of navigation, between Ticonderoga and Plattsburg, N. Y., and a point opposite thereto in the State of Vermont, 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 sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the States of New York and Vermont, their successors and assigns, and any party 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 to exercise the same as fully as though conferred herein directly upon such party.

SEC. 3. There is hereby conferred upon the States of New York and Vermont, their 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 located, 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. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 8, strike out "Ticonderoga and Plattsburg" and insert "Crown Point," and, in line 9, strike out "a point opposite thereto in the State of" and insert "Chimney Point."

Mr DENISON. Mr. Speaker, I offer the following committee amendment, in addition to those printed in the bill, which I send to the Clerk's desk.

The Clerk read as follows:

Committee amendment offered by Mr. DENISON: Page 1, line 5, strike out the word "free." Page 3, after line 2, insert two new sections, as follows:

"SEC. 4. The said States of New York and Vermont, their successors and assigns, are 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. 5. 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."

Page 3, line 3, strike out the figure "4" and insert the figure "6."

The 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 THE OHIO RIVER

Mr. DENISON. Mr. Speaker, I ask unanimous consent for the immediate consideration of S. 5762, a similar bill having passed the House, and it is important that it be passed.

The SPEAKER. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

The Clerk read as follows:

An act (S. 5762) to amend sections 4 and 5 of the act entitled "An act granting the consent of Congress to the Gallia County Ohio River Bridge Co., and its successors and assigns, to construct a bridge across the Ohio River at or near Gallipolis, Ohio," approved May 13, 1926, as amended

Be it enacted, etc., That sections 4 and 5 of the act entitled "An act granting the consent of Congress to the Gallia County Ohio River Bridge Co., and its successors and assigns, to construct a bridge across the Ohio River at or near Gallipolis, Ohio," approved May 13, 1926, as amended, are amended by striking out the word "twenty" wherever it occurs in such sections and by inserting in lieu thereof the word "twenty-five."

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.

A similar House bill was ordered to lie on the table.

BRIDGE ACROSS THE WABASH RIVER

Mr. DENISON. Mr. Speaker, there is a small bridge bill with reference to the extension of time, and the House and Senate passed identical bills at the same time. The Senate bill is on the Speaker's table, and I ask to take the Senate bill from the Speaker's table (S. 5791) and pass it.

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

The Clerk read as follows:

A bill (S. 5791) to extend the time for commencing and completing the construction of a bridge across the Wabash River at the city of Mount Carmel, Ill.

Be it enacted, etc., That the times for commencing and completing the construction of the bridge authorized by act of Congress, approved March 3, 1925, to be built across the Wabash River from a point in the city of Mount Carmel, Wabash County, Ill., to a point in Gibson County, in the State of Indiana, at a point suitable to the interests of navigation, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, are hereby extended one and three years from the date of approval hereof.

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

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

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

A similar House bill was ordered to lie on the table.

ONE HUNDRED AND FIFTIETH ANNIVERSARY OF THE MEETING OF THE CONTINENTAL CONGRESS AT YORK, PA.

Mr. MENGES. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes, in order to invite this Congress to participate in the one hundred and fiftieth anniversary of the meeting of the United States Congress in the city of York, which I have the honor to represent. Now, if I may be permitted to have read the resolution from the Clerk's desk.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to proceed for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MENGES. Mr. Speaker, I have sent the invitation to the Clerk's desk, which I wish to be read.

The SPEAKER. Without objection, the Clerk will read.

The Clerk read as follows:

Resolution presented by Robert C. Bair, recording secretary Historical Society of York County, York, Pa.

Whereas a committee duly appointed at a citizens' meeting held in the courthouse, York, Pa., December 14, 1926, was granted plenary powers to provide an appropriate commemoration of the one hundred and fiftieth anniversary of the "Continental Congress at York, Pa., September 30, 1777," and said committee was authorized to do all things necessary for the success of that celebration; and

Whereas it is deemed proper that the Government at Washington be fully advised of the plans and purposes of this committee respecting the commemoration of an event of national interest and importance: Be it

Resolved, That the Hon. FRANKLIN MENGES, Member of Congress from the twenty-second district of Pennsylvania, be, and hereby is, authorized to invite the President and Vice President, the Speaker of the House of Representatives, the Senators and Representatives from the various States of the Union to attend, during the week of September 30, 1927, and participate in the celebration of an event impressive in the legislative history of the Congress of the United States.

ROBERT C. BAIR,
Recording Secretary Historical Society of York County, York, Pa.

Mr. MENGES. Mr. Speaker, if I may have the attention of the House for a few minutes. Those of you who are acquainted with the colonial history of the United States may remember that after the Battle of Brandywine, September 11, 1777, the Colonial Congress, then sitting in Philadelphia, Pa., found it necessary, in order to protect itself, to move out of that city, and adjourned to Lancaster, Pa. There it held a one-day session, September 27, and then adjourned to York, Pa., and put the Susquehanna River between itself and General Howe's army in order to be safe. The first session of the Colonial Congress was held in the colonial courthouse, then standing in the center of the town square, on September 30, 1777. In order fittingly to commemorate this event, I had read from the Speaker's desk an invitation to the United States Congress to participate in that event. I had a resolution presented through my friend Mr. LUCE asking that a committee consisting of eight Members, four from the House and four from the Senate, including the Speaker and the Vice President ex officio, be appointed at this time, or whenever it is convenient to the Speaker, to attend that celebration. Now, why should we celebrate or commemorate an event like this? In the first place, my friends, this was the darkest period during the entire Revolutionary War. The chief cities of the Union were occupied by the English armies. New York and Philadelphia not only were occupied by the English Army, but the English Army virtually had control of the wealth of the country at that time, and during that period the United States Congress sat at York. At York was received the news of Burgoyne's surrender at Saratoga, October 31, 1777. At York the first national proclamation of a day of thanksgiving was authorized, if I recall correctly, November 15, 1777, and December 18, 1777, was designated as the National Thanksgiving Day.

Mr. SUMMERS of Washington. How long was this session?

Mr. MENGES. The session lasted from September 30 until June 27, 1778—nine months. At York the Articles of Confederation were adopted after a discussion lasting from October 7 to November 15, and were submitted to the Colonies for their ratification making effective the Declaration of Independence. At York General Gates gave a banquet on February 2, 1778, to his friends and fellow conspirators in an effort to remove General Washington from the command of the Colonial Army and substitute himself for that place.

At a banquet given in York in a house that is still standing—the room is still in existence where that event occurred—General LaFayette, who happened to come to that banquet a little late, after toasts were offered to nearly all or all of the prominent officers of the Army, in which Washington alone was neglected, got up—and to the chagrin of the conspiracy known as the Conway cabal, because it was inaugurated by General Conway—and stated that evidently the chief of the commanders of the Colonial Army had been neglected, and he offered a toast to General Washington. At once absolute silence fell upon that entire banquet; some men got up and offered to drink the toast, while others pushed their glasses aside and refused even to rise. And then and there was exposed to the public one of the most treacherous performances that occurred throughout the Revolutionary War.

I want to remark here that if General Gates had been given the chief command of the armies of the Colonies, the history of this country would be different from what it is; it would be decidedly changed. It would not be what it is to-day, and for this reason: That there was not then—and I do not believe there has been ever since—the unselfish desire such as animated General Washington to adopt the Declaration of Independence and make this a Republic such as it is to-day. He had a chance to change the purposes of the Declaration of Independence had he wanted to, but he did not do it.

Another thing that happened at York was this: Silas Deane, who was sent over to France in connection with Benjamin Franklin to negotiate a treaty between France and the United States, arrived at York on May 2, 1777, with a copy of a treaty of amity and commerce and a treaty of alliance with France, in which France obligated herself to send an army and a fleet and a large amount of money to the Colonies in America in their effort to secure their liberty.

Another event of importance was the arrival of Baron von Steuben, a member of the staff of Frederick the Great, of Prussia, during the Seven Years' War. He was induced by the astute Vergennes, the French Minister of Foreign Affairs, and Benjamin Franklin, then the representative of the Colonies at the Court of Louis XVI, to come to America and instruct the colonial troops in the military tactics of the army of the great Frederick. The baron landed at Portsmouth, N. H., and John Hancock furnished him and his party with sleighs, drivers, and saddle horses for the inland journey of more than 400 miles to York, Pa. He arrived at York February 5, 1778, and was received by Congress with distinguished honors. He was given the commission of lieutenant general of the American forces and sent to Washington at Valley Forge. General Washington was not slow to recognize his ability, while Von Steuben perceived in the ragged and motley Army which he passed in review the existence of soldierly qualities which needed nothing so much as training. Alert and untiring, he worked with these soldiers from morning till night, showing them how to advance, retreat, or change front without falling into disorder; how to perform, in short, all the rapid and accurate movements for which the Prussian Army had become so famous. This training was so effective in the discipline of the Army that had it not been for the treachery of Gen. Charles Lee, the Judas Iscariot of the Continental Army, the Battle of Monmouth might have ended the Revolutionary War.

These and many other events inspire the people of York to commemorate in a fitting manner the anniversary of the sitting

of the Continental Congress in York, Pa., in which we cordially invite the Members of the United States Congress to participate.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. MENGES. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

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

There was no objection.

Mr. MENGES. May I make another request, Mr. Speaker? I would like to publish in the RECORD a very short history of the events that occurred at York during the sitting of the Congress there, embracing important events in our colonial history.

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

There was no objection.

Following is a list of the Members of the Continental Congress while it convened in York:

LIST OF THE MEMBERS OF THE CONTINENTAL CONGRESS, WHILE AT YORK, PA.

(As complete a list as material at hand permits)

Massachusetts—Samuel Adams, John Adams, John Hancock, signer of Declaration of Independence, Elbridge Gerry, and Francis Dana.

Rhode Island—Henry Marchant.

New Hampshire—Nathaniel Folsom.

Connecticut—Richard Law and Eliphalet Dyer.

New York—Lewis Morris, Gouveneur Morris, and Philip Livingston, signer of the Declaration of Independence, who died and was buried at York, Pa.

Maryland—Charles Carroll, signer of the Declaration of Independence; Samuel Chase, signer of the Declaration of Independence.

Virginia—Francis Lightfoot Lee, signer of the Declaration of Independence; Richard Henry Lee, signer of the Declaration of Independence; Benjamin Harrison, signer of the Declaration of Independence.

Delaware—Thomas McKean.

New Jersey—John Witherspoon, signer of the Declaration of Independence.

North Carolina—John Penn, signer of the Declaration of Independence.

South Carolina—William Drayton and Henry Laurens, president of Congress, succeeding John Hancock.

Georgia—Edward Langworthy, Nathan Brownson, and Joseph Wood.

Pennsylvania—Daniel Roberdeau, Robert Morris, Joseph Reed, and James Smith, signer of the Declaration of Independence; buried at York. His office on South George Street was used by the Board of War while Congress was in York.

Mr. MENGES. Mr. Speaker, York, Pa., holds a prominent place in colonial history. For nine months—from September 30, 1777, to June 27, 1778—this little town, then only 36 years old and containing 286 houses and 1,500 inhabitants, was the capital of our country. In the fall of the year 1777 General Howe was reported to be advancing toward Philadelphia, which was then the capital of the thirteen Colonies. With the news of the defeat of Washington in the Battle of the Brandywine, Congress no longer felt safe in the City of Brotherly Love, and speedily adjourned to meet in Lancaster. To avoid having them captured by the British, the Government documents and the small amount of money then in the Treasury were sent to Lancaster on wagons carefully guarded by two regiments of troops. The Members of Congress themselves started on horseback for Bethlehem, where they spent Sunday, and on the following day proceeded toward Lancaster. Only one day's session was held in Lancaster when it was decided that "the Susquehanna should flow between Congress and the enemy." Congress, therefore, adjourned to York.

The period during which York harbored the Continental Congress was one of the most trying in the history of our country. When Congress assembled in York on September 30, 1777, in the historic old courthouse which stood in Center Square, it witnessed the chief cities of the country in the hands of the enemy. The battle of the Brandywine on September 11, 1777, had just ended in favor of the invading British. Washington and his army had retreated in an orderly way to Chester, Pa., where he and his generals were preparing the troops for another attack on the British. This attack took place at Germantown, October 4, 1777. The plan of attack shows that Washington contemplated the capture of the British Army—a dense fog prevented the accomplishment of his purpose.

The people of the thirteen Colonies were looking toward York, as Congress sat in session there trying to "find a way out" for American independence. Samuel Adams expressed the situation in his urgent appeal to a caucus of American patriots on the night of October 3, 1777, a few days after Congress came to York. He said:

Our affairs are said to be desperate, but we are not without hope and not without courage. The eyes of the people of this country are upon us here, and the tone of their feeling is regulated by ours.

It is interesting to note who these men were upon whom the eyes of their countrymen were fixed. To York at that time came some of the most famous men in America. Most of them had previously played a prominent part in the events leading up to the Declaration of Independence. Twenty-six of the delegates who came to York had signed their names to that important document.

From Massachusetts came Samuel Adams, the great leader of the Revolution and of Congress, and, therefore, the man upon whose head England had set a price; John Adams was another active delegate in the first Continental Congress, a signer of the Declaration, and later the second President of the United States; John Hancock, who with Samuel Adams, was considered by England the chief cause of America's rebellion, was the first President of Congress and a signer of the Declaration; Elbridge Gerry, also a signer of the Declaration, and later played a prominent part in the affairs of government; and Francis Dana, a famous jurist and patriot who later, in 1779, became secretary of the legation sent to France.

From Rhode Island to the Congress assembled at York, came such men as Henry Marchant, famous for his patriotic speeches in Congress, and for helping to ratify the Federal Constitution.

From New Hampshire came Nathaniel Folsom, another prominent leader who served on important committees.

From Connecticut came Richard Law and Eliphalet Dyer, eminent jurists and sponsors of American liberty. Eliphalet Dyer served as Chief Justice of the United States from 1789 to 1793.

From New York came men such as Lewis Morris, who shortly after signing the Declaration resigned in 1777 to give place to his brother, Gouverneur Morris, in order that he himself might go back to New York to influence and help the people in sustaining the cause of independence; Philip Livingston, a prominent philanthropist of New York was also a signer of the Declaration. He died while the Congress was in session in York and is buried there.

From Maryland came two famous men, both signers of the Declaration: Charles Carroll and Samuel Chase. Charles Carroll had been influential in inducing the delegates from Maryland to vote for independence; and Samuel Chase, also bold and outspoken in the cause, later served in the convention which ratified the Constitution of the United States.

From Virginia came those outstanding personages, Francis Lightfoot Lee, Richard Henry Lee, and Benjamin Harrison, all three signers of the Declaration. Richard H. Lee was a great friend of Samuel Adams, and it was he who proposed the resolution for the independence of the Colonies which was seconded by John Adams. Lee served on nearly a hundred committees in Congress during the sessions of 1777 and 1778.

From Delaware came Thomas McKean, noted for his staunch allegiance to the cause of independence from the date of its inception.

From New Jersey came John Witherspoon, a radical Whig and conspicuous educator. He had also signed the Declaration.

From North Carolina came John Penn, also a signer of the Declaration, and prominent in the affairs of his State.

From South Carolina came William Drayton and Henry Laurens. William Drayton had been a member of the Council of Safety and of the secret Committee of Five. He retained his seat in Congress until his death. Henry Laurens, the dignified and polished gentleman who succeeded Hancock as President of Congress, and later, with Benjamin Franklin, John Jay, and John Adams, signed the preliminaries for peace with Great Britain.

From Georgia came Nathan Brownson, Edward Langworthy, and Joseph Wood, also leaders in their States against British tyranny.

Men from Pennsylvania who sat in Congress while at York were Daniel Roberdeau, Robert Morris, Joseph Reed, and James Smith. Roberdeau served on important committees and was in active service as first brigadier general of the Pennsylvania troops. Robert Morris, active in agitating the Revolution, transacted most of the financial business of the Colonies from 1776 to 1778. York had its signer of the Declaration in the person of James Smith, a lawyer and a personal and political friend of Washington; his office on South George Street was used by the Board of War while Congress was in York.

Such famous patriots as these are representative of the great men who assembled in the Continental Congress at York to decide the momentous questions of the day. Most of them were truly the founders of our Government. For they had

signed their names to the Declaration of Independence and while in York they made that Declaration effective by passing the Articles of Confederation, thus paving the way for the Constitution of the United States.

Many important transactions marked the sessions of Congress at York. At no other place during the Revolution, except Philadelphia, was there any legislation by Congress in any way comparable to that enacted while at York. Extracts from the Congressional Register of 1777 give us the following interesting events:

On Sunday, September 14, 1777, it was—

Resolved, That if Congress shall be obliged to remove from Philadelphia, Lancaster be the place where they shall meet.

On the same date the public papers were put under the care of Mr. Clark for removal to Lancaster.

CONGRESS IN YORK

On September 18, 1777, Congress met in Philadelphia, and they adjourned to meet next day at 10 o'clock, but during adjournment the President received a letter from Colonel Hamilton, aid to Washington, which intimated the necessity of removing the Congress immediately from Philadelphia. Whereupon Members left that city and repaired to Lancaster.

At Lancaster, September 27, 1777, it was resolved, "That the Treasury Board direct the Treasurer, with all his papers, forms, and so forth, to repair to the town of York, in Pennsylvania." So Congress "adjourned to Yorktown, there to meet on Tuesday next at 10 o'clock."

September 30, 1777—Tuesday—we find the following record at York: "Met and adjourned to 10 o'clock to-morrow."

On October 1 it was resolved in Congress at York, "That until further order, Congress shall meet precisely at 10 o'clock a. m., sit to 1, then adjourn to 4 p. m., then to meet and proceed on business."

That York was in fact the center of Government at that time is indicated by the following resolution of October 4, pertaining to supplies: "That the commissary general of purchases employ a proper person to receive all the wheat belonging to the United States in the several mills and storehouses in the neighborhood of Yorktown." Hearsay tells us that farmers took wheat to York and had it ground. This they sold to the Government for paper money, thus virtually giving it to the Continental Army. On October 17 Congress authorized the Committee of Intelligence—

To take the most speedy and effectual measures for getting a printing press erected in this town—Yorktown—for the purpose of conveying to the public the intelligence that Congress may from time to time receive.

Ten days later the press of Hall & Sellers, of Philadelphia, was brought to York from Lancaster, where it had been sent when Congress adjourned from Independence Hall. The Pennsylvania Gazette was published and other public documents of the Government.

On October 7—

agreeable to the order of the day, Congress took into consideration the thirteenth article of the confederation as reported by the Committee of the Whole * * *.

Later we find this statement in the Register:

So it was resolved that in determining questions each State shall have one vote.

This action marked the beginning of the adoption of the Articles of the Confederation; the discussion continued at intervals until November 15.

On October 29, John Hancock resigned as President of Congress. He said in his speech:

My health being impaired * * * I must therefore request your indulgence for leave of absence * * *.

Congress voted that this speech be entered on the Journal. The Register of Congress for October 31 says:

It was then moved that the thanks of Congress be presented to John Hancock * * *.

After some discussion, we find the following motion:

It was then moved to resolve that it is improper to thank any President for the discharge of duties of that office.

Also, on October 31, official news of the victory at Saratoga was brought to Congress by James Wilkinson, aid to Gates, and is recorded in the Register in these words:

A letter of the 18th of October from General Gates, with the copy of the convention at Saratoga whereby General Burgoyne surrenders his whole army, was read.

As a result of this official confirmation of Burgoyne's surrender there was great rejoicing, and Henry Laurens, who had been elected November 1 to succeed Hancock as President, appointed a committee to draw up a thanksgiving proclamation. This committee reported the following:

It is therefore recommended to the legislative powers of these United States to set apart Thursday, the 18th day of December next, for solemn thanksgiving and praise.

This was the first national thanksgiving proclamation in the history of the United States. Copies were sent to the governors of the thirteen Colonies.

On November 4, Congress officially thanked General Gates in the following resolution:

That the thanks of Congress in their own name, and in behalf of the inhabitants of the 13 United States, be presented to Major General Gates, commander-in-chief of the Northern Department.

By November 15, the articles of confederation had been passed by Congress and were ready for ratification. It was resolved that—

the committee appointed by States to revise and arrange the articles of confederation have 300 copies printed and lodged with the secretary to be subject to the future orders of Congress.

After the victory at Saratoga, Congress had reorganized the Board of War and the Members in Congress unfavorable to Washington had caused it to be resolved on November 27—

that Major General Gates be appointed President of the Board of War.

Due to some dissatisfaction as to conventions entered into by Silas Deane with several foreign officers it was decided that he should be recalled, and on December 2 it was resolved—

that a commission be made out for Mr. John Adams similar to that heretofore granted to the commissioners at the court of France.

On December 8, 1777, the following action was taken:

Whereas it is of the greatest importance that Congress should at this critical conjuncture be well informed of the state of affairs in Europe; and whereas Congress has resolved that Hon. Silas Deane be recalled from the court of France and have appointed another commissioner to supply his place there: Ordered, that the Committee for Foreign Affairs write to the Hon. Silas Deane and direct him to embrace the first opportunity of returning to America, and upon his arrival, to repair with all possible dispatch to Congress.

At this time Washington had sent here the regiment known as Congress's Own, under Col. Thomas Hartley, of York, as a special guard to Congress. On December 11, "it was resolved that the Board of War be directed to cause barracks or sheds to be erected with all possible dispatch," for the accommodation of this regiment and of troops passing through the town.

A letter written by President Laurens from York on December 30, 1777, while suffering an attack of gout, gives us a breath of the colonial atmosphere:

I am now sitting [he wrote December 30, 1777], both feet and legs bound up in a blanket, in the room where Congress meets. * * * Perhaps two, it may be three hours, after dark I may be permitted to hobble on my crutches over ice and frozen snow or to be carried to such a homely home as I have, where I must sit in bed one or two or three hours longer at the writing table, pass the remainder of a tedious night in pain and some anxiety. I hear you reply, "Why faith! if I was you I would resign the Presidency." Believe me, my dear sir, that was my solid determination on the second or third day after my present troublesome companion had taken possession of me; but Congress would not allow it.

He adds humorously that he—

had as well be President as anyone else, since a good seat near a warm fire is some compensation for extra labor.

At the close of the year 1777, the outlook for American independence had not brightened. Washington and his army were suffering at Valley Forge, while the insidious plans of his enemies were poisoning the minds of Congress against him.

THE CONWAY CABAL

The defeat of Burgoyne at Saratoga, October 17, 1777, seems to have been the occasion that set fire to the ambition of the conspirators. The enemies of Washington lost no time in pouncing upon this victory, seemingly a great credit to Gates, as a weapon to use against Washington. As a matter of fact, Gates was not even under fire at Saratoga; nor did he direct any important operation. Arnold and Morgan, following Washington's instructions had laid careful plans. They did all of the work and won the decisive victory, and Gates, but recently sent up to command, received all the credit. Fiske, in The American Revolution, gives the following account of the battle:

On the morning of October 7, leaving the rest of his army in camp, Burgoyne advanced with 1,500 picked men to turn the American left. Small as the force was, its quality was superb, and with it were the best commanders—Phillips, Riedesel, Fraser, Balcarras, and Ackland. Such a compact force, so ably led, might maneuver quickly. If, on sounding the American position on the left, they should find it too strong to be forced, they might swiftly retreat. At all events, the movement would cover a foraging party which Burgoyne had sent out—and this was no small matter. Arnold, too, the fighting general, it was reported, held no command; and Gates was known to be a sluggard. Such thoughts may have helped to shape the conduct of the British commander on this critical morning. But the scheme was swiftly overturned. As the British came on, their right was suddenly attacked by Morgan, while the New England regulars with 3,000 New York militia assailed them in front. After a short, sharp fight against overwhelming numbers, their whole line was broken, and Fraser sought to form a second line a little farther back, on the west border of Freeman's farm, though the ranks were badly disordered and all their cannon were lost. At this moment Arnold, who had been watching from the heights, saw that a well-directed blow might not only ruin this retreating column, but also shatter the whole British army. Quick as thought he sprang upon his horse and galloped to the scene of action. He was greeted with deafening hurrahs, and the men, leaping with exultation at sight of their beloved commander, rushed upon Fraser's half-formed line. At the same moment, while Morgan was still pressing on the British right, one of his marksmen shot General Fraser, who fell, mortally wounded, just as Arnold charged with mad fury upon his line. The British, thus assailed in front and flank, were soon pushed off the field. Arnold next attacked Lord Balcarras, who had retired behind intrenchments at the north of Freeman's farm; but finding the resistance here too strong, he swept by and charged upon the Canadian auxiliaries, who occupied a position just north of Balcarras, and covered the left wing of Breymann's forces at the extreme right of the British camp.

The Canadians soon fled, leaving Breymann uncovered; and Arnold forthwith rushed against Breymann on the left, just as Morgan, who had prolonged his flanking march, assailed him on the right. Breymann was slain and his force routed; the British right wing was crushed, and their whole position taken in reverse and made untenable. Just at this moment a wounded German soldier, lying on the ground, took aim at Arnold and slew his horse, while the ball passed through the general's left leg, that had been wounded at Quebec, and fractured the bone a little above the knee. As Arnold fell one of his men rushed up to bayonet the wounded soldier who had shot him, when the prostrate general cried, "For God's sake, don't hurt him; he's a fine fellow!" The poor German was saved, and this was the hour when Benedict Arnold should have died. His fall and the gathering twilight stopped the progress of the battle, but the American victory was complete and decisive. Nothing was left for Burgoyne but to get the wreck of his army out of the way as quickly as possible, and the next day he did so, making a slow retreat upon Saratoga, in the course of which his soldiers burned General Schuyler's princely country house, with its barns and granaries.

As the British retreated, General Gates steadily closed in upon them with his overwhelming forces, which now numbered 20,000. Gates—to give him due credit—knew how to be active after the victory, although, when fighting was going on, he was a general of sedentary habits. When Arnold rushed down, at the critical moment, to complete the victory at Saratoga, Gates sent out Major Armstrong to stop him. "Call back that fellow," said Gates, "or he will be doing something rash." But the eager Arnold had out-galloped the messenger, and came back only when his leg was broken and the victory won. In the meantime Gates sat at his headquarters, forgetful of the battle that was raging below, while he argued the merits of the American Revolution with a wounded British officer, Sir Francis Clerke, who had been brought in and laid upon the commander's bed to die. Losing his temper in the discussion, Gates called his adjutant, Wilkinson, out of the room and asked him, "Did you ever hear so impudent a s—— of a b——?" And this seems to have been all that the commanding general contributed to the crowning victory of Saratoga.

Indeed, the wild storm of acclamation and praise showered upon Gates was enough to turn the head of a less vainglorious man. To Congress and the public, Gates became the hero of the day. In a letter to Gates in October, 1777, from York, after Congress had heard of the victory, President Laurens writes:

> Your name, sir, will be written in the breasts of the grateful Americans of the present age and sent down to posterity in characters which will remain indelible when the gold shall have changed its appearance.

Men said:

> What a contrast between Gates's success at Saratoga and Washington's defeats at Germantown and Brandywine! Gates must be rewarded. He must be placed in a position of authority whence great military schemes may emanate.

So Congress reorganized the Board of War on November 24, 1777, as stated before, with power to dictate the entire military policy. Gates was made president. Gates came to York shortly after November 27, 1777, to assume his new duties.

In the meantime, two important members of this scheme to disgrace Washington and put Gates in his place had not been idle. One of these was Gen. Thomas Mifflin, a man of hot and impatient temper, who earlier in the war had been appointed quartermaster general at the recommendation of Washington. But general mismanagement of his department had called forth criticism from Washington. Mifflin, enraged, had resigned from his office, and had never forgotten what he considered his personal aggrievance against Washington. It was he who made the recommendation to Congress to reorganize the Board of War with Gates as president. The conspirators realized that this move making Gates dictator of the war policy tied Washington hand and foot. But there was another and more important intriguer in this nefarious plot. So vehemently did this man throw himself into conspiracy with the others, so much did he add to the movements that upon his head descends the ignominy of having the intrigue throughout the pages of history bear his name—Thomas Conway.

Thomas Conway (most historians call him an "Irish soldier of fortune") was born in Ireland in 1733. His family moved to France when he was 6 years of age, and it was in the French Army that Conway attained the rank of brigadier. He came to America along with Baron de Kalb in the spring of 1777 to help fight for American independence, although his subsequent stormy career indicates that he fought more for himself than for any other cause. He joined Washington's forces at Morristown and was made a brigadier general. Baron de Kalb had been made a major general. Conway resented this and appealed to Washington, claiming that De Kalb had held an inferior rank in France. Washington, keenly observant of Conway's boastful, presumptuous nature, and recognizing the man for what he was, refused to intercede in his behalf. Conway, however, had some friends in Congress who later succeeded in having him made a major general on December 13, 1777, in spite of Washington's remonstrances. Washington's opposition filled Conway with malice.

From Valley Forge he sent letters to Gates in November, 1777, flattering him and speaking disparagingly of Washington; thus was begun a correspondence among Gates, Mifflin, and Conway. Anonymous letters were received by Congress, and by Patrick Henry, Governor of Virginia, with complaints, insinuations, and exaggerations ascribing failure to Washington. The following letter to Patrick Henry depicts the general tone of these letters:

> The Northern Army has shown us what Americans are capable of doing with a general at their head. The spirit of the Southern Army is in no way inferior to the Northern. A Gates or a Conway would in a few weeks render them an irresistible body of men.

Patrick Henry suspected Mifflin to be the author of this letter. Unfortunately there was a large faction in Congress in favor of the plans of this cabal. Patrick Henry also received a letter from Dr. Benjamin Rush, a Pennsylvania delegate, denouncing Washington. The Members in Congress favoring the cabal were evidently the following: The New England delegation, Gerry and the Adamses; the Lees from Virginia; also Lovell, Folsom, Dyer, Chase, Williams, Roberdeau, Heyward, Brownson, Dana, Reed. Of these, Lovell, at least, did not hesitate to make known his feelings. He wrote a number of letters to Gates on the following order:

> In short this Army [referring to Washington's] will be totally lost unless you come down and collect the virtuous band who wish to fight under your banner. We want you most near Germantown. Come to the Board of War if only for a short session.

This letter was written from York in November, 1777.

By December everything seemed fayorable to the plotters. The board of war had been reorganized. Gates had accepted the appointment as its president, and on December 13, 1777, Conway had been appointed inspector general of the Army, another direct blow at Washington. It is probable that Conway during this time was often at York conferring with Members of Congress. But at this opportune moment when the plotters' hopes looked brightest, an incident occurred which for a time checked their plans. Washington learned of the cabal!

This came about through James Wilkinson. Before Gates was sent to take charge of the northern campaign, Wilkinson had held the rank of lieutenant colonel under Washington. He sacrificed this rank at Gates's request to accompany him north, as his (Gates's) adjutant general. As aid to Gates, Wilkinson knew of the Conway cabal. After the Battle of Saratoga, Wilkinson was sent to York to report the victory. He loitered

at Reading on the way, and at a convivial party fell into conversation with an aid of Lord Stirling's (also known as William Alexander, of New Jersey; he claimed the title because of a lapsed Scotch earldom), about General Conway and his schemes against Washington. Wilkinson quoted from a letter he had seen from Conway to Gates. He then proceeded to York, where he found that his news of victory had arrived before him. Nevertheless Congress recognized his services and affairs seemed favorable to the plotters until Conway received the following letter from Washington:

SIR: A letter which I received last night contained the following paragraph: "In a letter from General Conway to General Gates, he says, 'Heaven has determined to save your country, or a weak general and bad counsellors would have ruined it.' I am, sir,

Your humble servant,

GEORGE WASHINGTON."

Washington had evidently been aware of the machinations afoot to disgrace him. Patrick Henry had warned him and so had others. The conspirators had even caused letters purporting to have been written by Washington to be published in London and republished in the Colonies. These letters were designed to show that Washington was in sympathy with the English cause. Interest in these letters has been revived recently as a result of the discovery in Kansas of the "Washington" letter, which authorities claim to be a forgery.

Although Washington knew of all this, he had maintained his calm, ignoring the petty attacks and making no attempts to punish the offenders, lest the enemy hear about what was afoot and use it to their advantage. But when Lord Stirling, to whom his aid had reported Wilkinson's remarks, informed Washington of them the latter thought it necessary to warn Conway.

Conway sent the letter to Gates. Gates, appalled, in order to save his own reputation, not knowing how Washington had come into possession of the extract, sent the letter to Congress under the pretense of wishing to protect Washington, but really to give Congress the impression that Washington had induced some one to pry into his (Gates's) private correspondence. Learning of this action, Washington wrote to Gates and told him how, by Wilkinson's disclosure, he had acquired the information, and he, too, sent his letter to Congress.

Gates, enraged at Wilkinson, wrote back to Washington declaring that Wilkinson had lied about the whole matter and that he—

hoped always to find Conway a firm and constant friend to America.

He says:

I never wrote to him in my life, but to satisfy his doubts concerning the exposure of his private letter. Nor had I any sort of intimacy nor hardly the smallest acquaintance with him before our meeting in this town (York).

Washington wrote back and reminded Gates that in a previous letter he had admitted a correspondence with Conway. Gates was nonplused and thereafter kept silent. But his chagrin and anger at Wilkinson, who had but recently been made secretary of the Board of War, led him to accept that gentleman's challenge to a duel, made when Wilkinson learned that Gates had told Washington that he (Wilkinson) had lied about the Conway matter. They were to meet behind the English Church (in Yorktown), but when the time came Gates refused to fight Wilkinson, declaring that he loved him as his own son; and the matter was amicably adjusted. This incident dampened the spirits of the intrigue for a time.

In January of 1778, however, Gates and his followers had so influenced the mind of Congress that a resolution was passed on January 10—

that three members of the board and three Members of Congress be appointed a committee to repair to General Washington's headquarters.

Washington's opponents thus wished Washington's military policy to be questioned. This appointment was finally countermanded upon the arrival of new delegates who were friends of Washington. Later a new move was contemplated which was to be the supreme blow to Washington.

Lafayette, who had come over to America in the spring of 1776, had been made major general in July, 1777, and was then at Valley Forge with Washington, was jealously looked upon by the cabal because of his well-known love and respect for Washington. The cabal now sought to win Lafayette over to their side. With this in view, the board of war laid before Congress plans for an expedition into Canada. Lafayette was to command this expedition. Such a commission, the cabal knew, would be pleasing to Lafayette, because the English had oppressed the French settlers in Canada, and the conspirators hoped this flattering charge would help to enlist him in their schemes. Congress approved of the expedition, and on January 23, 1778, Lafayette was elected to conduct it, with Conway second in command. Lafayette was directed to come to York to receive his command. Washington was not consulted about this plan, and he knew nothing about it until Lafayette himself told him of the summons he had received and asked his advice. Washington advised him to accept, favorably disposed to Lafayette's receiving any glory the expedition might afford.

Lafayette came to York, accordingly, in the beginning of February, 1778, where he found Generals Gates, Mifflin, and Pickering, and John Trumbull and Richard Peters—the Board of War—and probably some sympathetic Members of Congress, such as Rush and Lovell, at dinner. Lafayette was ushered into their presence and invited to join them, the company, hilarious with wine, welcoming their guest with loud acclamations. He was duly flattered and toasted, and a glorious campaign was predicted. Gates assured him that on reaching Albany he would find 3,000 regulars fully equipped. More toasts were drunk to various officers and men of the day, but the name of Washington was conspicuously omitted.

This was more than the loyal Lafayette could tolerate. As the company was about to rise Lafayette himself arose and said: "Gentlemen, there is one you have forgotten. I propose a toast to our commander in chief, General Washington." Amidst the silence that followed faces became red, a few drank, some made a pretense of drinking, and the rest did not drink at all. Lafayette said not another word, but with the politest of bows and a scarcely perceptible shrug of the shoulders he left their company and mounted his horse to start for Albany. This demonstration of Lafayette's loyalty to Washington, together with his refusal to accept Conway as second in command, convinced the parties to the cabal that their plan to seduce Lafayette had failed. As for the expedition into Canada, when Lafayette arrived at Albany he found scarcely 1,500 men there and very poor equipment. After waiting a month, with no better developments, Lafayette appealed to Washington, who interceded to Congress, and Lafayette was recalled at the beginning of April.

After the failure of the Canadian expedition and the failure of the Board of War to accomplish anything Gates and Mifflin were removed from the board. Gates was sent about April 20 to take charge of the forts on the Hudson. All the previous intrigues recoiled on their authors. The true character of Conway was at length understood by Congress, so that when Conway resigned his commission on April 28, 1778, Congress readily accepted his resignation. This surprised Conway, who expected to be coaxed to remain. He sent a fiery letter to Congress explaining his attitude. Congress refused his appeal, and even voted that his "letter be returned as unfit for the records of Congress." Conway then came to York himself, but Congress refused to reinstate him. In this connection Laurens, President of Congress, writes to his son about Conway, whom he called "the combination of weakness and impudence":

I had occasion to wish a little hypocrisy had been thrown into my frame. In came General Conway with a letter in his hand, and in an obsequious address, different from that of yesterday, asked me if I were sending letters to camp. I decently replied in the affirmative, desiring him to put his upon the table; it should be forwarded with other dispatches immediately. So far duty in office demanded good manners on my part. He then asked in a low and soft tone, "Did not the Marquis de Lafayette, Mr. President, write you in my behalf?" and was proceeding to further conversation. I felt the injury he had attempted, and instantly replied, "I have really forgot, General Conway, and I must beg, sir, you will excuse me."

Shortly after this, when Conway returned to Philadelphia, General Cadwalader, of Pennsylvania, overheard Conway make derogatory remarks against Washington. The general challenged Conway to a duel, in which Conway was wounded. Thinking his end was near, and either from a desire to die with a clear conscience or with his consistent hypocrisy, Conway wrote the following to Washington:

SIR: I find myself able to hold a pen during a few minutes, and take this opportunity of expressing my sincere grief for having done, written, or said anything disagreeable to your Excellency. You are in my eyes a great and good man. * * *

The wound was not fatal, however, and Conway finally returned to Europe. Thus the defeat of Conway cabal marked the rise of Washington to a position of higher esteem than he had ever held. His enemies were censured and ridiculed by the press. Congress came to recognize Washington as the true leader of our Armies, while Gates and Mifflin both felt it neces-

sary to deny being engaged in such a plot or knowledge of the existence of such a plot.

Hamilton says, in his Life of Hamilton:

If that secret conclave which doomed Washington to disgrace had been successful, it would in all probability have defeated the Revolution.

Another historian states:

There was really more danger in such intrigues than in an exhausted Treasury, a half-starved Army, and defeat on the field.

Another event of importance was the arrival at York of Baron von Steuben, a member of the staff of Frederick the Great, of Prussia, during the Seven Years' War. The baron landed at Portsmouth, N. H., and John Hancock furnished him and his party with sleighs, drivers, and saddle horses for the inland journey of more than 400 miles to York, Pa. He arrived at York February 5, 1778, and was received by Congress with distinguished honors. He was given the commission of lieutenant general of the American forces and sent to Washington at Valley Forge. General Washington was not slow to recognize his ability, while Von Steuben perceived in the ragged and motley army which he passed in review the existence of soldierly qualities which needed nothing so much as training. Alert and untiring, he worked with these soldiers from morning till night, showing them how to advance, retreat, or change front without falling into disorder; how to perform; in short, all the rapid and accurate movements for which the Prussian Army had become so famous. This training was so effective in the discipline of the Army that had it not been for the treachery of Gen. Charles Lee, the Judas Iscariot of the Continental Army, the Battle of Monmouth might have ended the Revolutionary War.

During the months that Congress was in session at York we received our most important help and promises of help from abroad. On May 2, however, came the most important news yet received. Simeon Deane, brother of Silas Deane, arrived from France and brought to Congress at York a letter from Benjamin Franklin, with a copy of the treaty of amity and commerce and the treaty of alliance, under which the French Government had decided to send an army, a fleet, and a vast sum of money to aid the infant Republic of the United States in their struggle for liberty.

This money was deposited in the United States Treasury Building, which stood at the northeast corner of Center Square and was owned by Archibald McLean. During the War for Independence Archibald McLean was an ardent supporter of the patriotic cause. When Congress removed to York in the latter part of September, 1777, and during the entire nine months of the session held here the home of Archibald McLean was occupied by the Board of Treasury. In a vault in the cellar of the McLean Building the money belonging to the United States Treasury was kept. It did not only contain the depreciated continental currency, but a considerable amount of silver. This valuable treasure, amounting to about $600,000, was brought to York in the spring of 1778. The money had been sent to America from France as a loan to the United States Government, which was then struggling for independence. The vessel which brought this money from the French Government landed at Portsmouth, N. H. Capt. James B. Frye, who had been a member of the Boston Tea Party, was intrusted with the care of the money to convey it to Congress at York with the compliments of Louis XVI. The four-horse wagon that conveyed this money from Portsmouth through Boston, Albany, and Reading to York was guarded by a full company of continental troops. The money arrived here in safety and was put in charge of Michael Hillegas, who had been Treasurer of the United States since 1776. This building was also the temporary repository for a large amount of continental money printed at York under act of Congress passed April 11, 1778. About $23,000,000 in continental currency was issued at York during the first part of 1778.

On June 20 news was received that the British Army, then under Sir Henry Clinton, had evacuated the city of Philadelphia. Therefore, Congress adopted the following resolution on June 27, 1778:

That Congress adjourn until Tuesday next to meet at the statehouse in Philadelphia.

INDEX TO THE CALENDAR

Mr. CHINDBLOM. Mr. Speaker, I ask unanimous consent that during the next week, after Monday, the calendar may contain a complete index. Under a rule adopted, I think, two or three years ago, we now publish an index only once.

The SPEAKER. The gentleman from Illinois asks unanimous consent that an index be published daily after Monday. Is there objection?

There was no objection.

BRIDGE ACROSS THE CLINCH RIVER, IN TENNESSEE

Mr. DENISON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 16950, with a Senate amendment, and concur in the Senate amendment.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 16950) granting the consent of Congress to the Department of Highways and Public Works of the State of Tennessee to construct, maintain, and operate a bridge across the Clinch River in Hancock County, Tenn.

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

There was no objection.

The SPEAKER. The Clerk will report the Senate amendment.

The Senate amendment was read.

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

The Senate amendment was agreed to.

PROTECTION OF WATERSHEDS OF NAVIGABLE STREAMS

Mr. HAUGEN. Mr. Speaker, the gentleman from Mississippi [Mr. RANKIN] withdraws his objection to the request I made a little while ago. I now renew my request to take up the bill, S. 718, to enable the States to cooperate for the protection of the watersheds of navigable streams.

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

Mr. STEVENSON. May I ask the gentleman from Iowa if that is the bill that fixes the amount payable for the whole period at $40,000,000?

Mr. HAUGEN. Yes.

Mr. STEVENSON. The gentleman wants to substitute the House bill for the Senate bill?

Mr. HAUGEN. Yes.

Mr. STEVENSON. What assurance do we have that the gentleman will stand for that when he goes to conference?

Mr. HAUGEN. That was the action taken by the committee and by the House.

Mr. STEVENSON. I have been sold on these things several times heretofore. I object.

The SPEAKER. Objection is heard.

SECOND DEFICIENCY BILL, FISCAL YEAR 1927

Mr. WOOD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill 17291, the second deficiency bill, 1927.

The motion was agreed to.

The SPEAKER. The gentleman from Iowa [Mr. GREEN] will please take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill 17291, the second deficiency bill, with Mr. GREEN of Iowa in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 17291) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1927, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1927, and June 30, 1928, and for other purposes.

The CHAIRMAN. The Clerk will proceed with the reading of the bill for amendment.

Mr. STRONG of Kansas. Mr. Chairman, I ask unanimous consent to return to page 5 of the bill for the purpose of again offering the amendment I offered yesterday.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to return to page 5 of the bill for the purpose he has indicated. Is there objection?

There was no objection.

Mr. STRONG of Kansas. The gentleman from Washington [Mr. JOHNSON] has withdrawn his objection. I offer the amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Kansas.

The Clerk read as follows:

Amendment offered by Mr. STRONG of Kansas: At the end of line 19, on page 5, insert a new paragraph to read as follows:

"Committee on War Claims: After October 1, 1927, those members of the Committee on War Claims of the House of Representatives who are Members elect to the Seventieth Congress, or a majority of them, until the meeting of the first session of the Seventieth Congress, are authorized, by subcommittee or otherwise, to hold such hearings,

and to sit in the District of Columbia, to use the regular official stenographers employed by the House for reporting committee hearings, and to gather such information with regard to claims against the Government that arose prior to the Spanish-American War as to them may seem fit in the preparation of a bill or bills for the settling of such claims; and they are authorized to have their hearings printed and binding done, and to incur such other reasonable expenses as may be deemed necessary; which binding and printing shall be charged to the appropriation for printing and binding for Congress, and balance to be paid out of the contingent fund of the House on the ususal vouchers approved as now provided by law."

Mr. LINTHICUM rose.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kansas.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. LINTHICUM. Mr. Chairman, I make the point of no quorum. I think I had a perfect right to discuss that amendment.

The CHAIRMAN. Was the gentleman on his feet at the time the amendment was agreed to?

Mr. LINTHICUM. Yes; I certainly was. I was standing here and making a great noise.

The CHAIRMAN. The Chair did not hear or see the gentleman.

Mr. LINTHICUM. I ask for a reconsideration of the amendment. I wanted to ask the gentleman some questions regarding it.

The CHAIRMAN. Without objection, the amendment will be reconsidered.

There was no objection.

The CHAIRMAN. The gentleman from Maryland is recognized.

Mr. LINTHICUM. Will the gentleman explain to me the object of this amendment.

Mr. STRONG of Kansas. There are bills introduced in the House for the settlement of a lot of Civil War claims, and for 10 or 14 years there has been a rule in the War Claims Committee against reporting any bills carrying claims prior to the Spanish-American War. We have not been able to repeal that rule. However, the committee had this matter under consideration during the last week and agreed that if we could get an authorization from the House to meet here in October the committee would open up that rule and consider those claims and make reports at the next session.

Mr. LINTHICUM. What is the use of taking testimony and all that on these claims when you have a rule in your committee which will not permit the consideration of any claims prior to the Spanish-American War?

Mr. STRONG of Kansas. I just told the gentleman that my committee this week had agreed to suspend this rule and will sit during the adjournment if we can get the House to authorize us to do so.

Mr. LINTHICUM. Will the amendment the gentleman is trying to have adopted in this appropriation bill have anything to do with the conference you are now having with the Senate with reference to certain claims?

Mr. STRONG of Kansas. Not any, except I am hoping it will enable us to reach an agreement.

Mr. LINTHICUM. Have you made a prior arrangement with them that the Senate will recede as to those claims?

Mr. STRONG of Kansas. I would not say we have made a positive agreement.

Mr. LINTHICUM. It does seem to me unfair for the gentleman to have an amendment adopted here merely for the purpose of eliminating the Senate amendments and of getting the bill out of conference. The gentleman knows the city of Baltimore had an amendment placed in the bill in the Senate amounting to $176,000, which is absolutely due that city, and now the gentleman proposes by this amendment to ease off the Senate, so they will agree to recede from those amendments, when the gentleman knows his whole committee was against these claims, had turned them down, and did not consider them, and there is no certainty that the committee will consider them under this amendment.

Mr. BLAND. Will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. BLAND. And is it not also a fact that these claims, or a greater part of them, have been adjudicated or that the facts have been determined by the Court of Claims, so that there is no necessity for a further inquiry?

Mr. LINTHICUM. Absolutely; yes. It is merely for the purpose of satisfying the Senate and obtaining from them a consent to recede from the amendments which have been placed in the bill, when, as a matter of fact, this has nothing to do with these claims, because the committee has already considered them and has refused to report them.

Mr. STRONG of Kansas. The gentleman is absolutely mistaken. The conferees of the House can not agree, and will not agree, to paying these claims that the House committee have not passed upon, and the only hope for considering the claim of the city of Baltimore is to have this amendment adopted and give the committee an opportunity to consider these claims in October. That is the only hope the gentleman has, and if he suceeds in defeating this amendment he will kill his claim. That is the truth.

Mr. LINTHICUM. What I wanted to know from the gentleman is this: Does the committee propose to abrogate that rule and then consider these claims upon their merits?

Mr. STRONG of Kansas. I have said to the gentleman that we have passed that kind of a resolution. We have agreed to meet in October, if the House will authorize us to do so, for the purpose of considering those claims.

Mr. LINTHICUM. Is it the intention of the committee to consider those claims on their merits?

Mr. STRONG of Kansas. Yes. My committee considers every claim on its merits.

Mr. LINTHICUM. I want to say that with the assurance just received from the gentleman that these claims will be considered upon their merits and that we shall have a fair show for our white alley before his committee, I shall not oppose the amendment.

The CHAIRMAN. Does the gentleman from Maryland withdraw his point of order of no quorum?

Mr. LINTHICUM. I do.

Mr. BYRNS. Mr. Chairman, I move to strike out the last word. I do so for the purpose of asking the gentleman from Kansas a question. In the last 10 years, during the time that the committee of which the gentleman is chairman has declined to consider Civil War claims, I have had quite a number of inquiries from constituents who have such claims, and I am sure other gentlemen have. I have written them that the committee had adopted a rule to the effect that it would not consider such claims and I have not introduced bills for them in this Congress. Now, what I wanted to know was this: The gentleman referred to these claims. Is it the idea that the gentleman's committee will consider all claims or just the few claims that have been put on in the Senate?

Mr. STRONG of Kansas. I will say to the gentleman that we expect to consider all claims against the Government growing out of the Civil War, and if the gentleman will introduce his bills and have them referred to our committee before the adjournment of this Congress and will file the proofs and evidence in such claims prior to the 1st day of July, the committee, if authorized to do so by this Congress, will meet on the 1st of October, consider them, and make report to the next Congress.

Mr. BYRNS. I would like to make this further inquiry: Is it the intention of the committee only to consider those bills which are introduced between now and next Friday and not take up other claims during the next session which may be equally meritorious?

Mr. STRONG of Kansas. The resolution passed by my committee was to the effect that we would meet and consider all pending claims growing out of the Civil War.

Mr. BRAND of Georgia. Will the gentleman yield?

Mr. BYRNS. In a moment.

The point I am making is that the gentleman's position, if he adheres strictly to it, is an injustice to many who have claims, but for reasons I have stated have not had them presented to the Congress during this session.

Mr. STRONG of Kansas. I will say to the gentleman that the rule of this War Claims Committee was adopted long before I was chairman and before I became a member of the committee. We will follow strictly the amendment I have introduced. What the next committee will do, of course, I do not know.

Mr. ABERNETHY. Will the gentleman permit a question?

Mr. STRONG of Kansas. I will be glad to.

Mr. ABERNETHY. I understand the whole trend of the gentleman's amendment to be to liberalize the situation, and I have been of some assistance in getting objection removed on this side of the House. I understood the gentleman to say he would give us "a fair shake" on matters pertaining to the Civil War.

Mr. STRONG of Kansas. Why, certainly. We will consider all that are before our committee.

Mr. BRAND of Georgia. Will the gentleman yield?

The CHAIRMAN. The gentleman from Tennessee has the floor.

Mr. BYRNS. I yield to the gentleman.

Mr. BRAND of Georgia. I want to ask the chairman of the Committee on War Claims a question. If you meet in October, what are you going to do with the class of cases where the parties interested or the Congressmen interested will not be back here until December?

Mr. STRONG of Kansas. We will ask them all to present their evidence on the claims they desire considered by the 1st of July and then we will consider all such claims when we meet in October.

Mr. BRAND of Georgia. You will give us a chance to be heard in December without coming up here in vacation?

The CHAIRMAN. The gentleman from Tennessee has the floor.

Mr. BYRNS. I yielded to the gentleman from Georgia.

Mr. BRAND of Georgia. And I am asking a very important question.

Mr. STRONG of Kansas. I do not know what the committee will do in the next Congress. I am telling the gentleman what we will do under this authority, if granted by this amendment.

Mr. BRAND of Georgia. I want to know about the matter and I think it is a fair question. Does the gentleman expect us to be shut out from a hearing on these meritorious bills in December, if we can not get here in October?

Mr. STRONG of Kansas. I do not know whether you will or not. That is a matter for the committee of the next Congress to decide. I do not know what they will do.

Mr. BRAND of Georgia. I am mighty glad the committee has changed its rule, and I want to have an opportunity to be heard, but I can not be here in October.

Mr. STRONG of Kansas. You can send your evidence to the committee and have them take it up.

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

Mr. GARRETT of Tennessee. Mr. Chairman, I ask for recognition to discuss the gentleman's amendment.

The CHAIRMAN. The gentleman from Tennessee moves to strike out the last two words.

Mr. SIMMONS. Mr. Chairman, a parliamentary inquiry. What is the status of this amendment?

The CHAIRMAN. It has the same status as any other amendment which may be offered.

Mr. SIMMONS. Has it passed the point of requiring unanimous consent for its consideration? Is the amendment before the committee or is it pending on a reservation of a point of order?

The CHAIRMAN. No; there is not a point of order reserved and unanimous consent has been given to return to this place in the bill for the purpose of offering the amendment.

Mr. SIMMONS. So the amendment is now pending?

The CHAIRMAN. It is pending in the ordinary way.

Mr. GARRETT of Tennessee. Mr. Chairman, I think it is important, particularly to those of us who come from the section of the country where most of these claims exist, that there be a definite understanding in the RECORD of just what this proposition means.

If I understand the gentleman from Kansas correctly, it is his statement that the members of the War Claims Committee who have been reelected to the Seventieth Congress have agreed that, the consent of the House being given, they will assemble here in October and make a study of such bills affecting Civil War claims as may be pending before the House at the time of the adjournment of the present Congress.

Mr. STRONG of Kansas. That is true.

Mr. GARRETT of Tennessee. And further, it is the expectation that these Members—who, of course, will not be the committee—will have a bill prepared by the time Congress convenes, or not long thereafter, but after the committee has been officially appointed, dealing as the committee determines proper with those bills that it considers during the vacation.

Mr. STRONG of Kansas. That is the understanding.

Mr. GARRETT of Tennessee. But the gentleman makes no promise to consider other than bills that may be pending at the adjournment of the present Congress on the 4th of March, which is next Friday.

Mr. STRONG of Kansas. Yes; we will consider all that have been introduced in the Congress, pending before the committee.

Mr. GARRETT of Tennessee. But the gentleman makes no sort of promise as to considering bills that may be introduced when the Seventieth Congress convenes.

Mr. STRONG of Kansas. No. Really, the intention is to try to clean up the Civil War claims. This is the purpose of the committee in agreeing to meet in October, if the Congress authorizes it to do so.

Mr. GARRETT of Tennessee. I think it is extremely important, as I said in the beginning, to gentlemen from that section of the country to understand just what the committee has in mind. Of course, the gentleman understands that whenever you mention a Civil War claim or whenever anything gets out that Civil War claims are going to be considered, such statements get into the newspapers and the individual who thinks he has a claim, not knowing anything about the conditions under which it is to be considered, will begin writing his Congressman wanting a bill introduced in his behalf. Therefore I think it is important that a statement be made here showing just exactly what the committee proposes to do, so that those of us who have been stating to our constituents that this matter had been closed, can now state just the scope or the extent to which it is intended to go.

Mr. STRONG of Kansas. The intention is to clean up the present war claims pending before our committee when Congress adjourns, if given authority to sit in October, and I expect to ask all the Members of the Congress that have claims, to file their requests for such consideration with the committee before the 1st of July.

Mr. O'CONNOR of New York and Mr. BARKLEY rose.

Mr. GARRETT of Tennessee. I yield first to the gentleman from New York.

Mr. O'CONNOR of New York. I simply want to clear up this situation. Of course, technically, there is nothing pending before the committee at the close of this Congress.

Mr. GARRETT of Tennessee. I suppose, of course, that the gentleman refers to such bills as shall have been introduced before adjournment. May I say to the gentleman from Kansas that attention is called to the fact that after the adjournment of this Congress there is nothing pending—the slate is wiped clean—but I take it what the gentleman refers to are the bills that may be pending at the time of the adjournment of this Congress.

Mr. STRONG of Kansas. Why, certainly.

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

Mr. GARRETT of Tennessee. I ask for five minutes more.

The CHAIRMAN. The gentleman from Tennessee asks for five minutes more. Is there objection

There was no objection.

Mr. GARRETT of Tennessee. I yield to the gentleman from Texas.

Mr. HUDSPETH. Mr. Chairman, I am a member of this committee. The committee—not with my vote—adopted a rule that no Civil War claim could be considered except by a two-thirds vote. For months I tried to get them to suspend that rule. We had a large number of Civil War claims; but the committee's hands have been tied by the rule, which, as I say, was adopted without my consent and over my protest and the protest of several others. Now, I would like to ask the gentleman if this rule is to be suspended in the succeeding Congress that is to come?

Mr. STRONG of Kansas. My friend from Texas knows that that depends on the action of the committee at that time. I do not know what it will do.

Mr. HUDSPETH. Many of us members would like to know. We have been hog-tied heretofore. We could not consider a Civil War claim because they had that rule.

Mr. STRONG of Kansas. I do not know who the gentleman means by "they."

Mr. HUDSPETH. I mean the committee.

Mr. STRONG of Kansas. The rule referred to was first adopted by the last Democratic Congress.

Mr. HUDSPETH. I do not care who it was adopted by; it never ought to have been adopted.

Mr. GARRETT of Tennessee. I yield to the gentleman from Kentucky.

Mr. BARKLEY. Since 1913, when the last omnibus claim bill was passed, the Court of Claims has had no jurisdiction to consider or pass on the merits of Civil War claims. That grew out of an amendment put on in the Senate.

Mr. GARRETT of Tennessee. The Clarke amendment.

Mr. BARKLEY. What effect will the holding of hearings be on that situation which by law deprives the Court of Claims of any jurisdiction?

Mr. STRONG of Kansas. If Congress passes the claims, they will become law and be paid.

Mr. GARRETT of Tennessee. I yield to the gentleman from New York.

Mr. SNELL. Was not there a general understanding at the time the last omnibus war claim bill was passed in 1913 that if that was allowed to go through that would clean up these old Civil War claims and they would not come to Congress with any more?

Mr. GARRETT of Tennessee. Speaking individually, that was not my understanding, not necessarily. The Clarke amendment did virtually repeal the Bowman Act, and we have not

sent any to be considered in the Court of Claims since that time. Of course, the jurisdiction of Congress to revive the Bowman Act remains.

Mr. SNELL. That was the understanding on the floor of the House at the time the bill went through.

Mr. GARRETT of Tennessee. I yield to the gentleman from Michigan.

Mr. CRAMTON. I fear the point that the gentleman from Tennessee wants to establish is not clearly established. I should like to know definitely, because I think it is desirable not to have any misunderstanding later. The gentleman from Tennessee, as I understand, sought to know whether the committee at its October session will take up any bill except those introduced in Congress before the 4th of March next. The gentleman from Kansas seemed to agree to that, but afterwards made the statement that they would consider claims brought to their attention up to the 1st of July. I should like to have a definite statement from the gentleman from Kansas as to whether his committee will consider any claim except those brought to their attention by bills introduced at the present Congress before the 4th of March.

The CHAIRMAN. The Chair desires to call attention to a violation of the rule, entirely unintentional, of course, which tends to produce disorder. The gentleman from Tennessee or some other gentleman will yield to another Member, and that other Member will ask a question of a Member to whom the gentleman from Tennessee has not yielded, and a discussion will ensue between those two Members, entirely irregular. It is impossible to conduct business properly in that manner.

Mr. GARRETT of Tennessee. Mr. Chairman, I yield to the gentleman from Kansas [Mr. STRONG] to answer the question. In fact I will yield the floor.

Mr. STRONG of Kansas. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Without objection the gentleman will proceed.

Mr. STRONG of Kansas. Mr. Chairman, when I became a member of the War Claims Committee I found a rule that has been reenacted at each session, providing that no more war claims shall be favorably reported that originated prior to the Spanish-American War. Our committee has tried several times to suspend the rules, but were never successful for the reason that the committee is made up of three groups. One group objects to any bill being considered prior to the Spanish war. Another asks consideration of all Civil War claims, and another group asks for the consideration of only those Civil War claims that have been passed upon by the Court of Claims.

The three different groups have been unable to get together, so that we have never suspended the rule and reported favorably any claim originating prior to the Spanish-American War since I have been a member of the committee. Now we have reached this situation. We pass a bill growing out of the World War and send it over to the Senate, and the Senate has started the practice of tacking on war claims which our committee has not considered and conferees on the part of the House are not in a position to accede to the demands of the Senate.

To clear up this situation my committee directed me to offer this amendment for the purpose of authorizing us to come here and sit in October and clean up these Civil War claims, reporting to the House all those that they find have merit and are a just claim against the Government.

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

Mr. STRONG of Kansas. Yes.

Mr. BROWNING. We have been laboring under the impression that this was closed up by the omnibus bill of 1913, and I for one have had several applications for bills to be introduced to allow Civil War claims other than those that were closed. I have not time now to get these up and get them in between now and the end of the session. Will I have an opportunity for my people to be heard the same as those whose bills have been introduced at this session?

Mr. STRONG of Kansas. I do not think the gentleman will.

Mr. BROWNING. I do not think that is fair.

Mr. STRONG of Kansas. The gentleman can take time and get his bills introduced. I am doing the best that I can to keep faith with the Members to whom I promised consideration of these Civil War claims.

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

Mr. STRONG of Kansas. Yes.

Mr. HUDSPETH. I am favorable to the gentleman's amendment, but this rule that the gentleman refers to will not become a rule in the new committee unless the committee adopts it.

Mr. STRONG of Kansas. Certainly not.

Mr. HUDSPETH. What will be the attitude of the gentleman then?

Mr. STRONG of Kansas. If we can get its consideration, I want to clean up these old Civil War claims and never consider any more such claims that are over 60 years old, because the Government is unable to protect itself in getting testimony regarding such old claims.

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

Mr. STRONG of Kansas. Yes.

Mr. WOOD. How many times have these Civil War claims been cleaned up heretofore?

Mr. STRONG of Kansas. I do not know. This will be the first time since I have been a member of the committee in eight years.

Mr. WOOD. A resolution was passed by the committee of which the gentleman is now the chairman that it would not consider them at all.

Mr. STRONG of Kansas. I have just so stated.

Mr. WOOD. Of course, whatever the gentleman's committee does now does not bind any other committee or any other Congress.

Mr. STRONG of Kansas. I have stated that several times.

Mr. WOOD. What good would this investigation be if it be had?

Mr. STRONG of Kansas. I do not know, except that it would clear up these old claims now pending and enable us to get bills growing out of the late war, of which there are a large number, passed through the House and Senate without having them blocked in conference, in the manner now delaying agreement of conferees in the bill I have referred to.

Mr. HILL of Maryland. Mr. Chairman, will the gentleman yield?

Mr. STRONG of Kansas. Yes.

Mr. HILL of Maryland. The investigation made by the gentleman's committee would finally settle up these claims one way or the other?

Mr. STRONG of Kansas. Oh, no; we would only make a favorable report to the House of those bills we approved.

Mr. STOBBS. Do I understand the gentleman from Kansas to say that his committee at this meeting in October will consider only those claims which are filed at this session of Congress?

Mr. STRONG of Kansas. Certainly; the claims that are pending before our committee when this Congress adjourns.

Mr. STOBBS. Or which may be filed between now and the 4th day of next March?

Mr. STRONG of Kansas. We will consider those claims that have been introduced in this Congress and have been referred to our committee, and we will ask Members interested in such claims to file their request for their consideration before the 1st of July.

Mr. STOBBS. And no new claims can be filed at present?

Mr. HILL of Maryland. Oh, they can be up to the end of this Congress.

Mr. STRONG of Kansas. Yes.

Mr. WOOD. Mr. Chairman, I move that all debate upon this amendment and all amendments thereto be closed at the end of five minutes. If we are going to get through with this bill between now and next Monday, we better start pretty soon to consider it.

Mr. BLAND. How about an amendment to this amendment?

Mr. WINGO. I hope the gentleman will not press that motion now.

Mr. WOOD. I shall press it.

Mr. BLAND. I have an amendment that I think will clear this up.

The CHAIRMAN. The motion is not debatable. The question is on the motion of the gentleman from Indiana that all debate upon the pending amendment and all amendments thereto close in five minutes.

The motion was rejected.

Mr. LOWREY. Mr. Chairman, I move to strike out the last word. I ask that the gentlemen on my right, where the sheep belong, will give me their attention and not be talking. I am speaking especially as the minority representative on this committee. Our committee is in a hard situation on this matter. We have felt that it takes all of the time that we have to consider claims arising out of the more recent war, and we have worked hard to get those claims before the House, and nearly all that we have recommended have passed the House. We have taken up no Civil War claims, and we have not had the time to consider those Civil War claims. They have kept accumulating. A number of these were referred to the Court of Claims. The Court of Claims decided them favorably, but that

was after the omnibus bill was passed which was supposed to clear up this whole docket; and then we have not had any chance to consider them, because the committee back there passed a rule that we would not consider them. There has been a division of opinion. Personally, I have been in favor of considering those that the Court of Claims passed on. There has been a good deal of division of opinion, but we all realize that we really have not time to consider them in a sane and safe way during the sitting of Congress. Some Members of the Senate have become a little resentful and are inclined to turn down almost any claim that our committee passes upon because they say we will not consider the claims which they pass from the Senate to us. It is getting to be a very critical situation between us and the Senate. Personally, it would suit me not to have that meeting of the committee in October, because I have made rather definite plans for that time in the autumn which mean a good deal to me, but feeling it is the duty of the committee to clear this thing up in some way, I voted for this proposition to meet, and I have voted for the proposition that we consider any claim filed between now and the 1st of July.

Mr. BRIGGS. Will the gentleman yield?

Mr. LOWREY. I yield to the gentleman from Texas.

Mr. BRIGGS. I would like to ask the gentleman why under the proposal to give consideration to a limited number of Civil War claims, the opportunity should not be broadened and sufficient notice should not be given to the people throughout the country who have meritorious claims that they may have a reasonable time within which to present them? For instance a number have asked me with reference to Civil War claims, and why they would not be heard by the War Claims Committee of the House. I have informed them that the chairman of such committee recently announced it had refused to take up Civil War claims since 1919, and prior to that time, and that was the fixed policy of the committee; that no one need to introduce bills with the hope of getting them acted upon under the policy of the committee.

Now, there are, no doubt, many people who want to present Civil War claims to the committee, but it is too late between now and the few remaining days before the close of this session to assemble the necessary data for the introduction of bills with regard to such claims; and therefore the gentleman's committee will under the limitation proposed consider only those bills that happen to be coming over possibly from the Senate and a comparatively few House measures. I would like to know whether the gentleman's committee is going to give consideration to any claim which has not been filed before the 4th of March and referred, because after the 4th of March such bills have no longer any official status and all other meritorious Civil War claims should likewise be offered an opportunity for consideration. I do not object to the pending proposal, but I desire that it be extended and liberalized so that other meritorious Civil War claims can be given the consideration and hearing that they deserve.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BRIGGS. I would like to have the chairman answer. I ask that the gentleman have two additional minutes.

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

Mr. STRONG of Kansas. I have said several times that my committee will take up claims presented at this session of Congress and which have been referred to them.

Mr. BRIGGS. The gentleman made an announcement a month or two ago on the floor that since 1919 your committee had not considered Civil War claims.

Mr. STRONG of Kansas. I said the rule had been adopted by the committee in 1913 and has been renewed at each session of Congress since.

Mr. BRIGGS. I am talking about a number of people who would like to have an opportunity of bringing their claims before the committee. Why limit the bill——

Mr. STRONG of Kansas. Because we agreed to do just this, and my committee has tried to keep faith and not open the amendment and allow many hundreds of bills to clog the consideration of bills which Members claim have merit.

Mr. BRIGGS. I am not asking to clog anything.

Mr. STRONG of Kansas. That is all right; but if this pending amendment is passed, it may do so. Personally I have no interest in my amendment except to keep faith with those who desire consideration of those old Civil War claims. Personally I think the statute of limitations should stand.

The CHAIRMAN. Debate has been exhausted.

Mr. BLAND. I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. BLAND to the amendment offered by Mr. STRONG of Kansas: Lines 9 and 10, strike out the words "as to them may seem fit" and insert in lieu thereof the following: "as may be filed prior to July 1, 1927, with any of such Members so authorized to sit, and such hearings shall be used."

So it will read:

Committee on War Claims: After October 1, 1927, those members of the Committee on War Claims of the House of Representatives who are Members elect to the Seventieth Congress, or a majority of them, until the meeting of the first session of the Seventieth Congress, are authorized, by subcommittee or otherwise, to hold such hearings, and to sit in the District of Columbia, to use the regular official stenographers employed by the House for reporting committee hearings, and to gather such information with regard to claims against the Government that arose prior to the Spanish-American War as may be filed prior to July 1, 1927, with any of such Members so authorized to sit, and such hearings shall be reset in the preparation of a bill or bills for the settling of such claims; and they are authorized to have their hearings printed and binding done, and to incur such other reasonable expenses as may be deemed necessary; which binding and printing shall be charged to the appropriation for printing and binding for Congress, and balance to be paid out of the contingent fund of the House on the usual vouchers approved as now provided by law.

Mr. FAIRCHILD. May I ask that the original amendment be read?

The CHAIRMAN. It has been read.

Mr. BLAND. I ask to be recognized for one minute.

The CHAIRMAN. The Chair recognizes the gentleman for one minute.

Mr. BLAND. All this amendment does, gentlemen, is to open the hearings to any and all claims prior to the Spanish-American War that may be filed with any Member so authorized to sit prior to July 1, 1927. That is all it does.

Mr. WINGO. I am not going to be a dog in the manger and prevent those of you who want to have these bills considered from having them considered by this committee, but I do not want to be embarrassed by a misunderstanding. Here are the facts, and you know they are true: Some years ago when it became apparent to those of us who were here that this committee was not going to give a bona fide consideration of war claims, a good many of us quit introducing bills of that character. I have never introduced a bill in Congress that I did not believe I could get considered by the committee unless my constituent insisted, and so for a few years past I have refused to introduce such claims, which were just as meritorious as some that had been passed by the House, and more meritorious than some that have been since introduced by Members. I am not going to criticize Members who have done it. I know there are certain Members who say, when they get any kind of a claim, that they will introduce a bill and send copies of the bill to their constituents; but there are some of us who have not played politics with these claims. We have been frank with our constituents and told them the facts.

Now, you propose to open this up only to old bills, and when you go home your constituents will say, "You have barred us from the consideration of claims by the committee." That is the embarrassing attitude that you are going to put several of us in.

Mr. LOWREY. Could you not get in touch with those people and get those requests renewed?

Mr. WINGO. I will tell the gentleman the situation. I would have to dig through about 500 pounds of records, my old records in my storeroom, and I could not do that between now and then; and if I did, I should probably find the old files had been destroyed or lost. If you advertise for claims in your districts, you will be swamped with old war claims, most of them rejected by Congress 20 years ago.

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

Mr. WINGO. Yes.

Mr. MOREHEAD. I do not see why it would not clarify the situation between the Senate and the House by taking this action. If they adjusted the claims passed by the Senate, they could then turn around and——

Mr. WINGO. Oh, as long as you yield to the dictates of one or two stubborn Senators, they will control legislation. When this House makes a cowardly surrender to a parliamentary highwayman at the other end of the Capitol we ought to be embarrassed. When the time comes when this House shall say it will not even consider and confer with such men at the other end of the Capitol and yield to their dictation, then we shall have greater control over legislation.

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

Mr. HUDSPETH. Mr. Chairman, may the gentleman have another minute?

Mr. BEEDY. Mr. Chairman, I move to strike out the last sentence from the amendment that has been offered.

The CHAIRMAN. The gentleman from Maine moves to strike out the last sentence from the amendment. The gentleman from Maine is recognized.

Mr. BEEDY. Mr. Chairman, I do not want to make a speech at this time, but in view of the statements that have been made, that this Committee on War Claims is already overburdened, and this extra work imposes an additional burden on them, I apprehend it will have more than it can attend to, and I want to ask the chairman why, in the interest of justice and common sense, inasmuch as these Senate amendments embrace only such claims as have been passed upon and approved by the Court of Claims, you can not agree to them?

Mr. STRONG of Kansas. I conferred with our committee, and this is the only resolution I can bring out. If the gentleman cares to amend it, we will be glad to hear his amendment.

Mr. BEEDY. No; I do not propose an amendment. Here are cases in this amendment that have been passed upon and approved by the Court of Claims as a matter of law. There is nothing for the committee to do except approve them.

Mr. STRONG of Kansas. They simply made findings of fact. They said they were simply equitable claims against the Government.

Mr. HUDSPETH. If we agree to those bills sent over by the Senate, there are other meritorious claims that we can not consider. The gentleman from Kansas intimates that there will be a regrouping of his committee.

Mr. BEEDY. Mr. Chairman, I withdraw my pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn. The question is on agreeing to the amendment offered by the gentleman from Virginia [Mr. BLAND] to the amendment offered by the gentleman from Kansas.

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question now recurs on the original amendment offered by the gentleman from Kansas.

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

Mr. STRONG of Kansas. A division, Mr. Chairman.

The CHAIRMAN. The gentleman from Kansas calls for a division.

The committee divided; and there were—ayes 34, noes 57.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. BUCHANAN. Mr. Chairman, I ask unanimous consent to return to page 2, line 2 of the bill, for the purpose of offering two amendments. One of them is the amendment I offered yesterday, providing for the payment of the annual salary to the dependent children of Mr. Thomas of Kentucky, and the other for the widow of the late Representative Stephens of Ohio.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas to return to page 2 for the purpose indicated?

There was no objection.

Mr. BUCHANAN. Mr. Chairman, I offer this amendment, the same as I offered yesterday, and at the same time I offer as an amendment the paragraph that was stricken out yesterday on the point of order, and ask unanimous consent that the two amendments be considered as one and voted on as such.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the two amendments be read from the desk and voted on as one. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BUCHANAN: At the top of page 2, after the words "House of Representatives" insert the following: "To pay to Rhea Thomas, a son, and Barber Nell and Annie Lee Thomas, minor daughters of R. Y. Thomas, late a Representative from the State of Kentucky, $10,000, to be disbursed by the Sergeant at Arms of the House for paying to Rhea Thomas one-third and to the legal guardians of said Barber Nell and Annie Lee Thomas the other two-thirds of said $10,000."

"To pay the widow of A. E. B. Stephens, late a Representative from the State of Ohio, $10,000, to be disbursed by the Sergeant at Arms of the House."

The CHAIRMAN. The question is on agreeing to the two amendments offered by the gentleman from Texas.

The amendments were agreed to.

The Clerk read as follows:

Court of Appeals, District of Columbia: For the additional amount required for the compensation of the chief justice and two associate justices in accordance with the act approved December 13, 1926, fiscal year 1927, $5,750.

Mr. CRISP. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent to speak out of order.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to speak for five minutes out of order. Is there objection?

There was no objection.

Mr. CRISP. Mr. Chairman and gentlemen, the expected happened. The President vetoed the Haugen-McNary bill. I desire to say that after a careful reading of it I think it is a very able, lucid, and clear explanation of the bill. The reasons the President gives for not approving it, I think, are unanswerable. [Applause.]

The last paragraph of the President's message indicated his desire for farm relief legislation, and he outlined in that paragraph the character of the legislation which, in his judgment, would be helpful and which he would approve. A reading of that paragraph conclusively shows that the President had in mind the Curtis-Crisp bill. He described it, and described its operations perfectly.

That bill in no wise puts the Government in business. The bill discriminates against no agricultural product but is available for all of them. That bill authorizes the farmers to organize to carry on their own business. It provides that the holding corporations, which is to represent any basic commodity before the Government in applying for a loan out of the revolving fund, shall be a private corporation chartered under some State law, the stockholders to be members of cooperative farm associations, with the limitation that they can not alienate their stock. It is insured that that corporation shall be under the management of the farmers themselves, and it protects individual members of the cooperative organization against excessive overhead charges and against wasteful management by giving the Federal board supervisory power over these corporations, such as the Federal Reserve Board has over national banks, such as the Comptroller of the Currency has over national banks, and no more.

This morning, before Congress met, I advised the majority and minority leaders, Messrs. TILSON and GARRETT of Tennessee, that I was going to ask for five minutes to call attention to this subject matter and to ask those Members of the House who sincerely favor farm relief to see if they can not cooperate with me in trying to get the Agricultural Committee to report out the Curtis-Crisp bill.

That bill is before the Committee on Agriculture. The whole subject matter has been thoroughly discussed, and if the House and Senate earnestly desire to pass some relief legislation, they can pass the Curtis-Crisp bill before the 4th of March, and anyone who reads the President's message knows the President will sign it.

I hope those who do favor doing something to alleviate the condition of agriculture will rise above pride and devotion to one particular bill that is now dead, eliminate politics, and try to get a bill that is practical and which will meet with Executive approval, and which will afford substantial relief, passed before the 4th of March. [Applause.]

Mr. TINCHER. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent to proceed for five minutes out of order.

The CHAIRMAN (Mr. DOWELL). The gentleman from Kansas asks unanimous consent to proceed for five minutes out of order. Is there objection?

Mr. WOOD. Mr. Chairman, reserving the right to object, I did not object to the request of the gentleman from Georgia because he was the author of one of these bills. If this proposition is going to be opened up so that all will desire to express their views with reference to this farm-relief business, we will get nowhere. I do not intend to object to the request of the gentleman from Kansas, but I shall object to the request of anyone else who asks permission to speak out of order.

Mr. ADKINS. The gentleman did not object to the request of those who desired to speak in favor of the Crisp bill. Is he now going to object to anybody speaking against it?

Mr. WOOD. I have already stated that if we are going to pass this appropriation bill which, it occurs to me, is of some importance to the people of the United States, we had better be passing it. It is now perfectly plain we shall not get it passed to-day; in consequence, if we do not get it over to the Senate before Tuesday of next week, there is a very great probability of its not passing at all. So I hope Members will confine themselves to the bill before us, not to one that has gone over the wheel, but to one that is back of the wheel, and with which we expect to turn the wheel.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TINCHER. Mr. Chairman and gentlemen of the committee, I am not, as the gentleman from Illinois [Mr. ADKINS] predicted, going to say that I advocate absolutely the passage of any one bill, but I do say that in view of the condition that exists in agriculture it is time we quit playing politics with it; in view of the two platforms that pledged agricultural relief it is time, regardless of party, we offered that agricultural relief. I hope, as a member near the top of the Agricultural Committee of the House, that we will convene on Monday morning and make a serious effort to report out a bill that can pass this Congress and be signed by the President.

There can be only one excuse for not doing that; there can be only one reason advanced for not making that effort, and that is the reason such as we have evidenced from polling State legislatures in certain States, as was done yesterday, in an effort to get candidates for the Presidency.

Mr. ALLGOOD. Is Coolidge that excuse?

Mr. TINCHER. President Coolidge wrote his message and told why he could not sign the other bill. In that message he asked the Congress to pass farm-relief legislation.

The Committee on Agriculture of the House is dominated by the people in favor of this equalization fee. If they do not meet and give consideration to this question it will be pure, unadulterated politics, and the American farmer is entitled to know it.

Mr. ALLGOOD. Will the gentleman yield?

Mr. TINCHER. Yes.

Mr. ALLGOOD. Will President Coolidge call the Congress into extraordinary session so we will have time to pass it?

Mr. TINCHER. There will be no excuse for calling Congress into extraordinary session if the Congress will do its duty now.

Mr. ALLGOOD. We have not time to do it now.

Mr. TINCHER. The gentleman is trying to inject politics into a purely agricultural speech which I am trying to make. I want the Congress to give real relief to agriculture. They can do it. The bill can be signed and there can be no excuse offered for not doing it except that we want to play politics here instead of doing our work. [Applause.]

MESSAGE FROM THE SENATE

The committee informally rose; and Mr. TILSON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16800) entitled "An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1928, and for other purposes."

The message also announced that the Senate had passed Senate joint resolution of the following title, in which the concurrence of the House is requested:

S. J. Res. 171. Joint resolution correcting description of lands granted to the State of New Mexico for the use and benefit of New Mexico College of Agriculture and Mechanic Arts by enrolled bill S. 4910, Sixty-ninth Congress.

URGENT DEFICIENCY BILL

The committee resumed its session.

Mr. ADKINS. Mr. Chairman, I ask unanimous consent to proceed for five minutes out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. WOOD. Mr. Chairman, I object.

The Clerk read as follows:

Columbia Hospital and Lying-in Asylum: For general repairs and for additional construction, including labor and material, and for expenses of heat, light, and power required in and about the operation of the hospital, to be expended in the discretion and under the direction of the Architect of the Capitol, for the fiscal years that follow:

For 1926, $565.45.

For 1927, $14,000.

Mr. WOOD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN (Mr. DARROW). The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 17, after line 10, insert the following as a new paragraph:

"Nurses' home: For the complete construction and equipment of a nurses' home in accordance with the provisions of the act entitled 'An act to authorize the construction of a nurses' home for the Columbia Hospital for Women and Lying-in Asylum,' approved January 13, 1927, fiscal year 1927 and 1928, $350,000."

The amendment was agreed to.

The Clerk read down to and including line 3, on page 18.

Mr. WINTER. Mr. Chairman, I move to strike out the last word and ask unanimous consent to proceed out of order for one minute.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to proceed out of order for one minute. Is there objection?

There was no objection.

Mr. WINTER. Mr. Chairman, I want to call the attention of the ladies and gentlemen of the House to the fact that Yellowstone National Park will be opened officially for this season on the 19th day of June next. The President of the United States this morning was invited to make the address at this ceremony. At the same time and place will occur the dedication of the Buffalo Bill Museum. You are all cordially invited to attend. Among those who participated in extending the invitation to the President was a group of young ladies from the city of Cody, Wyo., which will be the scene of this dual celebration. Among those ladies was the grandniece of William F. Cody, known to the world as Buffalo Bill. I would like to introduce to you, Miss Cody Allen, of Cody, Wyo., who is seated in the gallery. Will Miss Allen please rise. [Applause.]

I will also ask the young ladies accompanying Miss Allen, from the city of Cody, to now rise with her and greet the House. [Applause.]

The Clerk read as follows:

The foregoing sums for the District of Columbia, unless otherwise therein specifically provided, shall be paid as follows: Such sums as relate to the fiscal year 1920 and prior fiscal years, 50 per cent out of the revenues of the District of Columbia and 50 per cent out of the Treasury of the United States; such sums as relate to the fiscal years 1921, 1922, 1923, and 1924, 60 per cent out of the revenues of the District of Columbia and 40 per cent out of the Treasury of the United States; and such sums as relate to the fiscal years 1925, 1926, 1927, and 1928, jointly or severally, shall be paid out of the revenues of the District of Columbia and the Treasury of the United States in the manner prescribed for defraying the expenses of the District of Columbia by the District of Columbia appropriation acts for such fiscal years.

Mr. WOOD. Mr. Chairman, I offer the following amendment.

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

The Clerk read as follows:

On page 20, after line 2, insert: "The rates of assessment in effect during the fiscal year 1927 for laying or constructing water mains and service sewers in the District of Columbia under the provisions of the act of April 22, 1904, shall continue in effect during the fiscal year 1928 and thereafter."

The amendment was agreed to.

The Clerk read as follows:

Damage claims: To pay claims for damages to or losses of privately owned property adjusted and determined by the Department of Agriculture under the provisions of the act entitled "An act to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding $1,000 in any one case," approved December 28, 1922, as fully set forth in House Document No. 731, Sixty-ninth Congress, $1,086.36.

Mr. JOHNSON of South Dakota. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from South Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of South Dakota: Page 22, line 12, after the figures insert a new paragraph, as follows:

"Seed-grain loan for crop of 1927: To enable the Secretary of Agriculture to carry into effect the provisions of an act entitled 'An act authorizing an appropriation of $8,600,000 for the purchase of seed grain, feed, and fertilizer to be supplied to farmers in the crop-failure areas of the United States, and for other purposes,' approved February 25, 1927, including necessary expenses for collection of moneys due the United States on account of loans made thereunder; purchase of equipment and supplies, traveling expenses, printing, employment of persons and means, rent outside of the District of Columbia, and for such other expenses as may be necessary in carrying out the purposes of said act, to remain available until June 30, 1928, $8,600,000, of which amount not to exceed $20,000 may be expended for personal services in the District of Columbia, $8,600,000."

Mr. WOOD. Mr. Chairman, I would like to ask the gentleman from South Dakota if an estimate has come in for this item.

Mr. JOHNSON of South Dakota. I would say to the chairman of the subcommittee in charge of the bill that this amend-

ment carries out the provisions of the bill S. 5082, which was passed by the House the other day and signed by the President on yesterday. It has been approved by the Budget. This is an estimate prepared in the Budget Bureau and sent up by Mr. Allen, of the Budget, in charge of agricultural estimates.

Mr. WOOD. Has the President transmitted his recommendation?

Mr. JOHNSON of South Dakota. The President signed this estimate, so I am informed by Mr. Allen, a few moments ago.

Mr. WOOD. I want to ask the gentleman this further question. This is an appropriation of a considerable sum. Our committee has had no chance or opportunity to have any hearing with reference to it. Of course, the Congress has authorized it and it occurs to me there is nothing to do but to make the appropriation; but we would like to have some assurance with reference to how this money is to be spent. Word has come to this committee that the Department of Agriculture or some of the gentlemen who are in charge of these appropriations take advantage of them not only to provide excursions for themselves but for their pets in the department. Can the gentleman from South Dakota tell us something about how this personnel is to be selected and how this money is to be applied through such personnel? It would be at least informative to the committee if the gentleman has any information on that subject.

Mr. JOHNSON of South Dakota. Mr. Chairman, this money will have to be expended, of course, under the Department of Agriculture, and it is going to be necessary when they open up offices for the loan of these funds to have some one there who knows Government accounting and who can see that these notes are given in proper form and that the mortgages on the crops are given as provided by the act; but the necessary clerks will be taken from civil-service lists in the part of the United States where the office is to be opened.

Mr. WOOD. Has the gentleman any information as to where the civil-service appointees are to be selected from?

Mr. JOHNSON of South Dakota. They will be selected from the civil-service list. If it is in South Carolina, they would have to send some one from the Department of Agriculture to take charge, but if any clerks or stenographers are necessary for 30 days or three weeks, they would be chosen from the eligible list of that territory of South Carolina or Alabama, or wherever it was.

Mr. WOOD. Has the gentleman any information as to the number that will be taken away from Washington from their supposed duties here?

Mr. JOHNSON of South Dakota. I think it will be necessary for four or five people to handle the matter.

Mr. WOOD. Who will take charge of them?

Mr. JOHNSON of South Dakota. Mr. Warburton, as I understand it.

Mr. WOOD. Mr. Warburton has been one of the worst offenders connected with this business. Possibly he may do a little better than in past appropriations, where they have been abused.

Mr. JOHNSON of South Dakota. I feel that this would not be abused. I have consulted Mr. Warburton very often, and I feel satisfied that this money will be wisely expended.

Mr. BYRNS. Mr. Chairman, as I understand, this is a proposition to appropriate $8,000,000 without a line of testimony having been taken before any committee as to how it is to be spent. It makes provision for the employment of persons, unlimited in number, the purchase of supplies and equipment, traveling expenses, and so forth. I submit, gentlemen, that before we undertake to appropriate $8,000,000 out of the Treasury of the United States, Congress at least ought to have some committee make some inquiry as to how many employees are going to be used, how they are going to be used, what salaries are going to be paid, what the traveling expenses will be, what equipment is going to be purchased, what supplies are going to be purchased, and how much they are going to cost. It seems to me perfectly preposterous to ask this House under these circumstances, with no information presented to us from any authoritative source, to appropriate $8,000,000 for any purpose, no matter what it is.

Mr. FULMER. Will the gentleman yield?

Mr. BYRNS. Yes.

Mr. FULMER. As far as South Carolina is concerned, they propose to send one man from the Bureau of Economics, who will employ some clerical and stenographic help.

Mr. BYRNS. Yes; clerical and stenographic help; but how many, how much? What are they going to pay them? Are we going to appropriate $8,000,000 without the slightest information?

I voted against the bill authorizing this appropriation. I was against it for constitutional and fundamental reasons, but since it was passed I want to see this money applied for the purposes intended and not used in salaries, traveling expenses, purchase of equipment and supplies.

I never before in all my experience as a Member of this House and a member of the Committee on Appropriations heard it solemnly proposed to appropriate the great sum of $8,000,000 merely because some Member of the House gets the floor and offers an amendment to that effect.

Mr. BANKHEAD. Will the gentleman yield?

Mr. BYRNS. Yes.

Mr. BANKHEAD. I am interested in this proposition because part of my State is covered by the provisions of the bill. The gentleman from Tennessee realizes that we only have four more days to legislate and put through this appropriation and get it through the Senate. I agree with the gentleman that under ordinary circumstances it would be wise to have a committee examine and put certain limitations on the appropriation, but if this legislation is to be effective and the recipients receive the benefit of it, it must be passed to-day.

Mr. BYRNS. Oh, there has been plenty of opportunity. I never knew a proposition of this kind presented before that we did not have from the head of the department a statement showing how they were going to spend it and a statement as to what part of it was to be for personal service and what part for other service. That can be done now. If it is not done here, if we do not make the appropriation now, it can be taken to the Senate and the Senate committee can have a hearing and get the information. But, gentlemen, I appeal to you, regardless of the purpose of the amendment, not to set a precedent by taking $8,000,000 out of the Treasury of the United States when you have not the slightest information as to what the department is going to do with it.

Mr. GARNER of Texas. Is your colleague on the committee, Mr. WOOD, in favor of this amendment without any information?

Mr. WOOD. No; I am not.

Mr. BYRNS. Mr. Chairman, I have said all I care to on the subject. It seems to me it is perfectly preposterous—I was about to say outrageous—to appropriate $8,000,000 without the slightest information as to how it is going to be used. [Applause.]

Mr. JOHNSON of South Dakota. Mr. Chairman, the distinguished gentleman from Tennessee [Mr. BYRNS] I know always wishes to be fair, and I think he is taking, perhaps, the attitude any Member would take if he did not realize the urgency and the necessity of the appropriation. In other words, it is seeding time all over the United States, and the money must be secured at once to carry out the provisions of the act or it will do no good. I can tell the gentleman how the money will be handled in the western office. I took the matter up with the Supervising Architect of the Treasury and the judge of the Federal court in that vicinity. The office will be open, without expense of the Government, by the agricultural department in the court room and adjoining chamber. That will be done all over the United States. The gentleman from North Dakota [Mr. BURTNESS], who had one of these offices in his home town, I think, in a very few moments could tell you all of the practical end of the handling of this money.

Mr. BURTNESS. Mr. Chairman, all I can say along the line suggested by the gentleman from South Dakota [Mr. JOHNSON] is that in the administration of similar acts in 1921 and 1922 in the Northwest I know from personal observation that the expense was kept down to the very minimum. The work was done then as it is proposed to do it this year, in offices in the Federal buildings, where there was no expense for rent. They had probably two or three stenographers there in addition to one person in charge of the main office. What I have called stenographers were probably more than the ordinary stenographer in the sense that some of them, at least, had to be familiar with legal forms, notes, mortgages, and legal documents of that sort. Of necessity they had to have in the administration of the acts a few people to make examinations of the county records, so as to be assured that the crop mortgages taken by the Government would constitute a first lien upon the crop to be raised. The whole administration was conducted in a very businesslike, systematic way.

As was plainly brought out by the gentleman from Alabama [Mr. BANKHEAD] and the gentleman from South Dakota [Mr. JOHNSON], the situation is this: If help is to be given, it must be given now, because this is the time that the farmers, whether in the South or in the Northwest, have to be provided with their seed, and every day's delay means just that much more difficulty and therefore expense in administering the act. There is no doubt about that. I speak as one who is not personally particularly interested in this matter. True, there have been two seed loans made heretofore for the people of the Northwest, but not one single dollar of those two seed loans was

ever loaned in the district which I represent, because we were not in the drought-stricken areas. It is perhaps true that this year one or two counties in the district that I represent may be included.

I do not know whether they will be or not. But the situation in my district is not as desperate as in other States and some other portions of my State. I am speaking not because of any particular personal reason, political or otherwise, but simply in the interests of the people in all the drought-stricken areas who are trying to save their homes in this way, by borrowing funds for seed with which to seed another crop; and you know that this comes at a time when there are no financial institutions—no banks—in those drought-stricken areas which can possibly take care of the needs of the farmers for seed.

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

Mr. BURTNESS. Yes.

Mr. FULMER. As far as the loans going to South Carolina, Alabama, and Georgia are concerned, it is my understanding from the Department of Agriculture that they will have only one office in South Carolina that can take care of the situation down there.

Mr. BURTNESS. And there is going to be only one office in the Northwest, and that will be located in South Dakota, near the center of the territory contemplated by the act.

Mr. BYRNS. How many employees will they have in these offices?

Mr. BURTNESS. The test of the pudding is in the eating thereof. At former times, when similar loans were administered, I venture to say that there were not as many as a half dozen employees in the office itself. There were, as I stated, a few field men in addition checking up the records in the offices of the registers of deeds in the various counties to assure that the liens obtained by the Government were first liens on the crop to be raised. The expense was very small in connection with the making of loans.

Mr. GREEN of Florida. And does not the interest paid upon these loans pay for the cost of administration?

Mr. BURTNESS. The interest paid from year to year since the loans were made has very much more than taken care of the cost of administration, both in the making and in the collection of the loans. That information has been before the subcommittee handling the agricultural appropriations each year since the loans were made.

Mr. SINCLAIR. And, in addition, the Department of Agriculture is going to use the county agents all through the Northwest, who will take care of the matter and see that the applications are made and properly taken care of.

Mr. BURTNESS. The county agents will do a great deal of the work and determine just where the needs are. They form almost the nucleus of the organization and are of tremendous help, without additional cost to the Government. The information given to the legislative committees of the House and Senate as to the need for the loans and the estimates of the amount of money needed was largely gathered by the county agents of the States interested. I feel we can safely assume that the fund will be administered in a practical, economical way, as it has been in the past.

Mr. WOOD. Mr. Chairman, it is immaterial, so far as this item is concerned, whether it is attached to this bill here or in the Senate. Let me tell you something that the committee has to contend with. This deficiency appropriation bill has been kept open as long we dared and the hearings upon it were only concluded some two or three days ago. Now, here comes an estimate for $8,600,000, without an opportunity for the committee to have any hearing upon it whatever. Of course, we all know what the estimate is for. How far the money will be applied in that direction we do not know. I think the committee saved to the Government of the United States many thousands of dollars by reason of the investigation we had in the appropriation made for the eradication of the corn borer in ascertaining how the Department of Agriculture was to apply the money that we appropriated.

If this committee had an opportunity to review and analyze this estimate of $8,600,000, I dare say that we would be enabled to save money, not only by suggestion, but by amount. If opportunity for investigation be had on the Senate side, and if they do their duty as we expect they will, there is great likelihood that thousands of dollars may be saved. There have been thousands of dollars wasted by the Agricultural Department in special appropriations of this character, mainly in personnel. That is the reason why I asked the gentleman from South Dakota, who would be placed in charge of this work, and the gentleman from South Dakota advised that it would be Mr. Warburton. Why, gentlemen, Mr. Warburton has been one of the greatest offenders in employing many people.

Mr. SINCLAIR. Will the gentleman yield?

Mr. WOOD. This gentleman has sent men and women from one end of this country to the other on flimsy excuses, all of whom received not only their salary but a per diem rate and all traveling expenses. It does not occur to me, with Mr. Warburton in charge, that it is the part of wisdom for this Congress to appropriate money without some investigation, ascertaining in advance how he proposes to spend the $8,600,000. This money was authorized to be appropriated for a good purpose and it ought to be applied for a good purpose, and Congress should know how it is going to be spent. So I say this amendment ought to be defeated, and if the proposition is found worthy by the Senate committee investigation will be made as to proposed expenditures for personnel, traveling expenses, supplies, and materials, and so forth, and so I think we will save time and money by permitting the matter to go over for investigation.

Mr. MADDEN. Mr. Chairman, I ask recognition as chairman of the committee.

The CHAIRMAN. The gentleman from Illinois.

Mr. MADDEN. Mr. Chairman, I am sorry this amendment was introduced here this afternoon. It is true that Congress authorized the appropriation, but the presumption is that when Congress does that it is going to give the Committee on Appropriations, the members of which are charged with the responsibility of making recommendations for appropriations, a chance to study the problem before the recommendation is made. Now, there has been no such chance afforded. I am very sympathetic with anything that my friend the gentleman from South Dakota [Mr. JOHNSON] wants, but I wish to ask him in all good faith if it would not be better to let this amendment die, not have it pressed, let it go to the Senate, and give the Committees on Appropriations of both the House and Senate a chance in conference to study the problems before the bill is passed?

Mr. WILLIAMSON rose.

Mr. MADDEN. In just a moment. It is not fair to the House, it is not fair to the Committee on Appropriations, it is not fair to the Treasury of the United States, to press things of this sort without due deliberation and due consideration. I ask my friend if he will not withdraw his amendment and let it go to the Senate and give us a chance to study the problem in conference and adjust it along the lines that will be equitable and fair to everybody concerned?

Mr. JOHNSON of South Dakota. I want to say to the chairman of this great committee, for whom I have the greatest respect, personally and officially, I am fearful that this might not be added in the Senate. If it is added here and this committee desires to take it up with the Senate committee and discuss it over there, I should not object.

Mr. MADDEN. If it is added here, I want to say to the gentleman from South Dakota, it will not be in conference. If it is not in dispute, of course, the conference will have no jurisdiction over it. If it is put in by the Senate there, we will have control and we will take it up for consideration—and I want to say we will take it up sympathetically—but we will not promise we are going to report $8,000,000 when $3,000,000 might do the job.

Mr. JOHNSON of South Dakota. I would not want that.

Mr. BANKHEAD. Mr. Chairman and gentlemen of the committee, I have a profound admiration for the judgment of the chairman of the committee and for my colleague [Mr. BYRNS] on the committee. I think that under ordinary circumstances there will be no question about their views upon this matter being adopted by the House, but here we are confronted with an unusual, extraordinary situation. In the first place, the nature of the legislation itself was of an emergency character. It is unusual legislation. Some gentlemen think it is fundamentally unsound legislation, but it was passed by this House under suspension of the rules simply for the purpose of taking care of an unusual and very extraordinary emergency in agriculture in some sections of the country.

Now, in addition to that, it is unusual in a parliamentary or legislative sense, in this: Here is the last appropriation bill at this session of Congress, the last deficiency appropriation bill; it is just a short time before the adjournment of Congress. The wisdom of this House, by a two-thirds vote, has declared that this is proper legislation for the relief of these suffering citizens, and that in their judgment they are entitled to this loan out of the Treasury of the United States. The bill has been approved by the President of the United States, its principles of soundness thereby being approved by the Executive. It has been submitted to the Director of the Budget, and we are just informed that his recommendation favoring the enactment of this legislation has just been received. Under those circumstances, and under that combination of unusual circumstances, I submit it to you, if it is not a reasonable and usual and just

thing, not for the Committee on Appropriations—because they can take care of themselves in all emergencies—but if it is not just and fair to the beneficiaries of this legislation for this House now and here to insert this appropriation?

Let me make this suggestion to my friend from Tennessee [Mr. BYRNS] and the distinguished chairman of the committee [Mr. MADDEN]: If in their wisdom it is necessary for any limitation to be put on this expenditure, if the number of employees to be engaged is to be limited by the terms of the bill, certainly upon their representation to the Senate committee or to the conferees there will be ample opportunity for the conferees in their judgment to limit this bill with such restrictions as they see fit from the standpoint of economy.

But, gentlemen, we are taking, I think, a very considerable hazard in passing up this opportunity to have this item included in the appropriation bill. It is the duty of the House to put this on primarily. This bill originates in the House of Representatives, and while under all the circumstances, as I said in the beginning, the appeal made by these members of the Committee on Appropriations would be fair and would be heeded, yet under the combination of unusual and extraordinarily emergent circumstances with which we are confronted, I submit to you in all candor and all fairness in the interest of those involved in this legislation that we ought to meet this obligation now fairly and squarely, and if any limitations are required they can be added subsequently in the bill.

Mr. MADDEN. I think we ought to be given the opportunity to study the elements that enter into it.

Mr. BANKHEAD. Your committee will not have an adequate opportunity to study this matter now. You want to get your bill passed. Is not my proposition fair, that in conference and by representations to the Senate committee you will have a fair and reasonable opportunity to go into this matter in detail?

Mr. McSWAIN. Mr. Chairman, I believe that if the remarks made here on the floor by the distinguished chairman of the Committee on Appropriations [Mr. MADDEN] and the chairman of the subcommittee [Mr. WOOD] and the Democratic ranking member of the Committee on Appropriations [Mr. BYRNS] were called to the attention of the Secretary of Agriculture, he would insist that the administration of this law should be put upon such a basis of economy that no restrictions that the House could possibly put upon it legislatively would compare with what the Secretary of Agriculture himself would see that Mr. Warburton does. If Mr. Warburton knows that he has been criticized and that he may be criticized in the future in this matter, he will surely be very careful to avoid any reasonable ground for complaint.

Mr. KETCHAM. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Michigan moves to strike out the last two words.

Mr. KETCHAM. Mr. Chairman and gentlemen of the committee, I am strongly sympathetic with the purpose of this legislation, but I submit this thought for your consideration. There are a considerable number of people who are cared for, and justly so, in this bill, and there are other emergency areas that are not cared for and are equally deserving of recognition. It occurs to me, therefore, that the proper thing to do is to reject this amendment, because undoubtedly the proposition will be included in the Senate appropriation bill. Then it will go to conference, and not having agreed to this item, we will be in a position to have our conferees discuss this matter and take into consideration a considerable number of men who ought to be brought in, and thus probably distribute more equitably the funds made available under this bill. I sincerely trust that that view will appeal to the committee at this time.

Bear in mind that in the things I have said there is not a word against the appropriations that are carried here. I want to see these men receive the aid they ought to have, but there are others who have claims equally strong, and they ought to be presented. The intelligent way to do it is to have the matter placed in such position that the Secretary of Agriculture, after considering all these other needs, can make the proper allocation which we in the present situation of the bill are not able to do. I submit that to you for your consideration.

Mr. RUBEY. Did not our committee almost pass this appropriation?

Mr. KETCHAM. In view of the fact that the gentleman has asked about the action of the committee, that gives me some liberty to state what we did, does it not?

Mr. RUBEY. Yes.

Mr. KETCHAM. I will say that the Committee on Agriculture passed a motion exactly along the lines of the remarks I am making, but on the showing that a distinguished Member of another body was unable to look after the matter in conference, it was finally determined to report the bill in its present form.

Mr. CHINDBLOM. I have no objection to the disclosure of the proceedings of the committee, but the fact that the gentleman has opened the discussion by an inquiry does not properly open the discussion on the floor.

Mr. CARTER of Oklahoma. Were it not for the fact that the matters considered in committee are held in confidence, there might be a very interesting story told concerning this matter.

Mr. KETCHAM. Mr. Chairman, I withdraw my pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn. The question is on agreeing to the amendment offered by the gentleman from South Dakota [Mr. JOHNSON].

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

Mr. JOHNSON of South Dakota. A division, Mr. Chairman.

The CHAIRMAN. The gentleman from South Dakota calls for a division.

The committee divided; and there were—ayes 63, noes 72.

So the amendment was rejected.

The Clerk read as follows:

Salaries and general expenses: For an additional amount for the fiscal year 1928 for the investigation, improvement, and utilization of wild plants and grazing lands, and for determining the distribution of weeds and means for their control, $2,400.

Mr. WOOD. Mr. Chairman, I offer an amendment.

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

The Clerk read as follows:

Amendment offered by Mr. WOOD: On page 21, after line 21, insert as a new paragraph the following:

"To complete a special investigation of insect pests and fungous diseases attacking the mushroom, including not to exceed $5,700 for personal services in the District of Columbia, and including the general objects of expenditure enumerated in the first paragraph under the caption "Bureau of Plant Industry, salaries and general expenses," in the agricultural appropriation act for the fiscal year 1928, fiscal years 1927 and 1928, $12,000."

The amendment was agreed to.

The Clerk read as follows:

Retired pay: For retired pay of officers and employees engaged in the field service or on vessels of the Lighthouse Service, except persons continuously employed in District offices and shops, fiscal year 1927, $36,000.

Mr. WOOD. Mr. Chairman, I offer an amendment.

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

The Clerk read as follows:

Amendment offered by Mr. WOOD: On page 24, after line 10, insert:

"BUREAU OF THE CENSUS

"Census of agriculture: For an additional amount for the census of agriculture, including the same objects specified under this head in the act making appropriations for the Department of Commerce for the fiscal year 1925, and including compensation of temporary employees who may be appointed under the civil-service rules at per diem rates to be fixed by the Director of the Census without regard to the provisions of the classification act of 1923, fiscal years 1927 and 1928, $100,000."

The amendment was agreed to.

The Clerk read as follows:

Paiute allotted lands, Truckee-Carson project, Nevada (reimbursable): To carry out the provisions of the act entitled "An act to authorize the cancellation and remittance of construction assessments against allotted Paiute Indian lands irrigated under the Newlands reclamation project in the State of Nevada and to reimburse the Truckee-Carson irrigation district for certain expenditures for the operation and maintenance of drains for said lands," approved June 26, 1926, fiscal year 1925, $611.55.

Mr. WOOD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WOOD: On page 27, after line 6, insert the following:

"Indian Pueblos, New Mexico: For carrying out the provisions of the act entitled 'An act to authorize an appropriation for reconnaissance work in conjunction with the Middle Rio Grande conservancy district to determine whether certain lands of the Cochiti, Santo Domingo, San Felipe, Santa Ana, Sandia, and Isleta Indians are susceptible of recla-

mation, drainage, and irrigation,' approved February 14, 1927, fiscal years 1927 and 1928, $50,000."

The amendment was agreed to.

The Clerk read as follows:

Land for Temoak Indians: For the purchase of a tract of land with sufficient water right attached for the use and occupancy of the Temoak Band of homeless Indians located at Ruby Valley, Nev., the appropriation of $25,000 authorized by the act of June 7, 1924, and appropriated by the act of March 3, 1925, shall remain available until June 30, 1928: *Provided*, That not to exceed $500 of this amount may be used for necessary expenses in connection with the proposed purchase.

Mr. WOOD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WOOD: On page 27, after line 25, insert the following:

"Jicarilla Reservation, N. Mex. (tribal funds): For purchase of certain lands and appurtenances thereto situated within the exterior boundaries of the reservation as authorized by the act approved February 12, 1927, fiscal years 1927 and 1928, $10,000, payable from funds on deposit in the Treasury of the United States to the credit of such Indians."

The amendment was agreed to.

The Clerk read as follows:

Indian school, Santa Fe, N. Mex.: For construction and equipment of new boys' dormitory, fiscal years 1927 and 1928, $80,000.

Mr. HAYDEN. Mr. Chairman, I offer an amendment.

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

The Clerk read as follows:

Amendment offered by Mr. HAYDEN: Page 28, after line 14, add the following:

"INDIAN SCHOOL, PHOENIX, ARIZ.

"The sum of $11,000 appropriated in the act of March 3, 1925, making appropriations for the Department of the Interior for the fiscal year ending June 30, 1926, and for other purposes (43 Stat. L. p. 1156), for the purchase of approximately 18 acres of land adjacent to the United States Indian School, Phoenix, Ariz., is hereby reappropriated and made available for the same purpose during the fiscal years 1927 and 1928."

Mr. WOOD. Mr. Chairman, the committee has no objection to this amendment.

The amendment was agreed to.

The Clerk read as follows:

School building, Burns, Oreg.: For the construction and equipment of a school building in or near Burns, Oreg., in accordance with the provisions of the act approved June 23, 1926, fiscal years 1927 and 1928, $8,000.

Mr. WOOD. Mr. Chairman, I offer an amendment.

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

The Clerk read as follows:

Amendment offered by Mr. WOOD: Page 29, after line 7, insert a new paragraph:

"Sequoyah Orphan Training School, Oklahoma: To provide an adequate water supply, $12,000."

The amendment was agreed to.

The Clerk read as follows:

Monument and tablet, site of battle with Sioux Indians, Montana: For acquiring not to exceed 160 acres of land on the site of the battle with the Sioux Indians in which the commands of Maj. Marcus A. Reno and Maj. Frederick W. Benteen were engaged, and the erection thereon of a suitable monument and tablet, as authorized by the act approved April 14, 1926, fiscal years 1927 and 1928, $2,300: *Provided*, That the reservation and monument provided by this paragraph shall be maintained by the Quartermaster Corps, United States Army, in conjunction with the Custer Battle Field Monument.

Mr. CRAMTON. Mr. Chairman, I offer an amendment.

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

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: On page 30, after line 15, insert:

"The unexpended balance of the $395,000 appropriated for the Flathead irrigation project for the fiscal year 1927, and reappropriated for the fiscal year 1928 for continuation of construction of a power plant, may be used either for that purpose or for the construction and operation of a power-distributing system, including the necessary substations, and for purchase of power, but shall be available only when an appropriate repayment contract in form approved by the Secretary of the Interior and which, except as hereinafter provided, contains the provisions set forth for such a contract in the appropriation for this project for the fiscal years 1927 and 1928, shall have been executed by a district or districts under State law embracing not less than 70,000 acres of irrigable land under the project: *Provided further*, That any contract provided for in this paragraph shall require that the net revenues derived from operation of the power plant or the distributing system and from sale of power, together with that part of any rentals which may become available to the irrigation project through any permit or license as hereinafter provided, shall be used to reimburse the United States in the following order: First, to liquidate the cost of the power plant or distributing system; second, to liquidate payment of the deferred obligation on the Camas division; third, to liquidate construction costs on an equal per acre basis on each acre of irrigable land within the district or districts contracting; and fourth, to liquidate operation and maintenance costs within such district or districts: *Provided further*, That the Federal Power Commission is authorized, in accordance with the Federal water power act and upon terms satisfactory to the Secretary of the Interior, to issue a permit or permits, or a license or licenses, for the use of power sites on the Flathead Reservation and water rights reserved or appropriated for the irrigation project for the development of power: *Provided further*, That the rentals from such permits or licenses, with the exception of fees for administration under the Federal water power act and charges for use of public lands not within the reservation, shall be divided between the Indians of said reservation as a tribe and the irrigation project, or otherwise as may be determined hereafter by appropriate legislation: *And provided further*, That the public notice provided for in the appropriation for the project for the fiscal year 1927 shall be issued by the Secretary of the Interior upon the 1st day of November, 1929."

The amendment was agreed to.

The Clerk read as follows:

Monument to Quannah Parker, late chief of the Comanche Indians: For the purchase and erection of a monument to Quannah Parker, late chief of the Comanche Indians, as provided by act of June 23, 1926, fiscal years 1927 and 1928, $1,500.

The Clerk read as follows:

Compensation to certain pueblos in New Mexico for losses: To compensate the Indians of Jemez and Tesuque pueblos, in the State of New Mexico, for loss of lands and water rights, in accordance with the findings of the Pueblo Lands Board created by section 2 of the act approved June 7, 1924 (43 Stat. L. p. 636), $29,801.20, of which sum $500 shall be credited on the books of the Treasury Department to the Indians of Jemez pueblo and $29,301.20 to the Indians of Tesuque pueblo, such sums to draw interest at the rate of 4 per cent per annum: *Provided*, That the $500 credited to the Indians of Jemez pueblo is hereby made available until June 30, 1928, for the purchase of land and water rights for such Indians and $14,150 of the sum credited to the Indians of Tesuque pueblo is hereby authorized to be expended during the fiscal years 1927 and 1928 in providing an additional water supply for such pueblo: *Provided further*, That the remainder of such funds, and the interest thereon, shall be subject to future appropriation by Congress.

Mr. CARTER of Oklahoma. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CARTER of Oklahoma: On page 31, after line 13, insert:

"To be expended in accordance with the provisions of the act of Congress (H. R. 5218), Sixty-ninth Congress, entitled 'An act to carry into effect the twelfth article of the treaty between the United States and the Shawnee Tribe of Indians, proclaimed October 14, 1868,' the sum of $463,732.49."

Mr. WOOD. Mr. Chairman, I reserve a point of order against the amendment.

Mr. CARTER of Oklahoma. Mr. Chairman, this is the Shawnee claim item presented by Mr. MCKEOWN, a matter which was fully discussed in the committee. The claim grows out of the Shawnee treaty of 1868. It has been duly adjudicated by a commission designated by the Department of the Interior. All the other tribes involved in this controversy have been fully paid, the Secretary has given his unqualified approval to this settlement, the Senate has previously passed the bill on several different occasions, and a bill to the same effect passed both the House and Senate during the last session of Congress.

This bill passed the Senate during the closing hours of the last session, on July 3, the day of adjournment. It reached the President during the rush attendant upon an expiring session and never received his action, either favorable or unfavorable. The law was not recorded as a statute, however, and in order to determine the definite status of the situation a resolution was introduced by the gentleman from Oklahoma [Mr. McKEOWN] declaring the bill an act of Congress on the ground that it had passed both Houses of Congress, had been submitted to the President, and had not been vetoed by him within the 10-day limit required by the Constitution. The Committee on the Judiciary has reported this resolution favorably to the House, declaring this to be a valid act of Congress. The committee in its report cites authority on behalf of its decision and, in the absence of more definite court decisions on this exact question I submit that the opinion of our Judiciary Committee should control.

I think this is a fair statement of the case, as the gentleman will doubtless agree.

Mr. WOOD. I will say, Mr. Chairman, that the gentleman from Oklahoma has stated the facts substantially as they were stated before the subcommittee. The subcommittee, however, did not feel it was warranted in including in this bill this appropriation for the reason there was no recommendation coming to the committee from the Budget, and there is involved in it some $400,000, as I recall. So that the matter may be decided as to whether there is authorization of law, I have reserved a point of order and will now make the point of order that there is no authorization of law for this appropriation.

It is true that a resolution introduced by the gentleman from Oklahoma [Mr. McKEOWN], and referred to the Committee on the Judiciary, has been reported to this House, in which report they find that the bill referred to by the gentleman who has just preceded me became a law in consequence of the President now having signed it; yet this committee is not bound by the opinion of the Committee on the Judiciary, with all due respect to that committee. It is only advisory, and it was the suggestion of this committee that some opinion should have been had and should now be had from the Attorney General of the United States, whose business it is not only to advise the Congress but also to advise the various executive officers, including the President, who had this bill in his hands. So I make the point of order, Mr. Chairman, there is no authorization of law for this appropriation.

Mr. CARTER of Oklahoma. Mr. Chairman, I am somewhat surprised, because I had understood that the gentleman from Indiana was going to make no objection to this amendment; but perhaps I misunderstood him. This is the impression under which the gentleman from Tennessee [Mr. BYRNS] and myself were laboring, and we so advised the gentleman from Oklahoma; but if the gentleman insists on his point of order——

Mr. WOOD. Will the gentleman yield?

Mr. CARTER of Oklahoma. Yes.

Mr. WOOD. I do not want any misunderstanding. I have never changed my position, and I explained to the gentleman from Oklahoma [Mr. McKEOWN] the exact position I have taken now. So far as I am individually concerned, I can not see why there should have been any discrimination in the settlement of these claims. I understand a number of these Indian tribes have been settled with.

Mr. HASTINGS. All but this tribe, under that treaty.

Mr. CARTER of Oklahoma. That is true.

Mr. WOOD. And so far as the virtue of this case is concerned, I can not see why this tribe should not be placed on the same basis as the other tribes; but in order that we might have justification I have raised this point of order. If there is authorization of law for the amendment, I will gladly vote for it.

Mr. CARTER of Oklahoma. Mr. Chairman, I want to be heard just a moment on the point of order, and there are several other gentlemen, members of the Judiciary Committee, who also should be heard.

The CHAIRMAN. The Chair will be very glad to hear the gentleman on the point of order.

Mr. CARTER of Oklahoma. The question involved is whether or not the amendment I have proposed comes within the rules of the House which confined the Appropriations Committee to reporting only those matters authorized by law. That brings up the question whether or not the Shawnee claims bill has become a law by limitation. This bill passed Congress on July 3, the day of adjournment. It was presented to the President for approval on the same day. The Constitution requirement is—

> If any bill shall not be returned by the President within 10 days after it shall have been presented to him the same shall be a law in like manner as if he has signed it, unless Congress by their adjournment prevented its return, in which case it shall not be a law.

Now, that brings up the further point whether or not the adjournment on July 3 last was the adjournment of the Sixty-ninth or only the adjournment of the first session of the Sixty-ninth Congress. This matter has been gone into very fully in the report of the Committee on the Judiciary, which the Chair has before him, and I will not take up the time of the House in further quotations from that document. The point is that the President did not return the bill within the time required by law, and that the adjournment on July 3 last did not constitute a legal adjournment of the Sixty-ninth Congress, but only adjourned until the first Monday in December last. All bills, resolutions, and other measures introduced in that session of Congress were just as alive in this session as they were before this temporary adjournment. Moreover, this matter has been formally passed upon in the regular manner of procedure by highest legal authority of this House, the Judiciary Committee. The Judiciary Committee, after going very fully into all phases of the question, has submitted a most able report which fully justifies the contention that this amendment is in order. One of the decisions cited in behalf of the committee's holding is the case of La Abra Silver Mining Co. *v.* the United States (175 U. S. 423), in which it was held that the President had authority to approve a bill during the recess of Congress. The same sentence of the Constitution, which authorized the so-called pocket veto, also provides that unless a bill is returned to Congress in 10 days it shall become a law "in like manner as if he had signed it." Now, if the President had the right to approve a bill during a recess of Congress, and thereby cause it to become a law, the converse must be true that unless the President signed it within 10 days it would become a law by limitation. I repeat, the Sixty-ninth Congress did not close on July 3. That was only the closing of the first session of the Sixty-ninth Congress, so the contention of the Committee on the Judiciary that this is an act of Congress by limitation, and just as much an act of Congress as if the limitation had expired during a sitting of Congress, is well taken. Several eminent lawyers on the Judiciary Committee are here, the chairman of the committee, Mr. GRAHAM; the chairman of the subcommittee, who investigated this matter, Mr. CHRISTOPHERSON; the gentleman from Texas, Mr. SUMNERS; the gentleman from Alabama, Mr. BOWLING. I am sure they can throw more light on this question than I can, and for that reason I yield to either one of the gentlemen who desire at this time to be heard.

Mr. GRAHAM. Mr. Chairman, I would like to say just a word or two upon this question. A resolution was introduced in the House by my friend and referred to the Committee on the Judiciary, touching the subject of whether or not this bill had become a law. The conclusion of the Judiciary Committee arrived at unanimously was this—

> That the adjournment contemplated in the constitutional provision relating to presidential objections to bills and return thereof is the final adjournment of Congress, not an interim adjournment. Therefore your committee is of the belief that the adjournment on July 3, 1926, of the first session of the Sixty-ninth Congress did not suspend the President's duty with reference to bills presented to him on that day, wherefore H. R. 5218 became a law by the lapse of the constitutional 10 days.

I respectfully suggest to the Chair that a competent committee of the House unanimously came to this conclusion, a conclusion in which I cordially concur and about which I have not even the vestige of a doubt, and in the opinion of the committee this bill became a law and is a sufficient ground for overruling the point of order.

The question raised by the point of order is whether or not there is an authorization of law. There being in the opinion of this committee of the House a law, it would seem to me that the House is thoroughly competent on these facts to entertain this provision of the bill and declare that there is an authorization because there certainly is such a law.

Mr. CHRISTOPHERSON. Mr. Chairman, I wish to add a word to what has been so clearly stated by the gentleman from Pennsylvania [Mr. GRAHAM], chairman of the Judiciary Committee. It is clear that the framers of our Constitution had in mind that it wished to give to the President the right to object to legislation; not to absolutely stop it but object, and that he could do so within 10 days, giving the legislative bodies the right to pass upon his objections; if they found these valid, to rewrite to conform thereto, or if two-thirds of the Members of

both Houses felt that it was meritorious, notwithstanding his objections, to pass it. They made one exception, and that was a final adjournment, which makes such a return impossible.

Bearing in mind the purpose of the return with the objections is that the legislative bodies may have a right to reconsider the measure in the light thereof, it naturally follows that it would be an adjournment which would be final, when that legislative body would cease to exist. The adjournment of July 3 of the Sixty-ninth Congress was not a final adjournment.

The Sixty-ninth Congress was still in existence; the Speaker of the House was still Speaker; the Clerk was still Clerk; the entire organization of the House retained its status; and business before Congress retained its place. It was the same identical Congress that reconvened in December following, and the President could have returned the bill with his objections and the same Congress could have taken it up in December. Therefore the adjournment of July 3 last was not the final adjournment that was contemplated in the constitutional provision. Court decisions sustain this view.

The Federal courts have held that the President has a right to approve measures during a recess, and State courts have held specifically that this adjournment is the adjournment which spells the complete dissolution of the legislative body; not a temporary recess; not an interim adjournment; but one that is a final dissolution of that particular legislative body.

There is a very able opinion of that question by the justices of the Supreme Court of Massachusetts, which was given in response to questions asked by the legislature of that State in which they held that very situation.

Again in a recent case in Tennessee they held that the 10 days that the governor has in which to return the bill runs notwithstanding the legislative body was in recess and that he should have returned it within the 10 days and failing so to do it became a law, notwithstanding he disapproved of it and did return it at a later date. So I think there is no question that, based on these well-reasoned court decisions and taking into consideration the purpose of the Constitution and the purpose of the return to the legislative bodies, that the adjournment of July 3, 1926, was not such an adjournment as is contemplated in the Constitution. It is clear that means a final adjournment, an adjournment that marks the dissolution of that legislative body. The bill in question having passed both Houses of Congress, been presented to the President, more than 10 days having elapsed and the President not having returned the bill with objections, it unquestionably became a law and is now a law in every sense.

Mr. CHINDBLOM. Mr. Chairman, may I ask the gentleman a question? This is a discussion of a point of order and, of course, debate is within the control of the Chair. Does the gentleman believe that the resolution reported by his committee that this bill, 5218, by reason of the facts stated has become a law would in any way affect the legality of the law itself?

Mr. CHRISTOPHERSON. It is an expression of the opinion of the Judiciary Committee of the House.

Mr. CHINDBLOM. An expression of an opinion.

Mr. CHRISTOPHERSON. Yes; an expression of an opinion of the committee after an exhaustive investigation of the question.

Mr. GARNER of Texas. And therefore the officers of the House might take the opinion of the Judiciary Committee whether it was in order or not.

Mr. CHRISTOPHERSON. Yes.

Mr. CHINDBLOM. Of course, the present chairman is called upon to rule upon the question specifically whether there is in existence a law authorizing this appropriation. The action of the Committee on the Judiciary would no doubt be persuasive to the chairman, but I wanted to make certain that it is not the purpose of the Judiciary Committee by this resolution to legalize any further than it is now legal the bill H. R. 5218.

Mr. GRAHAM. If the gentleman will permit, by the amendment introduced it shows clearly what the purpose was—an expression of opinion. The committee had no power to say that the act was legal or illegal, but it could inform the House that after research and careful examination what, in their opinion, was the effect of the failure of the President to return the bill or sign it within the 10 days. Having that opinion, it seems clear that the chairman would have a right to give the benefit of the doubt to this proposed amendment in the present bill and refuse to sustain the point of order against it that there is no authorization in law and that it ought to be determined in court whether it was the law or not.

Mr. CHINDBLOM. I want to call attention to the fact that the resolution does not say, resolved that "in the opinion" of the committee H. R. so and so has become a law, but it says, resolved it "has" become a law.

Mr. CHRISTOPHERSON. The committee did not draft the resolution, but we passed on the question of whether or not the bill in question became a law by elapse of time without the President's signature. Mr. Chairman, under the leave granted I include herein the report of the Judiciary Committee, as it contains the citation of authorities sustaining the conclusions of the committee:

[H. Rept. No. 2054, 69th Cong., 2d sess.]

TREATY BETWEEN THE UNITED STATES AND SHAWNEE TRIBE OF INDIANS

Mr. GRAHAM, from the Committee on the Judiciary, submitted the following report to accompany H. Res. 379:

The Committee on the Judiciary, to whom was referred House Resolution 379, after hearing and consideration, reports the same favorably with amendments and recommends that the resolution as amended do pass.

The committee amendments are as follows:

Strike out the preambles.

Line 4, before the word "has," insert the words "in the opinion of the House."

There is submitted herewith as the report of the committee the admirable report of the chairman of the subcommittee which considered this resolution.

Hon. GEORGE S. GRAHAM,

Chairman Committee on the Judiciary:

House Resolution 379, referred to your Subcommittee No. 3, is as follows:

"Resolution

"Whereas the Congress of the United States duly passed and presented to the President of the United States on the 3d day of July, 1926, duly attested as required by law, H. R. 5218, entitled 'An act to carry into effect the twelfth article of the treaty between the United States and the Shawnee Tribe of Indians, proclaimed October 14, 1868'; and

"Whereas the President has not returned said bill with his objections in writing to the House of Representatives, in which the bill originated: Therefore be it

"*Resolved*, That H. R. 5218, 'An act to carry into effect the twelfth article of the treaty between the United States and the Shawnee Tribe of Indians, proclaimed October 14, 1868,' has become a law of the United States."

Your Subcommittee No. 3, having duly considered the same, submits the following report:

STATEMENT OF THE FACTS

On July 3, 1926, H. R. 5218, having duly passed both Houses, and been signed by the presiding officers and duly attested as required by law, was presented to the President. Thereafter, on said 3d day of July, 1926, there was a final adjournment of the first session of the Sixty-ninth Congress. The President did not approve of said bill; neither did he disapprove the same nor return the bill to the House in which it originated nor make any return thereof whatever to either House of the legislative branch of the Government.

QUESTION PRESENTED

House Resolution 379 raises the question whether or not the bill H. R. 5218 became a law without the President's approval, under the circumstances set forth in the foregoing statement.

CONSTITUTIONAL PROVISIONS

Clause 2 of section 7 of Article I of the Constitution of the United States, which relates to the presentation of bills to the President, his approval and disapproval thereof, is as follows:

"Every bill which shall have passed the House of Representatives and the Senate shall, before it becomes a law, be presented to the President of the United States. If he approve he shall sign it, but if not he shall return it, with his objections to that House in which it shall have originated, who shall enter the objections at large on their Journal, and proceed to reconsider it. If after such reconsideration two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the Journal of each House, respectively. If any bill shall not be returned by the President within 10 days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law."

A reading of this clearly indicates it was the intent of the framers of the Constitution that the President shall have the opportunity to express his disapproval of any act passed by Congress and likewise

that Congress shall have the opportunity to consider such disapproval; and if it deems such disapproval meritorious, that it may revise the legislation and conform to the objections. On the other hand, if in the opinion of two-thirds of the Members of both Houses such objections are not deemed sufficient, Congress may pass the legislation over the President's objection, when the same becomes a law, notwithstanding his veto. The only exception to the right of Congress to thus consider and pass upon the President's objection is when, by its "adjournment," Congress makes the return impossible.

ADJOURNMENT

It is apparent the question involved hinges upon the interpretation to be given to this word "adjournment" as used in the Constitution.

Bouvier's Law Dictionary gives the following definition of adjournment:

"The dismissal by some court, legislative assembly, or properly authorized officer of the business before them, either finally (which, as popularly used, is called an adjournment sine die, without day), or to meet again at another time appointed (which is called a temporary adjournment)."

In Sutherland's work on Statutes and Statutory Construction is the following paragraph, under the section entitled "How a bill will become a law without approval":

"Without the express approval of the executive a bill passed by the legislature can become a law only in two cases. First, when he fails to return it with his objections within the time prescribed by the constitution; second, when it is passed over his objections by the required vote. Many constitutions provide that an act shall become a law without the governor's signature if he retain it for a certain number of days after it is presented to him for approval, unless the adjournment of the legislature shall prevent him from returning it within that time, and in that case that it shall not become a law. The adjournment intended by this provision is the final adjournment, not adjournments from time to time."

The adjournment on July 3, 1926, was a final adjournment of the first session of the Sixty-ninth Congress, but that did not mark the close of this Congress. The Sixty-ninth Congress was still in existence. The organization of the House held over; bills on the calendar retained their status, and on reconvening in December it resumed its labors where it had left off in July preceding.

In the brief prepared by the Legislative Reference Service are found the following paragraphs:

"As far as legislative procedure is concerned, there is a significant difference between a temporary adjournment for a few days, or even the adjournment of a legislative session, as contrasted with the adjournment that marks the formal termination of a definite Congress or legislature. A new Congress necessitates the election of new officers and a new legislative program. In the case of the mere adjournment of a legislative session there is only an interruption in legislative activity; the same legislative officers continue in office for the subsequent session, and the unfinished legislative measures of the previous session are brought to completion. According to Prof. Lindsay Rogers—

"The only real difference between a recess and an adjournment is that in the first case a session of Congress is temporarily interrupted, whereas in the latter case the second session of the Sixty-sixth Congress ended on June 5 and the third session will begin in December. Even this difference is one of nomenclature and not of substance, for there is no change in the status of legislative business. * * * Bills referred to conference at one session can be reported to Congress at the next, and even where one House asks for a conference at one session, the other House can agree to it at the next session with no further action by the other branch. Finally, * * * bills enrolled and signed by the Presiding Officers of the two Houses at the close of a session have been sent to the President and approved at the beginning of the next session." (Yale Law Journal, vol. 30, pp. 6, 21, 22; Constitution, Jefferson's Manual and Rules of the House of Representatives, 69th Cong., 1st sess. p. 401.)

Bearing in mind the purpose of the constitutional provision for return of the bill with the President's objections in order that Congress may act thereon, it is clear that the same Congress assembled in December and could have considered the objections had the bill been returned.

DECISIONS AND OPINIONS

While this precise question has not been determined by the Federal courts it has been touched upon.

In the case of La Abra Silver Mining Co. *v.* United States (175 U. S. 423) it was held that the President had the authority to approve a bill during a recess of Congress.

On June 19, 1920, Attorney General Palmer held, in an opinion given to the President, that bills could be approved after adjournment sine die. (32 Op. Atty. Gen. pp. 233, 234, 238.)

In Harpending *v.* Haight (39 Calif. 189) it was held that a return could have been made to the officers of the house in which the bill in question originated, notwithstanding that the house was in recess at the time the governor sought to make return. The court in that case held that the bill in question became a law because it had not been returned in the 10 days as required by the constitution.

An early and important judicial opinion directly bearing upon the question of the meaning of the terms "recess" and "adjournment" is that of Opinion of the Justices (1791). (3 Mass. 567.) On February 14, 1791, the Senate of Massachusetts submitted to the justices of the supreme judicial court certain questions relative to the effect of a recess and an adjournment upon pending legislation. On May 9, 1791, the justices delivered the following opinion:

"First. Whether a bill or resolve, having passed both branches of the legislature, and being laid before the governor for his approbation, less than five days before the recess of the general court next preceding the last Wednesday in May, and five days before the period when the constitution requires the general court shall be dissolved, but not acted upon by him, has by the constitution the force of law.

"If by 'recess' in this question is meant a recess after a prorogation, or recess after an adjournment, where there is no subsequent meeting of the same general court on that adjournment, we are clearly of opinion that such bill or resolve has not the force of law.

"Second. Whether a bill or resolve, having passed both branches of the legislature, and being laid before the governor for his approbation, less than five days before any recess of the general court, other than such as is stated in the preceding question, and not acted upon by him, has the force of law.

"If by the term 'recess,' in the second, is intended a recess upon an adjournment, and such bill or resolve lays more than five days before the governor for his approbation, including the days of the court's sitting before the adjournment, and so many days of the court's sitting upon the adjournment, as will make up the full term of five days, without the governor's returning the same, with his reasons for not approving it, we conceive such bill or resolve has the force of law; for all the days of the courts sitting are but one session, although an adjournment intervenes. When a prorogation takes place, the session is ended, and a bill or resolve, after the session is ended, can not acquire the force of law."

In the case of Johnson City *v.* Tennessee Eastern Electric Co. (133 Tenn. pp. 637–653) it was held that a recess of the legislature did not prevent the governor from making return of a bill within the constitutional period, and on his failure so to do, it became a law even though he disapproved thereof.

See also the following cases: Miller *v.* Harford (11 Neb. p. 377, FF); The People *v.* Hatch (33 Ill. p. 19, FF); State *v.* South Norwalk (77 Conn. p. 258, FF); Corwin *v.* Comptroller General (6 S. C. p. 391, FF); State, ex rel. Crenshaw et al. *v.* Joseph et al. (175 Ala. p. 579).

These cases are discussed in 41 Amer. L. Rev. p. 215, FF, and 32 Amer. L. Rev. p. 208, FF.

While this is a question not free from difficulty, it is the opinion of your subcommittee the clear intent of the Constitution is that Congress shall have the opportunity to consider the President's objections, if any; that the adjournment contemplated in the constitutional provision relating to presidential objections to bills and return thereof is the final adjournment of Congress, not an interim adjournment. Therefore your subcommittee is of the belief that the adjournment on July 3, 1926, of the first session of the Sixty-ninth Congress, did not suspend the President's duty with reference to bills presented to him on that day, wherefore H. R. 5218 became a law by the lapse of the constitutional 10 days.

Your subcommittee therefore recommends that H. Res. 379 be favorably reported.

Respectfully submitted.

CHARLES A. CHRISTOPHERSON.

Mr. CHINDBLOM. If the Chair does now hold this appropriation in order, he has to pass upon the question and there will be no necessity hereafter for having a judicial decision in the matter.

Mr. CHRISTOPHERSON. And I will say as to that that in my opinion he will pass upon it correctly if he does so hold.

Mr. WOOD. Mr. Chairman, I wish to make this observation not only with reference to the motion that is now before the House but with reference to the precedent that may be established by reason of the Chair's ruling, and I do it for the purpose of assisting the Chair in his decision, whatever it may be, on the question of whether this Congress is bound by a decision that comes from the Committee on the Judiciary. In my judgment, the opinion that has been inserted in this report is entirely extrajudicial. It can not bind anybody, and it is of no more force and effect than if the same opinion came from some other committee of the House. I say this with all due respect and deference to the committee that has rendered the decision. By reason of the authorities that have been furnished to aid the Chair in making his decision, the opinion of the committee may be illuminating, but it should not be binding for the reason that this has been a most extraordinary proceeding. I do not

think the Chair should be controlled one way or the other by a decision that came from the Judiciary Committee any more than the Chair would be controlled by an opinion separately expressed by the gentlemen who compose that committee, and those gentlemen in their expression of an opinion would be entitled to no more weight than any other person would be entitled to receive at the hands of the Chair, expressing his or her opinion concerning this question.

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

Mr. WOOD. Yes.

Mr. LEHLBACH. Can the gentleman inform the House whether this particular bill in question has been printed in the session laws passed by the Sixty-ninth Congress, first session?

Mr. WOOD. No; it was not printed there.

Mr. CHINDBLOM. In that connection it was my purpose to suggest to the Chair that the Chair may well take the position that gentlemen claiming that there is such a law must bring him the law.

Has this law been filed in the office of the Secretary of State as having been enacted by the Congress? As the gentleman from New Jersey [Mr. LEHLBACH] suggested, is it to be found in the session laws of the last session of Congress? Should this chairman be requested to undertake and should he undertake to go searching into the files and take an oral opinion given him as to the existence of a law of which there is no legal record?

The CHAIRMAN. In response to the inquiry of the gentleman from Illinois [Mr. CHINDBLOM], the gentleman is correct in a general way, but at the same time the Chair would take judicial notice, if he may use that term properly with reference to a ruling of the Chair, of the actions of the preceding session of Congress, and the laws that have been passed by it and the date thereof, and the time they were submitted to the President.

Mr. WOOD. Right on that point, the Chair can not take judicial notice of a bill that is not a law.

Mr. MICHENER. That is a question.

Mr. TUCKER. And what determines whether it is a law?

Mr. WOOD. Mr. Chairman, suppose instead of this being a bill for the appropriation of a certain amount of money to be distributed among a band of Indians it was a bill the purpose of which was to prosecute men who violated the postal laws, or something of that character. Suppose that was the question before the Chair. Could the Chair take judicial notice of the fact that it is a law, when in fact you can find it nowhere within the public laws?

Mr. BURTON. Is it not the records of this Congress that are involved? The records of the Congress show that the bill was passed by both Houses, that it was sent to the President, and the records of this very Congress show that the bill has not come back with the President's signature, and that no veto message has been received, although more than 10 days have passed in the meantime.

Mr. WOOD. Mr. Chairman, as to that, the Chair can not take judicial notice of this having become a law by reason of the fact that it was held in the hands of the President for 10 days, because bills must be certified at the expiration of the 10 days to the Secretary of State, and that has not been done in this instance. If it had been done, then this bill would be a law, so that I say the Chair can not take judicial notice that this is a law because of the fact that he must take judicial notice of the law that is published as a law. This bill has never been so published or declared.

Mr. CHRISTOPHERSON. Suppose a ministerial officer fails to publish a law that was passed and has become a law? His failure would not affect it.

Mr. WOOD. There is adequate remedy there. A mandamus can be issued against him to do it.

Mr. MICHENER. Mandamus a printer before you determine whether it is a law?

Mr. WOOD. No; you could not do that.

Mr. CHINDBLOM. Mr. Chairman, the Chair directed a reply to me. The Chair, of course, can take judicial notice of the fact that the House of Representatives passed a bill, that the same bill was passed by the Senate, and the Chair can take judicial notice of the fact that the law was signed by the President of the Senate and the Speaker of the House. All that is contained in the records. But how can the Chair take judicial notice of the fact that this bill may or may not have been delivered to the President? What record shows that this bill ever came to the President?

Mr. BOWLING. The receipt for the reception of it from the executive department.

Mr. CHINDBLOM. Whatever may be the facts in this case, it is possible for a bill to be lost between the time when it leaves the Halls of Congress and the time when it should be received by the President.

Mr. CHRISTOPHERSON. If there is any question about that, the records will show.

Mr. CHINDBLOM. I submit the gentleman should show where there is a record of which the Chair can take judicial notice, to the effect that this bill was delivered to the President and withheld by him. In addition to all these presumptions of fact, of which the Chair is required to take so-called judicial notice, the Chair will eventually have to determine the constitutional question whether the President may pocket veto a bill during the recesses between sessions of the same Congress. I respectfully suggest that the Chair has a right to require, and should require, actual proof of the existence and validity of a law, and not base his decision upon presumptions or "judicial notice" or judicial construction.

Mr. SUMNERS of Texas. Mr. Chairman, I am a member of the Committee on the Judiciary, and I am asking for recognition.

Mr. CONNALLY of Texas. I yield to the gentleman.

Mr. SUMNERS of Texas. Mr. Speaker, the point of order raises the question as to whether H. R. 5218 is law or was prevented from becoming law by what is known in our legislative parlance as a "pocket veto."

The gentleman just preceding me raises another question. He takes the position that the Chair can not take cognizance of the legislative history of this bill. He states correctly that it is not to be found among the printed laws enacted by the Congress. But he is in error when he concludes that the chairman can not take cognizance of the well-known facts that after passing the House this bill was passed by the Senate, that it was duly authenticated, that it went to the President of the United States on the last day of the last session, and that it received no action at the hands of the President, either of approval or disapproval, and further that 10 calendar days and also 10 legislative days have passed since this bill was received by the President. The chairman has very clearly indicated, and correctly so, that these facts, well known and which no gentleman here or elsewhere will dispute, fall properly within the cognizance of the Chair.

This point out of the way, we come to the main question, in fact the only question, and that is, whether or not under the facts as they related to this bill, it became a law or was prevented from becoming a law by the "pocket veto."

The determination of that point depends upon what is meant by that part of clause 2, section 7, Article I, of the Constitution, which relates to the processes of legislation and to the veto power of the President. It is as follows:

> Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States; if he approve it he shall sign it, but if not he shall return it, with his objections, to that House in which it shall have originated. * * * If any bill shall not be returned by the President within 10 days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Was the July adjournment such an adjournment as prevents from becoming law legislative enactments not approved by the President and not returned by the President, as provided for in the Constitution with regard to bills generally?

An examination of the Constitution discloses that while the President has certain functions to perform with regard to legislative processes, he is not a part of the structure of the national legislature. Article I of the Constitution rests the legislative power in the Congress. The language is as follows:

> All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

While the Constitution provides that all bills which have passed the two Houses shall go to the President and that he shall have 10 days in which to examine acts of the Congress, formulate objections, if any he have, and return the bills, together with his objections, to that House in which the bills respectively originate, no absolute veto power is given to the President. When the President shall have examined a given bill which does not meet with his approval, and that bill with his objections is returned to the House in which it originated. Congress has two courses of procedure open to it. If the objections seem sound, Congress may meet these objections, and if the objections do not appear to Congress to be sound, Congress by a two-thirds vote may make the bill a law despite the President's objections. With one exception, even this qualified veto power expires within 10 days after receipt of a given bill which has been passed by the two Houses. The exception is, when "Congress by their adjournment prevents its return." There is

a definite fixed limitation of 10 days upon the time during which the President may suspend the going into effect of a bill which has been passed by both Houses, unless and only in the event Congress adjourns before the expiration of 10 days after a bill has been sent to the President. In such a case the bill fails because Congress having adjourned in the meantime, the President is deprived of the period of time deemed necessary by the framers of the Constitution in which to examine the bill, formulate his objections, and make return to the House of its origin.

For obvious reasons it was not deemed necessary by the framers of the Constitution for the President to formulate his objections in order to prevent a bill from becoming a law, when by an adjournment there is left no Congress to which the return within 10 days can be made. But the signature, which indicates the approval of the President, is not essential to transform into a law a bill which has passed the two Houses of Congress. All he has to do to make such a bill become a law without his approval is to retain possession of same for more than 10 days after it has been received by him, provided Congress has not in the meantime, by an adjournment, destroyed his opportunity to have the time fixed in which to examine the bill, formulate his objections, and return to the House in which it originated. That is clear.

And it narrows the question to the very definite point as to whether or not the adjournment of the last session of this Congress, its first session, on the 3d day of July last, was such an adjournment as prevented the President from having the time specified in the Constitution in which to examine H. R. 5218, formulate his objections thereto, if any, and return the bill, together with his objections, to this House, where the bill originated.

Let us see. When we adjourned on the 3d day of last July, we did not terminate the Congress. We did not in fact adjourn sine die. We recessed; we call that recess a sine die adjournment, but it was not an adjournment without day. We adjourned to a day certain, the first Tuesday in December. That date was fixed, not by resolution it is true. It was fixed by the Constitution. When we reconvened for the second session of the Sixty-ninth Congress the first Tuesday of last December we reconvened not as a different Congress from that Congress which adjourned on the 3d day of last July, but we reconvened the same Congress, to continue as though there had been no interruption, no break in point of time. Bills were not reintroduced, committees did not begin their work de novo. We took up the whole legislative program, the committees, every agency of the Houses and of the Congress began exactly at the point at which we stopped at the end of the last session on the 3d day of July. We were exactly in the situation when we returned for the second session in December which we are in when we meet on the next day after the adjournment of any legislative day—no interim, no going back and beginning over. The effect of the adjournment on last July upon legislation then pending, and upon every legislative process, was the same, no more and no less, as will be the effect of the adjournment this evening at the end of this day's session.

If the President had formulated objections to H. R. 5218 and made return as provided for in the Constitution, this House, upon reconvening for the second session of the Sixty-ninth Congress, would have taken under consideration the President's message of veto and proceeded exactly as it proceeds with similar messages which come in during the course of the session. Clearly that adjournment in July, therefore, did not prevent the President from having the 10 days specified in the Constitution in which to examine H. R. 5218 and return the same to this House with his objections, if he had desired to do so. Nor did it in any way interfere with the powers or processes of the Houses of Congress with reference to such a message.

There is but one possible question, it seems to me, which could arise out of the application of the constitutional provision under consideration, and that does not arise here, as I view it. That question is whether the 10 days specified in the Constitution are calendar days or legislative days. The question of established customs, the question of the authority of the agencies of the Houses of Congress to receive veto messages from the President when those Houses are not in session, and other similar questions which time and custom have added, would doubtless greatly complicate any question arising out of uncertainty as to the meaning of the language itself. But that question, fortunately for this determination, is not involved, because whether the Constitution gives to the President 10 calendar days merely or 10 legislative days, the period of time in either event has long since expired and the bill has not been returned. It may be stated in passing, however, that when the House adjourned last July, as is the case always with reference to such adjournments, it left its Clerk and other agencies of the House to which return could be made, if required under the Constitution to be made within 10 calendar days.

REFERRED TO THE COMMITTEE ON THE JUDICIARY

This question as to the status of H. R. 5218 was referred by the House to the Judiciary Committee and by that committee to its subcommittee, of which I happen to be a member. There has been returned to the House upon that submission the unanimous opinion of the Committee on the Judiciary that this bill has become a law. If I may express a personal opinion, I do not have the slightest question on that point. While the question referred never presented itself as being a difficult one, I beg to give assurance to the chairman and to the House that it was examined with that caution and thoroughness which the fact of its novelty and importance required.

It is suggested by some gentlemen who have spoken that this question should have been submitted to the Attorney General for his opinion. Related to the examination of this question as I have been, but for the principle of great importance involved in that suggestion, I would feel it improper for me to reply to the suggestion. But, Mr. Chairman, this question touches the power and constitutional right of the legislative branch to act in the discharge of its duty, its chief constitutional duty, the enactment of laws. Such a question should never be submitted for the construction of an agency of either of the other branches of the Government. In such circumstances I trust that the House will always formulate its own judgment, through its own agencies, and act upon the responsibility of its own judgment. Otherwise the legislative branch of the Government surrenders its constitutional position, a coordinate branch of the Government, and subordinates itself, its responsibility, its judgment, its legislative independence, and its constitutional power and duty to the judgment of an agency of another branch of the Government, on a point of actual or potential conflict with that branch of the Government. It is a mistaken conception of our Constitution that it can be changed only by the method specified in the document itself. It is changed by surrender, by practice. It is just as possible for this House, in effect, to change the Constitution defining its powers and duties to change by a surrender so long acquiesced in that public opinion and the courts themselves will accept the construction which the House places by practice upon the constitutional provision defining its own power, as it is possible to make the change by the method provided in the Constitution. We know the persuasive force and power upon future determination of precedent. We know the danger of a bad precedent.

The plan and philosophy of our system of government is plainly revealed by the Constitution. It is the business of the Congress to make the laws. The President has the right and duty to examine bills and to submit to the body of origin objections. The Constitution limits the time in which he can hold them without action.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. NEWTON of Minnesota. To adopt any other construction would be to curtail the legislative powers materially?

Mr. SUMNERS of Texas. Yes; and without any reason, because there has been time, the entire period provided by the Constitution, for the President to have examined the bill and returned the same to this House with his objections, if he had desired or felt it his duty to do so. And clearly no such adjournment of Congress took place between the time the bill reached the President and the expiration of 10 days, whether calendar or legislative days, as to prevent, or in any degree interfere with the fullest opportunity to examine the bill and return it to the House where it originated. The fact that those whose duty it is to print the laws enacted by the Congress did not print this one does not in the slightest degree affect its validity. A ministerial officer after the completion of legislative processes can not nullify an act of Congress. The fact that the President may have thought this bill "pocket vetoed," can not affect the fact of its status.

The only question is, Has the constitutional requirements with reference to enactment of legislation been complied with? The specific language of the Constitution fixes definitely the status of the bill. It became a law under the language of the Constitution—"If any bill shall not be returned by the President within 10 days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Congress by their adjournment prevent its return." The July adjournment not having prevented the return "to the House in which it shall have originated,"

this bill became and is a law, every requirement of the Constitution with reference to legislative enactments having been met.

Mr. HASTINGS. Mr. Chairman, will the gentleman from Texas yield?

Mr. SUMNERS of Texas. Yes.

Mr. HASTINGS. There is no minority opinion by the Committee on the Judiciary as to this resolution?

Mr. SUMNERS of Texas. No; the opinion and the report were unanimous.

Mr. CARTER of Oklahoma. Will the gentleman yield to me for a question?

Mr. SUMNERS of Texas. I yield.

Mr. CARTER of Oklahoma. I just want to make this observation in reply to the statement made by the gentleman from Illinois [Mr. CHINDBLOM] that the Chair had no notice that this question had ever been presented to the President. In the committtee's report I cite this language:

Whereas the Congress of the United States duly passed and presented to the President of the United States on the 3d day of July, 1926, duly attested as required by law, H. R. 5218, entitled "An act to carry into effect the twelfth article of the treaty between the United States and the Shawnee Tribe of Indians, proclaimed October 14, 1868"; and

Whereas the President has not returned said bill with his objections in writing to the House of Representatives, in which the bill originated.

Mr. CHINDBLOM. What does that prove?

Mr. CARTER of Oklahoma. It proves beyond question that by presumption these things which the gentleman disputes have been done.

Mr. WOOD. Mr. Chairman, before the Chairman rules, I wish to call his attention to section 816 of the House Manual, which I think is absolutely decisive on this proposition. After citing a number of incidents and requirements, it winds up with this clause—and we object to this because of the fact that nothing has been shown that there was authority of law for this amendment. I read:

In the administration of the rule it is the practice that those upholding an item of appropriation should have the burden of showing the law authorizing it.

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

Mr. WOOD. Yes.

Mr. BOWLING. I think I can answer that to the gentleman's satisfaction.

Mr. WOOD. I yield.

Mr. BOWLING. There was referred to the Judiciary Committee a declaration of this House. The House resolved certain things, and in that resolution this House—not the Committee on the Judiciary, but this House—stated certain things and facts, that the Congress of the United States had duly passed and presented to the President of the United States on the 3d of July, 1926, this act; and that the President had not returned it with his objections in writing to the House of Representatives. Those were the things that were found to be the facts in this resolution that was passed by the House.

Mr. CONNALLY of Texas. Mr. Chairman, the question here presented for the Chair to determine is whether or not this appropriation is in order. If in order, there must be a law authorizing it. Every time a point of order is made the Chair has to determine whether or not a law is in existence authorizing the appropriation to which the point of order is made. But these gentlemen say it was not printed in the session acts. That leaves it as a matter for the printer to say whether a law is a law or not. How is the Chair to determine that question unless it follows the committee's opinion—the opinion of the committee in this House charged with the duty of determining legal questions, and that is the Committee on the Judiciary? That committee says it is the law.

Mr. BRIGGS. Is it not true that when a law becomes a law Congress takes cognizance of it as such?

Mr. CONNALLY of Texas. Yes. This House construes the Constitution every day we sit to determine the law by which we act upon a question. When we pass a law we determine that that is not already the law, and if not a law, then we make it a law. This binds the House to a matter of procedure, just as a rule of the House would bind us. Of course, this is not a judicial construction; the Supreme Court might determine hereafter that it is not a law. But the Chair has got to determine for the purpose of procedure whether this is a law or not, and the committee charged with matters of legal procedure says it is a law. Will the Chair follow the committee, or will it follow some one in the Printing Office who either fails to print or did print this law?

Mr. CHINDBLOM. Mr. Chairman, will the Chair permit a question?

The CHAIRMAN. The Chair will hear the gentleman from Illinois.

Mr. CHINDBLOM. The question I am arguing is the evidence which is necessary for the chairman of this committee to have in order to determine that there is a law in existence. I do not think the Chairman of the Committee of the Whole should be required to go outside the official record to determine whether or not a law is in existence. I think the chairman of the committee should follow the same rule of law as the courts of the land in reference to determining whether a statute exists or not; and, following that line of reasoning and for that purpose, I quote from the statutes contained in Barnes's Federal Code, 1919. This law was passed by the Congress itself, which made it applicable to the courts and all the people of the country. Of course, if Congress does not want to be bound by its own law, perhaps it has the power to evade and avoid it; but this is a principle which Congress laid down in proving what is a law. I read:

SEC. 6421. Session Laws and Statutes at Large as evidence; contents: The pamphlet copies of the statutes and the bound copies of the acts of each Congress shall be legal evidence of the laws and treaties therein contained in all the courts of the United States and of the several States therein. The said pamphlets and the Statutes at Large shall contain all laws, joint and concurrent resolutions passed by Congress, and also all conventions, treaties, proclamations, and agreements.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. GARRETT of Tennessee. With all due respect, is not the gentleman quibbling? Is the gentleman meeting the extraordinary situation which exists in regard to this law, if it be a law? Of course, this is an entirely new question which is presented here. It is impossible for the Chair to have in mind at all times every statute that is on the books. Therefore, as a matter of convenience and in the interest of good procedure, the burden rests upon one who offers an amendment to show the law for it, if it be challenged on the ground that there is no law. That which the gentleman has just read applies to the ordinary law, but this is a most extraordinary situation which exists here. Here is a case in which a bill went to the President and was not acted upon. The question was raised and by resolution of this House itself the question was referred to the Judiciary Committee with instructions to report; that committee has reported and that report is a matter of record in the House.

Mr. CHINDBLOM. But the House has not even adopted the report of the Committee on the Judiciary, I submit. Some gentlemen have argued on the theory that the House has adopted this report of the Committee on the Judiciary.

Mr. MICHENER. Will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. MICHENER. There is no question about that which the gentleman has read being the law, so far as the courts are concerned. For instance, the McFadden bank bill was signed by the President on yesterday. It took effect immediately, but it has not been printed as yet. However, it could be cited in any court of the land as the law, and it is not necessary that it be printed in a pamphlet, such as is suggested by the paragraph which the gentleman has just read. That simply provides that authenticated printed laws may be cited in the courts, but does not exclude other methods of proving laws. The McFadden banking bill is the law to-day, although it has not yet been printed.

Mr. CHRISTOPHERSON. It makes those laws evidence, but it does not exclude what may not be in there.

Mr. CHINDBLOM. My argument is that when Congress has adopted a statute showing the manner in which the passage of a law shall be proven, then we ourselves should follow that rule. Surely the Presiding Officer should not be required to decide a constitutional question in determining whether a law exists. Suppose the enrolled copy, sent to the Executive, was actually lost and is not now in existence? Suppose that copy was not correctly enrolled and the President never had an opportunity to sign the bill actually passed by both Houses? Is the chairman of this committee to assume that every act requisite for the validity of a law has been performed and finally determine a constitutional question which has never been decided by the court of last resort? Assuredly that is not the function or the duty of the chairman of this committee. He should enforce the rule that the burden of proof is upon the proponents of the amendment.

The CHAIRMAN. The Chair is ready to rule, but does the gentleman from Indiana desire recognition?

Mr. WOOD. Mr. Chairman, I have this observation to which I desire to call the attention of the Chair before he rules, and that is the appropriation asked for here is not based upon law, but it is based upon a bill. That is not a law.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. CONNALLY of Texas. Does the gentleman from Indiana know that the President did not intend that this bill should become a law?

Mr. WOOD. I do not know anything about it.

Mr. CONNALLY of Texas. He did not veto it, and he did not have to veto it; if he held it 10 days and did not veto it then it became a law. How does the gentleman know but what the President intended for this to become a law? The Judiciary Committee says it is a law, and how can the gentleman contend it is not?

Mr. WOOD. The opinion of the Judiciary Committee may be wrong, but nevertheless whatever opinion the Judiciary Committee may have rendered is of no more avail, force, and effect than if it had been rendered by the Agricultural Department.

Mr. GRAHAM. Mr. Chairman, I only want to add two or three sentences in answer to what the gentleman from Illinois [Mr. CHINDBLOM] has said. He quotes the statute which provides what shall be evidential as proof of an existing law, but suppose this very question was debated in a court of justice? It would not find proof of it in the book of statutes quoted, but they would have to take the facts just as the Chair will have to take them here. The committee has found certain facts; those facts are before you; the committee was asked to furnish those facts to the House for its information and the Chair knows from these facts the history of this piece of legislation, that it went into the President's hands, that the Congress did not adjourn finally and that it has never been returned to the Congress. These are the facts, and this House has the right to settle in the first instance any constitutional question.

The CHAIRMAN. The Chair is ready to rule. The question presented by the point of order is somewhat doubtful and has been the subject of much discussion. It probably never will be definitely and finally settled until a decision is rendered by the Supreme Court of the United States. However, the Chair is satisfied that he can take judicial notice of the fact that the act in question passed the House of Representatives and passed the Senate; also that there is a legal presumption that the officers whose duty it was to present the same to the President performed their duty; that that duty has been performed and that the bill reached the President's hands. Such being the case it is not material whether it has been printed as a part of the Federal statutes. The validity of a statute does not depend upon its being printed in some authorized compilation of the Federal laws.

While the resolution reported by the Judiciary Committee is merely the opinion of that committee, it is an opinion rendered by attorneys of the highest standing and reputation. The Chair has had only a brief interval in which to examine this complicated question. The Judiciary Committee had all the time necessary and rendered a unanimous opinion that the statute in question had been legally enacted.

The opinion, therefore, although not binding on the House or binding on the Chair, is very persuasive at this time. Accordingly the Chair overrules the point of order.

The amendment was agreed to.

The Clerk read as follows:

Road on Leech Lake Indian Reservation, Minn. (tribal funds): For the construction of a road on the Leech Lake Indian Reservation, in the State of Minnesota, from the Chippewa sanatorium at Onigum to connect with State Highway No. 34, as authorized by the act approved July 3, 1926, fiscal years 1927 and 1928, $6,000, payable from funds on deposit to the credit of the Chippewa Indians of Minnesota.

Mr. HOWARD. Mr. Chairman, I offer an amendment.

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

The Clerk read as follows:

Amendment offered by Mr. HOWARD: On page 32, after line 23, add a new paragraph, as follows:

"Winnebago Indian Reservation, Nebr.: For improvement of a road between the reservation and hospital headquarters and the Cornhusker (or Washington) Federal Highway, a distance of 2 miles, $6,000."

Mr. CRAMTON. Mr. Chairman, I reserve a point of order.

Mr. HOWARD. Mr. Chairman, I would like to explain briefly to all who may be interested with reference to this matter. It had been intended to get the estimate of the department for this, but for some reason it was overlooked by those having the matter in charge, and now I have been receiving a number of letters from the superintendent and other people out there telling about the awful condition of this roadway since the recent heavy snowstorm, and if we do not get it through now there will not be opportunity to fix it for another winter. This is a matter of only $6,000, and I think everybody connected with the public service out there is for it. The Government is asked only to provide the gravel for the road, and some little bridges, and the county has agreed to take care of all the balance of the expense. I sincerely hope the point will not be made against the amendment, because I know the Chair will sustain it. It does seem to me this is an emergency case, and the amount is very small and for a good purpose, and I think it ought to go through.

Mr. CRAMTON. Will the gentleman yield?

Mr. HOWARD. Yes.

Mr. CRAMTON. I understand this is to construct a highway that is not on the reservation.

Mr. HOWARD. Oh, no; it is to gravel a highway.

Mr. CRAMTON. One that is not on the reservation?

Mr. HOWARD. Yes; it runs from the reservation headquarters where the hospital is over to Cornhusker or Washington Federal Highway, 2 miles.

Mr. CRAMTON. Is the expenditure to be made entirely upon an Indian reservation?

Mr. HOWARD. Not entirely, no; but almost so.

Mr. CRAMTON. Mr. Chairman, I make the point of order there is no authorization for the expenditure, it being, at least in part, not upon an Indian reservation.

The CHAIRMAN. The gentleman from Nebraska concedes the amendment is subject to a point of order, and therefore the Chair sustains the point of order.

Mr. HOWARD. Yes; I concede it is subject to a point of order; but, Mr. Chairman, it being such an emergency case and the amount involved being so small, I thought the point might not be raised. Of course, if it is, I have to yield.

MESSAGE FROM THE PRESIDENT

The committee informally rose; and Mr. TILSON having taken the chair as Speaker pro tempore, a message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had, on the several dates as indicated below, approved and signed House bills and House joint resolutions of the following titles:

On February 10, 1927:

H. R. 12109. An act to amend section 115b of subchapter 3 of chapter 1 of the District of Columbia Code; and

H. R. 12110. An act to amend section 1135, chapter 31, of the District of Columbia Code.

On February 11, 1927:

H. J. Res. 53. Joint resolution to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of the said war," approved December 23, 1924;

H. R. 15959. An act making appropriations for the Executive office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1928, and for other purposes;

H. J. Res. 233. Joint resolution authorizing the Secretary of War to loan certain French guns which belong to the United States and are now in the city park at Walla Walla, Wash., to the city of Walla Walla, and for other purposes;

H. R. 585. An act for the relief of Frederick Marshall;

H. R. 13451. An act 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; and

H. R. 14248. An act to amend the provisions 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.

On February 12, 1927:

H. R. 6806. An act authorizing the payment of a claim to Alexander J. Thompson;

H. R. 8685. An act for the relief of Henry S. Royce;

H. R. 9919. An act for the relief of Stanton & Jones;

H. R. 9667. An act for the relief of Columbus P. Pierce;

H. R. 11325. An act 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;

H. R. 2491. An act for the relief of Gordan A. Dennis;

H. R. 7921. An act to authorize the Commissioner of the General Land Office to dispose by sale of certain public land in the State of Arkansas;

H. R. 12889. An act 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;

H. R. 15821. An act to revise the boundary of the Hawaii National Park on the island of Maui in the Territory of Hawaii;

H. R. 1330. An act for the relief of Helene M. Hubrich;

H. R. 2184. An act for the relief of James Gaynor;

H. R. 7156. An act for the relief of Maurice E. Kinsey;

H. R. 13481. An act authorizing the Secretary of the Treasury to accept title for post-office site at Olyphant, Pa., with mineral reservations; and

H. R. 12064. An act providing for a grant of land to the county of San Juan, in the State of Washington, for recreational and public-park purposes.

On February 14, 1927:

H. R. 1105. An act for the relief of the Kelly Springfield Motor Truck Co. of California;

H. R. 1464. An act for the relief of Charles C. Hughes;

H. R. 4376. An act to allow and credit the accounts of Joseph R. Hebblethwaite, formerly captain, Quartermaster Corps, United States Army, the sum of $237.90, disallowed by the Comptroller General of the United States;

H. R. 4719. An act for the relief of the New Braunfels Brewing Co.;

H. R. 5866. An act for the relief of the Lehigh Coal & Navigation Co.;

H. R. 6586. An act for the relief of Russell W. Simpson;

H. R. 7617. An act to authorize payment to the Pennsylvania Railroad Co., a corporation, for damage to its rolling stock at Raritan Arsenal, Metuchen, N. J., on August 16, 1922;

H. R. 8345. An act for the relief of Crane Co.;

H. R. 9045. An act 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.;

H. R. 9287. An act for the relief of Albert G. Tuxhorn;

H. R. 9912. An act approving the transaction of the adjutant general of the State of Oregon in issuing property to sufferers from a fire in Astoria, Oreg., and relieving the United States property and disbursing officer of the State of Oregon and the State of Oregon from accountability therefor;

H. R. 10076. An act for the relief of the estate of William C. Perry, late of Cross Creek Township, Washington County, Pa.;

H. R. 10130. An act 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;

H. R. 10725. An act for the relief of Capt. C. R. Insley;

H. R. 11762. An act to provide for the sale of uniforms to individuals separated from the military or naval forces of the United States;

H. R. 12212. An act authorizing the Secretary of the Navy to dispose of obsolete aeronautical equipment to accredited schools, colleges, and universities;

H. R. 12309. An act for the relief of the Bell Telephone Co., of Philadelphia, Pa., and the Illinois Bell Telephone Co.;

H. R. 12852. An act 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;

H. R. 12931. An act to provide for maintaining, promoting, and advertising the International Trade Exhibition;

H. R. 15537. An act to amend section 476 and section 4934 of the Revised Statutes;

H. R. 15604. An act for the promotion of rifle practice throughout the United States;

H. R. 15651. An act to encourage breeding of riding horses for Army purposes; and

H. R. 15653. An act to furnish public quarters, fuel, and light to certain civilian instructors in the United States Military Academy.

On February 15, 1927:

H. R. 11768. An act 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;

H. R. 14242. An act to authorize the Secretary of the Navy to proceed with the construction of certain public works at Quantico, Va.; and

H. R. 5991. An act authorizing the adjustment of the boundaries of the Black Hills and Harney Forests, and for other purposes.

On February 16, 1927:

H. R. 4553. An act authorizing the President to restore Commander George M. Baum, United States Navy, to a place on the list of commanders of the Navy to rank next after Commander David W. Bagley, United States Navy.

On February 17, 1927:

H. R. 11601. An act 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.;

H. R. 1231. An act for the relief of Mary Moore;

H. R. 3432. An act for the relief of Joel C. Clore;

H. R. 9319. An act to authorize certain officers of the United States Navy to accept from the Republic of Chile the Order of Merit, first class, and the Order of Merit, second class; and

H. R. 11421. An act to provide for conveyance of certain lands in the State of Alabama for State park and game preserve purposes.

On February 21, 1927:

H. R. 11803. An act to authorize the incorporated town of Juneau, Alaska, to issue bonds for the construction and equipment of schools therein, and for other purposes.

On February 23, 1927:

H. J. Res. 359. Joint resolution making an appropriation for the eradication or control of the European corn borer;

H. R. 16249. An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1928, and for other purposes;

H. R. 16863. An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1928, and for other purposes;

H. R. 16888. An act granting the consent of Congress to the Paducah Board of Trade (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River;

H. R. 9971. An act for the regulation of radio communications, and for other purposes; and

H. R. 11615. An act providing for the cession to the State of Virginia of sovereignty over a tract of land located at Battery Cove, near Alexandria, Va.

On February 24, 1927:

H. R. 10728. An act authorizing the Secretary of War to convey to the Association Siervas de Maria, San Juan, P. R., certain property in the the city of San Juan, P. R.;

H. R. 11278. An act to authorize the erection of a statue of Henry Clay;

H. R. 16576. An act making appropriations for the Departments of State and Justice and for the Judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1928, and for other purposes; and

H. R. 16775. An act to limit the application of the internal-revenue tax upon passage tickets.

On February 25, 1927:

H. R. 2. An act to further amend the national banking laws and the Federal reserve act, and for other purposes;

H. R. 15547. An act to authorize appropriations for construction at military posts, and for other purposes;

H. R. 9916. An act to revise the boundary of the Grand Canyon National Park in the State of Arizona, and for other purposes;

H. R. 11064. An act for the relief of R. W. Hilderbrand;

H. R. 14842. An act granting the consent of Congress to the Pomeroy-Mason Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near the town of Mason, Mason County, W. Va., to a point opposite thereto in the city of Pomeroy, Meigs County, Ohio;

H. R. 14920. An act to amend an act entitled "An act granting the consent of Congress to the Weirton Bridge & Development Co. for the construction of a bridge across the Ohio River near Steubenville, Ohio," approved May 7, 1926; and

H. R. 15414. An act to authorize the United States Veterans' Bureau to accept a title to lands required for a hospital site in Rapides Parish, La.

URGENT DEFICIENCY BILL

The committee resumed its session.

The Clerk read as follows:

Colorado River front work and levee system: The appropriation "Colorado River front work and levee system, 1927," $35,000, and the appropriation "Colorado River front work and levee system, 1928," $35,000, shall be available during the fiscal year 1928 to defray the costs

of operating and maintaining the Colorado River front work and levee system adjacent to the Yuma Federal irrigation project in Arizona and California subject only to section 4 of the act entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved January 21, 1927, and shall be available also for the general objects of expenditure enumerated in the fourth paragraph under the caption "Bureau of Reclamation" in the Interior Department appropriation act for the fiscal year 1928.

Mr. SWING. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from California offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. SWING: Page 35, line 21, insert a new paragraph as follows:

"For protecting lands and property in the Imperial Valley and elsewhere along the Colorado River within the limits of the United States against injury or destruction by reason of changes in the channels of the Colorado River, and the Secretary of the Interior is authorized to expend any portion of such money within the limits of the Republic of Mexico as he may deem proper in accordance with such agreements for the purpose as may be made with the Republic of Mexico, $750,000."

Mr. CRAMTON. Mr. Chairman, I make a point of order against the amendment that it is not authorized by existing law. If the gentleman desires, I will reserve it for a brief statement.

Mr. BLANTON. Reserving a point of order, Mr. Chairman, what is the program? Are we going to stay here until 6 or 7 or 8 o'clock to-night?

Mr. WOOD. We are going to finish this bill to-night if we can.

Mr. BLANTON. If we are going to finish the bill to-night, what is the use of having an argument on an amendment against which a point of order is going to be made, and in all probability sustained?

Mr. SWING. If the gentleman will permit, I will be glad, to the best of my ability, to explain why.

In another body a bill which would have given complete security and protection to the Imperial Valley has met a fatal obstacle known as unlimited debate. It is as if a human being were drowning in a river while a maniac on the bank with a rifle in his hands prevented the onlookers from going to the relief of the drowning man. The filibuster has been the weapon in the hands of three or four men to sucessfully prevent Congress from going to the relief of Imperial Valley, imperiled by the floods of the Colorado River. The Boulder dam would have provided a complete remedy for the flood menace threatening a dozen communities on the lower Colorado River. But action on the permanent control of the Colorado is now postponed until next Congress, and resort must now be made to temporary expediencies.

This Congress has made ample provision for the protection of that part of the river front along the Yuma Valley in Arizona and which is to be protected under the provision of the bill which has just been read.

My amendment is in the language of the act passed by Congress in 1910 to meet a similar emergency when the Colorado was threatening to break into Imperial Valley, and the President of the United States was then authorized to expend $1,000,000 to prevent the destruction of a half a dozen communities in Imperial Valley, the home of 60,000 American citizens.

I hold in my hand the report of the United States Weather Bureau. It is apparent to me, from this report, that the lower Colorado River Basin is to be threatened this summer with the greatest flood that has come down the river in the past five or six years. The physical conditions in the delta are unfavorable f meeting an unusual flood. The report of engineers who have recently made a study of these conditions declares that any high floods will in all probability break into Imperial Valley.

These people have bonded themselves, they have themselves spent between five and six million dollars for river-front protection. Their lands are heavily mortgaged, their credit has been greatly impaired by the flood menace to the extent that even the Federal Farm Loan Board refuses to loan them money. They have gone as far as they can go. Permanent protection by Congress has been denied them through a filibuster in another body. I am asking this temporary relief to save them until Congress can have an opportunity to act on the Boulder dam. This amount is less than half what the engineers estimate must be expended between now and June 1 in order to keep the river out of the valley this summer. The people will have to make up the balance themselves. I ask that the Government do as much for these people who live on the California side of the river as it has already done for the people who live on the Arizona side. Unless some protection is provided now there may be no Imperial Valley to save when the next Congress meets. [Applause.]

The situation in the Palo Verde Valley, which is just north of the Imperial Valley, is almost as desperate, and in my amendment is included the sum of $250,000 for river-front protective work in front of that valley. The case for the people of Palo Verde Valley is well stated in the following letter from the Palo Verde irrigation district:

PALO VERDE IRRIGATION DISTRICT,
Blythe, Calif., December 20, 1926.

Hon. PHIL D. SWING, M. C.,
Washington, D. C.

HONORABLE SIR: The people of the Palo Verde Valley, through the directors of the Palo Verde irrigation district, do hereby make an appeal for Federal aid to be expended for the purpose of protecting the lands and property in the Palo Verde Valley, Calif., against injury or destruction by reason of the changes in the channel of the Colorado River.

We believe that construction of the Laguna Dam has caused a very serious condition to develop in the southern part of the Palo Verde Valley; to wit, the river has not scoured out its channel for several years, causing large bends to form, which in turn has caused the water to back up against the levees to a very dangerous point. This year the waters were within a few inches of the top of the levee, and only by the good fortune that the river was far below normal discharge were we saved from another great flood.

You no doubt well remember the great catastrophe which befell this Valley in May, 1922, when over half of its lands were under water on account of the river cutting the levees, causing many to lose their homes. The newly constructed $150,000 hotel at Ripley stood in four feet of water for over a month, when the water finally receded. By a joint resolution (H. J. Res. 333) May 25, 1922, we understand $200,000 was recommended to be appropriated by the proper committee to assist this stricken valley, but through very ill-advised action which was taken without the knowledge of the board of directors of the water company, and against the desires of the people, this appropriation was refused and canceled.

Since that time the people of the Palo Verde Valley have been striving to reestablish themselves, but a good many have given up hope, and unless some relief is given them, more may do likewise. This valley has bonded itself for $1,625,330.36 for construction of levees, and since then has spent an additional $800,000 trying to control the river. Due to the serious condition which is developing in the southern part of the valley, probably caused by Laguna Dam, other work is now vitally necessary.

We understand that Mr. Elwood Mead, Director of the Reclamation Bureau, has arranged that Colonel Jackson, from the Yuma project, report on the situation in the Imperial Valley. We have wired Mr. Mead, asking that, if possible, Colonel Jackson make a report on our situation also.

The Middle West is given flood protection by Congress under the guise of aiding navigation, although it is well understood that in many places there is no navigation to aid. As a technicality, the Colorado River may be a navigable stream, and as such, we understand, the War Department to-day maintains control of all obstructions placed therein. The river was navigated by Captains Mellon and Polhemus for many years following 1866, running boats from Yuma to Needles. The river is navigated to-day by ferries and also by the Palo Verde irrigation district in patroling during flood times.

We understand that the people of the Yuma district received congressional aid; that the river is riprapped at that point; and that while the cost of riprapping was originally charged against the reclamation project that last year the Secretary of the Interior charged off the entire cost thereof. The Imperial Valley has also received the benefit of congressional appropriations. We have never received one cent of Federal aid, notwithstanding our resources are not comparable with those of the great Imperial Valley.

In the event of another great catastrophe such as that of 1922, and which is imminent, the Palo Verde Valley may meet the end of its resources. The valley comprises some 90,000 acres, 35,000 of which are under cultivation, and as it is, without any catastrophe, the tax rate has gradually risen until it has become almost confiscatory, rising from $13.36 per $100 in 1921 to $38.76 per $100 valuation in 1925. Twenty-five hundred acres, after being delinquent for five years, have been sold to the State; that is, becoming State lands from which no tax is derived. The valley is devoted mostly to the raising of cotton, alfalfa, and grapes, and owing to the slump in these products a good deal more property will go delinquent and probably revert back to State lands.

Realizing that we have no means with which to send a committee before Congress, we ask that you give us your whole-hearted cooperation in presenting our plight.

Very truly yours,

PALO VERDE IRRIGATION DISTRICT,
O. W. MALURGUN, *Assistant Secretary.*

To show the critical condition in the delta and the serious threat to Imperial Valley I will quote the following excerpts from the reports of the various engineering authorities appointed by the Government departments and California organizations to report on the present critical flood situation along the lower Colorado River:

R. M. PRIEST, BUREAU OF RECLAMATION, INTERIOR DEPARTMENT

In 1926 there is a distant raise (of the flood plane) noticeable along the levee for 10 miles.

The river should be led now toward the southward and away from the low ground and old channels that lie to the north and west.

The levee system, from its junction with the Okerson Levee at mile post 18 to its present end, should be raised before the next summer's flood (1927).

It is quite probable that the river will find its way and concentrate in the old Bee River channel, if not prevented.

The Volcano Levee, the last line of defense, will be subject to any flood stage to withstand pressure from pounded water and possible erosive action.

The Volcano Levee is a dike about 16 feet in height, with a crown width of about 14 feet, and it is founded on a salt marsh for about 4 miles. On the land-side toe of this levee small boils or springs were noted, and ground so soft that it will not support a man. Capillary attraction keeps the levee moist for a distance of about 4 feet up the slope. Should this levee fail, the flow through the breach would concentrate in the New River channel, which starts immediately behind it, and probably would divert the whole river into this barronca, and create a condition much harder to handle than that of 1906–7, when the river was flowing through the Alamo and New Rivers to Salton Sea.

PROF. FRANK ADAMS, BUREAU OF RECLAMATION, INTERIOR DEPARTMENT

With a high flood, water in substantial quantity will get into Volcano Lake and up against Volcano Levee if no steps are taken to prevent it.

COL. T. H. JACKSON, DIVISION ENGINEER, UNITED STATES ARMY, CORPS OF ENGINEERS, SAN FRANCISCO, CALIF.

(Detailed to report the Colorado River flood situation, made November 17, 1926)

The lack of definite topographic data covering the area south of the Saiz and Volcano Levees renders it impossible to form any definite opinion of the general situation in that area or to determine definitely what should be done to meet the present situation. That it is a serious one can not be denied, and it is obvious that action, prompt and vigorous, is necessary to prevent it from becoming more serious.

The levee situation is not satisfactory. There is need of strengthening the main levee at several points and the raising of it at its lower end.

There is no sound reason, in my opinion, for the belief that there will be no considerable flow into Volcano Lake.

The necessity for clearing in and near existing channels and the clearing of openings along natural drainage lines to facilitate the escape of flood waters and assist scour of channels is urgent.

Volcano Levee is a well-constructed levee. The ground upon which it is located, however, is unsatisfactory as a levee base. The soil appears to contain a large quantity of volcanic ash and decayed vegetable matter.

The object of this report is to present the existing local situation and to indicate what work, if any, is needed to give immediate relief. This problem, however, can not be considered without some consideration of the general flood situation. There are two methods of controlling the floods in the lower Colorado River. One is by storage of the flood waters in reservoirs in the upper river. Such storage will eliminate the bulk of the silt and in doing so make control in the delta a simple matter irrespective of the amount of water flowing into it at any time, for when relieved of its silt burden the river will scour out its channel below Yuma and create a well-defined channel lying well below its banks. In my opinion it is reasonable to expect that under such a condition the river bed in this stretch will lower as much as a foot per year for the first 25 years after the silt is removed by storage.

The second method of control is by levees. In view of the magnitude of the silt problem and the peculiar topographic situation in the delta, the control of floods by means of levees will be difficult and expensive. Further, it is probable that such control will become more difficult and more expensive each year.

Irrespective of which of the above solutions may be finally adopted, there will be a period during which neither will give the needed protection from overflow into the Imperial Valley. If control is to be by storage, it will be 8 to 10 years after the adoption of the project before the desired protection will be secured. With the second method it will be at least three or four years before the desired protection can be obtained. To meet the present situation, therefore, it is necessary that some plan be adopted at once and carried out promptly.

Col. William Kelly's paper, read in 1925 before the American Society of Civil Engineers, states in part in this connection:

* * * * * * *

If the new levee should fail, however, the river would return to Volcano Lake and again threaten the valley with inundation over the Volcano Lake levee. The new levee is a substantial structure with a railroad throughout its full length and rock revetment on the river side. During the long flood season, however, the ground under and on both sides of the levee becomes saturated and softened so that, if the river in its meanders should start a direct attack, the levee might fail by undercutting in spite of all efforts to save it. Between $6,000,000 and $7,000,000 has been spent on the flood protection of Imperial Valley. The annual maintenance is said to be from $200,000 to $600,000.

GEORGE W. BOSCHKE, CHIEF ENGINEER SOUTHERN PACIFIC RAILROAD CO.

It is now necessary to repair the break in the new levee and open up a channel through the driftwood to prevent the next flood (1927) from flowing into Volcano Lake; thence, into Imperial Valley Basin.

In case of even a reasonable flood in the Colorado River, there is great danger that the flood waters will get away and flow into Salton Sea, doing a vast amount of damage to the Imperial Valley.

MR. RUSSELL CHASE, ASSISTANT ENGINEER SOUTHERN PACIFIC RAILROAD CO.

(Detailed on the present Colorado River flood investigation)

Any program of levee construction and maintenance for flood protection of the Imperial Valley evidently must have the maintenance work continued from year to year, regardless of the construction of flood-control dams.

The most economical levee program apparently should be to extend the levee to the deep-tidal channel where the silt and driftwood would be carried away by the tides. Such a program would require constructing about 32 miles of channel with levees, the location and cost of which would have to be determined by a careful survey.

C. J. ALLISON, CONSULTING ENGINEER FOR MEXICAN LANDOWNERS

In 1910 the United States Government provided a million dollars in an attempt to withdraw the river from Volcano Lake because of the recognized unstable character of the Volcano Lake country for levee construction. The attempt was unsuccessful. The levee was continually raised and repaired at great expense, and under extremely hazardous conditions, for a period of the following 10 years. In 1920 the water had reached such a height against Volcano Levee and the grounded conditions had become so serious that a second attempt was made to withdraw the waters from Volcano Lake. This time the work was successful and at a cost of about one-half a million dollars the river was cut to the south through Pascadero Cut, away from the lake country.

Any diversion of the river at this time to Volcano Levee can not again be rediverted to the south until the completion of a flood-control dam in the upper regions of the river. The first high-flood stage of the river coming after the diversion of the water against Volcano Levee will overtop the structure or will go under it.

To repair and heighten the structure is physically a most stupendous task; financially its cost will finally reach figures running into millions of dollars; practically it is unsafe to subject the structure to hydrostatic heads, even as great as it has had against it in the past, as the subfoundations and earthquakes alone preclude any safe reinforcement.

Estimate of cost of emergency work to be done in order to safeguard Imperial Valley against 1927 summer floods, as prepared by C. J. Allison, engineer

WASHINGTON, D. C., *February 21, 1927.*

Estimate of work required on Imperial Valley levees in preparation for 1927 flood and through the 1927 flood period. (An early spring flood will prevent the completion of some of the items included.)

I. Raising and strengthening Imperial Valley levees, mile 20 to mile 31, 500,000 cubic yards rock	$500,000
II. Retards and channel training between mile 20 and Pescadero Dam	200,000
III. Emergency equipment, in addition to district equipment (rental value of engines, cars, steamshovels, etc., as priced by Southern Pacific R. R. Co.)	41,000
IV. Temporary raising and levee along Bee River cone to hold coming flood from Volcano Lake, 350,000 cubic yards, at 20 cents	70,000
V. Brushing-out and drag-line work cutting portion of flood waters southerly into lower ground (based on Pescadero cut construction without the dam), 600,000 cubic yards, at 20 cents, including clearing	120,000
VI. Brushing out lower flood channels southeasterly from congested flood district	45,000
VII. Maintenance of levees during flood period, based on average costs of this item for the past 10 years	200,000

VIII. Surveys and investigations of lower delta of the Colorado to the Gulf of Lower California to determine method of completing Imperial Valley's protection until Boulder dam becomes effective	$150,000
Total of above items	1,326,000
Engineering, supervision, and contingencies, 25 per cent	331,500
Complete total	1,657,500

It is my opinion that the limiting provision for emergency flood protection for Imperial Valley this year should be $2,000,000. As a minimum amount, it should not be less than the amount of this estimate.

The surveys provided for in the above estimate will determine the necessary work on the lower river until the Boulder dam is completely effective.

The above estimates do not take into consideration the sums necessary to preserve the Palo Verde levees, which will be in addition.

Mr. CRAMTON. Mr. Chairman, fortunately debate is not unlimited in this body; fortunately, also, for the Treasury of the United States, it is customary in this body not to approve of expenditures of magnitude without some investigation in due course by the properly constituted committee of the House. The item before us has had no consideration by a committee of the House; no figures before us; nothing to indicate that anything of real magnitude would be accomplished. The item is not only not authorized by law, but it is legislation authorizing certain acts in another country and certain negotiations therefor, and I make the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Fees of commissioners: For fees of United States commissioners and justices of the peace acting under section 1014, Revised Statutes of the United States, for the fiscal years that follow:

For 1922, $311.10.

For 1925, $12,994.95.

Mr. WOOD. Mr. Chairman, I offer the following amendment:

On page 38, line 11, strike out "$12,994.95" and insert in lieu thereof "$13,029.70."

The amendment was agreed to.

The Clerk read as follows:

Miscellaneous expenses: For such miscellaneous expenses as may be authorized or approved by the Attorney General for the United States courts and their officers, including experts at such rates of compensation as may be authorized or approved by the Attorney General, including also so much as may be necessary in the discretion of the Attorney General for such expenses in the District of Alaska and in courts other than Federal courts, fiscal year 1927, $25,000.

Mr. WOOD. I offer the following amendment.

The Clerk read as follows:

On page 40, after line 5, insert:

"Books for judicial officers: For the purchase and rebinding of law books, including the same objects specified under this head in the act making appropriations for the Department of Justice for the fiscal year 1924, $10."

The amendment was agreed to.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent to address the House for two minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MADDEN. Mr. Chairman and gentlemen, we have been going along here as rapidly as we have been able to go in the consideration of this bill. We realize that there are many functions of one kind and another to which gentlemen have been invited and to which they would like to go. I have had some conversation this afternoon with Members of the Senate who will have to consider this bill, and I am advised that it would be difficult to have the bill considered with any prospect of completion before the 4th of March unless we send it over to-night. If you will be kind enough to help us expedite it, we will be able to send it over this afternoon. I do not like to impose any burden on the Members—I would like to see them go away early and I would like to go myself—but I consider our duty is such in connection with the consideration of these bills that we ought to leave nothing undone to get this bill over to the Senate this afternoon.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. JOHNSON of Washington. Does the gentleman realize that with an appropriation bill which carries considerable more legislation than appropriation bills did before the Budget that we have to go a little slow? [Laughter.]

Mr. MADDEN. The committee is not to blame for that. Every Member of the House has legislation he wanted to put on, and we have tried to resist that in every way in our power. But I think now the question is of such importance that if the gentleman wants the bill to pass we ought to stay here and finish it.

Mr. BLANTON. If the gentleman will yield, if it is understood that the Clerk may read the bill scientifically, we can finish it in an hour.

Mr. MADDEN. Yes; we can finish it in 30 minutes, and I hope it will be done. [Applause.]

The Clerk read as follows:

United States Industrial Reformatory, Chillicothe, Ohio: Not to exceed $100,000 of the appropriation "United States Industrial Reformatory, Chillicothe, Ohio, 1927," shall remain available until June 30, 1928, for the erection of dryers, kilns, and other buildings, purchase and installation of machinery, supplies, and equipment, and all other expenses necessary and incident to the construction of a plant to manufacture brick to be used in constructing such reformatory and other Federal buildings.

Mr. JENKINS. Mr. Chairman, I make the point of order that the paragraph beginning with line 21, on page 42, is not authorized by law and is legislation on an appropriation bill.

Mr. CRAMTON. Mr. Chairman, the gentleman makes the point of order that the item before us is not authorized by existing law. The point of order is not good. The item that has just been read provides for certain expenditure for the industrial reformatory at Chillicothe, Ohio, not to exceed $100,000, and further provides that the appropriation shall remain available until June 30, 1928, for the erection of dryers, kilns, and other buildings, purchase and installation of machinery, supplies, and equipment, and all other expenses necessary and incidental to the construction of a plant to manufacture brick to be used in constructing this reformatory and other Federal buildings. The act authorizing the Chillicothe Reformatory, of the Sixty-eight Congress, of January 7, 1925, provides for the purpose of constructing such buildings, and that is the buildings at this new plant—

The Attorney General shall employ the labor of such United States prisoners consigned in the United States Penitentiary at Atlanta, Ga., * * * who are eligible for confinement in such United States industrial reformatory under the provisions of this act and who can be used under proper guard in the work necessary to construct the buildings—

So that the act creating the Chillicothe Reformatory expressly provides for the use of the convicts there in constructing the buildings at that plant. It enumerates convicts who can be used, under proper guard, in the work necessary to construct the buildings.

Section 6 of the same act provides further—

That the inmates of the United States Industrial Reformatory shall be employed only in the production and manufacture of supplies for the United States Government—

They shall be used only in the manufacture of supplies for the United States Government—bricks—to be used in the construction of the buildings—

for consumption in the United States institutions and in duties necessary for the construction and maintenance of the institution.

Under that language authorizing those prisoners to be used in duties pertaining to the construction of the institution, we have here language providing for the use of funds to erect a plant where the brick can be made from which the buildings are to be erected. So that instead of paying $15 per thousand to the brick manufacturers of Ohio, the Government can get them for about $5 a thousand. I submit, Mr. Chairman, that there is ample authority of law for the expenditure.

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

Mr. CRAMTON. Yes.

Mr. HOWARD. I call the attention of the gentleman as a matter of fairness to what occurred a few moments ago. I think the gentleman's contention is correct.

Mr. CRAMTON. I hope the Chair feels the same way about it.

Mr. HOWARD. I made the contention awhile ago that my home people out there would pay a large part of the construction of that little piece of highway which I wanted constructed, and the gentleman raised the point of order against it.

Mr. CRAMTON. The great difference between the gentleman's case and this is that in the gentleman's case there was no authority of law for the expenditure, whereas in this case there is authority of law.

Mr. HOWARD. But the gentleman from Ohio [Mr. JENKINS] said that there is no authority of law.

Mr. JENKINS. Mr. Chairman, in reply to the gentleman from Michigan [Mr. CRAMTON], he misconstrues entirely the language of the recent law establishing the reformatory at Chillicothe. It is true that the prisoners there have a right to work on buildings. There is no question about that. They have a right to be employed at whatever is necessary they should do, but this basic law does not contemplate that there should be built a brickyard there. A brickyard is not necessary to house inmates. There is no foundation for the gentleman's claim.

Mr. BEGG. Mr. Chairman, I would like to add a further observation to what the gentleman from Ohio [Mr. JENKINS] has pointed out, to which I entirely agree. The gentleman from Michigan [Mr. CRAMTON] makes two contentions. He says there is authority in the basic law to employ the inmates in the construction of the institution. He concedes that. But I call the Chair's attention to the fact that under this provision they can manufacture all the brick they need for the construction of a plant and for the construction of every post office in Ohio. There is nothing in the law anywhere authorizing the use of Federal prisoners that contemplates any such departure as that. If the gentleman from Michigan is correct, then, of course, they could erect a nail factory to make the nails that would be used in this building, and they could erect a paint shop to manufacture the paint to do the painting, or a furniture factory to build the furniture to equip the place. They can do anything under that basic law for every Federal building in Ohio, if the gentleman's contention is correct. I submit there is not a word in the basic law which authorizes the use of Federal prisoners for anything other than the performance of the work, and there is nothing in section 2 of the basic law which grants permission to use these Federal prisoners which gives the officers of the institution the right to erect industrial plants for the purpose of giving them a job. And I say frankly to you that I am not nearly so interested in giving a few Federal prisoners from every State in the Union a job in manufacturing a few bricks for that institution as I am in the needs of thousands of honest, decent, American laborers employed in the brick industry.

And there is not a brick man who has got a job in my district, but there are plenty of brick men in Ohio honestly working every day keeping a family, and under this proposition you can take all that business away from that private industry if you put in the language as authorized under that provision. I submit that the language "for the construction of the institution and other Federal buildings" carries it clear beyond the basic original authorization to establish a penal institution at Chillicothe, Ohio.

Mr. WOOD. Mr. Chairman, I want to say, in answer to what has been said by the gentleman from Ohio, first, that they were very glad indeed to get this penitentiary. They were very happy in the thought that the Government was to spend money in establishing an institution in Ohio. Now they want to make entire loafers of everybody in it. They do not care to contribute anything to the Government, and upon the face of it, it is the most selfish proposition I ever heard of.

Mr. BEGG. Will the gentleman yield right there?

Mr. WOOD. No; I can not yield to the gentleman. I want to say how inconsiderate the gentleman is and how unauthorized the statement the gentleman has made in conformity with section 6 of this act, which says that the inmates of the United States Industrial Reformatory shall be employed only in the production and manufacture of supplies for the United States Government. Now, that is the authorization, authorized to manufacture supplies for the United States Government. The proposal that came before this committee was that the inmates are to manufacture brick at that institution for the purpose of walling themselves in. Gentlemen here would have them walled in by brick manufactured in Ohio by some person outside of Government employ.

Mr. BEGG. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. BEGG. The fact of the case is they are not going to wall themselves in at all; they are not to manufacture for the purpose of building a wall, but to build cottages to live in; and nobody is sent to that institution until they are recommended for parole.

Mr. WOOD. The gentleman has not read the hearings in this case.

Mr. BEGG. No; I do not need to, as I have been at Chillicothe and got it from the Department of Justice.

Mr. WOOD. I will say to the gentleman from Ohio he should be informed regarding things in his State, and that by reason of inviting this penitentiary to the State of Ohio they have also invited a responsibility; and I will say to him that the purpose of this brick factory is to make a wall around that institution, the brick to be manufactured by the inmates themselves, and that is within the purview of this statute. Now, I am free to say this, if men are incarcerated for the purpose of protecting society and reformation we have to take two things into consideration. One is not only to protect society but to give the men something to do.

I think some of the things that have transpired in some States most inhuman. They have got men incarcerated in prison, idlers, made insane, made angry against everything that goes to constitute society, because of the fact they had nothing with which to employ their minds or their hands, and the gentleman from Ohio ought to be the last one to defend such a proposal in the State of Ohio.

Mr. BEGG. Will the gentleman yield?

Mr. WOOD. I do not yield now.

Mr. BEGG. I would like to know if it is worth doing at Chillicothe, why not at Atlanta, why are not you interested in——

Mr. WOOD. We are in this bill. There we are organizing a cotton factory. To keep these men idle is not humane and that alone should dictate against such a proposition.

Mr. JENKINS. If the gentleman will yield, would the gentleman claim that a Government plant located at Chillicothe, where the clays are of very inferior quality, could manufacture brick as cheaply as a modern up-to-date brick plant with experienced men and managers and the finest clay in the country located within 15 or 20 miles of Chillicothe?

Mr. WOOD. Now the gentleman is simply exposing himself again. [Laughter.] The evidence before our committee is that they have just the same kind of clay, sand, and shale within this penitentiary area that they have 15 miles away, where you would have the brick manufactured. It has been proved by the Bureau of Standards, with the samples before us. There is no evidence and no reason, either in law or in morals, to support the point of order.

Mr. MURPHY. Mr. Chairman, I am rather uncomfortable when I find myself out of line with my committee. But I believe the point of order is well taken. I can see nothing and I have heard nothing read from the books that would indicate that we can profitably expend $100,000 in building a brick plant at Chillicothe. That is a question for you to decide.

There are other issues here that are quite important. It is all right to be humane, to give employment to those who are incarcerated in prison, and so forth; but we are already humane in Ohio. I am going to ask you gentlemen from other districts, in case this point of order is overruled, to vote against the paragraph. Ohio has many industries of this sort engaged in the manufacture of brick and employing many workmen, and they stand ready and willing to supply brick at a price less than they can be manufactured for at Chillicothe in a Government owned and operated plant.

I have here in my hand a letter from the Brick Manufacturers' Association of Ohio offering to sell brick for the purpose of building these cottages and this wall for $11.50 per thousand delivered on the job. They can not manufacture it at that price under Government supervision.

Many arguments could be advanced, but I want to impress upon the Chair the fact that this $100,000 is being appropriated for the sole purpose of building a manufacturing plant to manufacture brick, and there is no authorization in law for it.

The CHAIRMAN. The Chair is ready to rule. The Chair, unfortunately, is not permitted in his ruling to take into consideration humanitarian or even practical questions in deciding upon this point of order. The Chair is very much inclined to think that the point is quite susceptible of argument and discussion, but also believes that if the point of order were overruled the precedent would come back to plague the Committee on Appropriations in future cases.

Here is a proposition, as stated in this paragraph, to build a complete plant, including driers, kilns, and other buildings, machinery, supplies, and equipment, and all other expenses incident to the construction of a plant to manufacture brick to be used in constructing such reformatory and other Federal buildings. Under the law it can not be maintained that there is any express authority given for the construction of the building.

There is, however, a claim that there is an implied authority to construct a building in the provision establishing the institution. It is quite evident that the framers of the statute contemplated that a building might be erected. Of course, if Congress were to authorize the purchase of a site, the site was necessarily purchased under the expectation that Congress would some time authorize a building, but nobody would contend that because a site was provided for, that the construction of a building was authorized. The provision in the law as

to what kind of labor should be used did not authorize the construction of buildings. Altogether it seems to the Chair that the point of order ought to be sustained and so rules.

Mr. WOOD. Mr. Chairman, I offer the following amendment.

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

The Clerk read as follows:

After line 20, page 42, add the following:

"United States Industrial Reformatory, Chillicothe, Ohio: Not to exceed $100,000 of the appropriation 'United States Industrial Reformatory, Chillicothe, Ohio, 1927,' shall remain available until June 30, 1928, to enable the Attorney General to furnish the necessary material, supplies, and equipment, and to defray such other expenses as may be necessary to provide adequate facilities for the employment of prisoners and the development of the institution in accordance with the act entitled 'An act for the establishment of a United States Industrial Reformatory,' approved January 7, 1925."

Mr. MURPHY. Mr. Chairman, I make a point of order against the amendment just offered.

The CHAIRMAN. Will the gentleman state the ground of his point of order?

Mr. MURPHY. It gives to the Attorney General just what the Chair has ruled against. It gives him the privilege of expending $100,000 for a brick manufacturing plant to manufacture brick in a prison in Ohio. The Chair has just ruled against that. It is just chasing the dog around the stump.

Mr. WOOD. Mr. Chairman, the gentleman is reading something into the amendment that is not in it.

Mr. MURPHY. Under the guise of giving employment to those who are incarcerated in this institution they offer this amendment. It is the same thing exactly that the Chair ruled against a moment ago, only couched in different language. I hope the Chair will rule against it.

Mr. BEGG. Mr. Chairman, I desire to make a very brief observation on this latter amendment. I admit in the start that it is more nearly in order than the other amendment. The basic law gives authority to employ prisoners in the construction of the institution. There is no question about the authority of the warden to employ prisoners in the construction of the penal institution. I grant that. With this amendment of $100,000, the warden can furnish employment to the prisoners and not one dollar of it need be spent in the construction of any building. In other words, under the amendment he can go to South America, if he wants to, to find employment in gathering in the crops. Under that amendment there is no prohibition. The door is absolutely wide open as to what the Attorney General can do in finding employment for the prisoners at Chillicothe with this $100,000. I submit it goes beyond the basic law and, therfeore, is subject to the point of order.

Mr. WOOD. Mr. Chairman, to show how inconsistent the argument of the gentleman from Ohio is, just listen for a moment to the statute:

That the inmates of the United States Industrial Reformatory shall be employed only in the production and manufacture of supplies for the United States Government, for consumption in the United States institutions, and in duties necessary for the construction and maintenance of the institution.

Now, then, if the Congress meant what it said it meant that they might be employed only for these things and in order that they might be employed for these things something had to be provided for them to carry out the provisions of that statute.

The CHAIRMAN. The Chair is ready to rule. The Chair overrules the point of order.

Mr. BEGG. Then, Mr. Chairman, I ask recognition in opposition to the amendment. Mr. Chairman and members of the committee, not wishing at all to criticize the ruling of the Chair, I simply want to call the attention of this House to just exactly what can be done under that kind of an amendment and that kind of an interpretation. We could appropriate $1,000,000 to the warden at Leavenworth to buy supplies and equipment in order to furnish employment for the inmates in that institution under the holding of the Chair. Under the amendment they can build a shoe factory, they can put up a foundry, and they can install a machine shop. There is nothing in the realm of the activities of mankind that can not be done under that amendment. The intention of the amendment is plain, because the chairman of the subcommittee, my genial friend from Indiana, writes in the bill that they want to build a brick plant in Chillicothe. What for? To manufacture brick with which to erect this institution and other Federal buildings.

Now, I am entirely in sympathy—and I do not believe my heart is a bit harder than that of the gentleman from Indiana—with the idea of furnishing some kind of employment for the prisoners, but my interest in the prisoners stops when their interest begins to infringe on the rights of the decent men on the outside who do not get into prison. I believe it is mighty dangerous and unnecessary to erect a brick plant in Ohio at the cost of $100,000, when already we have a State-owned brick-manufacturing plant there, from which the Government can buy brick if it wants to do so and can not buy brick from private brickmakers.

Mr. MURPHY. Will the gentleman yield?

Mr. BEGG. Yes.

Mr. MURPHY. In the report it says that after the completion of construction work the reformatory brick can then be sold to other branches of the Government. Can not the gentleman tell Members what will happen in connection with all public buildings in Ohio, and it might also happen in other States?

Mr. BEGG. Certainly. And I have no hesitancy in saying to this House that if this Federal brick plant is erected in Ohio that in the next session of Congress I am going to vote for the right to sell brick in your States out of our brick plant with which to build your Government buildings. And why not? Why should not every school house, post office, courthouse, and every Federal building we are erecting be erected out of prison-made brick, so that when the people walk down these streets they can point to their wonderful buildings and say with pride, "The brick used in those buildings was made by prisoners down in the penal institution of some State." It seems to me it is not fair and is not what we want in this country.

Mr. CRAMTON. Will the gentleman yield?

Mr. BEGG. I yield to the gentleman.

Mr. CRAMTON. The gentleman must think it is so delightful to live in Ohio that the population of this institution will grow to large proportions, if they are going to be able to make enough brick to supply all the public building.

Mr. BEGG. I will say to the gentleman from Michigan that I understand they are not so enamored with the climate of Ohio, but what they would all be willing to leave if we would let them.

There is another matter that has not been brought out here, and if this statement is not correct the Department of Justice is responsible for the error. They told me, in writing, they did not send any prisoners to Chillicothe until such prisoner was eligible to be paroled, and the maximum length of time that a prisoner stays there is under six months. Then, how will you be able to take a prisoner that is there for three months and teach him how to make bricks, unless you contemplate bringing the hardened criminals out of the Atlanta institution, which Mr. Sargent himself told me was against the policy of the department, because they were trying to make Chillicothe an institution where the boys would not be confined, and where they could be separated from the hardened criminals by keeping such criminals in an institution away from the first offenders and the young boys who were soon to be pardoned and let out on parole. Being this kind of an institution, the very nature of it will work against any permanent establishment of an industrial plant like a brick factory. It is not everybody who can learn to make brick in two hours or two weeks or two months, and by the time they get a set of boys broken in to know how to make brick those boys will be eligible to be paroled and will perhaps be on their way home up to the fair State of the gentleman from Indiana or the gentleman from Michigan, I hope.

Mr. MOREHEAD. Will the gentleman yield?

Mr. BEGG. Yes.

Mr. MOREHEAD. The gentleman from Ohio is touching on a very, very important question and one that is causing us a great deal of consideration in all the States in connection with penal institutions.

Mr. BEGG. Yes.

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

Mr. MOREHEAD. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for one additional minute.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. MOREHEAD. It is a question that is reaching into every State. Without some manual labor for these convicts, it is almost impossible to handle them, and I do not know what kind of work we can put them at that would not interfere with some outside industry.

Mr. BEGG. These boys are not confined in a penitentiary building. They are in cottages, and they roam around. They even go rabbit hunting. Of course, they are not allowed to use firearms, but they are allowed to run over a vast area. This is not a penitentiary. This is the second promotion on the

way out. They play baseball and everything of that kind, and of course do whatever work there is to do there. I submit the gentleman does not want us to throw out of employment a lot of honest men.

Mr. MOREHEAD. I do not, and I thought perhaps the gentleman might have a suggestion of some kind of labor upon which we could employ these people without interfering with honest laborers making a living on the outside.

Mr. BEGG. There is not anything out there they can do except ordinary manual labor, repairing, cleaning up, and so forth.

Mr. WOOD. Mr. Chairman, I desire to state what this proposition is and that we are going far afield. I can not understand why the State of Ohio, that was so anxious to get this institution in the first place, is objecting to this small appropriation.

Mr. MURPHY. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. MURPHY. The gentleman asks why the State of Ohio is objecting. I want to state that the brick manufacturers of the State of Ohio are already carrying a very heavy load. There are two penal institutions in Ohio manufacturing brick in competition with the free manufacturers of our State. That is the objection, that the brick industry is carrying its share of the load. We ask you not to spend money in competition with a business that is already carrying a large burden.

Mr. WOOD. There is nothing in this appropriation that will interfere with that at all.

Mr. MURPHY. I want to say to the gentleman——

Mr. WOOD. I can not yield to the gentleman any further. I am going to answer the question; the gentleman does not know the purpose of the appropriation.

Mr. MURPHY. I think I know as much about it as the gentleman from Indiana.

Mr. WOOD. The buildings at Chillicothe, which were erected primarily for the purpose of a soldiers' camp, have been converted into a prison. These buildings were temporary, of necessity. Now, the purpose of this appropriation is to manufacture the brick necessary to supply the demands of the prison that has been invited by the Ohio gentlemen, in order that it may be made into a prison with permanent buildings. There is no purpose in competing anywhere with anybody. One of the questions that I propounded to the gentleman that has charge of the prison was the necessity of erecting this plant, and we were informed that it would be cheaper for the Government to erect this plant for the needs of the institution itself than it would be to buy the brick from outside.

Then, too, the inmates must be employed. They are not employed in competition with anybody. The gentlemen from Ohio want a private concern to manufacture the brick to be used for these buildings at Chillicothe. We ought to supply that demand ourselves. That is all there is in this provision of the bill. I can not imagine how anybody can object to the employment of the inmates in the manufacture of things that are of necessity at the institution itself. They need a kitchen; they need a bakery; they need an office building; they need barracks. It has been stated before the committee that by reason of the great increase of population in the penitentiaries only those that can be trusted will be sent to this institution.

Mr. VINSON of Kentucky. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. VINSON of Kentucky. Has the gentleman any information how much it will cost to manufacture these bricks?

Mr. WOOD. In answer to the gentleman I will say that we could manufacture brick there with the employment of these men at $5 a thousand as compared with $15 or $16 a thousand outside.

The CHAIRMAN. The debate on the amendment is exhausted.

Mr. MURPHY. Mr. Chairman, I move to strike out the last two words. The gentleman from Indiana stated that brick could be manufactured in this institution for $5 a thousand under the supervision in the Government plant. I want to say that I hold in my hand a statement that very clearly shows that the best that they can do is to manufacture them at a cost of $11.50 a thousand, and that brick can be delivered on the ground in Chillicothe for that price or a little less. Now for the sake of the RECORD I want to read this—

	Per M brick
Obsolescence of plant	$5.00
Coal for firing and drying	3.00
Necessary superintendence	1.00
Power and supplies	1.00
Barium in case scum is to be eradicated	.50
All other items	1.00
Total	11.50

Brick can be sold to the State for approximately $11.50 per thousand delivered at Chillicothe.

These figures are furnished by the Brickmakers' Association of the State of Ohio. I hope that the House will continue to follow the lead which we have been following in our great committee in so far as economy is concerned, and not invest $100,000 in a plant that must be destroyed. If it is not destroyed when you have finished making the brick necessary to build the institution, what are you going to do with the plant? Are you going to furnish brick, as this bill says, for other Federal buildings?

Mr. WOOD. Why not?

Mr. MURPHY. Because it comes in competition with American paid labor, and we do not want that, and I am sounding this warning to you gentlemen of the House to-day. We are making the fight for every State in the Union. You do not want your Federal buildings to be constructed of brick made by convict labor in Ohio or any other State. This is your time to object, when with this legislation they are putting in the entering wedge, because they do not camouflage. It is written plainly in the bill.

Mr. McSWEENEY. Mr. Chairman, I move to strike out the last three words. Mr. Chairman, in Ohio we have gathered together the skilled labor of the country for the making of bricks, and we would not only have these men drawn into competition with the two State brick-manufacturing plants at the present time which are operated by prison labor, but we have no tariff on bricks to protect our manufacturers of these products.

Mr. CRAMTON. Mr. Chairman, since it appears that Ohio has two of its State-owned prison plants for making bricks, why should the gentlemen from Ohio object to our following the same policy in respect to the Federal institutions in that State?

Mr. McSWEENEY. We are objecting to the further competition to our free labor by prison labor, and also to the fact that bricks are now being brought in from Scandinavian countries and Belgium as ballast, in competition with our bricks made in Ohio; and we think this Government plant, operated with prison labor, would be an added competition and be unfair to our high-class labor.

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

The question was taken; and on a division (demanded by Mr. MURPHY) there were—ayes 40, noes 26.

So the amendment was agreed to.

The Clerk read as follows:

CUSTOMS SERVICE

For the payment of claims for refund of duties paid on domestic animals and offspring thereof returned to the United States in accordance with the provisions of the public resolution approved May 24, 1926, fiscal year 1927, $5,000.

Mr. GREEN of Iowa. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. GREEN of Iowa: Page 56, after line 18, insert the following:

"INTERNAL REVENUE

"The appropriations available during the fiscal years 1927 and 1928 for expenses of assessing and collecting the internal-revenue taxes shall be available for the payment at any time of fees and mileage (not to exceed the amounts payable to witnesses in courts of the United States) of witnesses for the Commissioner of Internal Revenue who appear or whose depositions are taken in any case pending before the United States Board of Tax Appeals, and the expenses of taking such depositions (including stenographic reporting services), whether or not a subpœna has been issued by the Board of Tax Appeals and whether or not the person before whom the deposition is taken has been designated by the board."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

PUBLIC BUILDINGS

New York, N. Y., courthouse and post office: For reconstruction of roof, $12,000.

Mr. JONES. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. JONES: Page 58, line 5, after the figures "$12,000," insert the following: "Amarilla, Tex., for installing lock boxes in the post-office building, $3,600, to be immediately available."

Mr. WOOD. Mr. Chairman, I reserve the point of order. What is the purpose of this amendment?

Mr. JONES. Mr. Chairman, this is for installing lock boxes in an extension to the post-office building, which extension was constructed largely from funds left over from the original building appropriation. I offer this amendment to take care of a very unusual situation. The town of Amarilla has grown in the last two years from 20,000 to more than 50,000 people. The facilities in regard to boxes are very inadequate.

Mr. WOOD. Mr. Chairman, the department has a regular appropriation for doing this.

Mr. JONES. They have a regular appropriation it is true, but that fund is already exhausted. I took the matter up with the department and they say that they have used all of the funds allotted for lock boxes this year, and can not use any more funds until the general funds are made available, which will be after July 1, and in the meantime the people are standing there half a block away in the street.

Mr. BEGG. Mr. Chairman, if the gentleman wants us to, we will make them for him in our prison out there in Ohio.

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

Mr. JONES. Mr. Chairman, I hope the gentleman will withhold the point of order for a moment.

Mr. WOOD. Very well.

Mr. JONES. Mr. Chairman, they have recently discovered extensive oil and gas fields in the Panhandle of Texas, and the building in the town of Amarillo has increased in the last year more than in any other town in the country, the increase being 379 per cent. The Post Office Department thought the original appropriation and the amount available for such purpose would be sufficient to build this extension and install the boxes, but they find now, according to the statement of Mr. Schuneman, that they can not install the boxes. The local citizens were willing to donate the funds in order to secure the service rather than have the delay, but the department said that they could not accept the money as a gift, so that there is no other way for them to get the boxes. People are there from all over the United States, and they want to get their mail. There are business concerns there that are doing a large business but can not get a box at the post office, and their employees or representatives have to stand in line for 15 or 20 minutes at all times of the day.

Mr. WOOD. We made the appropriation in the general bill very large, and I think they can stand in line until the 1st of July surely.

Mr. JONES. That is a good long while to stand in line. It is one thing to talk about standing in line, but it is another thing to go through the daily ordeal. I have Mr. Schuneman's statement here. This fund was not sufficient according to his statement to include the purchase of boxes.

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

Mr. JONES. Yes.

Mr. LOWREY. The gentleman from Indiana evidently has never tried standing in line in an Amarillo wind, as I have.

Mr. JONES. Mr. Chairman, it is not the wind. It is no worse than elsewhere. Amarillo has one of the finest climates in the United States. But this situation is desperately serious. It is a matter of great importance. Of course, the people are bothered very much by it. Start for the post office early in the morning, and you will find a line of people there waiting for their mail. Amarillo is my home. It is a wonderful city. It is in a marvelous country that is rapidly developing. Ranches have been cut up and settled as farms. People are pouring in from everywhere, and there will be no turning back.

This is a small appropriation, and will soon be paid back in rents. It means a great deal in improved service. Why should that service be denied for months, and all to no purpose? The Post Office Department is maintained to give service. Why not give it?

Mr. ABERNETHY. How much is it?

Mr. JONES. The amendment only calls for $3,600. They had $10,000 of an old appropriation and the amount usually available for such purpose, which was an additional $10,000, to build an extension and install boxes, and the citizens would have been willing to make up the money if the Government would have accepted it. This appropriation will tide the situation over until the regular appropriation for such purposes is available.

Mr. WOOD. Who made the estimate?

Mr. JONES. The Assistant Secretary of the Treasury.

Mr. WOOD. There is no request——

Mr. JONES. When the building was constructed they thought they would be able to build the extension and install the boxes without an additional fund, and only discovered recently they could not, and brought to my attention the situation.

Mr. WOOD. How many boxes are they going to build?

Mr. JONES. They want to install several hundred now. They will need about 3,000 extra for the benefit of business men and others desiring them, but this amount will help until the regular appropriation. It is a hard thing for business men not to be able to get boxes. I think it is a very unusual situation, and it will be of very great assistance to the people there.

Mr. WOOD. Well, I expect it would save time to let these fellows get out of that line.

Mr. JONES. I thank the gentleman. I want to insert as a part of my remarks a portion of Mr. Schuneman's letter.

TREASURY DEPARTMENT.

Hon. MARVIN JONES,
House of Representatives, United States.

MY DEAR CONGRESSMAN: I am in receipt of your request addressed to the Supervising Architect, setting forth the urgent need for additional lock boxes at the post office, Amarillo, Tex., and asking if this equipment could not be supplied without waiting for the appropriation which will become available July 1, next.

On December 15, last, a contract was awarded for remodeling and enlarging this building, the extension, which was for a new workroom, chargeable to the "remodeling and enlarging" appropriation, figured within a few hundred dollars (necessary for contingencies) of the amount that can be charged in one year at one building to this appropriation; and the changes in the present building, where space has been provided for the additional boxes, chargeable to the small balance from a special appropriation for the building. This balance was not sufficient to include the purchase of the boxes, estimated at something over $3,600, so the contractor was requested to submit a proposal for boarding up the openings for the boxes with a temporary filling. * * *

It is regretted that the relief requested, and so evidently needed, can not be accomplished at once. The work will be taken up as soon as possible after the funds become available.

Very truly yours,

CARL T. SCHUNEMAN,
Assistant Secretary of the Treasury.

The CHAIRMAN. The gentleman from Indiana withdraws the point of order, and the question is on the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Army transportation: Credit is authorized and directed in the accounts of disbursing officers of the War Department for the payment of obligations heretofore or hereafter incurred for expert services under existing contract entered into by the War Department in connection with the construction of the ferryboat authorized by the second deficiency act, fiscal year 1926.

Mr. LINTHICUM. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 61, after line 10 insert, "Army transportation; for transportation of the Army and its supplies, etc., including the same objects specified under this head in the Army appropriation act for the fiscal year 1927, fiscal years 1927 and 1928, $591,262.

Mr. LINTHICUM. Mr. Chairman and gentlemen of the committee, this is a matter of vast importance to the city of Baltimore. It is for the removal of the most dangerous ammunition from Curtis Bay depot. The amendment is in the exact words of the original tentative bill of the Appropriations Committee. The appropriation has been approved by the President under Document No. 680 in which he recommended to Congress this appropriation. It has been approved by the Budget Bureau, and I thought surely it would be contained in the bill when it came to the House. This amendment is for the following items of the appropriation:

(a) Transportation by rail of 3,950 tons of 75-millimeter high explosive shell to the Ogden reserve ordnance depot, at $92 per ton; total, $363,400.

(b) Transportation by rail of 4,972 tons of high explosive shell of various calibers to the Savanna ordnance depot, at $30.50 per ton; total, $151,646.

(c) The transportation by water of 6,917 tons of 155-millimeter shrapnel to the Pig Point ordnance reserve depot, at $8 per ton; total, $55,336.

(d) The transportation by water of 1,044 tons of 4.7" shrapnel to the Charleston ordnance reserve depot, at $20 per ton; total, $20,880.

In other words, it is for the purpose of transporting from Baltimore and placing in ordnance depots 16,000 tons of ammunition which is most dangerous, leaving ammunition at this depot of more than 55,000 tons which is not as dangerous. In a letter to Governor Ritchie, of Maryland, from the War Department the Secretary of War said that he had recommended this appropriation for the purpose of the removal of the most

dangerous and menacing ammunition from Baltimore. Curtis Bay is just a very short distance from the city limits. It is only 6 miles from the City Hall. It has within a 2-mile radius of this depot $100,000,000 worth of property, and during the working hours there are over 15,000 people in that radius. It is a great menace, but we are not asking at this time for the removal of the entire ammunition but only the most dangerous, such as smokeless powder, T. N. T., ammatol, and pitric acid, for instance, which after years will go off. I earnestly solicit this committee to make this appropriation. When you look back to July 10, 1926, and realize that a stroke of lightning blew up the Lake Denmark ordnance depot and destroyed Picatinny, which, if it had occurred during working hours, would have cost the lives of some 600 people, you will see its importance.

Here we are, with this ordnance depot almost within the city of Baltimore, where 850,000 people go to bed every night not knowing what might happen in this matter.

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

Mr. LINTHICUM. Yes.

Mr. LAGUARDIA. Did not the Chief of Ordnance recommend the removal of this arsenal from Curtis Bay?

Mr. LINTHICUM. Yes. He recommended the removal of 16,000 tons, which is not all of it. I have a letter here which the Secretary of War wrote to Governor Ritchie, in which he says:

> I submit a supplemental estimate of appropriation in the amount considered by me as necessary to effect the removal and storage elsewhere of such projectiles and explosives as were deemed a menace to the life and property of the civilian population adjacent to the depot.

That is the Secretary of War speaking. He tells you that he has only provided for the removal of what he says is dangerous to the community.

Now, gentlemen, I have not taken up very much time, but this is a matter of vast importance.

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

Mr. LINTHICUM. May I have two minutes more?

The CHAIRMAN. Is there objection to the gentleman's request

There was no objection.

Mr. LINTHICUM. I just want to summarize. This matter went to the President and General Williams and the Secretary of War. The latter two first recommended it, and then it went to the President, and the President sent it to the Budget Bureau, and the Budget Bureau recommended it. The President by this Document No. 680 sent it to Congress. It was in the tentative bill proposed by the Committee on Appropriations. The item is in the exact language as it was incorporated in the bill.

Now, gentlemen, if you love Baltimore and its people, you will adopt this amendment and end that dangerous situation at Baltimore. [Applause.]

Mr. WOOD. Mr. Chairman, the gentleman from Maryland is now making a great appeal for the removal of the explosives that the people of Baltimore were just as anxious in inviting at the time the arsenal was located there.

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

Mr. WOOD. Yes.

Mr. GAMBRILL. This arsenal was located during the war, as a war measure, without consulting the people of Baltimore or any official party.

Mr. WOOD. Yes; and after it was located there was no one in any peculiar danger. Since its establishment a number of factories have been located near by. They are the complainants.

This question did not come to the War Department by reason of any complaint except from the gentlemen who took the risk upon themselves when they knew the absolute situation.

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

Mr. WOOD. No; I can not yield.

Mr. LINTHICUM. But the gentleman does not want to make a misstatement?

Mr. WOOD. No. I do not want to make a misstatement, and I am not making a misstatement, and I do not want the gentleman to make a mistake if I can help it.

There is no demand for the removal of this arsenal except by the people who located themselves near by after the arsenal was established. There is danger, of course, at any time from powder explosions. There are two of these propositions. One of them is at Curtis Bay, Md., and the other is at Raritan, N. J. The Curtis Bay proposition involves the expenditure of $800,000 or $900,000 for the removal of explosives.

The request from Raritan would never have been made had it not been for the initiative of the people of Baltimore.

Now, suppose the arsenal at Curtis Bay is removed? What will happen? There are but four places to which it may be removed; one at Ogden, Utah, one at Charleston, S. C., one at Savanna, Ill., and one at Pig Point, Va. Now, if it is removed, it will cost the Government, according to the estimate of the War Department, $3,150,000. The War Department does not think it ought to be removed, because there is no danger there. It will cost the Government $90 a ton to take these explosives from Curtis Bay to Ogden, Utah.

Now, there is no more danger of an explosion at this time than there has been for years. I will tell you what has happened. Lightning struck Lake Denmark and did cause a very disastrous explosion there. That gave to the people at Raritan and also to the people of Baltimore some excuse for asking this removal. There are in New Jersey now some 17 or 20 private manufacturing plants manufacturing more explosives than we have at Curtis Bay, any one of which would cause more damage than an explosion at Curtis Bay, because of the fact that our plants are so protected, they tell me, that if one of these magazines should explode it might perhaps shake the windows out of some buildings 4 or 5 miles away.

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

Mr. WOOD. Mr. Chairman, I ask unanmous consent to proceed for two additional minutes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to proceed for two additional minutes. Is there objection?

There was no objection.

Mr. WOOD. There is another proposition. We have ordered removed a quantity of explosives from Denmark to Yorktown, and we are already receiving complaints from there. We will get the same character of complaints from Charleston, S. C., from Savanna, Ill., and from Pig Point, Va. Possibly the only place from which we would not receive complaints would be Ogden and, as I say, it would cost us $90 a ton to take the explosives there. If you will refer to the hearings, you will see that General Williams said that unless struck by lightning the possibility of an explosion is most remote. The gentlemen have not a very good case.

Mr. LINTHICUM. That is what happened at Lake Denmark.

Mr. WOOD. Yes; but lightning does not strike often.

Mr. GAMBRILL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Maryland is recognized for five minutes.

Mr. GAMBRILL. Mr. Chairman and gentlemen of the committee, I wanted to go somewhat into the history of the location of this ammunition dump at Curtis Bay, but I will address my remarks more particularly to the point of answering the gentleman from Indiana, who made the assertion that this ammunition plant or dump had been located at Curtis Bay at the instance and solicitation of the people of Baltimore city.

As a matter of fact, this magazine depot at Curtis Bay was established during the war and its location near Baltimore was a war measure inaugurated without any solicitation on the part of the citizens of Baltimore or any official or civic body. Little information was obtainable at the time regarding its purpose or its use, but the general impression was that it would be used for the storage of airplane parts. It is safe to say that no one connected with the municipal affairs of Baltimore had any idea that this depot was intended to house the most powerful and dangerous explosives that human ingenuity could manufacture. And I venture the assertion that even though its use had been known, no one in the official life of Baltimore and no great or small industrial concern, however serious the menace to them, would have protested against the establishment of this depot if it was considered essential or necessary to the successful prosecution of the war. But since the war, with a knowledge of its menace to the life and property of the citizens of Baltimore, and with a knowledge, in a measure at least, of the vast concentration of high explosives at this depot, the city of Baltimore and the people having great property rights in its vicinity, have made unceasing efforts to rid themselves of this danger and for the complete evacuation of this munition dump. It was felt that a measure of relief had been provided when the President and the Director of the Budget recommended to the House the insertion in the deficiency bill of items aggregating $814,448 for the removal of the high-explosive ammunition from the Curtis Bay depot, but the Committee on Appropriations disallowed these items on the ground that no emergency existed. It is quite evident from reading the hearings of the committee that the members thereof were of the impression that the depot is located at some remote section, far removed from Baltimore, and that if an explosion

occurred, the destruction of lives and property would be confined to its immediate vicinity. Visualize, if you will, the situation. This depot is on Curtis Bay, one of the important estuaries of the Patapsco River, and on an air line is within 5 miles of the city hall of Baltimore, which may be said to be the heart of the commercial activities of the city.

The gentleman from Indiana has made another assertion which is equally erroneous, in that he states manufacturing plants were located in this section after the ammunition dump had been established. As a matter of fact, within 2 miles of the depot is over $100,000,000 worth of industrial property, all located there long before the depot was established or thought of. Opposite the depot is the great Davison Chemical Co., one of the largest if not the largest manufacturer of sulphuric acid in the country, with its delicate machinery and equipment. Very close to the depot is the United States industrial-alcohol plant. Just across from the depot are the large elevators and railroad terminals of the Pennsylvania Railroad Co. and the Western Maryland Railroad Co.. In immediate proximity to the depot are the large oil refineries and storage plants of the Prudential Oil Co., and across the Patapsco is the vast plant of the Bethlehem Steel Corporation. Curtis Bay is the only natural deep-water channel in the Baltimore region, and its industrial development is being prevented by the danger now existing. So we have this depot lying on the border of the most active industrial area of the city of Baltimore, on an important portion of our harbor, within 5 miles of the heart of the city, and just on the border line of the city itself. Just how much high explosives are stored in this depot only the War Department knows; but it is illuminating to observe that the department estimated it would cost over $2,650,000 to remove all of the explosives, and it is known that at times there have been as high as 3,000,000 pounds of T. N. T., 158,000 pounds of tetryl, 1,700,000 pounds of black powder stored there, and the amount of smokeless powder has been estimated at anywhere from 15,000,000 to 45,000,000 pounds. The value of the stores has been given as $125,000,000. It is no exaggeration to say that an explosion at this depot would completely wreck or put out of commission the three great industrial centers of the port of Baltimore—Curtis Bay, Canton, and the Bethlehem Steel Corporation—and do incalculable harm to Baltimore and perhaps cause death to hundreds of people.

This is no figure of speech or idle prophecy; it is a fact that can not be dismissed by the laconic statement of Major General Williams that an explosion at Curtis Bay might result in "the breaking of a few windows, the cracking of plaster, and the blowing out of a few doors," and perhaps to carry out the absurdity of the rather facetious statement he might have added "disturbed the slumber of a few light sleepers." It is interesting to recall that last summer some of the Representatives in Congress from Maryland called on General Williams seeking to secure action looking to the removal of this ammunition, and in discussing the causes which might lead to the setting off of these explosives it was suggested that there was the ever-present danger of the ammunition being set off by a bolt of lighting. This suggestion was dismissed by General Williams as an unheard of possibility and as one to be dismissed as an improbability. And yet within a few weeks after this statement by General Williams the arsenal at Lake Denmark was practically destroyed by a bolt of lightning, with a large loss of life and the destruction of property amounting to hundreds of thousands of dollars. And this at an arsenal which I have heard described by a prominent naval officer as being the most favorably located depot under the control of the Navy. Should an explosion occur at Curtis Bay the loss of life and property would be beyond description or prophecy, as the explosion at Lake Denmark was felt for 30 miles, and the town of Mount Hope several miles from the depot was almost totally destroyed. We, the Representatives from Maryland, protest against this menace to the city of Baltimore, because of its ever present and potential danger to the whole city, because it has and is blocking the normal expansion of its chief industrial center, and because no reason for its retention is to be compared to the danger to which the lives of the citizens of Baltimore and the owners of property are subjected by its existence, a danger which can not be estimated in money.

Apparently, the Subcommittee on Appropriations approached its consideration of this subject or made its decision on three major premises, all of them erroneous and conceived in a misconception of the real facts. First, the committee assumed that as no protest was made against the location of this arsenal at Curtis Bay no heed need be given to the demands for the removal of the ammunition stored there. Secondly, that as the protests have been coming for three or four years for its removal no emergency now exists for the transfer of these explosives. Thirdly, that the danger of the detonation of this ammunition is very remote. Bear in mind that this depot was located at Curtis Bay as a war measure, so as to offer quick and ample accommodations for transportation by water, and not because the depot was sought by the city of Baltimore. And then by a process of reasoning which I can not follow the distinguished gentleman from Texas [Mr. BUCHANAN] voiced the opinion that there could be no emergency for the removal of the ammunition because, forsooth, protests had been made for three or four years, and the ammunition is still there. And there it is apt to remain if the members of the committee are going to dismiss the subject with the gratuitous statement that the removal of this ammunition at this time is not an urgent necessity—

> nor is it certain that it will be more acceptable to the people residing in some of the communities at which there is proposed it would be stored than it is now to the people residing in the communities where it is now stored.

The foregoing statement by the committee is made in spite of the fact that most of this ammunition would be removed to the depot at Utah, which is 7 miles from the small city of Ogden, where there are 35 empty magazines; to Savanna, Ill., a remote reservation in the northwest part of the State of Illinois, and on the Mississippi River; and to what is known as the depot at Charleston, S. C., which depot is, in fact, 11 miles from the city; and to Pig Point, in Virginia. But I address myself to the remarkable statement made by Major General Williams, and generously accepted by the committee, that there is only a "very remote danger" of any explosion at Curtis Bay.

Let us see how remote that danger is. I do not know the number of large ammunition depots in the United States in use by the Army and Navy. But I would assume that 20 would be a generous approximation. Then, if you will turn to page 283 of the committee hearings, you will be met with the startling statement that since 1916 there have been six or seven disastrous explosions at ammunition depots, several in New Jersey, one at Black Tom Island, one near one of the Amboys, one at the Raritan Arsenal, and one at Lake Denmark, to say nothing of the disastrous explosion which occurred at Halifax, and the one at London, both causing the destruction of millions of property and a large loss of life. Major General Williams reasons that in the ratio that 6 or 7 bears to 20, that the danger of an explosion at Curtis Bay is very remote; and in making this statement he takes an indefensible position. I shall support the amendment offered by my colleague from Maryland, but there should be an amendment for the immediate and speedy removal of all this ammunition, which Major General Williams estimated would cost $2,650,000, and which he has stated could be stored at Savanna, Ill., and Ogden, Utah. But if this objective can not be secured, then by all the demands of common sense and prudence let us adopt the amendment now before the committee and remove part of this material which menaces the life and property of the citizens of Baltimore. To do less will be a great injustice to that city.

I know the difficulty of securing an appropriation which has not met the sanction of the powerful Committee on Appropriations, but simple justice demands that some relief be given Baltimore, and this amendment should be adopted.

Mr. WOOD and Mr. TYDINGS rose.

Mr. WOOD. Mr. Chairman, I move that all debate on this paragraph and all amendments thereto close now.

Mr. TYDINGS. Mr. Chairman, I move to strike out the last two words. Mr. Chairman, you promised me recognition.

The CHAIRMAN. The Chair must first recognize the gentleman from Indiana, in charge of the bill.

Mr. TYDINGS. I will not ask for any additional time.

Mr. WOOD. Mr. Chairman, I withdraw my motion and ask unanimous consent that all debate on this paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. TYDINGS. Mr. Chairman and gentlemen of the committee, I can not understand the policy of Congress. I do not wish to say this in criticism, but I refer to it in order to bring to your attention the two divergent policies we are pursuing.

In Nicaragua there are 714 Americans and $15,000,000 of American property investment. There are 6,500 marines there and numerous battleships to take care of these 714 people. In Baltimore City there are 1,000,000 people, 1 per cent of all the population of the United States, and stored up against their very homes are 16,800 tons of high explosive ammunition.

Mr. WOOD. Will the gentleman yield?

Mr. TYDINGS. I can not yield. I remember from the hearings that General Williams had just inspected the Picatinny supply depot shortly before a great disaster attended it. He

had pronounced it as absolutely safe, but within a few weeks thereafter one of the greatest disasters that ever befell that section of the country occurred, and over 100 people were killed or injured in that sparsely settled area. You all know that in Halifax there was a great explosion where upward of 1,000 people were killed or injured.

If we can appropriate $10,000,000 to eradicate the corn borer, if we can appropriate $2,000,000 for infancy and maternity, if we can appropriate $50,000,000 for the welfare of the people in reference to prohibition, for God's sake, can we not appropriate $800,000 to take away this menace of high explosives and give protection to the people of Baltimore? [Applause.]

Mr. WOOD. Will the gentleman yield?

Mr. TYDINGS. I can not yield. I want to say to the chairman of the subcommittee that if lightning should hit this ammunition base and a disaster similar to that which occurred at Picatinny only a year ago should happen in this thickly congested area, he would rue the day when in order to get this bill rushed through he denied the people a chance to have removed this great amount of ammunition.

Mr. WOOD. Will the gentleman yield?

Mr. TYDINGS. I want to ask the gentleman this question, Would he like to live next to an ammunition depot with 16,800 tons of high explosive next to him?

Mr. WOOD. Let me answer the gentleman. The people who were killed at Lake Denmark and the people who were killed at Picatinny were people employed in the business itself.

Mr. TYDINGS. I can not yield to the gentleman.

Mr. WOOD. The gentleman ought to at least be halfway fair. Why does not the gentleman let me answer the question that he propounded?

Mr. TYDINGS. I can not let the gentleman do that because I have not the time. I will, if the gentleman will give me more time.

Mr. WOOD. I have given the gentleman plenty of time.

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

Gentlemen, I come to you in the interest of women, in the interest of children, in the interest of people who have large property investments in one of the greatest cities of this country, who are living there in daily fear, and ask you to give us the money to move this ammunition to a place now ready to receive it in Utah where they will be glad to have it and where they want it stored.

Mr. WOOD. How far is this plant from Baltimore?

Mr. TYDINGS. Curtis Bay is up to the limit of Baltimore. The city has overgrown its limits and there are houses and manufacturing plants within 100 yards of this reservation.

Mr. WOOD. Built there after the plant was established?

Mr. TYDINGS. We did not ask for the plant to be established there. I can not believe that this House which will send marines down to Nicaragua to protect 714 American lives will refuse to give us money to take the ammunition away from several million people living in our own country. What kind of a policy have we that protects people's lives without the country but refuses to protect the lives of the people within our own borders?

The CHAIRMAN. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. TYDINGS) there were 34 ayes and 54 noes.

Mr. ACKERMAN and Mr. TYDINGS objected to the vote because no quorum was present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and five Members present, a quorum.

Mr. TYDINGS. Mr. Chairman, I demand tellers.

The CHAIRMAN. The gentleman from Maryland demands tellers. The question is on ordering tellers.

Mr. BEGG. I make the point of order that the demand for tellers comes too late, there was intervening business.

The CHAIRMAN. The point of no quorum was made immediately after the announcement by the Chair. The Chair will count. [After counting.] Seventeen Members have arisen, not a sufficient number, and tellers are refused.

Mr. EATON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. EATON: Insert before line 11, page 16:

"Army transportation: For transportation of the Army and its supplies, etc., including the same objects specified under this head in the War Department appropriation act for the fiscal year 1927, approved April 15, 1926, for expenditure in connection with removing high-explosive ammunition from the Raritan ordnance reserve depot, New Jersey, to remain available until June 30, 1928 (act April 15, 1926, vol. 44, p. 262; submitted), $1,638,768."

Mr. EATON. Mr. Chairman and gentlemen, all the arguments just offered in reference to the ammunition dump on the edge of Baltimore have still more force with reference to my amendment for Raritan, N. J. This Raritan Arsenal was built as an emergency measure during the war. It was put on Raritan River surrounded by one of the most populous sections in the United States. Within a few miles we have the city of New Brunswick, the city of Amboy, the city of Elizabeth, the city of New York, the city of Newark, and the city of Plainfield. This arsenal lies next to 8,000,000 people. So that an explosion there would cost an immense loss of life and property.

We have had in New Jersey within the last two years two terrific explosions, one last summer of which you have just heard and one during the war at Morgan not far from the location of this Raritan dump, both of which caused an enormous destruction of life and property.

We hold it contrary to the public good to put a dump of high explosives containing over 30,000 tons of these dangerous explosives in close proximity to large populations to manufacturing plants employing hundreds of thousands of people, and with vital primary systems of transportation by rail and water and vehicle nearby which could easily be put out of commission by an explosion.

I ask that my amendment be considered by the committee and voted upon favorably, and I am representing in this request the entire population of New Jersey, and the unanimous desire of the congressional representatives of my State in both Houses of Congress.

Mr. WOOD. Mr. Chairman, I move that all debate upon this paragraph and all amendments thereto close in three minutes.

The question was taken; and on a division (demanded by Mr. LAGUARDIA) there were—ayes 67, noes 8.

So the amendment was agreed to.

Mr. WOOD. Mr. Chairman, the statement made with reference to this situation near Baltimore is also applicable to the situation at Raritan. Raritan never thought of making a proposition to remove this dump until after the people at Baltimore had made their move. I call attention to this fact to show how inconsistent the proposition is to move the explosives belonging to the Government of the United States from Raritan, when they have ten times as many other explosive manufacturing concerns there that they are not asking the State to remove.

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

Mr. WOOD. No; I will not. I quote from the testimony of General Williams:

The Government is not, by a great deal, the only party that has high explosives in these various States. I have here a memorandum on the explosive industry in the State of New Jersey.

The Atlas Powder Co. has at Hopatcong, N. J., which is not more than 20 miles away from Lake Denmark, where this explosion took place, a dynamite and gelatin works (and there is nothing more dangerous than dynamite), with a yearly capacity of 19,200,000 pounds.

The Du Pont Co. have at Gibbstown, N. J., which is right across the Delaware River from the city of Chester, in Pennsylvania, a dynamite and gelatin works with a capacity of 60,000,000 pounds a year.

The Du Pont Co. have at Pompton Lakes, which is about 15 or 20 miles away from Dover, a place where they make blasting caps, electric blasting caps, etc., with a capacity of 120,000,000 of the blasting caps per year and 36,000,000 of the electric caps.

The Du Pont Co. have at Carneys Point, N. J., a smokeless-powder and sporting-powder factory, with a capacity of 9,600,000 pounds a year.

The Hercules Powder Co. have a dynamite and blasting plant with a total capacity of 18,000,000 pounds a year. They have a smokeless-powder plant with a capacity of 700,000 pounds a year and a sporting smokeless-powder plant with a capacity of 1,000,000 pounds a year.

In addition to that, there is a very considerable number of fireworks companies that are scattered all over the State of New Jersey.

In addition to that, I have here a little over two pages of explosive magazines which are licensed by the State of New Jersey, giving their locations.

Those explosive magazines are licensed to carry anywhere from 100 pounds of explosives up to 10,000 or 20,000 pounds. I see there is one here licensed to carry 114,000 pounds. Now, the Bureau of Mines' Technical Paper No. 406 states that during the year 1925, 501,751,846 pounds of explosives were produced, and that 495,500,000 pounds were produced in the year 1924. In other words, all over the country there is a continuous circulation of these explosives. It is a perfectly well-recognized industry. It is something that is normally circulating, not only throughout this country, but it is exported.

There is another thing to be considered about it, and that is that every ship in the Navy, every battleship, every cruiser, every torpedo-boat destroyer, and every submarine must have in its hold exactly the

same kind of stuff that we are talking about here, that we have stored in these depots. Those ships wander all over the world and come into the harbors of New York, Philadelphia, and other large cities. They go everywhere. Of course, there is always the possibility that something may happen, but if we go back, we will find that there have been very few cases where anything has happened. My purpose in that is to show and call attention to the fact that the Government is not the only one that is storing this nature of material at various places throughout the country.

The State is honeycombed with plants manufacturing explosives. It is the principal industry in the State of New Jersey to-day.

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

The question was taken, and the amendment was rejected.

Mr. TYDINGS. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. TYDINGS: Page 62, after line 12, insert:

"Ordnance service: For the current expenses of the Ordnance Department in connection with the purchasing, receiving, storing, and issuing ordnance and ordnance stores, etc., including the same objects specified under this head in the War Department appropriation act for the fiscal year 1927, fiscal years 1927 and 1928, $123,186."

Mr. TYDINGS. Mr. Chairman and gentlemen of the House, I sat here for an hour the other day and listened to the gentleman from Colorado [Mr. TAYLOR] and the gentleman from California [Mr. SWING] talking about the conditions in the Imperial Valley. There are 65,000 people living in the Imperial Valley, and the case that was made out for those people and for their relief certainly appealed to the sympathies of every one, whether the measure to correct it was sound or unsound. At least, there was a danger there. That danger was put there by the God who created the earth. The people who settled in that country, settled there knowing more or less the conditions, but over in Baltimore City the danger that I speak of was brought there by the Government of the United States, and put up against the homes of 1,000,000 people. If there is a man in this body who intends to support the Imperial Valley project, how can he do it and withhold his vote from this measure? This is to provide for storage houses to remove these things out to Utah, where you have plenty of room and where the people want the ammunition, because it will bring soldiers there and bring them trade, where it may be placed in a territory that is not congested as Baltimore is where 1,000,000 men, women, and children reside. Oh, I may stand here and talk and perhaps nothing will happen. Perhaps a hundred million years will go by and those magazines will never explode, but I tell you one thing, gentlemen, that if they do explode before the next session of Congress, there is many a man here who will wring his heart and mind with regret that he would not expend this sum of money to remove this menace from one of the largest cities in the country. You appropriate millions of dollars for the public health. Think of a Congress that will appropriate $10,000,000 for the elimination of the corn borer and will not appropriate $1,000,000 to give the people of this country a safe place in which to live! You created the condition, you put the plant there after Baltimore was built.

We submitted to it because the war was in progress, and we did not wish to put impediments in the way of a successful prosecution of the war. But the war is over. Are you going to penalize our patriotism? Where is the logic, where is the wisdom, of sending 6,500 marines and scores of battleships, at tremendous expense, to protect the lives of 714 Americans in Nicaragua and then refusing to give us $1,000,000 to take this infernal ammunition dump away from the city of Baltimore? Where is there any logic in that? There is no man in this House, if he is intellectually honest, who can stand up against that statement. You have marines over in China. You are protecting Americans outside of your country. You will send your Army and your Navy and spend your money to protect Americans outside of the country while in your own country you will not lack a dollar to protect them. My God! is this House so lacking in interest in its own people that it will not appropriate an infinitesimal sum of money, compared to the huge expenditures of the Government in all sorts of incidental ways, in order to remove a menace which is so great to 1 per cent of all the people who comprise this Republic?

Mr. Chairman, this amendment is for the purpose of putting the warehouses in such shape out in Utah or wherever they may be so that this ammunition can be removed.

Mr. WOOD. Mr. Chairman, I move that all debate upon this section do now close.

Mr. LINTHICUM. I wish the gentleman would give me five minutes. [Cries of "Vote!"]

The question was taken, and the motion was agreed to.

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

The question was taken, and the Chair announced that the noes had it.

On a division (demanded by Mr. TYDINGS), there were—ayes 22, noes 46.

So the amendment was rejected.

Mr. TYDINGS. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 62, before line 13, insert:

"Repairs of arsenals: For repairs and improvements of arsenals and depots, etc., including the same objects specified under this head in the War Department appropriation act for the fiscal year 1927, fiscal years 1927 and 1928, $100,000."

Mr. TYDINGS. Mr. Chairman and gentlemen of the committee, when General Williams appeared before the committee of the House he said if this ammunition was to be removed now or in the future, certain warehouses, magazines, and so forth, out in Utah and other places would have to be repaired somewhat. This appropriation takes care of the repair of those places. Now, I believe eventually, when time can be had to show you all the ramifications of this question, or if I had time to go into this and present the maps, location, and so forth, and could go into the contents of these magazines, I am sure you would look upon this in a much different light; but I have not that time. This amendment proposes that these warehouses can be repaired, so when the ammunition is to be removed places can be provided for it.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. TYDINGS. I would like to do so, but I have only a few moments. Gentlemen, I take it that Congress assembles to provide for the welfare of the people of the United States. I take it for granted that when 1 per cent of its people come to you and make out a case which will eliminate something of great peril in their daily lives, a peril which you placed them in, that they would get not only a fair hearing but redress. If the chairman of the committee would say he had no objection to the amendment, everybody would rise in favor of it; but because he is opposed to it, and he must stand by his committee here, every man surrenders his intellect to him, and it seems that no logic whatsoever can bring them to a consideration of this question. I appeal to you individually, I appeal to you as Representatives of the Nation to listen to the plea of these people over in Baltimore City.

Oh, you may laugh, but you will cry if that ammunition dump ever explodes, and I will take you to those devastated scenes, Mr. FAIRCHILD, and show you the little stricken bodies like they were at Picatinny, like they were at Halifax, where there were 1,000 people killed and wounded, and it will be entirely different then. But, oh, it will be too late for sorrow then. You may laugh now, but I am coming to you and I am telling you the truth, and I am giving you an opportunity to prevent that happening, and I ask you to use your intelligence and your logic so that we may have a solution of this problem, which we are entitled to have. The Government brought this ammunition depot to Baltimore after the city was built, which created this menace. We submitted to it during the war. Is it too much now to come to you and ask that you take away from us what we were glad to give in our patriotism?

Oh, you may be crying, but if you are the tears you are shedding are crocodile tears. [Laughter.]

Gentlemen, I see that there is no use in submitting other amendments. I have asked in this amendment that the warehouse be placed in such shape, away from the centers of population, that it will not be a menace. I will ask you at the next Congress that the material be placed where it will not be so great a menace to life and property. [Applause.]

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

Mr. WOOD. Mr. Chairman, I move that the debate on this amendment and on this paragraph be now closed.

The CHAIRMAN. The gentleman from Indiana moves that the debate on this amendment and all debate on this paragraph be now closed. The question is on agreeing to that motion.

The motion was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Maryland [Mr. TYDINGS].

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

Mr. TYDINGS. Mr. Chairman, I ask for a division.

The CHAIRMAN. The gentleman from Maryland asks for a division.

The committee divided; and there were—ayes 18, noes 57.

So the amendment was rejected.

Mr. TYDINGS. Mr. Chairman, I suggest that the vote is had in the absence of a quorum. I suggest the absence of a quorum.

The CHAIRMAN. The gentleman from Maryland makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and three gentlemen are present—a quorum. The Clerk will read.

Mr. EATON. Mr. Chairman, I offer an amendment.

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

The Clerk read as follows:

Amendment offered by Mr. EATON: Insert before line 13, on page 62, the following:

"Ordnance service: For the current expenses of the Ordnance Department in connection with purchasing, receiving, storing, and issuing ordnance and ordnance stores, etc., including the same objects specified under this head in the War Department appropriation act for the fiscal year 1927, approved April 15, 1926, for expenditure in connection with removing high-explosive ammunition from the Raritan ordnance reserve depot, New Jersey, to remain available until June 30, 1928 (act April 15, 1926, vol. 44, p. 274), $221,965."

Mr. WOOD. Mr. Chairman, it is evident that this amendment is out of order. The debate on this paragraph has been closed.

The CHAIRMAN. The gentleman has the right to submit it. It is to follow after the paragraph. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Tomb of the Unknown Soldier: For every expenditure requisite for or incident to the work of securing competitive designs and completing the Tomb of the Unknown Soldier in the Arlington National Cemetery, as authorized by the public resolution approved July 3, 1926, $50,000, to remain available until June 30, 1928: *Provided*, That in carrying into effect the provisions of such public resolution the Secretary of War is authorized to do all of the things necessary to accomplish this purpose, by contract or otherwise, with or without advertising, including payment for designs submitted under such conditions as he may prescribe and including the engagement, by contract or otherwise, of services of such architects, sculptors, artists, or firms, or partnerships thereof, and other technical and professional personnel as he may deem necessary without regard to civil-service requirements and restrictions of law governing the employment and compensation of employees of the United States.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. LAGUARDIA. I do so for the purpose of asking the Chairman a question. This design for the Tomb of the Unknown Soldier is to be made from competitive designs. How much of the $50,000 is to be used for designs and how much for the work itself?

Mr. WOOD. That is left entirely to the discretion of the commission.

Mr. LAGUARDIA. Will $50,000 cover everything?

Mr. WOOD. Yes. We left it that way for that reason that some of the funds will be contributed.

Mr. LAGUARDIA. That answers the question.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The sum of $14,000 of the appropriation for Shiloh National Military Park, fiscal year 1925, contained in the War Department appropriation act for the fiscal year 1925, is continued and made available until June 30, 1928, for the payment of obligations incurred prior to July 1, 1925, in connection with the acquisition of a strip of land contiguous to the park, to connect the Shiloh National Military Park with the Corinth (Miss.) National Cemetery.

Mr. BROWNING. Mr. Chairman, I offer an amendment.

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

The Clerk read as follows:

Amendment offered by Mr. BROWNING: Page 64, after line 13, insert: "To complete the erection and equipment of a school building now in progress of construction in Shiloh National Military Park, fiscal years 1927 and 1928, $10,000.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Examinations, surveys, and contingencies of rivers and harbors: For examinations, surveys, and contingencies of rivers and harbors for which there may be no special appropriation, $50,000: *Provided*, That no part of this sum shall be expended for any preliminary examination, survey, project, or estimate not authorized by law.

Mr. McDUFFIE. Mr. Chairman, I offer an amendment.

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

The Clerk read as follows:

Amendment offered by Mr. McDUFFIE: Page 66, line 6, after the word "law," insert a new paragraph, as follows:

"For power, navigation, and flood-control surveys, in accordance with House Document 308, Sixty-ninth Congress, first session, and authorized in section 1 of the river and harbor act of January 21, 1917, the sum of $150,000."

Mr. CRAMTON. Mr. Chairman, I reserve a point of order against the amendment.

Mr. McDUFFIE. A point of order will not lie against the amendment, because it is authorized by law.

Mr. CRAMTON. I wanted to ascertain whether it was authorized by law.

Mr. McDUFFIE. Mr. Chairman, Congress has embarked upon the proposition of surveying all of the navigable streams of the country with a view of controlling floods and for the development of navigation and power on those streams. An expenditure of about $7,350,000 has been authorized. This simply gives the department an opportunity to begin to lay the groundwork or plans for these surveys.

Mr. BEGG. Will the gentleman yield?

Mr. McDUFFIE. Yes.

Mr. BEGG. Why is the gentleman's project any more important than Sandusky Harbor? There we handle 7,000,000 tons of coal, and we have to wait until the whole allocation has been made for these projects.

Mr. McDUFFIE. This is not a project, in the meaning of a harbor project such as you have in mind. It is not my project. It is for the whole country.

Mr. WOOD. But it means an investigation.

Mr. McDUFFIE. No.

Mr. WOOD. Yes; it does. If it means anything, it means that.

Mr. McDUFFIE. Oh, yes. Of course it is an investigation, but it means more than an investigation; it is for general studies and surveys of all our navigable rivers.

Mr. WOOD. We have not had a chance to have anybody say anything about this thing. It occurs to me, if the gentleman from Alabama will permit, that this is taking a little bit of an advantage of the committee, because the committee has had no opportunity to investigate the matter.

Mr. McDUFFIE. I have no desire to take any advantage of the committee.

Mr. WOOD. The gentleman can have a hearing on the Senate side, and if he can justify it there, then something might come of it, but I do not think we are justified in putting this in, because there have been no hearings on it and nothing to recommend it except the mere suggestion that has been made here, without any regard to the extent of it or what it may mean.

Mr. McDUFFIE. If the Chairman will bear with me for just a moment, three times this House has gone on record and passed an item of not less than a half million dollars to begin this work.

Mr. WOOD. And there are many other surveys just as important.

Mr. McDUFFIE. I beg the gentleman's pardon. The gentleman does not seem to understand this proposition. This is not an ordinary preliminary survey for a river or for a harbor project. This is a question of a study of the power possibilities of the streams throughout the country, together with navigation possibilities. It is a question of conservation, if you please. We are just entering the electrical age in this country and it behooves us to determine how much power we have on the streams of the country. Congress has committed itself to this proposition three times. You can not do a better thing for the people of this country than to begin this work immediately. It is going to take a long time to carry out a program covering an

expenditure of $7,000,000, and this permits the department to lay its plans so that it can at the earliest moment begin this work.

Mr. CRAMTON. Will the gentleman yield?

Mr. McDUFFIE. Yes.

Mr. CRAMTON. I note that the gentleman's amendment is based upon the authority of section 1 of an act of 1917.

Mr. McDUFFIE. No; I beg the gentleman's pardon.

Mr. CRAMTON. I have just looked at the language of the amendment.

Mr. McDUFFIE. It is 1927.

Mr. CRAMTON. Well, the amendment, if I can read, says the act of 1917.

Mr. McDUFFIE. I ask unanimous consent to change that.

Mr. CRAMTON. The thought occurs to me that if it has waited that long it can wait still longer.

Mr. McDUFFIE. No; it refers to an act that was passed within the last few days.

Mr. CRAMTON. If that is so, then it falls into the category of hundreds of other matters in which other people are interested and which they believe are as urgent as this one.

Mr. McDUFFIE. Oh, no; this is not in the same category, and the gentleman would not say so if he understood this very important matter.

Mr. Chairman, I ask unanimous consent to amend the amendment so that it will read 1927, if it does not read 1927, because that is the way I intended to have it read.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Alabama.

The question was taken; and on a division (demanded by Mr. McDUFFIE) there were—ayes 15, noes 50.

So the amendment was rejected.

Mr. RANKIN. Mr. Chairman, I demand tellers.

The CHAIRMAN. The gentleman from Mississippi demands tellers. As many as are in favor of ordering tellers will rise and stand until they are counted. [After counting.] Not a sufficient number.

So tellers were refused.

The Clerk read as follows:

National Home for Disabled Volunteer Soldiers.

Mr. SEARS of Florida. Mr. Chairman, I offer an amendment.

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

The Clerk read as follows:

Amendment offered by Mr. SEARS of Florida: Page 66, after line 13, insert a new paragraph, as follows:

"Harbor reimbursement: To pay to the city of Miami for part reimbursement of the $1,605,000 advanced or loaned to the Government by said city for the improvement of Miami Harbor, as provided under the rivers and harbors act passed March 3, 1925, in accordance with House document 516, the sum of $500,000."

Mr. WOOD. Mr. Chairman, I reserve a point of order.

Mr. RANKIN. Mr. Chairman, I demand the regular order.

Mr. WOOD. Then I make the point of order, Mr. Chairman.

The CHAIRMAN. The Chair will state we have passed the point in the reading of the bill where this amendment would be in order.

Mr. SEARS of Florida. Mr. Chairman, I was listening to the Clerk read and I could not keep up with him. I offered it as soon as I could. I ask unanimous consent that I may change the line in the amendment because it is in order at any point. I hardly think it is fair to start this procedure.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

Mr. WOOD. I object.

The Clerk read as follows:

For national cemeteries, $6.92.

Mr. THATCHER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Kentucky offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. THATCHER: On page 75, immediately following line 22, insert the following paragraph:

"Statue of Henry Clay in Caracas, Venezuela"——

Mr. CRAMTON. Mr. Chairman, I make the point of order that the amendment is not germane at the place where offered. We are reading audited claims and this item proposes to build a statue to Henry Clay.

Mr. THATCHER. Mr. Chairman, I am under the impression this would be germane at any point in the bill.

The CHAIRMAN. The Chair is not inclined to so hold. The Chair sustains the point of order.

Mr. RANKIN. Mr. Chairman, I move to strike out the last word. May I have the attention of the chairman of the committee in charge of the bill [Mr. WOOD]?

Mr. WOOD rose.

Mr. RANKIN. On page 75, line 17, I observe this enormous expenditure: "For proving grounds, Army, 2 cents." [Laughter.] May I ask the gentleman from Indiana [Mr. WOOD], who has protested in stentorian tones for the last nine years against the expenditure of a few dollars by a Democratic administration for nose bags in which to feed the Army mules that drew the artillery to the front in times of battle, why he condones this enormous extravagance in times of peace? [Laughter.]

May I ask this of the gentleman from Indiana [Mr. WOOD], the chairman of the committee in charge of this bill, who has filled the press and the CONGRESSIONAL RECORD since the close of the World War with ringing condemnations of the expenditures of money for the purchase of shoes with which to clothe the naked feet of our soldiers as they marched in unbroken phalanx to the battle front; the gentleman from Indiana, who has shrieked incessantly against the extravagance of a former administration in purchasing saddles and blankets for the panting steeds that in time of battle bravely bore their gallant riders to victory or to death?

Ah, think of it, gentlemen of the House, "For proving grounds, Army, 2 cents" [laughter], approved by the chairman of this committee, the gentleman from Indiana [Mr. WOOD], who has never ceased to raise his voice in condemnation of the expenditure of money for harness for the Army mules to draw the artillery, by the side of which they fell at the battle front in the decisive moment of the greatest conflict in the history of mankind. [Applause.]

If the gentleman from Indiana will devote as much time to explaining this 2-cent appropriation as he has in recent years to criticizing a former Democratic administration for expending money for nose bags for our hungry mules on the battle fields, for shoes for the aching feet of our suffering soldiers in the stress of conflict, for the saddles and blankets and bridles for the noble horses that struggled and suffered and died without hope of recompense, he may give the House more light than he has given it in all his relentless, partisan criticisms since the close of the World War. [Applause.]

Mr. Chairman, I ask unanimous consent to revise and extend the argument which I just made. [Laughter.]

The CHAIRMAN. Without objection it will be so ordered.

There was no objection.

The Clerk read as follows:

SEC. 3. Appropriations for the fiscal years 1927 and 1928 available for expenses of travel of civilian officers and employees of the executive departments and establishments shall be available also for expenses of travel performed by them on transfer from one official station to another when authorized by the head of the department or establishment concerned in the order directing such transfer: *Provided,* That such expenses shall not be allowed for any transfer effected at the request of any officer or employee.

Mr. WOOD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 76, line 23, strike out the words "at the request" and insert "for the convenience."

The amendment was agreed to.

The Clerk completed the reading of the bill.

Mr. SEARS of Florida. Mr. Chairman, I ask unanimous consent to return to page 66 and offer the amendment which I have previously offered.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read as follows:

Page 66, after line 13, insert a new paragraph as follows:

"Harbor reimbursement: To pay to the city of Miami for part reimbursement of the $1,605,000 advanced or loaned to the Government by said city for the improvement of Miami Harbor as provided under the rivers and harbors act passed March 3, 1925, in accordance with House Document 516, the sum of $500,000."

Mr. SEARS of Florida. Mr. Chairman and gentlemen, I want to comply with the request of my genial friend the gentleman from Connecticut, and as I see that it is now 10 minutes of 7 o'clock I will only delay you a few minutes. I hardly hope to secure the adoption of my amendment. I know the temper of this House, having served here 12 years, and having watched the way that the steam roller has been run over gentlemen who have offered the last 6 or 10 amendments, I can hardly hope to be successful in securing the adoption of my amendment. I

ask unanimous consent to put in the RECORD a letter I wrote the chairman of the committee [Mr. WOOD] on February 12.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SEARS of Florida. Now, I have a letter from the mayor of Miami, in which he says that we would like to get the additional $500,000; that he hopes it will not be considered that Miami is "hollering," but if it is reimbursed it will save the city between $75,000 and $100,000 interest.

I want to tell the House briefly a few of the facts. In 1926 Miami advanced to the Government $1,605,000 for the purpose of hurrying up the work on the harbor. They had no complaint, and we are not complaining now. The hurricane on the 26th of September last caused a loss of more than $78,000,000 to those people. On some of the streets the sand was 3 feet deep. A three-masted schooner was washed up for a block or more from the bay, and it cost hundreds of dollars to get the vessel back into the water. It practically bankrupted the city of Miami. We are only asking $500,000 to be reimbursed, $500,000 in addition to that carried in the present river and harbor bill. It will stop the interest of $75,000 or more, and I hope that these people, who, like the Government, can only get so much money to run the city, will get this money. We are only asking for a part return of the money advanced by the city of Miami to the Government, and you will still have $605,000 of her money, which some day you are morally and legally bound to refund. To talk longer would simply be consuming your time. I leave it to the judgment of the House. [Applause.]

The letter from Mr. SEARS to Mr. WOOD is as follows:

FEBRUARY 12, 1927.

In re money advanced to Government by city of Miami for harbor improvement

Hon. WILLIAM R. WOOD,
House of Representatives.

MY DEAR COLLEAGUE: I am herein inclosing you No. 1, letter from General Deakyne, Acting Chief of Engineers, showing the amount of money advanced by the city of Miami for work on Miami Harbor; No. 2, information relative to amount and date of deposit of said funds; No. 3, copy of letter from General Deakyne showing the amount of money that can be profitably expended annually on this project; No. 4, clipping from press showing the attitude of Mrs. Ruth Bryan Owen, my Democratic opponent in the last campaign; No. 5, a copy of the rivers and harbors bill, on page 2 of which you will find authorization for Miami Harbor as per Document No. 516. On page 14 of the bill, section 11, you will note where local interest was authorized to advance the amount in order that work might begin at once; No. 6, Document 516 (see pages 2 and 4), showing authorization and local cooperation. You will note the local cooperation required does not involve the $1,605,000, but only provides for local cooperation as to turning basin.

I understand the War Department hopes to reimburse Miami in the sum of $500,000 out of the $50,000,000 provided for rivers and harbors improvement in the rivers and harbors bill just passed. This will leave a balance due Miami of $1,105,000. Let me briefly quote to you from Florida's Great Hurricane, by Joe H. Reese:

"All streets near the ocean at Miami Beach were covered with sand to a depth of several feet, and in some places automobiles were entirely covered. The foundations of some buildings were washed out, allowing the buildings to collapse" (p. 22). "The property loss in the greater Miami area has been estimated at $76,000,000. This does not include damage to house, office, and store furnishings. Approximately 4,725 homes were destroyed and 9,100 damaged in the area extending from Fort Lauderdale to Miami." On page 27 the author vividly portrays some of the hardships they went through and ends up with the explanation "that disaster and misfortune make the whole world kin." On page 28 appears the following quotation:

"ADVERSITY

"It is not the worst thing in life;
Adversity is the turn in the road;
It is not the end of the trail unless—
Unless you give up!"

"As I passed through Buena Vista it was sorrowful to see the damage that had been done there. Moore's handsome furniture store had been badly dealt with, the entire top story had been taken off of Shackelford's garage, and the Biltmore Theater was in ruins."

I could continue to quote from this book some of the horrors and sufferings these people went through. Buena Vista is now a part of greater Miami. I trust you will find time to look at the pictures of destruction in this book, which I am inclosing, for it will give you a general idea of the havoc wrought. I was told while in Florida recently, Fort Lauderdale, which is about 28 miles, as you know, from Miami, spent over $150,000 cleaning up her streets and moving débris. I do not know the vast amount of money spent by greater Miami, but I am told by the city commissioner and others that they are practically up against it. As you know, all funds for city purposes are collected in the form of taxes raised by the assessment against property. These people are requesting and asking for relief, and it seems but fair now that we have boasted of a $400,000,000 surplus in the Treasury that Miami, in view of the great hurricane she went through, should not be required to carry all of the load and that this money should be refunded to the city, as much as possible, in order that they may be given as much relief as possible.

At the time the city put up the money, as stated in the bill and in the document, it was to speed up the work. I assure you neither they nor myself would have asked for the incorporation of an emergency act for any sum except in view of the circumstances set forth above. If your subcommittee will therefore incorporate in the bill a provision refunding $500,000 to the city, this will make refunded to Miami the sum of $1,000,000, still leaving a balance of $605,000 deposited with the Government for its protection to see that the provision relative to the terminal basin is carried out, and will greatly relieve their present financial condition.

This money was deposited as shown by inclosure 2, to wit, $550,000 on January 15, 1926, and the balance of $1,105,000 on September 17, 1926, just a few weeks before the storm. My recollection is money was deposited prior to September, but I am not questioning the date as given to me by the department. The Government will be fully protected and the payment of the 6 per cent interest will stop on the sum reimbursed, therefore Miami will be relieved of this additional burden and the Government will not be hurt.

Some of the members of the committee have suggested that I present the matter to you, and I sincerely trust you will give same your careful consideration. If you care for a personal interview or care for me to present the matter before the committee, I will appreciate your so advising me. I appreciate the assistance Congressman MADDEN, chairman of the committee, has given me in this matter.

It has been suggested by some of the members of the subcommittee that the additonal sum of $500,000 come out of the $50,000,000 provided for rivers and harbors improvement in the rivers and harbors bill, but in view of (inclosure 1) letter from General Deakyne which states to do so would seriously interfere with important and necessary work on other projects, I can not request that the money come out of this appropriation, but request that same be made payable out of a general fund.

In conclusion I want to state this is giving to Miami nothing and is only reimbursing her for the money advanced to the Government, which the Government will have to do at a later date anyway. Therefore, it is simply a matter for your subcommittee to decide whether they will relieve this unfortunate financial condition due to no fault of theirs, having been a work of providence, or whether they will hold them to the terms of the agreement regardless of the result.

After you have given the inclosures your careful consideration I will appreciate it if you will call my office and I will come down and get the papers.

Yours very sincerely,

WILLIAM J. SEARS, M. C.

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

The question was taken, and the amendment was rejected.

Mr. THATCHER. Mr. Chairman, I ask unanimous consent to return to page 65 and insert the amendment which I send to the desk.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to return to page 65. Is there objection?

Mr. CRAMTON. I object.

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

The motion was agreed to.

Accordingly the committee rose; and Mr. TILSON having assumed the chair as Speaker pro tempore, Mr. GREEN of Iowa, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 17291, the second deficiency appropriation bill, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. WOOD. Mr. Speaker, I move the previous question upon the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER pro tempore. Is a separate vote demanded upon any amendments? [After a pause.] If not, the Chair will put them en grosse. The question is on agreeing to the amendments.

The 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.

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

CONFERENCE REPORT—CONSTRUCTION AT MILITARY POSTS

Mr. JAMES. Mr. Speaker, I present a conference report upon the bill (H. R. 17243) to authorize appropriations for construction at military posts, and for other purposes, for printing under the rule.

CONFERENCE REPORT—SALE OF SURPLUS WAR DEPARTMENT REAL PROPERTY

Mr. JAMES. Mr. Speaker, I present a conference report on the bill (S. 4305) to authorize the sale under provisions of the act of March 12, 1926 (Public, No. 45), of surplus War Department real property for printing under the rule.

WALKER RIVER INDIAN RESERVATION WATER SUPPLY

Mr. BEERS. Mr. Speaker, I submit the following report from the Committee on Printing, which I send to the desk and ask to have read.

The Clerk read as follows:

Mr. BEERS, from the Committee on Printing, submitted the following report, to accompany House Resolution 395:

The Committee on Printing, to whom was referred the resolution (H. Res. 395) providing for the printing of the report of the chief engineer of the United States Indian irrigation service on the water supply and storage conditions of the Walker River Indian Reservation in Nevada, submitted to the Secretary of the Interior under date of December 29, 1926, have considered the same and report favorably thereon, with the recommendation that the resolution do pass.

The original manuscript of this report contains many illustrations which the committee is of the opinion need not be reproduced in this report, and, accordingly, recommend the printing of this report without illustrations, which the Public Printer has estimated will cost approximately $595.95.

House Resolution 395

Resolved, That the report of the chief engineer of the United States Indian irrigation service on the water supply and storage investigations of the Walker River Indian Reservation, in the State of Nevada, as submitted to the Secretary of the Interior on December 29, 1926, pursuant to H. R. 8709, be printed as a House document.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

PRINTING OF MANUAL AND RULES

Mr. BEERS. Mr. Speaker, I offer the following resolution, which I send to the desk.

The Clerk read as follows:

Resolved, That the Constitution, Manual, Rules, and Practice of the House of Representatives for the Seventieth Congress be printed as a House document, and that 2,500 additional copies be printed and bound for the use of the House of Representatives.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

Mr. LAGUARDIA. Mr. Speaker, I reserve the right to object to that resolution.

Mr. RANKIN. Does that include the annotations of Mr. FESS and Mr. CANNON down to date?

Mr. BEERS. I understand it does.

Mr. LAGUARDIA. Is it proposed to print 2,500 copies of the Manual and Rules of the Seventieth Congress?

Mr. BEERS. That is the regular thing.

Mr. LAGUARDIA. Suppose there is a change in the rule?

Mr. CRAMTON. Mr. Speaker, I shall be constrained to make the point of order that there is no quorum present if this is going to lead to any debate.

Mr. BEERS. Mr. Speaker, I withdraw the resolution for the present.

NEW MEXICO COLLEGE OF AGRICULTURE AND MECHANICAL ARTS

Mr. MORROW. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Joint Resolution 171 and that the same be passed. This is to correct an error in the enrolled bill, which was passed by both bodies. It was ready to go to the department when an error was discovered. The error is simply speaking of the line west instead of the line east, and the line east in place of the line west.

Mr. CRAMTON. Mr. Speaker, I have no objection unless it develops there is some desire to have debate.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the resolution.

The Clerk read as follows:

Senate joint resolution (S. J. Res. 171) correcting the description of lands granted to the State of New Mexico for the use and benefit of New Mexico College of Agriculture and Mechanic Arts by enrolled bill S. 4910, Sixty-ninth Congress

Resolved, etc., That the description of lands granted to the State of New Mexico for the use and benefit of New Mexico College of Agriculture and Mechanic Arts, for the purpose of conducting educational, demonstrative, and experimental development with livestock, grazing methods, and range forage plants, by enrolled bill S. 4910, Sixty-ninth Congress, is hereby amended to read as follows:

All of township 20 south, range 1 west, New Mexico principal meridian, except sections 1 to 5, both inclusive; north half of northeast quarter of section 8; north half and southeast quarter of section 9; all of sections 10 to 13, both inclusive; north half, southeast quarter, and north half of southwest quarter of section 14; northeast quarter and east half of northwest quarter of section 15; all of section 16; northeast quarter and north half of northwest quarter of section 24; all of section 32; and all of section 36 therein; all of township 20 south, range 1 east, New Mexico principal meridian, except sections 2, 16, 32, and 36 therein, and that part of sections 30 and 31 lying south and west of the Rio Grande; all of the southwest quarter of southwest quarter of section 19 and all of sections 30 and 31 in township 20 south, range 2 west, New Mexico principal meridian; all of the east half of the southeast quarter and the southeast quarter of the northeast quarter of section 13, and the east half of the east half of section 24, in township 20 south, range 2 east, New Mexico principal meridian; all of section 1 and the east half of section 12, township 21 south, range 1 west, New Mexico principal meridian; all of township 21 south, range 1 east, New Mexico principal meridian, except sections 2, 16, 24, 25, 30, 31, 32, and 36 and the southwest quarter of the southwest quarter of section 29 therein; and all of sections 6, 7, and 18 in township 21 south, range 2 east, New Mexico principal meridian."

The SPEAKER pro tempore. The question is on the passage of the resolution.

The question was taken, and the joint resolution was passed.

ENROLLED HOUSE BILL SIGNED

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

H. R. 16462. An act making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1927, and prior fiscal years, and to provide urgent supplemental appropriations for the fiscal year ending June 30, 1927, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States, for his approval, the following bills:

H. R. 14831. An act to amend section 107 of the Judicial Code;

H. R. 15822. An act authorizing the county of Escambia, Fla., and/or the county of Baldwin, Ala., and/or the State of Florida, and/or the State of Alabama to acquire all the rights and privileges granted to the Perdido Bay Bridge & Ferry Co. by chapter 168, approved June 22, 1916, for the construction of a bridge across Perdido Bay from Lillian, Ala., to Cummings Point, Fla.;

H. R. 16024. An act to amend the act entitled "An act granting the consent of Congress to the Yell and Pope County Bridge District, Dardanelle and Russellville, Ark., to construct, maintain, and operate a bridge across the Arkansas River, at or near the city of Dardanelle, Yell County, Ark," approved March 3, 1925, and to extend the time for the construction of the bridge authorized thereby;

H. R. 16104. An act to amend the act entitled "An act granting the consent of Congress to the county of Barry, State of Missouri, to construct a bridge across the White River," approved March 31, 1926;

H. R. 16105. An act to amend the act entitled "An act granting the consent of Congress to the county of Barry, State of Missouri, to construct a bridge across the White River," approved March 31, 1926;

H. R. 16116. An act granting the consent of Congress to the Henderson Bridge Co., its successors and assigns, to construct, purchase or lease, maintain, and operate a bridge across the Kanawha River at or near the town of Henderson, W. Va., to a point opposite thereto in or near the city of Point Pleasant, W. Va.;

H. R. 16165. An act granting the consent of Congress to the commissioners of the county of Cook, State of Illinois, to recon-

struct the bridge across the Grand Calumet River at Burnham Avenue in said county and State;

H. R. 16462. An act making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1927, and prior fiscal years, and to provide urgent supplemental appropriations for the fiscal year ending June 30, 1927, and for other purposes;

H. R. 16649. An act to extend the time for construction of a bridge across the Susquehanna River, in Northumberland and Snyder Counties, State of Pennsylvania;

H. R. 16773. An act to amend an act entitled "An act authorizing the construction of a bridge across the Ohio River between the municipalities of Rochester and Monaca, Beaver County, Pa.";

H. R. 16778. An act to extend the time for the construction of a bridge across the Mississippi River at Alton, Ill., and across the Missouri River near Bellefontaine, in Missouri.

H. R. 16887. An act granting the consent of Congress to George A. Hero and Allen S. Hackett, their successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River;

H. R. 16954. An act granting the consent of Congress to the city of Blair, in the State of Nebraska, or its assignees, to construct a bridge and approaches thereto across the Missouri River between the States of Nebraska and Iowa;

H. R. 16971. An act granting the consent of Congress to the South Carolina and Georgia State highway departments, their successors and assigns, to construct, maintain, and operate a bridge across the Savannah River;

H. R. 17131. An act authorizing the construction of a bridge across the St. Lawrence River near Alexandria Bay, N. Y.; and

H. R. 17181. An act to extend the time for constructing a bridge across the Rainy River, approximately midway between the village of Spooner, in the county of Lake of the Woods, State of Minnesota, and the village of Rainy River, Province of Ontario, Canada.

GEN. RICHARD H. ANDERSON

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to extend remarks made by myself in an address delivered last night in this city.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. McSWAIN. Mr. Speaker, under unanimous consent granted by the courtesy of the House I am printing the following address:

Mr. McSWAIN. Mr. Chairman, ladies, and gentlemen, I greatly appreciate the compliment implied in the invitation to me to speak at this first historical meeting at this home. The invitation contained a suggestion that I speak upon the character of some of our distinguished Confederate leaders. I felt entirely incapable of adding anything new to what has been so often and so beautifully said respecting our great chieftains—our greatest of the many great chieftains, such as Lee and Jackson and Stuart and Hill and Longstreet and Joseph E. Johnston and Albert Sidney Johnston and Hampton and Wheeler and Forrest and others.

I was also impelled by a desire to bring to the attention of this audience, and through this audience to bring to the attention of the country, through the CONGRESSIONAL RECORD, some information regarding the services and the character of the ranking Confederate general from the State of South Carolina, Lieut. Gen. Richard Herron Anderson, commonly and familiarly and affectionately described as "Fighting Dick" Anderson.

As a South Carolinian, I am very proud when you enter the door of this Confederate memorial home, to find that the first face that greets you on the right as you enter is that of Wade Hampton, our gallant, chivalric general and statesman, a citizen without fear and without reproach, without stain, and without peer in the annals of our State as a man and as a leader of men in war and in peace. But I am reminded that Lieut. Gen. Richard Herron Anderson outranked Wade Hampton, in that his commission as lieutenant general antedated that of General Hampton.

We in South Carolina are proud to have furnished to the Confederacy such leaders as these; and I offer now a brief account of this rather unknown hero, unknown because of his own inherent modesty, unknown because of his implicit obedience to orders, unknown because of the misfortunes that befell him after the surrender of the Confederate Armies; and unknown because of the quiet dignity and gentility of his blood relatives, that have not forced upon the attention of the public the worthiness of his name.

By all the rules of the game of life, Richard Herron Anderson was marked to be a great man. If great and noble ancestry, if inspiring environment, if the best of educational opportunity and proper religious inspiration make the character of any person great, then this man whom we are thinking of to-night was due to be great; and he did not disappoint these expectations of greatness. He was a grandson of Richard Anderson, who was a captain in the Continental Armies, a native of Maryland, and who was with Washington at Germantown, at Monmouth, at Brandywine, at Long Island, and, finally, at Yorktown; and in the meantime with that dashing and brilliant hero, Gen. Daniel Morgan, at Cowpens.

This Capt. Richard Anderson married a Miss Wallace, reputed to be a direct descendant of that Scottish chieftain and warrior, William Wallace, of immortal memory. Their son, Dr. William Wallace Anderson, who became later a distinguished physician and noted scientist and naturalist, went to South Carolina about 1810 and married Sarah Jane MacKenzie, adopted daughter of Thomas Hooper, descended from distinguished sailors and soldiers of English and Scotch ancestry.

With his bride he took up his residence in one of the most historic and picturesque homes in all the land. That home stands in good condition to-day on what are called, with us, the High Hills of the Santee, about 30 miles from Columbia, S. C.; and in beauty, in elegance, and in historic association it is hardly paralleled save by such homes as Mount Vernon and Arlington. It is occupied, as it has been since the day it was built, more than 150 years ago, by the same line, by the same family.

Mrs. W. L. Sanders, a niece of General Anderson, and therefore a great-granddaughter of Richard Anderson, of Revolutionary fame, is now the courteous, the hospitable, the elegant, and the charming mistress of this beautiful colonial home that surmounts a magnificent knoll above the Wateree River. That home is the central spot in a lawn that contains perhaps 40 or 50 acres; and in that home are relics that remind one of every period in our history, from the day of the earliest settlement, from the time of the pioneer, through the various colonial wars, especially through the Revolutionary War, the War of 1812, and the War between the States, and even the World War, because there hangs the uniform and the sword of the only son of this Mrs. W. L. Anderson, who himself was a graduate of West Point and a gallant and decorated soldier of the World War, who was burned to death by the fall of an airplane after he had returned from France, covered with honors.

This home was occupied by Lord Cornwallis as headquarters during a portion of his campaign in South Carolina. It was also occupied as headquarters by Gen. Nathanael Greene; and carved by the point of a soldier's saber or bayonet on one of the doors are the letters "C A," which tradition says stood for Continental Army.

There, too, Gen. Francis Marion, Gen. Thomas Sumter, and other partisan heroes of South Carolina found quarters and found refreshment during their arduous campaigns. There, too, are many tokens of the struggles and of the heroic achievements of ancestors running back many generations.

For Richard Heron Anderson to have been born into such a family, of such a mother, of such a father, into such a home, of such beauty, of such refinement, of such elegance, of such inspiring associations, was in itself an asset that was almost a guaranty of nobility of character and purity of patriotism.

He was appointed to West Point Academy by Joel R. Poinsett, an engineer, a scientist, and statesman, who was at one time Secretary of War. Richard Herron Anderson was graduated in June, 1842, in the same class as Longstreet, D. H. Hill, A. P. Stewart, Van Dorn, McLaws, and G. W. Smith, and was immediately commissioned second lieutenant in the dragoons, and following the fortunes of the Regular Army through the West, in the Indian fighting of those pioneer days, he had a distinguished career in the Mexican War, as did most of the officers that rose to conspicuous stations on both sides during the war between the States.

After the Mexican War Anderson was presented with a sword by the State of South Carolina, upon resolution of the general assembly, a magnificent saber, which hangs to-day in the historic ancestral home, "Hill Crest," that I mentioned a while ago. The hilt is surmounted by the figurehead of John C. Calhoun.

When finally South Carolina, in obedience to what she considered to be her duty, as well as in the exercise of her right, seceded, the question was presented to the mind of the then Capt. Richard Heron Anderson that was presented to the minds of Lee, of Longstreet, and of so many other distinguished and noble Confederate leaders. People of our day and generation can not understand why it was that a soldier of the United States Army, having taken the oath of allegiance when he was commissioned in all the various ranks from second lieutenant up, could turn his back upon this oath of allegiance and follow the fortunes of his seceding State. This book here explains it in the simplest terms possible. This book was published in the city of Philadelphia in the year 1829. It was taught at West Point when Richard H. Anderson was a cadet there. It is known as "Rawls's View of the Constitution." Surely what the Federal Government at its military school taught her sons was true; surely they had a right to act upon it; and surely they could not be traitors if they followed the teaching that the Federal Government itself had given them; and I ask your attention to the very language. The book I hold is perhaps as old as the book that Richard H. Anderson himself studied while a cadet. His eyes followed this same language. His mind comprehended it.

Nobody at that time denied it, and the Federal Government taught it, and here is some of it—these are only a very few brief extracts that are specimens of what he was taught to believe to be the duty of his State:

"The States, then, may wholly withdraw from the Union, but while they continue they must retain the character of representative republics."

And again:

"The secession of a State from the Union depends on the will of the people of such State."

And again:

"But, in any manner by which secession takes place, nothing is more certain than that the act should be deliberate, clear, and unequivocal."

And the whole theory of the book, from start to finish, rests upon the proposition that originally and fundamentally the State was sovereign and parted with only a limited portion of its sovereignty for certain specific purposes, and retained the primary allegiance of all of her citizens; and might, therefore, recall her granted powers to the Federal Government and demand of all her citizens that they yield their primary allegiance to the State in whatever course the State might take. That is the most conclusive argument to justify the conduct of Lee and of others who were in the same status, having been taught the same book, holding commissions in the Army of the United States. It is unanswerable. It stands on a parity with the proposition that if the city of Washington were teaching her children, if the Federal Government here in the city of Washington were teaching our children, that the world is round and then, later, should pass a law that nobody should teach that the world was round, nobody should believe that the world was round, and that anybody who said it was round was a traitor. I solemnly believe the two propositions are on an absolute parity.

The military career in the Confederate service of General Anderson is highly creditable to his name and memory. He was first appointed colonel of the First Infantry Regiment of the State of South Carolina, and a few weeks later a brigadier general, and was then transferred into the service of the Confederate States proper, and commanded a brigade.

Soon thereafter he was promoted to be a major general, and commanded a division and participated as such division commander in such battles as Manassas, Gettysburg, Antietam, Fredericksburg, the Wilderness, Chancellorsville, the seven days fight around Richmond, and Petersburg. He was not at Appomattox because General Lee had ordered him to leave his command and to join General Joseph E. Johnston, and they and others were to join the army of the west on the other side of the Mississippi and carry on the contest there; but before Anderson reached Johnston, Johnston himself had surrendered with his army, so that Anderson went direct to his childhood home.

Now, history—the ordinary school history and general history—makes no special mention of General Anderson, because he never had any separate and independent command. When he was a brigade commander he was always attached to a division; when he was a division commander he was always attached to a corps and, of course, was subjected to the orders of the corps commander; and whatever of credit and honor came by virtue of any especial movement or of any particular victory, that credit went to the corps commander. Then when General Anderson became a corps commander, as a lieutenant general, he was always directly, immediately, under the command of General Lee, and consequently never made any great raids nor conducted any brilliant campaigns on his individual responsibility.

But this is the undisputed and conspicuous fact: That whenever General Anderson received orders to execute a movement he did it obediently, promptly, faithfully, and effectively. In making his final report of the Battle of Chancellorsville, General Lee makes special mention of General Anderson and of the marvelous work that three of his brigades did in holding back the entire force of Hooker's army to the north side of the Rapidan River until Lee's main army could be moved up from Fredericksburg, and gives credit to General Anderson and to those three brigades for making it possible for the main army to move in a position to resist and finally to defeat the invaders. He was, therefore, a dependable officer; he could be counted on; there was nothing erratic nor eccentric about him; he was a faithful, reliable, and trustworthy lieutenant to his great leaders and to his supreme commander, the matchless Lee. That is a good test of character. Without making any individual mention, we can remember that certain officers of corresponding rank were so set upon egotistical and selfish enterprises that sometimes they refused to obey orders, refused to be in the proper place at the proper time, and by such insubordination, by such eccentric and individualistic conduct of their commands contributed to such derangement as resulted in defeat. But here in Anderson was a worthy, trustworthy, dependable soldier.

After surrender the character of the man shines more brightly than ever. I refer to his unfortunate experiences after the war for the purpose of illustrating, first of all, the conditions that generally prevailed among all our people in South Carolina at that time—and perhaps they prevailed amongst the people of other States—and also for the purpose of illustrating the grandeur of the moral character of this man Anderson as a man.

When further fighting was unless, General Anderson returned to this splendid ancestral home and engaged in farming; but he was inexperienced in that, and there was no one there to assist him in directing it. Labor was disorganized and deranged, and his farming proved an utter failure, so that he soon lost all of his property, his interest in that splendid estate, and was reduced to absolute poverty. And when I say absolute poverty, I mean that it was so extreme, so utter, that he went to Charleston, S. C., and applied to the South Carolina Railroad for work and was assigned to work in the yards as a common laborer. Now, here is the moral grandeur of the man. Instead of seeking to sell his name and fame to some commercial enterprise, he parallels here the nobility of Lee, who refused to sell his name for $25,000 a year to a life insurance company. So, instead of marching up to some bank or to the office of the president of this railroad company and saying, "I am General Anderson. I want a position. I have got to live, and I want an easy, inside, swiveled and cushioned-chair job, a kid-glove sort of a position, compatible with my dignity." On the contrary, mark the simplicity of a nobleman, noble by the aristocracy of character rather than rank and legal standards. He applies in modesty for work, without telling who he is other than, when they asked his name, giving it, and to the clerk who wrote it down that name meant nothing. However, in a few days the president of the railroad heard of the circumstances—it was obliged to leak out—and so the president sent for General Anderson and offered him a position in the office, where his work would be more congenial and comfortable. There he worked in order to make bread for his wife, beautiful and accomplished noblewoman of Pennsylvania, a daughter of Chief Justice Gibson of that State.

A little later the president of this same railroad appointed Richard H. Anderson as the railroad agent at Camden, S. C. Camden is an historic town, with a splendid social environment, with inspiring historic traditions, but still a small town; and so the salary of the railroad agent, to receive cotton for shipment and to deliver the guano that came in on the freight trains, and to sell tickets to prospective passengers, is certainly not very remunerative, and yet he goes about this work with all the quiet, calm, unpretending dignity of a noble and Christian character.

Finally, in 1876, the State of South Carolina, under the leadership of Gen. Wade Hampton, was redeemed from the rule of the carpetbaggers and scalawags, who had dominated and practically destroyed all that there was left of our property and had demoralized our civilization itself. When the native white people, the people who represented what was worth while in civilization, had regained control of the government in 1876, it was but a natural and a proper thing that they should see that General Anderson have a position where life would be easier and more in keeping with his services to the State and to our South. So he was made what we called phosphate inspector, and took up his headquarters in the historic town of Beaufort, S. C., which was then the center of the phosphate industry in this country. While the salary of that position was probably not more than $150 per month, it was a godsend to him, because rent was low, and the necessary supplies for living were cheap, and the surroundings were very congenial, and the refined society of that beautiful old seacoast town was like one large family.

There he carried on his official task with that same conscientious, quiet, constant regard for duty. There, on the 26th day of June, 1879, when he was at the age of 58 only, his heart, worn out by the burden of official responsibility as a commander and by the struggle against the adverse economic conditions that he had battled with since the South's surrender, ceased to beat forever; and he was buried in that beautiful old town of Beaufort, and for some years his grave was not marked even by the most modest stone. Finally a public subscription was raised and an appropriate marker placed over his grave. And I want to pay tribute to an ex-Union officer, Capt. Neils Christensen, who after the surrender had gone to Beaufort and had entered business and had prospered, because when the movement to put a monument over the grave of General Anderson was begun, Captain Christensen said, "You put the monument there"—said to the southern people, the friends and admirers of General Anderson—"You put the monument there and I will put a durable railing or iron fence about it." And perhaps that iron fence cost nearly as much as the monument itself. This ex-Union soldier was thus paying the tribute of one brave heart to another.

My friends, true greatness does not consist in official rank, and it does not have to command pomp and heraldry as a witness of power in order to be genuine. That fact is true in all times and under all circumstances. It was true of Lee, as he went to that little college yonder in Virginia to teach the southern boys how to serve their land as citizens. It was true of Jackson as he kneeled in the prayer meeting of the private soldiers; and it is true to-day. I was reminded of this the other day, when I went down to the War College to hear a lecture by

the present Chief of Staff of the United States Army, Gen. Charles P. Summerall, on the subject of "The Human Element in War."

That speech is available now, having been printed in the CONGRESSIONAL RECORD, and if you will read it you will find that General Summerall has the same principle of moral grandeur that Lee and Jackson and Anderson had, in that he believes that leadership, that command among men, must rest upon the aristocracy of moral character; that soldiers, like students, can discern whether or not their leaders are sincere; they can detect hypocrisy; and that they will follow to the death the man who is genuinely and sincerely devoted to a cause and devotedly and unselfishly prosecuting his duty. If an officer hopes that the mere fact of rank and the mere legal existence of a commission will constitute him a leader, independent of his moral character, independent of his intellectual superiority, independent of his own willingness to dare and to do and to die, then he will be woefully disappointed when the great test of battle comes. Soldiers love a worthy leader and they love to pour out their life blood in following a worthy leader.

Such was the character of this simple, unpretentious son of Carolina, typical of our people in his birth, in his home training, in his service, and in all the misfortune and economic and financial calamity that came upon him. May I not hope that he is also typical of our people of that beloved State of South Carolina in the unselfish, in the heroic, in the genuine moral character that marked him as a man, and that we trust marks all the people of the State that he loved and served. This is my reason for bringing this matter to your attention, that his memory may be preserved and that we may take inspiration from his life. [Applause.]

LEAVE OF ABSENCE

By unanimous consent, Mr. PATTERSON was granted leave of absence for Monday on account of attending funeral of former Senator Baird as a pallbearer.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 7 o'clock and 1 minute p. m.), in pursuance of the order heretofore made, the House adjourned to meet to-morrow, Sunday, February 27, 1927, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Monday, February 28, 1927, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON THE JUDICIARY

(10 a. m.)

Charges of impeachment against Frank Cooper, judge of the northern district of New York.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1030. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Federal Radio Commission for the fiscal year ending June 30, 1927, to remain available until June 30, 1928, amounting to $115,000 (H. Doc. No. 761); to the Committee on Appropriations and ordered to be printed.

1031. A letter from the Secretary of the Treasury, transmitting schedules and lists of papers, documents, etc., in the files of this department which are not needed in the transaction of public business and have no permanent value; to the Committee on Disposition of Useless Executive Papers.

1032. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Department of Agriculture for the fiscal year 1927 for the purpose of making advances or loans to farmers in the drought and storm stricken areas of the United States, $8,600,000 (H. Doc. No. 762); to the Committee on Appropriations and ordered to be printed.

1033. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Bureau of Navigation, Department of Commerce, for the fiscal year ending June 30, 1928, amounting to $20,000, and in addition thereto continuation until June 30, 1928, of availability of the unexpended balance of the appropriation, "Enforcement of wireless communications law," fiscal year 1927 (H. Doc. No. 763); to the Committee on Appropriations and ordered to be printed.

1034. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Department of Agriculture for the fiscal year 1927, to remain available until June 30, 1928, for the construction, reconstruction, and maintenance of public highways in the Virgin Islands of the United States (H. Doc. No. 764); to the Committee on Appropriations and ordered to be printed.

1035. A communication from the Secretary of the Interior, transmitting report of special advisers of their investigation of reclamation and rural development in the South, and of swamp and overflow lands in the Yazoo Basin, Miss. (H. Doc. No. 765); to the Committee on Appropriations and ordered to be printed, with illustration.

1036. A letter from the Secretary of the Treasury and Postmaster General, transmitting recommendations based on surveys made of existing conditions in Seattle, Wash.; San Pedro, Calif.; Malden, Mass.; and Juneau, Alaska (H. Doc. No. 766); to the Committee on Public Buildings and Grounds and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. MILLIGAN: Committee on Interstate and Foreign Commerce. H. R. 17270. A bill granting the consent of Congress to R. A. Breuer, H. L. Stolte, John M. Schermann, O. F. Nienhueser, and Robert Walker, their successors and assigns, to construct, maintain, and operate a bridge across the Missouri River; with amendment (Rept. No. 2254). Referred to the House Calendar.

Mr. NEWTON of Minnesota: Committee on Interstate and Foreign Commerce. H. R. 17271. A bill to extend the time for constructing a bridge across the Mississippi River between the city of Anoka, in the county of Anoka, and the village of Champlin, in the county of Hennepin, State of Minnesota; with amendment (Rept. No. 2255). Referred to the House Calendar.

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 17295. A bill granting the authority of Congress to the Kanawha Falls Bridge Co. (Inc.) to construct a bridge across the Kanawha River at Kanawha Falls, Fayette County, W. Va.; with amendment (Rept. No. 2256). Referred to the House Calendar.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 17297. A bill granting the consent of Congress to the Fisher Lumber Corporation to construct, maintain, and operate a railroad bridge across the Tensas River in Louisiana; with amendment (Rept. No. 2257). Referred to the House Calendar.

Mr. MILLIGAN: Committee on Interstate and Foreign Commerce. H. R. 17320. A bill granting the consent of Congress to O. F. Schulte, E. H. Otto, O. W. Arcularius, J. L. Calvin, and J. H. Dickbrader, their successors and assigns, to construct, maintain, and operate a bridge across the Missouri River; with amendment (Rept. No. 2258). Referred to the House Calendar.

Mr. McSWAIN: Committee on Military Affairs. S. 5402. An act to amend the act entitled "An act to provide more effectively for the national defense by increasing the efficiency of Air Corps of the Army of the United States, and for other purposes," approved July 2, 1926; without amendment (Rept. No. 2259). Referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of Washington: Committee on Immigration and Naturalization. S. J. Res. 152. A joint resolution to amend subdivisions (b) and (e) of section 11 of the immigration act of 1924, as amended; without amendment (Rept. No. 2260). Referred to the House Calendar.

Mr. HAUGEN: Committee on Agriculture. S. 4909. An act authorizing the Secretary of Agriculture to take a census of baled cotton, known as the "carry over," on hand on August 1, 1927, and to make and publish a report thereof; without amendment (Rept. No. 2262). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. R. 16807. A bill authorizing the establishment of a migratory bird refuge at Bear River Bay, Great Salt Lake, Utah; without amendment (Rept. No. 2263). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. R. 17334. A bill to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled "An act donating public lands to the several States and Territories, which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture; without amendment (Rept. No. 2264). Referred to the Committee of the Whole House on the state of the Union.

Mr. COOPER of Ohio: Committee on Interstate and Foreign Commerce. H. R. 17333. A bill granting the consent of Congress to the city of Youngstown to construct a bridge across the

Mahoning River at West Avenue, Youngstown, Mahoning County, Ohio; with amendment (Rept. No. 2265). Referred to the House Calendar.

Mr. BEERS: Committee on Printing. H. Res. 395. A resolution providing for the printing of the report of the chief of engineers of the United States Indian irrigation service on the water supply and storage investigations of the Walker River Indian Reservation, in the State of Nevada; (Rept. No. 2268). Ordered printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII.

Mr. McSWAIN: Committee on Military Affairs. S. 4330. An act authorizing the Secretary of War to make settlement of the claim of the Franklin Ice Cream Co.; without amendment (Rept. No. 2261). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 14331) granting an increase of pension to Christine E. Geiger, and the same was referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. GARBER: A bill (H. R. 17347) providing for payments, in lieu of transportation in kind and subsistence en route, to certain veterans of the war with Spain and the Philippine insurrection; to the Committee on Military Affairs.

By Mr. WYANT: A bill (H. R. 17348) granting the consent and approval of Congress to the Delaware River compact; to the Committee on the Judiciary.

By Mr. SUMMERS of Washington: A bill (H. R. 17349) to provide for the vocational rehabilitation of residents of the District of Columbia permanently disabled in industry or otherwise and their return to employment; to the Committee on Education.

By Mr. BRITTEN: Resolution (H. Res. 443) to hold intact the spirit of the Monroe doctrine; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the Legislature of the State of Idaho, indorsing S. 3427 as the same would be amended and request early and favorable action; to the Committee on the Public Lands.

Memorial of the Legislature of the State of Wisconsin, relating to the Great Lakes-St. Lawrence waterway project; to the Committee on Interstate and Foreign Commerce.

By Mr. HUDSPETH: Memorial of the Legislature of the State of Texas, urging farm relief; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ARNOLD: A bill (H. R. 17350) granting a pension to Effy J. Pressley; to the Committee on Invalid Pensions.

By Mr. CHRISTOPHERSON: A bill (H. R. 17351) granting a pension to Myra Dobson; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 17352) for the relief of the Fidelity & Deposit Co. of Maryland; to the Committee on Claims.

By Mr. McDUFFIE: A bill (H. R. 17353) for the relief of the heirs of Thomas A. Hendricks; to the Committee on War Claims.

By Mr. MENGES: A bill (H. R. 17354) granting an increase of pension to Mary E. Dasher; 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:

7488. Petition of Mr. W. J. Robinson, secretary of the Marion Community Club, Marion, Iowa, indorsing the action of Senator STEWART in regard to farm legislation; to the Committee on Ways and Means.

7489. By Mr. AUF DER HEIDE: Memorial of the American Legion, Department of New Jersey, at Trenton, N. J., indorsing the disabled emergency officers' proposed legislation; to the Committee on World War Veterans' Legislation.

7490. By Mr. AYRES: Petition of citizens of Mulvane, Kans., for legislation in behalf of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7491. Also, petition of citizens of Clearwater, Kans., for legislation in behalf of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7492. By Mr. BERGER: Petition of citizens of the United States and residents of the city of Milwaukee, Wis., not to pass any bill enforcing the observance of the Sabbath, or enact any measure which will give preference to one religion above another; to the Committee on the District of Columbia.

7493. Also, memorial of Cigar Makers' Union Local, No. 25, of Milwaukee, Wis., protesting against the proposed enactment of House bill 8997, relating to the parcel-post rate on parcels sent from Cuba; to the Committee on Ways and Means.

7494. By Mr. BROWNE: Resolution of the legislature of the State of Wisconsin, relating to the Great Lakes-St. Lawrence waterway project; to the Committee on Rivers and Harbors.

7495. By Mr. GALLIVAN: Petition of Military Order of the World War, Greater Boston Chapter, Boston, Mass., urging favorable consideration of bill providing for the retirement of disabled emergency Army officers; to the Committee on World War Veterans' Legislation.

7496. By Mr. GARBER: Petition of the Central Labor Union, of St. Petersburg, Fla., demanding the immediate withdrawal of the armed forces of the United States from the territory of Nicaragua and calling for the submission of matters in dispute with Mexico to a board of arbitration for adjustment; to the Committee on Foreign Affairs.

7496½. Also, petition of G Company, Sixth Regiment of the National Society of Scabard and Blade (Carnegie Institute of Technology), protesting against further delay in bringing our Army up to the provisions of the national defense act of 1920 and our Navy up to its proper position under the 5-5-3 ratio; to the Committee on Naval Affairs.

7497. By Mr. GOODWIN: Petition of Mrs. Addie Von Voltenburg and nine other citizens of Hinkley, Pine County, Minn., against compulsory Sunday observance laws; to the Committee on the District of Columbia.

7498. Also, petition of W. H. Cutler and 15 other citizens of Pine County, Minn., against compulsory Sunday observance laws; to the Committee on the District of Columbia.

7499. Also, petition of Ross C. Creglow and 68 other citizens of Wyanett and Princeton, Mille Lacs County, Minn., against compulsory Sunday observance laws; to the Committee on the District of Columbia.

7500. Also, petition of Oscar Oswald and 13 other citizens of Birch Creek, Minn., against compulsory Sunday observance laws; to the Committee on the District of Columbia.

7501. By Mr. HAUGEN: Petition of 14 adult residents of Howard County, Iowa, opposing passage of the compulsory Sunday observance bill (H. R. 10311) nor to pass any other religious legislation which may be pending; to the Committee on the District of Columbia.

7502. By Mr. LINTHICUM: Petition of Hynson, Westcott & Dunning, Baltimore, Md., protesting against medicinal liquor bill; to the Committee on Ways and Means.

7503. Also, petition of Wm. J. Quinn, jr., president Maryland Hotel Men's Association, Baltimore, Md., favoring repeal of wartime Pullman surcharge; to the Committee on Interstate and Foreign Commerce.

7504. Also, petition of the Barton-Gillet Co., Delane Brown (Inc.), Williams & Wilkins Co., and Swindell Bros., all of Baltimore, Md., and the Everedy Co., Frederick, Md., favoring House bill 13446; to the Committee on the Post Office and Post Roads.

7505. By Mr. LITTLE: Petition of 30 residents of Gardner, Kans.; 79 residents of Ottawa, Kans.; 72 residents of Iola, Kans., urging that immediate steps be taken to bring to a vote a Civil War pension bill; to the Committee on Invalid Pensions.

7506. Also, petition of 35 residents of Silverdale, Kans., and 117 residents of Westphalia, Kans., urging that immediate steps be taken to bring to a vote a Civil War pension bill; to the Committee on Invalid Pensions.

7507. By Mr. McFADDEN: Petition of Laceyville, Monroeton, and Nicholson Boroughs, Pa., to bring to a vote the Civil War pension bill granting relief to veterans and widows of veterans, and carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

7508. By Mr. McLAUGHLIN of Michigan: Petition of 12 residents of Rothbury, Mich., in opposition to the enactment by

Congress of the Sunday closing legislation now pending; to the Committee on the District of Columbia.

7509. By Mr. MANLOVE: Petition of W. A. Brown, Ray Johnson, Clara Falkner, W. T. Denbo, and 22 other residents of Jasper County, Mo., urging that legislation be enacted for the increase of the pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7510. Also, petition of Dan Z. Gilison, Everett E. Teel, A. E. Ferry, and 83 other residents of Vernon County, Mo., urging legislation for the relief of the veterans and widows of veterans of the Civil War; to the Committee on Invalid Pensions.

7511. By Mr. MERRITT: Petition of sundry citizens of Stamford, Conn., urging legislation for Civil War veterans; to the Committee on Invalid Pensions.

7511½. By Mr. O'CONNELL of New York: Petition of citizens of Bayonne, N. J., opposing compulsory Sunday observance legislation; to the Committee on the District of Columbia.

7512. By Mr. ROBINSON of Iowa: Petition from the employees in the Glover factories, Dubuque, Dubuque County, Iowa, urging the enactment of the Walsh-Cooper bill; to the Committee on Labor.

7513. Also, petition from sewing-machine operators in one of the Glover factories in Dubuque, Dubuque County, Iowa, urging the enactment of the Walsh-Cooper bill; to the Committee on Labor.

7514. By Mr. ROMJUE: Petition of George E. Yost et al., urging increase of pensions for veterans of Civil War; to the Committee on Invalid Pensions.

7515. By Mr. VINCENT of Michigan: Petition of residents of Eureka, Mich., protesting against compulsory Sunday observance bills; to the Committee on the District of Columbia.

7516. By Mr. WATSON: Resolution passed by the members of the Warwick Parent-Teacher Association, urging the passage of legislation as expressed in the Philadelphia convention resolutions; to the Committee on Appropriations.

SENATE

SUNDAY, *February 27, 1927*

The Senate met at 10 o'clock and 30 minutes a. m.

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

Gracious Father, not only in the sunshine but in the shadow Thou art always accessible to the needy heart; and when sorrow comes we find that Thou hath for us infinite comfort.

Regard, we beseech of Thee, the gathering at this morning hour as we think of those who have passed hence but have left records behind them. Comfort, we beseech Thee, bereaved lives. Give unto each, we ask, the consolation that has in it infinite satisfaction.

The Lord our God lead us through all the pathway of duty, and help us to understand much more clearly the importance of serving our generation by Thy will.

Hear and help us, and may we be freighted with the obligation that to do Thy will is to honor Thee and to receive Thy "well done" at last. We ask in Jesus' name. Amen.

The VICE PRESIDENT. Without objection, the reading of the Journal of yesterday's proceedings will be dispensed with, and the Journal will be approved.

MEMORIAL ADDRESSES ON THE LATE SENATOR A. B. CUMMINS

Mr. STECK. Mr. President, I offer the resolutions which I send to the desk and ask that they may be read and considered.

The VICE PRESIDENT. The resolutions will be read.

The resolutions (S. Res. 375) were read and considered by unanimous consent, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of Hon. ALBERT B. CUMMINS, late a Senator from the State of Iowa.

Resolved, That as a mark of respect to the memory of the deceased Senator the business of the Senate be now suspended to enable his associates to pay tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and communicate a copy thereof to the family of the deceased.

Mr. STECK. Mr. President, ALBERT BAIRD CUMMINS, one of the Senators in honor of whom we have met to-day, was a most remarkable man. Born in a log cabin on a farm near Carmichaels, in Greene County, Pa., a little more than 77 years ago, his rise to the high place he attained is a fine illustration of the heritage of opportunity which has awaited every man born in the United States since the beginning of its history. His example in availing himself of that opportunity is one which may with profit be emulated by those who are now at the commencement of their journey.

I can not undertake any comprehensive discussion of his work and life. It was a long one, crowded with activity and achievement. A competent review of the first 25 years would be a vivid portrayal of the unhurried life and times of the third quarter of the nineteenth century. A review of the last 50 years would require the tracing of the political changes and economic developments which have occurred in this country during that time, in so many of which he had a part. That task I shall leave to his biographer, and it will be an able biographer indeed who can do justice to Senator CUMMINS. I must speak from the standpoint of my acquaintance with him—the acquaintance of a young man with an older one.

As may be inferred from what I have said, Senator CUMMINS's parents were not rich in worldly things, but they gave to him a priceless possession—the courage and character which were to carry him to the honorable and distinguished end of a long and stormy career. His entire life was an open book in which the whole world was privileged to read, and on not one page is there a record of a thing said or done unworthy of a man who lived by the code of gentlemen of the old school, than which there is none more exacting.

Few men make as great sacrifice for public service as did Senator CUMMINS. At the time he entered it he was the acknowledged leader of the Iowa bar, and, indeed, one of the best lawyers in this country. No one questions that he would have attained the highest distinction and reaped the richest rewards if he had devoted his life to the practice of the profession. However, he became convinced that the welfare of the people required that certain changes be made in the then existing order of things, and he set his hand to that task. It is sufficient for me to say here that those changes which he then believed should be made, and in the advocacy of which he at first stood almost alone, have all come to pass. The memory of man is short, and many there are to whom the early days of his political life are unknown or forgotten. For those reasons only the Senator in recent years was accused of retrogression; but any student of the political and economic history of the last 30 years knows that accusation is without foundation. The world simply has moved along.

Always a profound student and tremendous worker, it is probable that his hand is to be found on more of the pages of the permanent laws of the United States than that of any man since he came to the Senate in 1908. Particularly is this true with respect to the laws relating to railroad transportation. He was the acknowledged authority on that subject. The transportation act of 1920 was to a large extent the result of his work and wisdom, and it perhaps more than any other one thing is responsible for the economic revolution and the progress which have occurred in the United States in the last seven years. It will stand as a monument to his name more enduring than any which may be erected by those who loved and admired him.

While Senator CUMMINS was the center of many memorable and bitter controversies, he always had the utmost respect for the views of others, no matter how widely they might differ from his. In his creed every man was entitled to his own honest convictions, and the Senator reserved only the right to use his power of persuasion that his opinions might prevail.

I venture to say that no man has sat in this Senate who had a greater love for the State and the people he represented, or was more zealous and diligent in promoting their welfare. It truly may be said, also, that he was a Member of the Senate of the United States in the fullest sense of the term, and not alone a Senator from the State of Iowa. His was a broad vision, and in all that he did he had in mind the interests of the people of the whole country.

Mr. President, the story of the rise of Senator CUMMINS from his humble beginning to his position as the foremost citizen of the State of Iowa and its outstanding contribution to the public service of the United States is one filled with struggle, achievement, disappointment but not regret, and the satisfaction which comes from work well done. To him the respect, esteem, and confidence of his fellowmen were dearer than anything else in the world; and he came to the end of his well-spent life with the knowledge that he possessed these in the fullest measure. Upon him properly may be conferred the highest and most honorable of titles—a good man; a good citizen; a gentleman.