Congressional Record

PROCEEDINGS AND DEBATES OF THE SEVENTIETH CONGRESS
FIRST SESSION

SENATE

TUESDAY, *May 8, 1928*

(Legislative day of Thursday, May 3, 1928)

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

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

MESSAGE FROM THE HOUSE

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

S. 805. An act donating Revolutionary cannon to the New York State Conservation Department;

S. 1456. An act to authorize an appropriation for a road on the Zuni Indian Reservation, N. Mex.; and

S. 3947. An act to provide for the times and places for holding court for the eastern district of North Carolina.

The message also announced that the House had passed the following bills severally with amendments, in which it requested the concurrence of the Senate:

S. 797. An act granting the consent of Congress to the J. K. Mahone Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Wellsburg, W. Va.;

S. 1480. An act authorizing certain Indian tribes and bands, or any of them, residing in the State of Washington to present their claims to the Court of Claims; and

S. 3862. An act authorizing J. T. Burnett, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Tiptonville, Tenn.

The message further announced that the House had passed the following bill and joint resolutions, each with an amendment, in which it requested the concurrence of the Senate:

S. 2004. An act authorizing the paving of the Federal strip known as International Street, adjacent to Nogales, Ariz.; and

S. J. Res. 23. Joint resolution providing for the participation of the United States in the celebration in 1929 and 1930 of the one hundred and fiftieth anniversary of the conquest of the Northwest Territory by Gen. George Rogers Clark and his army, and authorizing an appropriation for the construction of a permanent memorial of the Revolutionary War in the West, and of the accession of the Old Northwest to the United States on the site of Fort Sackville, which was captured by George Rogers Clark and his men February 25, 1779.

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

H. R. 43. An act to amend the act entitled "An act to standardize lime barrels," approved August 23, 1916;

H. R. 167. An act to amend the act of February 12, 1925 (Public, No. 402, 68th Cong.), so as to permit the Cowlitz Tribe of Indians to file suit in the Court of Claims under said act;

H. R. 491. An act authorizing the attorney general of the State of California to bring suit in the Court of Claims on behalf of the Indians of California;

H. R. 5475. An act authorizing the New Cumberland Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near New Cumberland, W. Va.;

H. R. 5548. An act to authorize payment of six months' death gratuity to dependent relatives of officers, enlisted men, or nurses whose death results from wounds or disease not resulting from their own misconduct;

H. R. 5644. An act to enable an enlisted man in the naval service to make good time lost in excess of one day under certain conditions;

H. R. 5718. An act to amend the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service";

H. R. 6518. An act to amend the salary rates contained in the compensation schedules of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services";

H. R. 6854. An act to add certain lands to the Montezuma National Forest, Colo., and for other purposes;

H. R. 7354. An act to allow the Postmaster General to promote mechanics' helpers to the first grade of special mechanics;

H. R. 8728. An act to authorize the Postmaster General to give motor-vehicle service employees credit for actual time served on a basis of one year for each 306 days of eight hours served as substitute;

H. R. 8907. An act to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, and for other purposes;

H. R. 9046. An act to continue the allowance of Sioux benefits;

H. R. 9194. An act authorizing the Secretary of the Interior to acquire land and erect a monument on the site of the battle between the Sioux and Pawnee Indian Tribes in Hitchcock County, Nebr., fought in the year 1873;

H. R. 9355. An act to provide for the acquisition of certain property in the District of Columbia for the Library of Congress, and for other purposes;

H. R. 9965. An act to erect a tablet or marker to mark the site of the Battle of Kettle Creek, in Wilkes County, Ga., where on February 14, 1779, Elijah Clarke, of Georgia, and Colonel Pickens, of South Carolina, overtook the Tories under Colonel Boyd, killing him and many of his followers, thus ending British dominion in Georgia;

H. R. 10786. An act authorizing surveys and investigations to determine the best methods and means of utilizing the waters of the Gila River and its tributaries above the San Carlos Reservoir in New Mexico and Arizona;

H. R. 11621. An act to authorize the Secretary of the Navy to advance public funds to naval personnel under certain conditions;

H. R. 11758. An act authorizing the Secretary of War to grant a right of way for a levee through the Chalmette National Cemetery;

H. R. 11804. An act authorizing and directing the Secretary of War to lend to the town of Appalachia, Va., 500 canvas cots, 500 blankets, 1,000 bed sheets, 500 pillows, 500 pillowcases, and 500 mattresses or bed sacks, to be used at the convention of the American Legion, Department of Virginia, to be held at Appalachia, Va., on August 13, 14, and 15, 1928;

H. R. 11852. An act providing for the confirmation of grant of lands formerly the United States barracks at Baton Rouge, La., to the board of supervisors of the Louisiana State University and Agricultural and Mechanical College;

H. R. 11917. An act granting the consent of Congress to the county of Cook, State of Illinois, to widen, maintain, and operate the existing bridge across the Little Calumet River in Cook County, State of Illinois;

H. R. 11950. An act to legalize a pier and wharf in Deer Island thoroughfare on the northerly side at the southeast end of Buckmaster Neck at the town of Stonington, Me.;

H. R. 11953. An act to authorize the sale under the provisions of the act of March 12, 1926 (Public, No. 45, 69th Cong.), of surplus War Department real property;

H. R. 11980. An act granting the consent of Congress to the Fisher Lumber Corporation to construct, maintain, and operate a railroad bridge across the Tensas River in Louisiana;

H. R. 12192. An act authorizing the Secretary of the Interior to accept a deed to certain land and issue patent therefor to the city of Buhl, Twin Falls County, Idaho;

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

H. R. 12379. An act granting the consent of Congress to Howard Seabury to construct, maintain, and operate a dam to retain tidal waters in an unnamed cove which is situated and extends from Cases Inlet into section 28, township 21 north, range 1 west, Willamette meridian, in Pierce County, State of Washington;

H. R. 12386. An act authorizing the State of Texas and the State of Louisiana to construct, maintain, and operate a free highway bridge across the Sabine River at or near Pendleton's Ferry;

H. R. 12408. An act authorizing custodians and acting custodians of Federal buildings to administer oaths of office to employees in the custodian service;

H. R. 12605. An act to enable the Postmaster General to purchase and erect community mail boxes on rural routes and to rent compartments of such boxes to patrons of rural delivery;

H. R. 12676. An act to amend section 2 of an act approved February 14, 1926, granting consent of Congress for the construction of a bridge across Red River at or near Fulton, Ark.;

H. R. 12677. An act to amend section 2 of an act approved March 12, 1928, granting consent of Congress for the construction of a bridge across the Ouachita River at or near Calion, Ark.;

H. R. 12814. An act to increase the efficiency of the Air Corps; and

H. J. Res. 236. Joint resolution authorizing the Secretary of War to lend tents and camp equipment for the use of the housing committee for the convention of the American Legion for the Department of Washington, to be held at Centralia, Wash., in the month of August, 1928.

DISPOSITION OF USELESS PAPERS

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of War, transmitting, pursuant to law, lists of useless papers in the War Department not needed or useful in the transaction of current business and having no permanent value or historic interest, and asking for action looking toward their disposition, which was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments.

The VICE PRESIDENT appointed Mr. REED of Pennsylvania and Mr. FLETCHER members of the committee on the part of the Senate.

THE AMERICAN MERCHANT MARINE

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 744) to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes, which was to strike out all after the enacting clause and to insert a substitute.

Mr. JONES. I move that the Senate disagree to the House amendment, ask for a conference, and that the Chair appoint five conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. JONES, Mr. MCNARY, Mr. JOHNSON, Mr. FLETCHER, and Mr. RANSDELL conferees on the part of the Senate.

CLAIMS OF INDIANS IN THE STATE OF WASHINGTON

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1480) authorizing certain Indian tribes and bands, or any of them, residing in the State of Washington, to present their claims to the Court of Claims, which were, on page 6, line 18, to strike out the comma and "but any" and insert a period and "Any"; on page 7, line 7, to strike out "any one" and insert "all"; and on the same page, line 17, after the word "annum," to insert a comma and "subject to appropriation by Congress for the health, education, and industrial advancement of said Indians, including the building of homes."

Mr. JONES. I move that the Senate agree to the amendments made by the House.

The motion was agreed to.

APPROPRIATIONS FOR LEGISLATIVE BRANCH

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12875) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1929, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 39 and 45.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 40, 41, and 44, and agree to the same.

The committee of conference have not agreed on amendments numbered 42, 43, and 46.

F. E. WARREN,
REED SMOOT,
CHARLES CURTIS,
E. S. BROUSSARD,
ROYAL S. COPELAND,
Managers on the part of the Senate.

FRANK MURPHY,
GEO. A. WELSH,
WM. P. HOLADAY,
JOHN N. SANDLIN,
EDWARD T. TAYLOR,
Managers on the part of the House.

The report was agreed to.

CALL OF THE ROLL

Mr. HEFLIN obtained the floor.

Mr. CURTIS. Mr. President, will the Senator yield that I may suggest the absence of a quorum?

Mr. HEFLIN. I yield for that purpose.

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

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	La Follette	Sheppard
Barkley	Frazier	McKellar	Shipstead
Bingham	George	McLean	Shortridge
Black	Gerry	McMaster	Simmons
Blaine	Gillett	McNary	Smith
Blease	Glass	Mayfield	Smoot
Borah	Goff	Metcalf	Steck
Bratton	Gooding	Moses	Steiwer
Brookhart	Gould	Neely	Stephens
Broussard	Greene	Norbeck	Swanson
Bruce	Hale	Norris	Thomas
Capper	Harris	Nye	Tydings
Caraway	Harrison	Oddie	Tyson
Copeland	Hawes	Overman	Vandenberg
Couzens	Hayden	Phipps	Wagner
Curtis	Heflin	Pine	Walsh, Mass.
Cutting	Howell	Pittman	Walsh, Mont.
Deneen	Johnson	Ransdell	Warren
Dill	Jones	Reed, Mo.	Waterman
Edge	Kendrick	Reed, Pa.	Wheeler
Edwards	Keyes	Sackett	
Fess	King	Schall	

The VICE PRESIDENT. Eighty-six Senators having answered to their names, a quorum is present.

ONE HUNDRED AND FIFTIETH ANNIVERSARY OF CONQUEST OF THE NORTHWEST TERRITORY

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 23) providing for the participation of the United States in the celebration in 1929 and 1930 of the one hundred and fiftieth anniversary of the conquest of the Northwest Territory by Gen. George Rogers Clark and his army, and authorizing an appropriation for the construction of a permanent memorial of the Revolutionary War in the West, and of the accession of the old Northwest to the United States on the site of Fort Sackville, which was captured by George Rogers Clark and his men February 25, 1779, which was, to strike out all after the enacting clause and insert a substitute.

Mr. FESS. I move that the Senate disagree to the amendment of the House and request a conference on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. FESS, Mr. HOWELL, and Mr. MCKELLAR conferees on the part of the Senate.

REPORT OF THE JUVENILE COURT OF THE DISTRICT OF COLUMBIA (S. DOC. NO. 99)

Mr. CAPPER. I present a letter addressed to me by the Attorney General, forwarding two communications from Judge Kathryn Sellers, of the juvenile court of the District of Columbia, together with a report covering the activities of that court during the year ended June 30, 1927. I ask an order, in accordance with the usual practice, that it be printed as a Senate document.

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

PETITIONS AND MEMORIALS

Mr. VANDENBERG. I present a telegram from Henry C. Walters, of Detroit, Mich., president of the Michigan Bar Association, protesting against the passage of Senate bill 3151,

which I ask may be printed in the RECORD and referred to the Committee on the Judiciary.

There being no objection, the telegram was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

It is not feasible to call a meeting of the 1,600 members of the Michigan State Bar Association to take formal action. But 19 out of the 27 directors and directors at large, which is the governing body unit, have asked me to protest on behalf of the association against the passage of S. 3151 on the ground that miscarriages of justice would follow upon its enactment. Remaining 8 directors and directors at large not yet heard from. The 19 heard from include former Chief Justice Carpenter, ex-Judge Murfin, George W. Weadock, Mark Norris, Stuart Knappen, George E. Nichols, George W. Cook, Wade Millis, Burritt Hamilton, Walter Foster, and C. W. Perry, all former presidents of the State association. The governing body consists of lawyers long in active practice, and they know from experience that real prejudice exists against nonresident litigants and that it is much less pernicious in its effect in Federal than in State courts. They feel that passage of the act would work incalculable mischief and constitute deplorable retrogression.

HENRY C. WALTERS,
President Michigan State Bar Association, Detroit, Mich.

Mr. CAPPER presented a resolution adopted by Earl C. Gormley Post, No. 45, American Legion, of Junction City, Kans., favoring the passage of the so-called Capper-Johnson universal draft bill, which was referred to the Committee on Military Affairs.

Mr. JONES presented a petition of sundry citizens of Sunnyside, Wash., praying for the passage of the so-called universal draft bill, which was referred to the Committee on Military Affairs.

He also presented a resolution adopted at the annual meeting of the Washington State Society Sons of the American Revolution, favoring the passage of the so-called Box bill, providing for the restriction of Mexican immigration, which was referred to the Committee on Immigration.

Mr. FESS presented petitions of sundry citizens of the State of Ohio, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. COPELAND presented petitions of sundry citizens of Brooklyn and vicinity, in the State of New York, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. McLEAN presented a resolution of Raymond W. Harris Post, No. 145, Veterans of Foreign Wars of the United States, of Bridgeport, Conn., favoring the passage of the so-called Gold Star Mothers bill, which was referred to the Committee on Military Affairs.

He also presented the petition of Eddy-Glover Post, No. 6, American Legion, of New Britain, Conn., favoring the passage of the so-called Capper universal draft bill, which was referred to the Committee on Military Affairs.

He also presented letters in the nature of petitions from Middletown Branch, No. 175, of Middletown, and Capital City Branch, No. 86, of Hartford, both of the National Association of Letter Carriers, in the State of Connecticut, favoring the passage of the so-called Dale civil service retirement bill, which were referred to the Committee on Civil Service.

He also presented letters in the nature of petitions from Sarah Williams Chapter, Daughters of the American Revolution, of Danielson, and Sibbel Dwight Kent Chapter, Daughters of the American Revolution, of Suffield and Windsor Locks, both in the State of Connecticut, praying for the retention of the national origins quota provision in the immigration law, which were referred to the Committee on Immigration.

He also presented a resolution adopted at the forty-fourth annual encampment of the Connecticut Division, Sons of Union Veterans of the Civil War, favoring the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

He also presented letters in the nature of petitions from the congregations of the First Congregational Church of Stamford and the Methodist Episcopal Church of New London, and of sundry citizens of Danbury and New Haven, all in the State of Connecticut, praying for the passage of the so-called Gillett resolution (S. Res. 139) suggesting a further exchange of views relative to the World Court, which were referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

Mr. SACKETT, from the Committee on the District of Columbia, to which was referred the bill (S. 4087) authorizing the use of certain land owned by the United States in the District of Columbia for street purposes, reported it without amendment and submitted a report (No. 1052) thereon.

Mr. WALSH of Montana, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 8110) withdrawing from entry the northwest quarter section 12, township 30 north, range 19 east, Montana meridian, reported it with an amendment and submitted a report (No. 1053) thereon.

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 2526) for the relief of Sheldon R. Purdy, reported it with an amendment and submitted a report (No. 1054) thereon.

Mr. LA FOLLETTE, from the Committee on Indian Affairs, to which was referred the bill (S. 727) authorizing the attorney general of the State of California to bring suit in the Court of Claims on behalf of the Indians of California, reported it with amendments and submitted a report (No. 1055) thereon.

Mr. DALE, from the Committee on Commerce, to which was referred the bill (S. 4295) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near the mouth of Indian Creek in Russell County, Ky., reported it without amendment and submitted a report (No. 1056) thereon.

He also, from the same committee, to which was referred the bill (S. 4289) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Neelys Ferry in Cumberland County, Ky., reported it with an amendment and submitted a report (No. 1057) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally with amendments and submitted reports thereon:

A bill (S. 4290) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Burkesville, Cumberland County, Ky. (Rept. No. 1058);

A bill (S. 4291) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Arat, Cumberland County, Ky. (Rept. No. 1059);

A bill (S. 4292) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Center Point in Monroe County, Ky. (Rept. No. 1060); and

A bill (S. 4293) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Creelsboro, in Russell County, Ky. (Rept. No. 1061).

FEDERAL OFFICES IN GEORGIA

Mr. MOSES, from the Committee on Post Offices and Post Roads, to which was referred the resolution (S. Res. 193) directing an investigation of the barter of Federal offices in the State of Georgia, reported it with amendments, and moved that the resolution be referred to the Committee to Audit and Control the Contingent Expenses of the Senate, which was agreed to.

COOPERATIVE MARKETING OF FARM PRODUCTS

Mr. SHIPSTEAD, from the Committee on Printing, reported the following concurrent resolution (S. Con. Res. 18), which was considered by unanimous consent and agreed to:

Resolved by the Senate (the House of Representatives concurring), That 1,500 copies of Senate Document No. 95, entitled "Report of the Federal Trade Commission on Cooperative Marketing of Farm Products," transmitted to the Senate on May 2, 1928, in response to Senate Resolution 34, Sixty-ninth Congress, be printed, with illustrations, of which 500 copies shall be for the use of the Senate and 1,000 copies for the use of the House of Representatives.

ENROLLED BILL PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that this day that committee presented to the President of the United States the enrolled bill (S. 3594) to extend the period of restriction in lands of certain members of the Five Civilized Tribes, and for other purposes.

BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. MOSES:

A bill (S. 4382) to amend the act (Public, No. 135, 68th Cong.) approved May 24, 1924, entitled "An act for the reorganization and improvement of the Foreign Service of the United States, and for other purposes"; to the Committee on Foreign Relations.

By Mr. TYSON:

A bill (S. 4383) granting a pension to Mary Lizzie Mosby; to the Committee on Pensions.

By Mr. BINGHAM:

A bill (S. 4384) to amend an act entitled "An act creating the United States Court for China and prescribing the jurisdiction thereof" (Public, No. 403, 59th Cong.), and an act entitled "An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1921" (Public, No. 238, 66th Cong.); to the Committee on Foreign Relations.

By Mr. NORBECK:

A bill (S. 4385) to establish the Teton National Park in the State of South Dakota, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. TYDINGS:

A bill (S. 4386) to authorize and direct the Federal Trade Commission to investigate the practices of the chain-store organizations; to the Committee on the Judiciary.

By Mr. FESS:

A bill (S. 4387) granting an increase of pension to Frances Bales; to the Committee on Pensions.

By Mr. HALE:

A bill (S. 4388) granting a pension to Adelaide A. Ryerson; to the Committee on Pensions.

By Mr. HOWELL:

A bill (S. 4389) for the relief of Ralph Rhees (with accompanying papers); and

A bill (S. 4390) for the relief of the Ayer & Lord Tie Co. (Inc.) (with accompanying papers); to the Committee on Claims.

By Mr. GOFF:

A bill (S. 4391) waiving the statute of limitations in the claim of Leona E. Kidwell under the civil service retirement act; to the Committee on Civil Service.

A bill (S. 4392) to amend an act entitled "An act creating the United States Court for China and prescribing the jurisdiction thereof" (Public, No. 403, 59th Cong.), and an act entitled "An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1921" (Public, No. 238, 66th Cong.); to the Committee on Foreign Relations.

By Mr. McNARY:

A bill (S. 4393) to authorize arrests in certain cases and to protect employees of the Department of Agriculture in the execution of their duties; to the Committee on Agriculture and Forestry.

By Mr. FLETCHER:

A bill (S. 4394) to amend "An act granting pensions and increase of pensions to certain soldiers and sailors of the war with Spain, the Philippine insurrection, or the China relief expedition, to certain maimed soldiers, to certain widows, minor children, and helpless children of such soldiers and sailors, and for other purposes; to the Committee on Pensions.

A bill (S. 4395) to amend section 305 of the World War veterans' act, as amended; to the Committee on Finance.

By Mr. MOSES:

A joint resolution (S. J. Res. 144) relating to the manufacture of stamped envelopes; to the Committee on Post Offices and Post Roads.

FOUR YEARS' TERM FOR REPRESENTATIVES IN CONGRESS

Mr. FLETCHER. Mr. President, the Norris resolution having been defeated, I introduce a joint resolution changing the terms of Members of the House from two years to four years. Under the present situation, newly elected Members of the House scarcely take their seats before beginning a campaign for reelection; and that situation ought to be corrected. I ask that the joint resolution be referred to the Committee on the Judiciary in the hope that we can extend the terms of Members of the House from two years to four years, so that a Member may have an opportunity at least to get acquainted with his work before he has to run for office again.

The joint resolution (S. J. Res. 145) proposing an amendment to the Constitution of the United States relative to the terms of Representatives was read twice by its title and referred to the Committee on the Judiciary.

AMENDMENT TO TAX REDUCTION BILL

Mr. FLETCHER submitted an amendment intended to be proposed by him to House bill 1, the tax reduction bill, which was ordered to lie on the table and to be printed.

DEFENSES IN PATENT SUITS

Mr. DILL submitted an amendment in the nature of a substitute intended to be proposed by him to the bill (S. 2783) to provide for the forfeiture of patent rights in case of conviction under laws prohibiting monopoly, which was referred to the Committee on Patents and ordered to be printed.

MARKETING OF PERISHABLE AGRICULTURAL PRODUCTS

Mr. BORAH submitted an amendment in the nature of a substitute intended to be proposed by him to the bill (S. 1294) to suppress unfair and fraudulent practices in the marketing of perishable agricultural commodities in interstate and foreign commerce, which was ordered to lie on the table and to be printed.

ORDER FOR EVENING SESSION ON THURSDAY

Mr. CURTIS. Mr. President, I ask unanimous consent to present the following order, and I ask for its immediate consideration.

The VICE PRESIDENT. The clerk will read the order.

The Chief Clerk read as follows:

Ordered (by unanimous consent), That on Thursday, May 10, 1928, at not later than 6 o'clock p. m., the Senate take a recess until 8 o'clock p. m., and that at the evening session, which shall not continue later than 11 o'clock p. m., the Senate proceed to the consideration of the bills on the calendar, under Rule VIII.

Mr. BRUCE. Mr. President, is unanimous consent asked for the order?

The VICE PRESIDENT. The Senator from Kansas has asked unanimous consent for its adoption.

Mr. BRUCE. I object.

The VICE PRESIDENT. Objection is made.

Mr. CURTIS subsequently said: Mr. President, before the Senator from Alabama proceeds further, if he will allow me to interrupt him, the Senator from Maryland [Mr. BRUCE] is willing to withdraw his objection to the request for unanimous consent. Will the Senator from Alabama yield to me to present it again?

Mr. HEFLIN. The Senator from Maryland a day or two ago objected to the bill I am discussing, and I will pay him my compliments in a few moments. I yield to the Senator from Kansas.

Mr. CURTIS. I present a request for unanimous consent and ask that it may be read and entered into.

The VICE PRESIDENT. The clerk will read.

The Chief Clerk read as follows:

Ordered (by unanimous consent), That on Thursday, May 10, 1928, at not later than 6 o'clock p. m., the Senate take a recess until 8 o'clock p. m., and that at the evening session, which shall not continue later than 11 o'clock p. m., the Senate proceed to the consideration of the bills on the calendar, under Rule VIII.

Mr. KING. I think the Senator ought to change the hour of adjournment on that evening to 10.30 p. m.

Mr. CURTIS. I am willing to change it to 10.30 p. m.

The VICE PRESIDENT. Without objection, the request for unanimous consent will be modified so as to provide for a session beginning at 8 o'clock and adjourning at not later than 10.30 o'clock p. m. Is there objection to the request for unanimous consent as modified?

The unanimous-consent agreement as modified was entered into, as follows:

Ordered by unanimous consent, That on Thursday, May 10, 1928, at not later than 6 o'clock p. m., the Senate take a recess until 8 o'clock p. m., and that at the evening session, which shall not continue later than 10.30 o'clock p. m., the Senate proceed to the consideration of the bills on the calendar, under Rule VIII.

COTTON-PRICE PREDICTIONS—THE FLAG—GOVERNOR SMITH

Mr. HEFLIN. Mr. President, on yesterday I gave notice that this morning I would discuss the cotton bill (S. 3845), which I have pending in the Senate, the flag in connection with the question which I raised yesterday, the candidacy of Governor Smith, and the presidential situation generally.

Mr. President, on the 15th of September, 1927, the Bureau of Economics, in the Department of Agriculture, gave out a most remarkable statement in which it predicted the prices of cotton. It had no authority to make such a prediction. After reciting the fact that the boll weevil had injuriously affected the crop, that the yield had been cut nearly a million bales in a month, and that the crop would be 5,000,000 bales short of the previous crop, they said, "Therefore we predict that the prices will decline."

(At this point Mr. HEFLIN yielded to Mr. CURTIS to present a request for unanimous consent.)

Mr. HEFLIN. Mr. President, I hope I will not be interrupted any more until I can state the facts in this case. That price prediction broke the cotton market, and the cotton farmers lost some $35 to $40 a bale on the cotton crop of 1927. We are seeking to prevent the occurrence of another such destructive and criminal act. I saw the necessity of having some law on the subject, and while we were debating the Agricul-

tural appropriation bill the Senator from North Carolina [Mr. SIMMONS], the Senator from Tennessee [Mr. MCKELLAR], and other Senators suggested that as I had raised the question here I should introduce a bill providing a penalty for making such cotton-price predictions. I did introduce such a bill; it was referred to the Committee on Agriculture and Forestry; and it was unanimously reported by that committee.

When I first called it up, the Senator from Rhode Island [Mr. METCALF], who comes from a New England cotton-spinning State and is himself a spinner, as I understand, objected. He renewed his objection later, but finally, as I understand, withdrew his objection.

The Senator from Maryland [Mr. BRUCE], who is supposed to represent in part a State of the South where the home of the cotton industry is located, objected. The Senator knew the importance of passing this measure; he knew how greatly interested the cotton producers of the section from which he comes were, but he objected. He has never withdrawn his objection. I hardly know how to characterize the strange conduct of the Senator from Maryland, who pretends to represent the southern section at least to some extent. Of course, we all are from various States and represent in particular our States and try to represent the whole country as best we can. I do, and I think other Senators here in the main do. There are Senators here who, I believe, are whole-heartedly dedicated to the public interest and are trying to serve the country. There are some who seem to have the center of gravity in their systems on the side of special interests.

The farmers of my section have not only been sorely oppressed, but absolutely robbed of millions and millions of dollars by that strange and unwarranted price prediction made by the Agricultural Department here at Washington.

Mr. BRUCE. Mr. President, may I interrupt the Senator for a moment?

Mr. HEFLIN. I will let the Senator interrupt me just for a moment.

Mr. BRUCE. There is such a thing as even momentary satisfaction. I will say to the Senator that he is laboring under an entire misapprehension in believing that I have any fixed prepossession against this bill of his. All I suggested the other day was that I did not think at the time that a matter of such importance ought to be taken up for instant consideration. What I was hoping was that some Member of this body who is more familiar with the problem than am I, after hearing the Senator from Alabama, would make an argument that would enable me to realize just how much force the point of view opposite to that of the Senator from Alabama has. That is all. I think it is not unlikely, after I hear the Senator from Alabama and have heard what may be said in opposition to him, that I will vote for his bill.

Mr. HEFLIN. Well, Mr. President, the Senator is too late now, because I am going to express myself on this subject. Seven or eight objections have been made here to the passage of this bill and I think certain interests have suggested the objections. There are Jesuits who sit in this gallery every day, and Roman Catholic priests. I think that they have got friends here through whom they may have objection interposed.

Now, I will give some of my reasons as to why this measure ought to pass. The cotton farmers of the South on a single cotton crop have lost $400,000,000 because of the low price of cotton produced by the unwarranted, unjustified, and outrageous price prediction made by this board in the Department of Agriculture.

Mr. SHORTRIDGE. Mr. President, will the Senator from Alabama yield to me?

Mr. HEFLIN. Not now; I can not yield to the Senator now. He is one of the Senators who objected to the consideration of my bill on yesterday, and I am coming to him just as soon as I can get to him.

Mr. SHORTRIDGE. You may come any time you wish.

Mr. HEFLIN. I will certainly accommodate the Senator soon. The Senator from California himself comes from a cotton-growing State.

Mr. SHORTRIDGE. And I know as much about cotton as you do.

Mr. HEFLIN. His people were robbed by this same prediction, and yet he objected to the passage of this bill on yesterday. I want the cotton farmers of his State to know the true situation and let them inquire of him——

Mr. SHORTRIDGE. So they may——

Mr. HEFLIN. What interest he was looking after when he was trying to prevent the passage of a bill which would punish their enemies who had robbed them of two or three million dollars in that State.

Mr. SHORTRIDGE. Now, will the Senator courteously permit me to ask him a question? It will be put in the utmost good faith, and it may shorten this discussion. It is this: If the Senator will explain to me how this loss, logically and economically, may be attributed to the prediction which the Secretary put out, I should be persuaded that he is right, but for the moment I have never been able to understand why that prediction of the Secretary had that baneful and hurtful effect. I can not see the logic of that contention.

Mr. HEFLIN. Would the Senator want to give any department of the Government the right to predict prices on any farm product of this country?

Mr. SHORTRIDGE. For the moment, I see no economical or logical reason why the people of our country might not be aided by the advice of a Secretary presumably familiar with all the facts with respect to our own Nation and the commerce of the world.

Mr. CARAWAY. Mr. President——

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

Mr. CARAWAY. If it is not conceded that the prediction of the Secretary of Agriculture actually broke the price, he did a perfectly foolish thing, because if it did not affect the price he had no right to use up Government paper and ink to put out a prediction unless it would affect the price.

Mr. HEFLIN. Certainly.

Mr. CARAWAY. It was calculated to do so. If it did not do so, he did a perfectly indefensible and inexcusable thing, an idle and foolish thing. But if it broke the price, as everybody knows it did, then he did a most unjustifiable thing, because he took the sustenance of men and women who had labored through a year to produce a product, and broke the price over night with a prediction that it was selling too high.

Mr. SMITH. Mr. President——

Mr. HEFLIN. I yield.

Mr. SMITH. If the Senator from Alabama will allow me, I should like to say a word in reply to the suggestion made by the Senator from California [Mr. SHORTRIDGE]. The Chief of the Bureau of Economics, under oath, swore that the reason the prediction was made was because the department considered the price too high. I should like to say to the Senator that I think the Senate or any board to whom the facts had been presented as they were in the context of this bulletin touching the situation in cotton would, if the last line and a half were striken out, have said, "The price has not yet responded to the facts; it has not as yet gone as high as the law of supply and demand would put it."

If the Senator will allow me to make just this further statement, it was then ascertained that the production of last year was approximately five and one-half million bales less than that of the preceding year. The consumption by the world of American cotton was the greatest in its history. There never was a more healthy tone in the textile market. That was testified before the committee by witnesses representing spinners, cotton merchants, and speculators. Every one uniformly testified that the price obtaining at the time this prediction was made was easily justifiable on the law of supply and demand, and every one testified that they thought it would have gone still higher. But when the Government, with all the facts known to them that were known to the trade, and no more, and perhaps not as much known by these gentlemen in the Bureau of Economics as others knew, came out and as a non sequitur, an absolutely illogical conclusion from the premises they set down, said, "The price is likely to decline," it paralyzed the entire cotton-buying world to such an extent that telegrams poured in from all the exchanges to the Secretary of Agriculture, inquiring if he authorized it. Was it official? Could it be possible under the circumstances? They are in the hearings, and will be in the report that I hope to make as to the facts brought out after nearly three months of as complete investigation as we could make.

The producers protested. The cotton merchants protested. The cotton exchanges and the speculators wanted to know why. It never had been done before; and, remember, it was in the beginning of the marketing period when not a bale could be added to the crop nor one subtracted from it, except one did it arbitrarily; and upon the known fact that the production was five or six million bales less than that of the previous year, with an unusually increased demand and a healthy tone, the question was, "What good purpose can the Government serve, especially the producer, by giving any such statement to the public now?"

It was all right for them in the spring, in March and April, to say, "The carry-over of old cotton is so many bales, and if you plant extravagantly you may have lower prices." That was justifiable. That was what we appointed them to do—not the Bureau of Economics but the Bureau of the Census and others. That was all right. They could say, and did say, in other instances, "If you plant and make a large crop and

add it to the large carry-over, you will get lower prices; but if you observe the history of crops and provide for a small crop, you will get better prices." That is precisely what they did in 1927. They responded to that advice in March and April. They planned to reduce their acreage, and the insect infestation added to it and startled the world with the small result and the consequent rise in the price. Now, what possible good purpose could they serve when the advice had already been given and the crop was already marketed by coming in the midst of a prosperous condition and upsetting the whole thing and demoralizing the whole world?

Mr. HEFLIN. Mr. President, the Senator from South Carolina has stated the matter very clearly. Most Senators who keep themselves informed as to what is going on in this country would not have to have the matter explained to them at length at this time—the loss of $400,000,000 to the people of one section who produced the cotton crop of the United States, the men who toiled through the year to produce it, and frequently their families with them in the field, in the hot sun, and then came into the market place and were battered to death by a Government bureau going into the realm of price prediction on the cotton crop of the United States. I do not hesitate to say that I think they were influenced to do it by wicked and unscrupulous cotton factors. The president of the New York Cotton Exchange swore that if he had the power to predict the price, and had the weight of the Government behind it, he would give millions of dollars for such a power.

This dreadful thing has been done to the cotton farmers of my State. Farmers have lost their homes and have gone into the towns and cities to try to get work. They were unable to meet their obligations. A loss of $35 to $40 a bale took away all their profit and put the price below the cost of production. When I labor as I have done at this session on this committee with the Senator from South Carolina [Mr. SMITH] to investigate the scoundrels who brought about this ruin, and introduce this bill, and get it favorably reported, and bring it upon this calendar, it is a strange thing, I say, to have the Senator from Maryland—who ought to be in sympathy with the people of the South who produce cotton, and who are now selling it below the cost of production, and who have lost $35 to $40 a bale on it this season—get up and make an objection without stating any reason for it. Five or six objections having already been made, I confess that I was getting a little tired of it.

I am one Senator who is not going around here to beg Senators privately to withdraw their objections to my bills. I think legislation ought to be had in the open, and facts ought to be brought out. If your measure is not meritorious, it ought to fail. Let the responsibility be taken by those who are willing to make these objections for outside influences, whether or not they are prejudiced against me for making the fight I have made for my country in my opposition to the war sought by the Knights of Columbus at the time when Mr. BOYLAN, a Member of the House, a Roman Catholic, introduced the resolution to sever diplomatic relations with Mexico. I have no apology to make for all that, and I will meet in the open any enemy I have because of it; I do not care whether he is a Catholic, or a Protestant, or a half-hammered Protestant sailing under Protestant colors.

Mr. President, I will never forget a scene near my home—a man, his wife, and two children; a farmer, a boy 14 years old, and a little girl of 6. He had nearly paid for his little farm. He had painted his house. He owned two or three mules and had bought him a Ford car and was trying to get up in the world. Low-priced cotton came. He could not meet his obligations. The mortgage was foreclosed. He was passing my home with his wife sitting in the wagon, back of the driver, with a portion of their household goods. She was holding the little girl by her side, and the farmer himself, with his 14-year-old boy, was walking behind the wagon. I knew him well. I hailed him as he passed my home. I went out to him and said, "Where are you going? What is the matter?" He dropped his head; with a lump in his throat he said, "I am going down to the cotton factory at Lanett, I and my boy, to work in the mill." I said, "What in the world are you giving up your little farm for? You had a nice little home and farm out there." He shook his head and shed tears like a child and he said, "I have lost my home. I have lost everything. I am not out of debt. I am in an awful fix." He said, "My little boy took it harder than anyone else. He did not seem to understand it until we got ready to leave. We all walked out. He closed the gate and looked back at the old home, and turned to me with tears in his eyes and said, 'Papa, what does all this mean?'"

These people have been mistreated and robbed. I am fighting for them. I am seeking to give them a fair deal. I want them to have the necessities of life and some of the comforts of life. God knows they are entitled to them. I want them to be able to educate their children. I do not want them to be agricultural slaves; and it was that motive that prompted me to introduce this measure and to ask for its immediate passage. I did not expect to have a man like the Senator from Maryland—who, I suppose, is supported by the farmers of his State—some of them at least—a man who ought to stand with drawn sword to battle for the producing classes not only of one section, but of all other sections, rise and object. If it had not been for his objection, this bill would have passed the Senate and have been in the House now, and it would have been referred to a committee, and they would have gone to work on it, and the bill would have passed; but he helped to prevent action and he stayed the hand of legislation by his objection. He has never withdrawn it. I doubt whether he has ever read the bill or not; and now he says if it could be explained to him he might withdraw his objection. I shall move to pass that bill, and I shall ask a roll call on it.

Senators know me very well, some of them, most of them here. You never heard me make one of these objections to anybody's bill that had merit in it; I do not care whose it is. You can not point to a single instance where I have ever indulged in such practices as that. But when the cotton speculators do not want this bill passed, when the cotton gamblers do not want it passed, when those who profit by low and destructive prices of cotton to the farmer do not want it passed, the Senator from Maryland rises and objects, blocks its passage by his objection, and he could do that because we were proceeding by unanimous consent at that time. Then on yesterday the Senator from California [Mr. SHORTRIDGE], the tall sycamore from the Pacific slope, rose and, strange to say, interposed his objection, and I explained to him then what the bill meant, and I asked him, as kindly as I could, to let me pass it. He shook his head and waved his hand with those magnificent and graceful gestures that he indulges in, and still objected.

Mr. SHORTRIDGE. Mr. President, will the Senator permt me to interrupt him?

Mr. HEFLIN. I desire to say that the Senator from California and the Senator from Maryland are largely responsible for the time I am consuming to-day, by throwing themselves in front of needed and meritorious legislation for the farmers of the South and the farmers of California. I am fighting their battle, while the Senator from California is blocking legislation intended to aid and protect them.

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

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from California?

Mr. HEFLIN. Just briefly, because the Senator has got me to speaking now and I do not want to be pestered very much.

Mr. SHORTRIDGE. I do not wish to engage in personalities, may I say to the Senator from Alabama. I never do, and I mean nothing personal. I was about to ask him, if he would be good enough to reply, this question:

The bill, as it appears, when first introduced related to cotton, corn, maize, wheat, rye, oats, barley, flaxseed, and other grains. In a desire to get at the philosophy or the reasoning which permits the elimination of these other items, I will ask the Senator this question——

Mr. HEFLIN. I stated to the Senator that all that had been stricken out and that the bill now referred only to cotton. I can not yield to the Senator to go over things like that.

Mr. SHORTRIDGE. But why was it struck out? If it is good, if the Senator's argument is sound—and I am not now disputing it—why is it not good as to wheat, as to corn, and so on?

Mr. HEFLIN. They have not predicted any prices on grain and the grain growers wanted that out.

Mr. HARRIS. Mr. President——

Mr. HEFLIN. I want to say that I will vote for any measure that will help the grain-growing West, and deliver those farmers from the hands and the clutches of the robbers. The farmers of the West have some representatives here who are faithful to them; and when they come and tell me, "Here is a bill that will give the grain growers a fair deal, and we want you southern fellows to help us," we help them. I would do it. I have done it. I announce it in the open, and they are for my bill. They wanted grain out, and I let them strike it out, and I told the Senator yesterday afternoon that it was all stricken out and applied only to cotton; so the Senator had no excuse whatever to object to its passage.

Did the Senator from North Carolina [Mr. SIMMONS] want me to yield to him?

Mr. SIMMONS. No, Mr. President

Mr. HARRIS. Mr. President——

Mr. HEFLIN. I thought the able Senator from North Carolina, who is right on practically everything he advocates, wanted me to yield to him. I yield to the Senator from Georgia, who is another good friend of the farmer.

Mr. HARRIS. I am sure the Senator would like to correct one statement he made. He said they had not predicted that grain would go down. At the same time that they predicted that cotton would go down they said that corn would go down, and in the same statement they predicted that wheat would go up.

Mr. HEFLIN. I had overlooked that.

Mr. SIMMONS. Mr. President, I was not on my feet for the purpose of interrupting the Senator a few moments ago; but, since he has alluded to me by name, I will do so to the extent of saying that I am heartily for the bill which he has proposed.

Mr. HEFLIN. I thank the Senator.

Mr. SIMMONS. I do not think that any official of the Department of Agriculture, or any other department of this Government, has a right to express an opinion upon the future price of a product. That is beyond the domain or jurisdiction that we have given any department. As lawyers say, it is ultra vires. This prediction must have been made, if made deliberately, for a purpose.

Mr. HEFLIN. That is what I think.

Mr. SIMMONS. And it could not have been made, if for a purpose, for any purpose other than to restrain the advance in the price of cotton.

Mr. HEFLIN. The Senator is entirely correct in that, and we are in hearty agreement.

Mr. President, there is no question about it, there are those in this body, and in all other legislative bodies, I suppose, who really want to legislate for the good of the masses of the people, who want to hold this Government true to the purpose of its creation, who want to be useful to the country. There are others, I have been thinking, who have an ear that they keep mighty close to the ground regarding special interests, and if one introduces a bill in the interest of the farmer, and they think it will get on the toes of the special interests, they are ready to object. Then one will withdraw his objection, and they will call on another one to object, and then keep that up until it is too late to pass the bill. Then, when you ask them why they did it, they say, "I wanted an opportunity to look into it."

I am giving you an opportunity now. I have invited you to look into the Cotton Belt. Men killed themselves after these prices broke and they were ruined, and others lost their minds and have gone to asylums for the insane. Mortgages have been foreclosed, homes have been lost to the farmers, and they have drifted into the cities to swell the number of the unemployed and to bid for the jobs that our laboring men already there now have. You are making the problem of life on the farm exceedingly hard; but none of these things seem to appeal to some Senators, and they rise and object, they protest against the passage of such a measure as this.

Mr. President, let me tell Senators what the testimony has shown. The ex-president of the New York Cotton Exchange, Mr. Marks, under oath said that, in his opinion, this price prediction cost the farmers $20 a bale. That would amount to over $200,000,000 for the whole crop. The president of the New York Cotton Exchange, Mr. Herbert, who has been in the cotton business all his life, and whose father before him was in that business, testified under oath that this prediction broke the price, and that if the prediction had not been made, cotton, in his judgment, would have gone to 30 cents a pound. Senators, what would that have meant to the farmers of the South? Four hundred million dollars. To do what? To pay their debts, to carry on their operations, to lift the mortgages from the homes and farms, to make their families happy, to educate their children, and to give them some of the comforts of life.

Yet the Senator from Maryland and the Senator from California throw their stalwart statures across the path of this legislation and hold it up. This legislation has been pending here for about a month. One objection after another has been made. I want the RECORD to show just who it is that is blocking legislation in the interest of the people, just who it is who is willing to rise and protest against measures that are meritorious, in the interest of the toiling masses of our people.

Mr. Bryan made a great speech, in which he said everything depended on the farmer; and that is true. The Bible says that bread is the staff of life; and the farmer produces that. Mr. Bryan said, "Tear down your cities and leave your farms, and your cities will spring up again as if by magic. But destroy your farms, and grass will grow in the streets of every city in the country." That is true. You break the morale of the farming class, these fine, firm citizens, and you strike the Government a body blow. Rome started on her decline when she proceeded, as the Senator from Maryland has proceeded and as the Senator from California has proceeded, to stand in front of honest, meritorious, needed legislation for the farmers of the country. When Rome struck agriculture down her doom was in sight, and in the United States 2,000,000 farmers have lost in their struggle; they have lost their homes and farms and gone to the cities.

Two millions of them, I repeat, have lost their farms, in six years. In the face of that, the Senator from Maryland objects to my bill which is aimed at an action which has robbed the farmers recently on one crop, the farmers of the South, in a sister State to the State of Maryland—God bless old Maryland! I sometimes sympathize with her. He objects to legislation that one of her sons, a member of the Committee on Agriculture, introduced in this body. I know the facts. I am trying to relieve the situation. I would vote just as quickly to relieve the farmers of California, or of Maryland, or of a State in any other section.

What interest is it that is stalking around this Capitol? Is it those who are interested financially, or has some priest suggested to some of his friends that he hopes they will hold up and defeat HEFLIN's bill, because the Roman hierarchy and the political machine are on his trail? I wonder if that is a part of the punishment they want to visit upon me. I defy them all. When I get to where I can not stand in this body and defend my country without fearing that I will be punished by a Roman Catholic political machine, I ought to get out of the Senate. When I get to where I can not express my views for the good of my country and defend free institutions in America in their integrity, it will be time for me to quit this body.

Senators, you are going soon to reach the time when you will have to meet this issue. I am receiving a lot of copies of letters you are getting now from your home States asking you to support me, and I have had assurances from many of you that you are back of me. You are going to have to meet this issue in the open. You are not going to be subjected to intimidation by priests who come here and send in for Senators, or see them at their hotels, and suggest in whispered conversation the course to pursue in this body.

I do not ask for any quarter at all. They can oppose me and my measures if they want to. If the bill is a righteous one, it is a contemptible spirit that would prompt the opposition; but I do not ask them to withdraw their opposition. I will put these measures up to this body, and let them vote in the open record as to how they stand upon these questions. I submit to you that I have all sorts of grounds to believe that they have taken an interest against this very bill. I will talk perhaps a little plainer on it later on.

Mr. President, there should not be a dissenting vote in this body on this measure. I have reminded Senators before that in 1904 the senior Senator from South Carolina [Mr. SMITH], the best informed man on cotton who has ever been a Member of Congress in either branch, in my judgment, a farmer himself, able and fearless in the service of the farmers, detected fraud and corruption in the Agriculture Department in 1904, when two employees padded the reports on cotton production and sold out to some gamblers on the exchange in New York, and made $40,000 between them. The names of those gentlemen were Hyde and Holmes. Now comes this thing. The sell-out of Hyde and Holmes cost the farmer about $7.50 a bale. This prediction, this criminal action, cost the farmer $35 to $40 a bale, and the Government never authorized the department to make the prediction. They included a carry-over report in it, something they have never done before. That comes under the duty of the Census Department. They handled it all in that report, and hammered the price, admitting that the crop was 5,000,000 bales shorter than the one before, and the estimate of the yield had fallen nearly a million bales, and that the boll weevil was doing a lot of damage. Still, in the face of that, they predicted the low price.

Senators, I am just asking for a fair deal for these cotton producers of the United States.

POSITION OF THE UNITED STATES FLAG

Now, to the second phase of this matter. Yesterday I introduced a resolution setting out the fact that the Roman Catholic flag had been hoisted above and flown above the United States flag on the battleship *Florida* and the battleship *Cincinnati*. I have seen the pictures of both. I have both of them. I referred to one of them, the *Cincinnati*, in this Chamber a month or more ago. I have here a picture of the battleship *Florida*, and exhibited it to several Senators yesterday.

Mr. President, I ask that the clerk read my resolution in my time.

The PRESIDING OFFICER (Mr. CUTTING in the chair). The clerk will read.

The legislative clerk read as follows:

Whereas it is alleged that the Roman Catholic flag, the same design as the flag flown at the Vatican in Rome, has been recently hoisted above and flown above the United States flag on the U. S. battleship *Cincinnati* and the U. S. battleship *Florida;* and

Whereas it is the solemn duty of Congress to see to it that no flag of a foreign power or potentate shall fly above the United States flag on any foot of American soil or on any American battleship or on any other American ship or in any foreign American possession; and

Whereas the act of placing the flag in question or any other flag above the United States flag has the appearance of questioning its right to be first and of challenging its supreme authority and sovereign power: Therefore be it

Resolved, etc., That it is hereby declared to be the fixed principle and policy of the United States that hereafter nowhere on land within her jurisdiction or on her battleships or on her merchant ships shall any other flag be placed above and flown above the United States flag.

SEC. 2. That it shall be the duty of Government officials in civil authority and in the Army and the Navy to see to it that the principle and policy here set forth is strictly observed.

Mr. HEFLIN. Mr. President, what objection could any real American have to that resolution? I offered it yesterday morning and asked unanimous consent to have it immediately acted upon. The Senator from Maryland [Mr. BRUCE] objected. What excuse can any American give to declaring it to be the fixed policy of this Nation that no flag shall fly above the United States flag? I reminded the Senator from Maryland yesterday that as I wrote the resolution the other night I thought over the membership of the Senate and said to myself, "Senator BRUCE, of Maryland, will just about object to it." Oh, my prophetic soul! The Senator rose and fulfilled my prophecy and made his objection to the consideration of the resolution. Never did I dream the day would come when in this historic, magnificent old body there would be a voice lifted to prevent the passage of a resolution laying down the doctrine of the sovereign power of my country that that flag should fly first and uppermost always.

Mr. President, while I was absent yesterday afternoon in the committee carrying on the investigation of the cotton exchange's activities in the Agricultural Department a friend sent me word that some statement was being presented to the Senate from some chaplain of the Navy regarding my resolution. I hurriedly came into the Chamber, found out what was going on, and expressed a few thoughts upon the subject at that time. I would not have thought, with the exception I have already made, that anybody would be bold enough to stand up here and object to the passage of a resolution like that.

Listen to this order, you who are still interested in your country, who believe in asserting its sovereignty anywhere that our flag flies, whether over a battleship or any of our possessions or at home. Listen to this remarkable order of 1927, when Al Smith's campaign was just getting off good on the race track, when they were looking forward with a great deal of pleasure to the time when they would have one of their chief and high muckamucks in the White House. This is an extract from the code book of the Navy, 1927:

Church pennant: The church pennant shall be hoisted at the same place of hoist and over the ensign during the performance of divine services on board vessels of the Navy.

What is the ensign? It is the Roman Catholic flag. It flies the cross above the Stars and Stripes. They sent some more instructions up here on this subject to the effect that not only do the Catholics worship under it flying above the United States flag, but that the same pennant and none other is used in the same place when Protestants of various denominations have their services on board a ship. Then, I ask, why was that particular flag design adopted for this purpose? What Roman Catholic conclave gave birth to that suggestion? Who backed the movement and forced the naval officers to write it down as an order of the United States Government that that flag should fly first and be the only one to fly over our flag at any and all religious services on a ship?

Senators, I said on yesterday that I did not care if it was a church pennant. There is no place too sacred for our flag to be. It represents the best that there is in human government. It stands for principles without which no republic can last, and in the loss of which religious liberty is lost.

I introduced in the House in 1914 a resolution at the suggestion of Miss Anna Jarvis, of Pennsylvania. She was working to create some movement that would perpetuate the name of her mother. She wanted to pay a fine tribute to her mother. Congressman Hampton Moore, of Philadelphia, was in the House, as I was. He introduced her to me and told her that I, he was sure, would be glad to aid her. I wrote the resolution. We passed it through the House. The able Senator from Texas [Mr. SHEPPARD] looked after it in the Senate and it passed the Senate. President Wilson approved it, Secretary of State Bryan proclaimed it, and it is the doctrine of our Nation to-day. In it we provided that the second Sunday in May of each year should be designated as Mothers' Day in America, and that as distinct tribute, of affectionate regard, and undying love for the mothers of America, the United States flag was to be unfurled above the homes of the people of the Nation. The home is the most sacred place in the Nation. Henry Grady said, "The fireside is the true altar of liberty and the strength of the Nation is lodged in the homes of the people."

We proclaimed that the flag should fly above the homes of all American people on that day, and on public buildings, and in our foreign possessions, paying a tribute of honor and love to the mothers of America. That flag has been used for many noble and lofty purposes, but never was it used in a dearer or more sacred cause than when it flies above the tender and gentle army of American mothers. If it is good enough for that purpose, if it is good enough to fly above the American homes, and to fly from the public buildings of the Nation, kissing with its beautiful folds the genial breezes of a great and free country, it is good enough to fly first on a battleship when people want to engage in religious worship.

I do not see the importance or necessity of lowering that flag on any occasion for the purpose of putting another one above it. The Senator from Maryland [Mr. BRUCE] I would think naturally or ordinarily would be the last to raise his hand against it. Maryland has paid many tributes to the flag. Francis Scott Key's immortal poem described that flag—"Mid the rocket's red glare, gave proof through the night that our flag was still there." That flag was good enough to fly above the Continental Army, good enough for John Paul Jones to unfurl above the *Ranger*, when the sea caught a glimpse of its glory, and it proclaimed the imperishable doctrine of the rights of a free sea.

It was good in the battle with Spain when that song was written, "Look, boys, the flag is down. Who will volunteer to save it from disgrace?" "I will," a young man shouted; "I will bring it back or die." He rushed into the thickest of the fray, saved the flag, but gave his young life all for his country's sake. When they brought him back they heard him softly say, "Break the news to mother. She knows how dear I love her. Tell her not to look for me for I am not coming home." He had given his life for the flag. "Tell her there is no other to take the place of mother. Kiss her dear sweet lips for me and break the news to her." If that flag was good enough to die for—for a young man to dash into the fray and sacrifice himself in the iron storm of war, it is good enough to fly first on a battleship when people want to worship on Sunday.

In my section of the country the flag flies above the church and above the schoolhouse. I want to remind Senators that I was in Illinois last summer. They had a bill pending in the legislature providing that the flag should be placed above all schools in Illinois, where the remains of the immortal Lincoln sleep until the light of eternities morning shall break beyond the mystic mountains and the redeemed of earth shall meet to part no more. That bill in the Illinois Legislature provided that they shall fly the United States flag above Protestant schools, Jewish schools, and Catholic schools, and every Roman Catholic member of the legislature in the House of Illinois voted against the bill and brought about its defeat.

I am raising an important question here as an American. National dissension and warring interests on a great and vital question between the North and South are behind us. Brave men from both sections went on the battle line and settled their differences. They could not be settled in the halls of peace. The right to secede, a doctrine originally agreed to by all the States, had existed, but a new idea had grown up. Webster and others had given expression to the thought that the Union was one and indivisible. The southern idea was that the States could secede if they wished to do so. Those questions were settled by the arbitrament of the sword. I have seen Union soldiers and Confederate soldiers in happy reunion shaking hands, tears streaming down their faces, those grizzly old warriors of the War between the States happy in a reunited country.

I was to speak in Kentucky in October about eight years ago. As I approached the courthouse at Scottsville I heard singing. I said, "What is going on up there?" I was told, "The old soldiers of both armies are having a reunion." I said, "I want to go up there and see them." I went in. They were walking up and down shaking hands with each other, shedding tears, and I saw them lean their heads on the shoulders and breasts of one another. They all joined in singing "God be with you till we meet again."

Hope's precious pearl in sorrow's cup
Unmelted at the bottom lay,
To shine again when all drunk up
And the bitterness should pass away.

No longer held together by outward forces and barriers, but bound together by the ties of love and loyalty and the cling of section to section. East and West, North and South, to work together for the good of each and each for the good of all! One country! Old Glory is the standard, the banner of constitutional liberty in each and every section, and the South stands ready to follow wherever Old Glory bares her beauty to the breeze; one people, devoted to that great banner which hangs back of the chair of the able Vice President of the United States.

Mr. President, I can not give my consent to have any banner, church pennant, or anything else fly above our flag. I will not agree that it is necessary to put it above it in order to announce religious services. I say that it would be better to set up a pole on the side of the ship and place a church notice there, because the flying of church pennants is not the sort of worship that appeals most to Jesus Christ our Lord. It is not by these outward signs, this pomp and show, that have no religion in them. Religion is a contrite heart, a humility of spirit, earnest devotion, and faithful service to the Christ of God, the Son of Man, the Savior of the world.

I challenge the strange doctrine that you have got to lower the United States flag and put this Roman cross above it in order to be accessible to a throne of grace. I challenge the doctrine that this Government should permit it for a moment. It ought not to permit it. We are going on record as to whether or not we will permit it. I ask again why this particular flag was adopted by the Navy?

Mr. HALE. Mr. President, I explained to the Senate on yesterday the circumstances in connection with this matter, and it seems to me the explanation is perfectly clear.

Mr. HEFLIN. I like the Senator personally. I hope he will not get out too far into the water on this particular question.

Mr. HALE. I was not alive when the church pennant was adopted, and the Senator was not alive. It has been in use in the Navy for probably 150 years—since the very beginning of the Navy. We have records showing that it was referred to in 1867, and in all probability the flag that is now used was taken over when we started our Navy, and its use was in accordance with the English tradition. They had the same custom in their own navy. The Senator referred to this as a "Roman Catholic flag." What does he mean by a "Roman Catholic flag"? I did not know there was such a flag.

Mr. HEFLIN. Well, the Senator is not able to discuss this matter with me if he does not know that. [Laughter.]

Mr. HALE. There is a cross on this flag, and there is also a cross on the Red Cross flag. Does the Senator say that is a Roman Catholic flag?

Mr. HEFLIN. I am speaking about this particular one.

Mr. HALE. But I should like to have the Senator explain what he means by a "Roman Catholic flag." This is purely a nonsectarian flag; it has nothing to do with any religious denomination in any way whatsoever.

Mr. HEFLIN. Has not the Senator ever seen a cross flying on the Catholic banner around their institutions and in their parades, and in other places?

Mr. HALE. Does the Senator mean to say that the cross may not be used at all on any banner in this country?

Mr. HEFLIN. If the people want to use a cross, of course, Christ was crucified on a cross; but I do not propose for Catholics in the Navy, if I must speak plainly, to prescribe what pennant shall be used to the exclusion of all others, and I deny that this particular pennant has been used all along by our Navy—the order permitting the use of this one seems to have been issued recently. So now in the Navy it seems that when other denominations worship they are compelled to have the United States flag lowered and this particular Catholic pennant put above it.

Mr. HALE. The cross is not a Catholic symbol in this case in any possible way, shape, or manner. The only Catholic flag that I ever heard of is the flag of the Vatican, which, I understand, has a cross on a black and yellow field, and on that cross is superimposed the corpus; that is, the figure of the body of Christ. I understand that to be the Vatican flag. I have not seen that flag myself, but I have heard it so described.

Mr. HEFLIN. The Senator is more familiar with the Vatican and its flag than I am.

Mr. HALE. This question has nothing to do with any such flag as that.

Mr. HEFLIN. That is what I said, that it was designed on the order of the Vatican flag, and the Catholics are well pleased with it.

Mr. HALE. It is not in any way a sectarian flag, and I can not see why the old custom of the Navy should be changed because the Senator objects to the particular flag which is used.

Mr. HEFLIN. I will ask the Senator, does he believe that any flag or pennant should be put above the American flag? What is the necessity for it? Does the Senator believe that the people of Maine want that flag lowered by any denomination and another flag put above it?

Mr. HALE. I do not think the people of Maine would in any way be disturbed by the Navy keeping up the custom that it has always kept up. The move to put that flag over the other flag was a religious move; certainly not a sectarian move. It was done in order to do reverence and honor to religion, no particular religion but to religion in general.

Mr. HEFLIN. But this I understand is not the pennant always used. How would the Senator stand on fixing up a banner of American design and putting that up there with a little red schoolhouse on it? That would represent the public-school system of America, the bulwark of American liberty. The Roman hierarchy and political machine of Rome are deadly enemies of the little red schoolhouse that opens the door of education and opportunity to every boy and girl in the country.

Mr. HALE. The hierarchy and political machine of Rome, to which the Senator refers, have nothing to do with this question in any way in the mind of anyone except the Senator from Alabama.

Mr. HEFLIN. I regret that the Senator feels that way about it; but let the people of Maine help him to determine that question.

Mr. HALE. I am perfectly willing to leave it to the people of Maine.

Mr. HEFLIN. I am satisfied that the Senator is going to be questioned about it, because this serious matter means a great deal to informed wide-awake Americans. They do not want these things put over their public servants at the Capitol, some of whom seem to be stone blind and deaf with regard to this important American matter.

Mr. REED of Pennsylvania. Mr. President, will the Senator permit me to suggest also that the Army chaplain's flag is a Latin cross in white on a blue ground.

Mr. HEFLIN. I am going to take both of them down. [Laughter.] I will ask the Senator from Pennsylvania if he does not think it would be better to put those banners or pennants somewhere else below the United States flag rather than above it?

Mr. REED of Pennsylvania. In the Army there are not any masts, so they can not put one above the other.

Mr. HEFLIN. Why not?

Mr. REED of Pennsylvania. Because the Army does not have any masts.

Mr. HEFLIN. They put the flag up and fasten it to a pole.

Mr. REED of Pennsylvania. They do not put two flags on the same pole.

Mr. HEFLIN. They can lower the American flag on the pole and put the Roman cross above it. Senators can not get away from this issue by reciting statements here that were taught them by Roman Catholic chaplains of the Navy. [Laughter.] I am familiar with them.

I want to remind the Senator of another thing. A Protestant boy on one of the battleships was beat up by some of the officers and men. He seems to have struck an officer a backhanded lick, not knowing he was there. It seemed that he had been drinking. It was his first offense. When he discovered that he had struck an officer he never touched him any more and did not hurt him at all seriously. That boy has been transferred to another ship. He and one other were the only two Protestants on that ship; among the whole outfit there were just two Protestant sailors, and there is only one of them now.

These things just do not happen in this way. I am talking to you about matters that vitally affect this Government. The Bible says, "My people perish for lack of knowledge." Some countries perish for lack of courage in their public men. Now, here is what happens with some of them: This Roman machine slips around; it keeps in touch with Protestants it can use. It tells them, "If you will do this and do that we will give you the Catholic vote." You never get such Protestants to open their mouths for Protestant institutions or for American free institutions any more. Such men are not worth 5 cents any more to the cause of the country; but they get enough of that vote and by pussyfooting and whispered conversations do get elected; and when you bring up the question of the sovereignty of this Government, supreme power of the flag, they say, "That is all right; sure, that is all right. That just happens to be a cross, and the Pope has got one just like it on the Vatican, but what of it?" That is fine logic, is it not?

Now I am going to give you a chance to say whether or not any pennant shall fly above the American flag. I am going to ask the Senator from Maine if he will vote for a resolution that will declare it to be the fixed policy of this Government that no flag or pennant shall fly above the American flag?

Mr. HALE. Mr. President, I do not object to the question of the Senator in any way. If we are going to have any action on that matter that involves a change in the whole procedure of the Navy in this respect, I should think it should go before the Senate Committee on Naval Affairs to see whether or not there is any rhyme or reason in the request. Certainly I should not object to that.

Mr. HEFLIN. From what the Senator knows about it now, with the question up as to whether or not the pennant should fly above or below the American flag, which way would the Senator vote?

Mr. HALE. Does the Senator mean after the argument that he has made whether I would agree with him? If so, I must certainly say that I would not, and I do not believe that there are 10 Senators in the Chamber who would.

Mr. HEFLIN. We will give the Senator an opportunity to see, and I am going to predict that the Senator will receive a number of telegrams from Maine to-morrow.

Mr. HALE. The Senator from Maine will be delighted to have them.

Mr. HEFLIN. The Senator may speak his convictions and those of the Jesuits and others who do not want that pennant pulled down from above and put under the American flag, but he is not speaking the sentiments of the rank and file of Maine. I have been in Maine; I have spoken there; I know those people and they do not agree with him on this question. They do not want any flag hoisted above that flag; and when the Senator stands on this floor and becomes the champion of the Roman Catholic chaplains and the hierarchy, to keep that Roman cross above the flag, he is taking upon himself a considerable job.

Mr. HALE. Mr. President, the Senator knows that what he is saying is not based on facts in any way, shape, or manner whatever. He knows, if he has any intelligence, that that is not a Roman Catholic flag, and he has no right to call it such.

Mr. HEFLIN. The Senator is improving in his defense of the hierarchy. I assert that it is the Roman Catholic papal banner.

Before I pass from this point, let me say that just yesterday, after the Senator from Maryland objected to the passage of the resolution, I saw that this Roman Catholic anointed of the Pope, Nobile, is to fly to the North Pole, and here is a picture on the front page of the Washington Times showing the cardinals, and the Pope amongst them, anointing him. They have got a cross made out of a tree that grew in the garden of the Vatican; and Nobile, before he sets out on his mission, is blessed and anointed, and he agrees to pray, when he plants that cross on the top of the world, in the name of the Pope, whom they claim is the supreme power of the world.

I just wish the Senator from Maine could have gone there and witnessed that. If he had done that, he would have been in better position to defend them. This man is going up to drop that cross, to plant it in the ice. I imagine that a hundred years from now, when trips will frequently be made there, they will find that thing looking as though it grew up out of the ice, and there will be a lot of pilgrims who will swear that Christ himself put it there. Oh, it would have been glorious for the Senator from Maine to have been present on that occasion.

Mr. President, I have here a picture of the battleship *Florida*. There is Old Glory, drawn down a couple of feet or more; and up goes the Roman cross, flying to the breeze. In spite of the imagination of the Senator from Maine, it is flying there in the picture. I received a letter from a patriotic citizen who sent it to me, and he asked me why we did not look after that situation and change it. He said that he did not want to see any flag fly above our flag. Yet I encounter opposition from the Senator from Maryland and the Senator from Maine when I raise the question as to which flag should fly in the uppermost place, when I contend for the right of our flag to be first, the right to have it fly with no other flag challenging its supreme authority. There is but one excuse you can give me—one of two. One is that the Romans want it there; the other is that Old Glory is not fit to fly first.

Mr. President, that flag flies over the great American household in which is sheltered religious freedom in America. But for that flag and its sovereign power, I would not have the right to worship as I choose; neither would you, nor the people here who hear me. It is by the sovereign power which that flag represents that I am entitled to worship as I choose. It is that flag, and what it represents, that gives every man and woman in the country the right to kneel down and worship God as he or she sees fit; the right of congregations throughout the country to repair to their churches on Sunday, whether they are plain log houses, brick, or stone, and conduct their services as they choose; and yet the Pope of Rome, Pius IX, declares in his doctrine that the State has no right to permit the citizen to have the religion of his choice. He declares in his doctrine, following that, that the Roman Church has the right to set up the Roman Catholic religion as the exclusive religion, and to exclude all other religions but the Roman Catholic religion.

Cardinal Gibbons, of Maryland, said:

> Nowhere in recorded history can you find a single instance where the doctrine laid down by any Pope was ever condemned or repudiated by another Pope. The doctrine of one Pope becomes the doctrine of all Popes, unchangeable and eternal.

Now, if that doctrine is taught in this land of ours—and it is—why do we sit here with folded arms, having eyes to see and seeing not, and ears to hear and hearing not, when they are pulling down our flag upon the battleships and elsewhere and flying the Roman cross above it?

Let me read to you what is being taught in the parochial schools of America right on this subject.

This is from the Manual of Christian Doctrine, and so forth, forty-fourth edition. It bears the imprimatur of Cardinal Dougherty as an approved textbook. The system of instruction is by question and answer. I quote two or three samples of the instruction that is now being given to our American children in Catholic parochial schools:

> Q. May the state separate itself from the church?—A. No; because it may not withdraw from the supreme rule of Christ.
>
> Q. What name is given to the doctrine that the state has neither the right nor the duty to be united to the church to protect it?—A. This doctrine is called liberalism. It is founded principally on the fact that modern society is founded on liberty of conscience and worship and liberty of speech and of the press.
>
> Q. Why is liberalism to be condemned?—A. Because it denies all subordination of the state to the church.

That is being taught in the parochial schools of America. One of the fundamental doctrines of this Nation is the separation of church and state—religious freedom—that every man, woman, and child may worship God as they choose. That is left to the citizen to decide; but here we are confronted with the doctrine of the Roman Catholic hierarchy, backed by the Roman Catholic political machine, with Al Smith as its chief head, trying to become President of the United States, claiming delegates right and left.

He has not got 500, and some of them are in question, and there will be contests at the convention. He is claiming 659. This little squirrel-headed fellow up here in the press gallery named Fox has claimed about enough to nominate him. They say Senator REED is as mad as a wet hen, if he will excuse the slang; that they are claiming his delegates and claiming other delegates; and now they bring forth the startling statement from Tammany that the thing that concerns them most is how to keep from nominating him on the first ballot!

What do you think of that? There never has been such a campaign made in the history of this country. My judgment is that there never has been so much money spent in any one man's campaign. I think a great deal has been spent in Mr. Hoover's campaign. I think the metropolitan press has determined to nominate Hoover for the Republicans, and Smith for the Democrats, and I think the hierarchy would be satisfied with either. Of course, they would like to have their own dear Al Smith, but they are not going to get him; and I do not think Hoover is going to be nominated. I think the Vice President has some chance; I think Frank Lowden has some chance; but I am inclined to think that you will nominate either Hughes or Coolidge. Put that in your pipes and smoke it until the convention and see how it works. [Laughter.]

Why are the leading Republicans trying to get Smith nominated? Why are the Republican Washington Post and these little Republican pen pushers boosting Smith and just trying to shove him right over on us? Because they know that if we nominate him, you Republicans will get in a room and you will laugh your sides sore. [Laughter.] You will say, "By golly! They did it. We can go fishing now." [Laughter.] You know you can beat him by ten or fifteen million votes, and that is why you are trying to put him on us. I want you to stop it [laughter] because I think something of the future of my party; the well-being of the Democratic Party.

The PRESIDING OFFICER. The occupants of the galleries will be in order.

Mr. HEFLIN. It looks like the Democratic Party is fast becoming the only champion of the flag. The leader from Maine has gone back on it. The Senator from Pennsylvania

was about to get into the lake. The Senator from Maryland—may the Lord have mercy on his soul! [Laughter.]

Here is a little fellow called Rothwell Brown. Rothwell is a pretty bright squib writer. He writes the "Postscripts," and he is properly the postscript. Listen what he observes about this race of Governor Smith's:

If Senator JIM REED were as philosophical as Senator WALSH, he would realize that if Al Smith is finally turned down because he is a Catholic the Democratic nomination for President would be just about as valuable to any other candidate as a plugged nickel in a Broadway night club.

[Laughter.]

Do you understand how to count notches on a mile post, or to interpret figures on a cat-faced pine? Then there is a threat to the party that the Roman Catholic hierarchy will bolt; that unless we do their bidding, and accept their chosen candidate, they will vote some other ticket. Of course they will. That is nothing new for them. I understand they have interrogated these candidates for President a little.

I advocated this resolution to raise a committee to investigate these slush funds, and I am satisfied that there are Senators on that committee who are going to make something out of the investigation. You are going to investigate in earnest, and not let it be a farcical performance to whitewash somebody. I understand that Governor Smith gave out a statement that he had not even authorized anybody to give anything for him, and he had not asked anybody to act as treasurer. Why, of course not. Those are the Tammany tactics. Somebody else does that; and you note this: He has not made a speech in a single State in the Union outside of New York. He has not discussed national issues once. You will pardon me if I tell you I do not think he can. [Laughter.] I do not think he is presidential timber. I do not think he is big enough to fill that office. I do not think the Nation ought to accept a Tammanyite of that stripe for the office of President.

Grover Cleveland denounced and repudiated Tammany. Bryan, whose voice sounded around this Nation like a trumpet call, denounced and repudiated Tammany. Woodrow Wilson, a great man, twice elected President, denounced and repudiated Tammany. Her history is covered with the slime of crookedness and corruption from its birth time; and yet the great Democratic Party, which has produced some of the ablest men that ever adorned public life in this country, is now called upon to accept that man to be the leader of the host of Democracy; and we are threatened, like that Rothwell Brown squib, and others say that if we do not accept him they will bolt the party, and bring it to defeat.

Are we ready to heed those threats? Is the South ready to accept the threat against her, that Governor Smith and his bunch would punish the South by opposing measures which would benefit the South unless we fell in line and supported Smith? Yet that is a fact. Even the Washington Post had an editorial on that, and condemned them for employing those tactics. They went down in Virginia and made that speech. There is a publication gotten out by Doctor Scharf, a Roman Catholic, who is aiding Smith in the South, to the effect that they bolted in 1924, and that they would bolt again if Smith were not nominated.

What are they saying to us, in effect? Rothwell Brown has said that if the Democrats of America decided to nominate a Protestant instead of a Catholic, the Catholics would bolt. That is what they are saying. There is not any other way to express it but to tell the blunt truth about it. They are saying in their Catholic papers, "If you do not nominate Smith, the party will commit suicide." What is that equivalent to saying? "We are demanding his nomination, and if you do not accept him, we are going to bolt."

I say to loyal Democrats, you have no business considering a man like that as a candidate of the Democratic Party. He has no right or claim upon leadership in the party, or upon the support of Democrats.

That last move by Tammany was interesting; that the thing that was troubling them was how they were going to prevent a stampede to Smith, with Smith being nominated on the first ballot. They hope to avoid that! Are they not considerate and kind? They do not want to hurt the feelings of the favorite sons. Some Democrats are going to have a hard time ever emerging from this wreck that is coming if that fellow is nominated and they vote for him. You will see some of them after it is all over and ask, "How are you?" A great many of them will be lame and halt, and they will be saying, "I am poorly"; and they will be poorly.

And now Tammany is saying: "All we have to do now is to hold them back, and do not let them nominate him on the first ballot!" That is the only thing that is troubling them.

That reminds me of old Rufus, who joined the church when he was 80, and the parson said, "Some of you "niggers" stayed out of the church all your lifetime. I am going to give you a chance to say something now. I have got my eye on one who has been out all his life, and now he is 80 years old," looking at old Rufus. Old Rufus looked pious and blinked, and then got up and said, "As fur as I is individually concerned, the way is clear, dry, and smooth, just like the ceiling. They ain't no rocks or roots or stumps in the way. All I has to do is to walk right up to the pearly gates and go right in. The only thing that's troubling me is how is I gwine to get my shirt on over my wings." Old Rastus, a crap-shooting old fellow, sitting in the corner, rose up and said, "Yes, you old crap-shootin' devil, you; your trouble's gwine to be how is you gwine git your hat on over your horns." [Laughter.] That is going to be Alfred's trouble at Houston. They are not going to be able to put the Democratic hat over the ears of that Tammany tiger. The moral forces in the Democratic Party will never accept that as leadership.

The Senator from Maryland rises in his place here and makes wet speeches, attacking the eighteenth amendment and the law-enforcement forces of the country, nearly every chance he gets. He did imagine at one time that Ritchie had some chance; but Ritchie spoke himself out up here at the Jackson Day banquet. He is now not much more than an aid society to Alfred E. Smith.

The Senator from Maryland stands up here talking about violation of the law, and what is going to happen. You remember last year in the debate with me he said that if a dry were nominated there would be a third party, and a wet would be nominated. Do you remember that? I thought about him the other night. I read a horrible story from Kentucky, of a mother with her two boys and her daughter and her sister living with her out beneath the shades of her own roof tree; an American mother, entitled to protection, entitled to live undisturbed.

There was a stillhouse or two operating near her home. Her boys were being tempted. Her desire to rear them away from that miserable influence, her desire to see the law of the country enforced, her desire to have the Constitution lived up to, prompted her to walk 14 miles—an American mother, earnest enough to get out and walk the highway 14 miles in and 14 miles back—to quietly inform the officers of the law, of the law being broken, and of these evil influences near her home. It got out amongst the distillers that she had told. They gathered around her house at midnight and called one of her boys to the door, pretending to want to hire him to chop wood the next day. The boy agreed to do the work and he went back into the house. They found who was there. In half an hour or more they were awakened by hearing the crackling of fire. The house was filled with smoke. Their house was afire, being consumed in a flood of flame—and all this right here in America.

Outlaws and thugs had gone there, lighted this house with a torch, and gathered around with their guns. The door had been fixed so that it could not be opened, and one of the boys had to break it down with an ax from within. Then one of the boys leaped out through the smoke and they shot him four or five times. He hollered that he was shot. That was the first sound that greeted his mother's ears as she followed, the cry of her offspring, of her eldest boy, who was shot down and murdered in her home. Then they shot her, and she passed away in a moment or two. They shot her sister and shot her other boy and her daughter.

There was a mother guarding her offspring from the road of ruin, aiding the constituted authorities of her country to enforce the law, murdered for being a good citizen, killed for opposing the conduct of criminals, and hearing the wails of her offspring dying before she passed away, right here in the United States.

The outlaws, the criminal horde who attack the eighteenth amendment and the Volstead Act, are moving against the strongholds of the Government, shooting down mothers and killing their children, inspired by speeches made in this body, no doubt, and by other forces that are at work, since they feel that Al Smith, the Tammany wet, will soon be in charge, and the law will not be enforced, and the barrooms will come back, with all their attendant evils, these hell holes that haunted the Nation and dragged men and women down to ruin in the years that have gone; driven out by the prayers and the efforts of godly mothers and fathers in the country, by ministers of the gospel, by moral men and women, and now they are fighting to keep them out. Alfred Smith said in a speech in New York, we are told, that he wanted the day to come back when he could put his foot on the bar rail and blow the foam from the glass.

You would bring back the barroom, Governor Smith? We have a serious problem with the negro now. We have the best negroes in the world, and we have some of the meanest, and your social-equality ideas, Governor Smith, are hurting us in the South; already your dance halls in your home city of New York, where negro men dance with white women in New York City every night, present a mean and contemptible form of social equality.

Your effort to have the antilynching bill passed when your Democrats from Tammany would not vote with us was putting a premium on the crime of rape, and sowing dragon's teeth in the paths of white women in the South and in other sections of the country.

Governor Smith, you are not sound on that question; you are not sound on the whisky question; you are not sound on the great moral issues of the Nation. You are a Constitution nullifier. You withdrew your State from the Union so far as the eighteenth amendment is concerned. You bade defiance to that portion of the Constitution and announced in effect that you had no sympathy for it and no support for it in the action you took.

Now, Governor Smith, there is a doctrine in your church which declares that any part of the Constitution or laws condemned by the Pope is not binding on Catholics.

Not long ago, Governor Smith, the Delaware Express, a paper in the United States, took the college of cardinals to task for advising the repeal of the eighteenth amendment and the law-enforcement statutes of the United States, and that Delaware paper said that they were not taking their inspiration and directions from the Vatican in Rome, but were taking them from the people of this country, and that they relied upon the United States Congress to attend to these things.

Mr. President, on top of that, they are going around and digging up this money and pussyfooting about the country, slipping it here and yonder. It is hard to keep track of them. But you see the evil effects of their corrupt work.

I hope the campaign investigating committee will summon here the editor of the Asheville Citizen, of North Carolina, Mr. Webb. I want them to call him here and ask him if any contribution has been made to him or to his paper for the support of Governor Smith in North Carolina. I want the manager of his campaign in North Carolina subpœnaed, and I want the manager of his campaign in each congressional district subpœnaed, and asked who is furnishing the money they are using in North Carolina; asked the source of the financial aid they are getting.

I would like to have Mr. Wilbur Marsh, of Iowa, brought here, and Mayor Walker, of New York City, and others. There are some active up there, I understand, who are not in the city of New York; they are operating for Smith in this campaign on the Jersey side of the river. Let the committee inquire about them, and bring them down and see what they know about this question.

Mr. President, another word or two for the moment, and I will be through. Let me read you something interesting on this subject:

> When a Catholic candidate is on a ticket and the opponent is a non-Catholic, let the Catholic candidate have the vote, no matter what he represents. (Catholic Review.)
>
> A priest can not be forced to give testimony before a secular judge. (Taberna, a papal theologian, vol. 2, p. 288.)
>
> The Roman Catholic citizens of the United States owe no allegiance to any principles of the Government which are condemned by the Pope. (The Tablet—R. C.)
>
> Undoubtedly, it is the intention of the Pope to possess this country. In this intention he is aided by the Jesuits and all the Catholic prelates and priests. (Dr. O. A. Brownson—Catholic writer.)
>
> Many non-Catholics fear us as a political organization and are afraid that the Catholic Church will dominate and rule. We are working quietly, seriously, and, I may say, effectively to that end.

June number, 1909, of the Missionary Roman Catholic:

> We can have the United States in 10 years, and I want to give you three points for your consideration: The Indians, the negroes, and the common schools.

They will get control of the common schools of America. The next time I discuss this question I am going to tell how they captured the common schools of a large city, a city of considerable importance, and just what happened to the institution after they got charge of it, how they ignored the requests of the Protestants and how they have filled the places of teachers with Catholics.

I am going to call attention now to a bill introduced in the Legislature of New York a few years ago providing a penalty for any agency to go out in the rural districts seeking a school for a son or a daughter or a neighbor and telling what church they belonged to. At the hearings it was disclosed that the Knights of Columbus objected to the present way of doing these things because they said Catholics were discriminated against. If the Protestant people out in the communities were told that the person seeking a school was a Catholic they would not employ him or her, but wanted a Protestant. Think of that, Senators! Why should not they have Protestant teachers if they wanted them? Would you muzzle a Protestant community and deny it the right to have a Protestant to teach Protestant children? That is what that Catholic move sought to do.

Senators, did you know that Governor Smith offered an amendment to the State constitution of New York proposing to repeal the present provision which provides that no subdivision of the State or the State itself shall appropriate the taxpayers' money for sectarian schools? Governor Smith offered an amendment to repeal that provision in the constitution so as to allow subdivisions to appropriate money to the Roman Catholic schools. That is what was meant by sectarian schools. They control New York City absolutely, so they were going to put parochial schools on the basis of public schools, and Governor Smith was the author of that amendment. I have it.

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

Mr. HEFLIN. I yield.

Mr. HALE. I am compelled to go to a meeting of the conferees on the naval appropriation bill. I would like to explain that the flag which I described this morning as the papal flag was not the papal flag. The papal flag consists of a mitre with crossed keys under it.

Mr. HEFLIN. How is that?

Mr. HALE. The papal flag consists of a mitre with crossed keys under it. I described this morning a flag with a crucifix and cross on it.

Mr. HEFLIN. Now the Senator says the cross is under it.

Mr. HALE. I have stated that the papal flag is a flag with a mitre and crossed keys underneath.

Mr. HEFLIN. Crossed keys?

Mr. HALE. The keys are crossed under it.

Mr. HEFLIN. That is a cross just the same!

Mr. HALE. Oh, no; it it not.

Mr. HEFLIN. That is a very interesting piece of information the Senator from Maine is now offering. It does not make any difference whether the cross is made of keys or straight bars. Show it to me. Oh, no; that is not a key. That is a flag flying at each end of the material forming the Catholic cross.

Mr. HALE. Oh, no; it is a mitre and crossed keys.

Mr. HEFLIN. I do not know what they call it. I know it is a flag at the upper end of the crossed bars. They have two flags flying at the upper end of the cross.

Mr. HALE. No, Mr. President. I have explained that it is a mitre, and the crossed keys have nothing to do with a flag.

Mr. HEFLIN. The Senator is not only wrong on the other question, but he is blind on this one. Anybody can see that those are little flags at the end of that cross. Would the Senator give the impression that they are the Vatican keys to unlock the sovereign household of America? Well, I do not think that will be done.

It does not make any difference whether they run the flag at the top of those crosspieces, or whether they run it at the bottom. The flags are there. The pennant is one that has been gotten up, not by the Protestants of America, not by the Jews, but by that other force. They are very successful in getting certain Protestants to come to their rescue, and they will get the Senator from Maine in a lot of trouble if he does not mind. They will have him explaining all over Maine why he has championed the plan of a foreign potentate to fly that flag above the United States flag. I did not ask him to get into this discussion. I told him at the outset I would rather he would stay out. [Laughter.] But he has come in of his own accord, and that is his privilege. Now let him explain to his people in Maine.

Mr. President, I ask unanimous consent that we vote immediately on this flag resolution of mine.

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

Mr. BRUCE. I object. I desire to say something on the matter.

Mr. SMOOT. Mr. President, according to the rule we would have to have a quorum called first.

Mr. HEFLIN. I have not yielded the floor.

Mr. SMOOT. Before a vote could be taken by unanimous consent we would have to have a quorum call.

Mr. HEFLIN. Very well; I had a purpose in making that request now; I will wait and renew the request later. It may be necessary for me to make a motion. My resolution is already on the table and can be taken from there. I want a quorum

here when we vote on it. I want every one to have a chance to express himself on it. I think it is high time that the country, through the Congress, should fix a policy regarding the use and abuse of the United States flag. We will never have this question before us any more if we do that. If anyone wants to put up a pennant somewhere around the ship's edge to announce religious services on Sunday, that can be done. I am utterly surprised that any Senator on this floor would rise here and quibble on the question when it is so simple that a child can see it and understand it. If there is no design in putting it above our flag, why does not everybody rise up and say so? There would be no harm done. Put it below our flag. Why should they insist that it go up there? That is a question for us to consider.

Who are we representing, the people of America or the people who have some sort of secret allegiance to a foreign government? Mr. President, I told the Senate the other day that the supreme authority of that flag in the United States was challenged by the Pope of Rome and his cardinals recently. Sixty-three Americans, members of the Catholic Church, in Rhode Island, who had given large sums of money to a Catholic bishop and priest, asked what they had done with it. They refused to tell. They said, "We will take you into court." Was it not the natural thing for American citizens to want to go into an American court of justice to have their claims adjudicated? They ought to have been encouraged. Of course, the bishop and priest had to go into court in the matter. They were indignant. What did they do? They took the names of those 63 Americans to Rome. The Americans were not there in person. They tried those American citizens in a college of cardinals, a church court in a foreign country.

They found against them on this transaction in Rhode Island, United States of America. They condemned and repudiated those American citizens. They excommunicated them, which means that so far as they could they sent their souls to hell for going into a court of justice in America, suing the bishop and priest to get an accounting of the funds in their hands amounting to a million dollars or more. They attacked their business. One of them was an editor. They issued an edict that he could not run his American paper another day. They tried to confiscate his paper by an edict under the Roman flag in Rome when he was exercising his rights as an American citizen under the American flag at home. Which one of those countries has jurisdiction? I say again, we have soldiers and marines in Nicaragua defending the property of American citizens, but who is defending that poor editor in Rhode Island, right under the United States flag, for committing no crime whatever? All he did was to go into an American court of justice instead of a Roman Catholic Church court in a foreign country. They wanted to know the truth and they had a right as American citizens to know it. Their names were taken to Rome in their absence; this action was taken; they condemned his property and ordered him to cease publishing his paper at once.

Senators do not seem to know what is going on. Doctor McDaniel, the great Baptist preacher, president of the Southern Baptist Convention, said in the last public speech he ever made to his people: "Of all countries in the world, the Pope wants to get control of America." I have read you doctrine from the Catholic books showing that they intend to control it. The strong men are now laying the foundation, one of them said. Doctor Chapman, of Yale or Harvard, in his book said the Roman Catholic Knights of Columbus slogan is "M. A. C.," meaning "Make America Catholic." Doctor McDaniel said Mussolini and the Catholics had destroyed free speech in Rome; they have destroyed religious freedom; they have destroyed the religious press; they have closed Protestant churches; and burned the lodges of Masons. They have murdered Masons in their homes, 137 of them in one night in Florence, Italy. The grand master of the Masons in Italy is now in prison because he dared to meet with his brethren in a Masonic lodge—five years imprisonment by Mussolini's order, the most dangerous Roman Catholic tyrant in all the world.

Pardon me for expressing the belief that Mussolini was in that plot to kill King Emanuel recently when a bomb exploded. They tried to say that he, too, was in danger, but he was not. The bomb exploded before the King got there. He was a little late. Now, subsequently, we are told that Mussolini is talking about driving the king from his throne and taking it himself. This tyrant, this Roman Catholic tyrant, this man who is secretly conniving with the Vatican in Rome, is a dangerous man. Doctor McDaniel said if the Roman Catholics of the United States wanted to, they could use their influence on the Pope and Mussolini and stop the killing of Protestant and Jew Masons, stop the burning of their lodges, unfetter speech, restore free press, and permit the Protestants and Jews to worship as they choose. He said if they wanted to they could do that, but they will not do it. He said if Mussolini and the Pope wanted to give this freedom to those Protestants and Jews there they could do it, but they will not.

Wake up, America! That flag is the ensign of a Nation's strength and solidarity. It is the battle flag of a patriot Republic. It is the banner of constitutional liberty. Marks, of Tennessee, once speaking of America, said:

> Her emblem is the eagle. Her flag, like a scrap of midnight heaven, blossoms with stars. Stars and eagles belong near the sky, and she will take them home if glory's wing can get her there.

I want our flag to be first and uppermost nearest the sky. I do not want any eye in the world to see that flag pulled down and another flag put above it. Whether it be a Roman Catholic flag or any other flag. Let our flag be first at all times, asserting at home and abroad her single and supreme national authority.

Mr. BRUCE. Mr. President, the Senator from Alabama has said, "God bless the State of Maryland; I sometimes sympathize with her." I reciprocate by saying, "God bless the State of Alabama; I often condole with her," and so does all the press of this country at the present time, and I might say also all of its enlightened citizens.

Of course, the Senator from Alabama is not inclined to draw distinctions between the religious crosses that are consecrated by the strong devotional feelings of mankind. The only cross in which he is interested is the "fiery cross" of the Ku-Klux Klan, which has been responsible during the last three years for no fewer than 700 floggings in the State of Alabama, some of old men, some of women, and some of children.

Mr. HEFLIN. I challenge that statement. It is not true. There has been a lot of misrepresentation made about that by the Roman-Catholic-controlled press of my State.

Mr. BRUCE. Mr. President, I decline to be interrupted. All I want to say is that the truth would be in a bad way if the final test of truth was the ultimatum of the Senator from Alabama.

Many years ago a Member of this body entertained the same fear of assassination by some agency, the exact nature of which I forget, that the Senator from Alabama does, of assassination at the hands of the Catholic Church; and Senator Thurman, of Ohio, commenting on that fact, said on one occasion that the idea of that Senator that he might be assassinated was "the airiest bubble that had ever found lodgment in an empty head." So I say that an airier bubble never found lodgment in a—I will not repeat the adjective—head than the idea of the Senator from Alabama that I have been prompted by any Catholic ecclesiastic, prelate, or layman to object to the instant consideration of the bill which he attempted to bring to a vote yesterday. Not one single, solitary ecclesiastic, prelate, or layman has ever had a word to say to me, either epistolary or oral, with respect to that bill. Equally absurd is the idea that the conditional objection that I made to it yesterday was prompted by any special interest of any sort. Never has a single line been written nor a single word uttered to me by any banker, broker, factor, merchant, trader, or any person whatsoever in relation to the bill. The abusive allegations of the Senator from Alabama are wholly the fictions of his own distempered, and I am beginning to believe almost deranged intellect. [Laughter.] I simply asked that the bill, which I had had no opportunity to examine, should not be taken up yesterday for instant consideration, as I wished an opportunity to examine its contents.

Mr. HEFLIN. It was on day before yesterday.

Mr. BRUCE. Was it the day before yesterday? If that is true, I am glad to see that the Senator from Alabama is for once accurate.

Mr. HEFLIN. I will be accurate again in a few minutes.

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

Mr. BRUCE. No. It is beyond the Senator's power to be accurate. I recollect that Judge Black once spoke of somebody or something as being "marked by loose and lavish unveracity," and I have never heard the Senator from Alabama make a speech in my life that was not marked by loose and lavish inaccuracy.

I took it for granted, naturally enough, that our Department of Agriculture would not have pursued for years the practice of making predictions with reference to crop prices unless there had been some popular demand for price prediction, and unless there had been some sort of substantial basis found in the human reason for such a practice; but I was as good as my word. As soon as I had the opportunity I read the bill, and notwithstanding the fact that I observed that it had been so amended as to eliminate from it all reference to predictions in

relation to corn and wheat and other commodities than cotton, I became inclined to vote for it——

Mr. HEFLIN. Will the Senator yield there?

Mr. BRUCE. That is to say, to withdraw my objection to its consideration, should consideration again be asked for at any time, though to this moment it has been my hope that some Member of the Senate—if there be such a Member opposed to it—might rise and give me a clearer understanding than I have had of the reasons why the administrative practice of making price predictions has prevailed for so many years.

Mr. HEFLIN. Mr. President, will the Senator yield now?

Mr. BRUCE. So the Senator has not only indulged in scurrilous language with reference to me, but he has indulged in it from the point of view of the fortunes of his own bill, when there was no occasion for his doing so; but I suppose that when the Senator gives free rein to his natural instincts of scurrility it makes very little difference to him whether there is any real provocation for his doing it or not.

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

Mr. BRUCE. No; I do not. You have already made a threat as to what you propose to say in reply to me.

Mr. HEFLIN. The department never has made those price predictions before.

The PRESIDING OFFICER. The Senator from Maryland declines to be interrupted.

Mr. BRUCE. They had never previously made these price predictions?

Mr. HEFLIN. No, sir; they never made those predictions until last year.

Mr. BRUCE. Then, it is hard for me to see how there could be any considerable fund of human experience to show that the practice is a pernicious or inexpedient one.

So much for that. Now, just a word with regard to the pennant that flies above our ships during the hour of prayer. As has been already explained, that pennant is not the Catholic pennant at all. The Catholic pennant is a yellow and white flag with the crossed keys of St. Peter and the papal tiara. That is the Catholic flag. The flag that flies above our ships is a flag that, like the Constitution of our country, like the human heart when it is at its best, knows no sect whatsoever. It is flown from the ship whether its chaplain is a Catholic priest or a Presbyterian minister or a Methodist pastor or a Baptist pastor or a Lutheran pastor. It is a blue cross on a white field, the Christian cross that is common to all sects, except, as I am informed, the Greek Orthodox Church, whose cross is the St. Andrew's cross.

And why should that pennant not fly at the masthead above our national flag when our naval officers and sailors are paying their brief homage in prayer to God, the God who is not only the God of mercy and the God of love, but the God of hosts. It is flown to notify every passing vessel that on the ship on which it is spread to the breeze the hour is being dedicated to the worship of God, to reverence for His holy name, and to the cultivation of the profoundest and most exalted sentiments by which the human breast can be animated. It has been flown on our warships ever since 1850, and on British warships for the last 800 years, it is said.

Never, it seems to me, is the character of the Christian more impressively, more strikingly illustrated than when he is pictured as a soldier. He owes allegiance to the most powerful of all princes. He serves under the greatest of all commanders. It is his duty, as it is that of the seaman or the ordinary soldier, to obey his superiors and to keep step with his comrades. In his bosom is the battle field on which the principles of good and evil are ever struggling for the mastery. It is eminently proper, therefore, that His pennant should, at times, in the hour of prayer, in the hour of devotion, in moments of adoration or reverence, fly above the Stars and Stripes from the mastheads of our ships, or be elevated above them in the military field.

As for me, I see nothing inappropriate, I see nothing incongruous, I see nothing that deserves criticism or censure in the pennant of Christ floating for a few minutes of worship above our proud national emblem; and when I see it streaming in the wind my mind goes back to those beautiful lines of Shakespeare, in Richard II, when, speaking of the end of "banished Norfolk," he says that Norfolk—

> Toil'd with works of war, retired himself
> To Italy; and there at Venice gave
> His body to that pleasant country's earth,
> And his pure soul unto his captain Christ,
> Under whose colors he had fought so long.

These are the sensations, these are the feelings, aroused in my heart, and I believe in the heart of every Member of the Senate, except perhaps that of the Senator from Alabama, when we see that religious emblem aloft in the pure air of heaven.

I do not intend to follow the Senator any further in his long rambling and disconnected observations on pretty much everything with which the human mind of the United States is concerned at the present time. Least of all have I any intention of offering any defense of Governor Smith. He is already as good as nominated. Every thinking man knows that. Now that in Maryland we have been unable to make certain the nomination of our own honored governor—who, in my opinion, is the best qualified man in the United States at the present time to be President—it is a source of nothing but intense gratification to me that Governor Smith will so assuredly be nominated, and, as I believe, elected, too.

For many months past I have said that, other things being equal, at the present time—though under ordinary circumstances I do not think that sectarian distinctions of any sort should have any place in the public life of this country—I should rather see a Catholic, if you please, nominated to the Presidency of the United States, than any Protestant, because, in the providence of God, the time has come when another solemn appeal should be made to the fidelity of the American people to the Federal Constitution, which, of course, bans sectarian distinctions of every sort so far as the political life of our country is concerned, and when every true American should be quick to set his foot upon the rising spirit of sectarian intolerance, which has recently been such a disgraceful, not to say such an abominable feature of our national life.

The Senator made some reference to Francis Scott Key, the author of the Star-Spangled Banner. Besides being a poet of some merit, and a true American, he was as pure minded a man and as devout a Christian as ever lived in our land. The thought that he would not have been willing that the pennant which is the pennant of no single church but of all churches, should fly in hours of devotion at sea above the flag that he did so much to glorify, is one that is not tenable for a moment to a Marylander who is familiar with his character, his career, and his religious and political beliefs.

No; I say that nothing better could befall this country, nothing would do more to purify our political atmosphere at the present time, than the election to the Presidency of the United States of some one who did not happen to be a Protestant. Governor Smith is about to be nominated to the Presidency not because he is a Catholic but because he is a man of the most delightful and magnetic personality; because his whole career has been marked in the highest degree by integrity and public spirit; because he is endowed with an extraordinary measure of administrative genius; and because he has taken hold of the imagination of the country as no one has done for years past in our political history.

It so happens that no other Catholic in our national annals, unless it is Charles Carroll of Carrollton, has ever been sufficiently famous to be pointed out as a highly eligible candidate for the Presidency of the United States; but now that we have a man who answers that description, and who happens to be of a different faith from mine or from the faith of the Senator from Alabama, if he has any, which I am inclined to doubt, he is to be rejected on the preposterous ground that he is a Papist, or that, if elected to the Presidency of the United States, he would be subservient to some influence inimical to the welfare of the people of the United States! It is enough to state such a proposition to doom it to condemnation.

Why, the splendid qualifications of this man for the Presidency are not certified to by Democrats alone. By far the most impressive tributes that I have ever heard paid to his abilities and public usefulness are those paid to them by three of the most celebrated Republican residents of the State of New York—indeed, of the entire United States—Elihu Root, Charles E. Hughes, and Nicholas Murray Butler. Upon credentials from such members of the Republican Party as these, as well as upon credentials from members of his own party, the claims of Governor Smith to the Presidency are based.

In fine, in the fullness of time just what was predicted by Theodore Roosevelt—that true American, who scorned sectarian bigotry as few great Americans have—is about to take place. You will recollect that in one of his famous letters he said, if I recall his words aright, that in the future it was not unreasonable to expect that a Catholic would become President of the United States, and later a Jew.

I say, God speed that day; because once elect a Catholic or a Jew to the Presidency of the United States, and never again would we hear anything more of hateful sectarian distinctions in connection with the Chief Magistracy of our Nation. To-day we have sitting upon our supreme bench, in the city of Baltimore, two Americans of Jewish extraction, and two of the

most learned and useful judges on that bench they are. The two most famous chief judges that have ever sat upon the bench of the Court of Appeals of Maryland in my time were two great Catholic lawyers and jurists, Judges Alvey and McSherry. Two of the greatest Chief Justices that have ever sat upon the Bench of the Supreme Court of the United States, Chief Justice Taney and Chief Justice White, were Catholics; and there are one or more Catholics sitting upon the Bench of the Supreme Court to-day. Surely if we can commit our lives, our liberties, and fortunes to the arbitrament of Catholic judges we can safely intrust to a Catholic the responsibilities of the loftiest executive office of our country.

Who stops to think any longer whether a man appointed to high judicial office, and clothed with the most exacting duties with which an individual can be invested is a Catholic or a Protestant or a Jew? We have long passed that stage of primitive superstition and prejudice. This thought—how contemptible it is—that the heart of the Catholic is not as devotedly loyal to every part of our country as that of any other American citizen whatsoever.

Why, it is a fact that practically every battle lyric that has ever stirred the heart of the South, not to speak of Catholic patriotism in its larger aspects, was written by a Catholic.

Who wrote The Sword of Lee? Who wrote The Conquered Banner? Father Ryan, of Alabama, a Catholic priest. Who wrote Maryland, My Maryland—that inspiring battle song? Randall, of Maryland, a Catholic. Who wrote Hurrah for the Bonny Blue Flag—that flag that was so often dyed with the richest crimson from the veins of the South? Why, an Arkansas Catholic.

Ah! Far better did the trustees of the University of Virginia know the true heart of the South than the Senator from Alabama when that university held its great centenary celebration a few years ago, to which illustrious men repaired from almost every corner of the globe, and selected as the priest to open the exercises on that memorable occasion Bishop O'Connell, a Catholic bishop of the city of Richmond, Va.

The Senator from Alabama is in no danger of assassination. Let him not lay that flattering unction, for that is all it is, to his soul. American patriots, American Democrats, can not afford to have him assassinated. He is making more friends for religious freedom and Governor Smith than any other man in the land. I for one am ready at any moment to form part of a bodyguard with which to preserve his precious life—so priceless to us in making intolerance detestable, in showing how much better it is that the human heart should be actuated by love than by hate, and how much more advisable it is that we should cling, as to the cords of our eternal salvation, to our Federal Constitution, which tolerates no sectarian discrimination whatever, than that we should be engaged in the odious, the un-Christian, the unpatriotic, the wicked task of stirring up brother against brother and sister against sister and of curdling all that is kindliest in the sweet milk of human nature; the effect of such conduct is simply to estrange us from the teachings of Washington and Jefferson and Madison and the other great founders of this Republic, who inculcated, as they inculcated hardly anything else, the principle of religious freedom, and brings us to that domain of narrow-mindedness, of bitterness, of rancor, and of discord, in which the despicable bigot lives and has his being.

I had not expected to say what I have said. Perhaps I have spoken longer than I should have done, but I would have been false to my country, false to the State that I have the honor in part to represent in this body, and above all to myself, if I had not said what I have said.

Mr. HEFLIN. Mr. President, I shall be very brief in replying to the defense that the Senator from Maryland has tried to make of himself and his political alignments.

Mr. NORBECK. Mr. President, will the Senator yield to me just a moment; or does the Senator prefer to go on now?

Mr. HEFLIN. I would prefer to go on now. I am not going to speak long.

Mr. NORBECK. I just want to make a short speech on a Republican candidate for President.

Mr. HEFLIN. I would like to proceed briefly now, because I want to get through and get a bite to eat. I have had nothing to eat since breakfast.

Mr. NORBECK. If I do not have to wait too long.

Mr. HEFLIN. The Senator will not have to wait long. I have already spoken at length and I assure the Senator that I will not speak long.

Mr. President, in the first place, the Senator from Maryland has shown how utterly innocent he is, not to say ignorant, of the facts about this price-predicting power and practice of the Agricultural Department.

Last year, the time we complained of, is the only time they ever made such a prediction about cotton prices. The Senator consumed a great deal of time justifying what he called a practice of a long period of years by the Department of Agriculture. The Senator from South Carolina [Mr. SMITH] showed that this cotton-price prediction was something new under the sun, and that they had no authority to make this prediction, and we complained about it, and we are now trying to keep it from happening again. That was and is the purpose of my bill. So the Senator now shows that he objected to the consideration of it on a ground that did not exist. His information or misinformation was absolutely incorrect, and not sound in any particular. He made his objection and opposed the passage of the bill, according to his own statement, because he was not at all informed about the matter. The Senator also said that he would be glad to see a Roman Catholic elected President over a Protestant. Doctor McDaniel, the great president of the Southern Baptist Convention, in 1926, in a great speech, one of the greatest I ever read, goes on to show that this country was established by Protestants; that these institutions that have grown out of the work of the statesmanship of the early days are Protestant institutions; that there were not in the United States anywhere Catholics of any consequence except a handful with Lord Baltimore over here in Maryland.

I am proud of these institutions, and I do not want to see them lose their Protestant form. I am not fighting the Catholic religion. I am willing for the Catholic to worship as he chooses. I do not know of a Protestant or a Jew in the United States who would, if he could, prevent a Catholic from worshiping as he wants to worship, but I am fighting the Roman Catholic hierarchy and the Roman Catholic machine. I am fighting the declared purpose of the Roman Catholic Church, not the individual's right or desire to worship as he chooses. I am fighting a program that is dangerous to religious freedom in America.

The last book given to the public by the Catholics in America, so far as I know, was written by Doctor Ryan, a Catholic priest of this city, who is the professor of moral theology in the Catholic University of America. Senators, the Senator from Maryland does not keep informed, because I do not think he reads any Protestant literature. He is well informed on the Vatican, he knows what the Jesuits desire and what the program of priest and Pope is, but he is not informed about American affairs from the American standpoint.

Listen to this: In this book which Doctor Ryan has written he sets out boldly and pointedly that when the day comes in the United States when Catholics are strong enough they will set up the Catholic state, declare the Catholic religion, and proscribe other religions; that they may permit some of them to continue to worship until they die out, but they will not be permitted to carry on general propaganda. You can not have your protracted meetings, you can not invite outsiders to join your church, but must eke out your existence until you die, and then the Catholic religion will be declared to be the only religion in the United States. That is what I am fighting against, fighting against the day, and God stay the hand that would bring it, when they will proscribe me and mine, and you and yours, and make us worship as Catholics would have us worship, as they did in Mexico for 400 years, as they have done in other Catholic countries, as they do in the Argentine Republic now. There is a provision in the Constitution of the Argentine Republic to-day, a sister republic, that nobody but a Roman Catholic can be president of that country.

In the face of that the so-called Protestant Senator from Maryland, who was once, I believe, a Presbyterian, and who is now a high church Episcopalian, is gradually moving toward the Vatican. He expresses his wish, and his sincere hope and supreme desire, to see a Roman Catholic elected above all the Protestant statesmen in America President of the United States.

Mr. President, the Senator from Maryland talked about the old days when Roger B. Taney was on the Supreme Bench, and when Priest Ryan wrote The Sword of Lee and Furl that Banner. I want to say to the Senator that in that day the Catholic population was small; they were not flying their flag above the Stars and Stripes; they were not making open and determined warfare against the public-school system of America; they were not bold enough to write in their books to the faithful the program that they were going to proscribe Protestants and Jews and suppress Protestant and Jew religion.

In those days no Pope would have dared to issue an edict condemning the property of an American citizen in Rhode Island or elsewhere and, by an order from Rome, confiscate his property right here under the flag of the United States. In those days, Mr. President, no priest would have dared sit in these galleries and hiss a United States Senator, as one of

them did me when I was helping to defeat their Mexican war program. In those days no priest would have dared to state, as this thug Priest Belford, of New York City, in his periodical, a Catholic paper, did, when he said that they (meaning the Roman Catholics) ought to hire thugs to waylay me and murder me on my way home from the Capitol.

I remind the Senator from Maryland of these bold and brazen encroachments and all these outrageous programs that they are now laying down right here in the United States. They assert in their doctrine that "the public-school system of America ought to go where it came from—the devil." Then the Senator wonders why I give warning to my country in these strange times when so many Americans are asleep.

When I assailed the Roman Catholics for their efforts to get us into war with Mexico, every priest about this place—that I have heard about—condemned me. Every Roman Catholic writer in this press gallery assailed me and misrepresented me and slandered me all over the country. Every Roman Catholic paper in the Nation assailed and slandered and vilified me because I was talking as an American against their un-American program, because I was asserting my rights as an American Senator to defeat, if possible, the Roman Catholic program for war with Mexico. They hated me because I seemed to have the foresight to see just what they were trying to do and had dared to tell the Senate and the country about it.

They would not have dared do that in the days about which the Senator from Maryland speaks when he is courting Catholic votes in Baltimore. I want to remind the Senator that just such obeisance to the flag of the Pope and by the way that particular flag is driving his State away from those who have had control of the Democratic Party there. I want to assert on this floor as a Democrat who has spoken in the name of the Democratic Party since my early youth time that the Democratic Party is not going to become the tail to a Roman Catholic kite in America. The Democratic Party of the Nation, the upstanding, red-blooded Americans of the Nation, under the flag of Democracy, are not going to permit the Roman Catholic political machine of Tammany to intimidate and control the great Democratic Party. Let the Senator from Maryland put that in his pipe and smoke it.

Mr. President, let me also remind the Senator that Baltimore, a Democratic city, defeated a Roman Catholic candidate for mayor last year by 17,000 majority. Archbishop Curley, it is said, insisted on nominating Curran, a Catholic, a very clever and able man. They followed Bishop Curley's suggestion and nominated him, and he was defeated by a large majority.

I want to remind the Senator that a Protestant mayor was elected in Boston; that in Chicago, Dever, the Roman Catholic candidate, went down before Thompson, the Protestant, and in Detroit a man by the name of Smith, a Catholic, was defeated.

I spoke in Detroit in June last year. I addressed Masons, members of the Junior Order of American Mechanics, Knights of the Ku-Klux Klan, the Odd Fellows, and other patriotic citizens. They had a parade in a park. The Romanists objected. The mayor, a Roman Catholic, had machine guns sent out there. They clubbed women, one, it was charged, with a baby in her arms, her head lacerated with a club in the hands of a Catholic policeman, and they had to take her to a hospital.

I addressed them just after all this had occurred. Those fine and brave Americans were ready to fight and die, but I said, "Do not do that; that is not wise or best. They have done enough to make you want to fight and do something desperate, but do not do it. Listen: If you have the American manhood and womanhood that I think you have, lay this to Mayor Smith, candidate for reelection, and beat him for reelection." They did it. Protestants and Jews who were not klansmen were indignant at the action of that Roman Catholic mayor in clubbing those Protestant people, and so they joined with the people imposed upon and clubbed, and beat him by 17,000 votes and drove him out of office. That is what happened to this crowd that is trying to pull down the American standard and put Al Smith in the White House and their standard above the United States flag.

The Senator from Maryland said that three great Republicans had paid high tribute to Al Smith. I told him in the outset that they are trying to get Smith nominated. They know that they can defeat him easily. The Senator told us that Elihu Root had complimented him. Elihu Root is the man who wrote that corporation constitution which Smith tried to put over a few years ago in New York and which the people of New York beat by 500,000 majority. Charles E. Hughes, the able and distinguished American citizen, perhaps the ablest man in the Republican Party to-day, complimented him, I think, because he wants the Democrats to nominate him. He knows that he can toss him around and play with him in a race for President, and operate on him as he chooses. That is why Mr. Hughes complimented Governor Smith.

Then comes old Nicholas "Flurry" the Butler, of the Columbia University, this old whisky-soaked bag of New York. He, a Republican, comes out and boosts Al Smith. Well, his wife is a Roman Catholic and he is rearing his children in the Roman Catholic Church. You know whenever one of those smart alecks, sailing under false colors, gets very smart I unhorse him before the public. I have the history of every one of them, and of their Roman Catholic connections. So I am telling you about old Nicholas Flurry the Butler, of Columbia University. So that disposes of Senator BRUCE's Nicholas Flurry, the Butler.

The Senator from Maryland referred to President Roosevelt. Roosevelt, in his letter to Archie Butt, which was among the letters Archie gave to his mother at Augusta, Ga., and which were published after Archie Butt died, said: "The Catholic Church is out of harmony with American institutions. It is a Latin proposition," he said, "and could never hope to grow and expand except by emigration." That is what Roosevelt felt and said.

Now, what else? The Senator from Maryland talks about me attacking Catholics. I am not attacking the individual Catholic nor his right to worship God as he chooses. I have two letters now from those American citizens of Roman Catholic faith in Rhode Island thanking me for taking their part and defending them in the Senate in this hour "of their deep trouble." Instead of the Senator from Maryland being of any value to the American Catholics who want to be real Americans he leaves it to me to defend them and their American rights in the Senate and they are now writing and thanking me for what I have said. In this letter one of them said he would like to vote for me for President. If the Senator from Maryland had heard that he would have fainted, would not he? [Laughter.]

Now, in conclusion, the Senator from Maryland said that he would like to form a bodyguard to protect me. Mr. President, I have been frequently threatened. I have probably 250 letters from various sections of the country from Roman Catholics, saying to me that if I did not let up and cease making my fight in the Senate on this question they would murder me. Of course, that is not pleasant. I have written 37 letters, and they are in the hands of 37 friends, true and tried, saying that if anything happens to me I want those letters published and I want my expressed will carried out.

I do not intend that the time shall ever come when these pussyfooting priests and Jesuits shall stalk around the Capitol and intimidate Senators, and whisper in their ears to "Go in there and punish this man or that because he dares to speak for his country and against the Roman Catholic program." I want the truth known. They know what will happen to them if they ever carry out their threats against me. I hope they will not, but if it takes a promise from me to them to cease my fight for my country to prevent it, I swear before God in the United States Senate that I refuse to make such a promise. That is my position.

Mr. President, if I know my own heart I am for my country. I am going to continue to support it regardless of any view the Senator from Maryland may have, who has this day and yesterday brought down on his head the wrath of the rank and file of the party in Maryland. Let him and them settle that question.

No, Mr. President, I do not want the Senator from Maryland on any bodyguard for me. He will have to excuse me. I would hate to lie down and sleep in a room, if it was not locked, with a bunch of bodyguards such as some of them might select for me. I prefer to have Masons and Klansmen, and the Knights of Pythias, Woodmen of the World, Odd Fellows, and other Americans who do not belong to any fraternity, rather than to have the Senator from Maryland and the Knights of Columbus. That is my position. The Senator will have to excuse me. I could not vote for the Senator to be my bodyguard. This is a very delicate question but I must be excused.

The Senator from Maryland was a member of the committee of the Senate investigating a Roman Catholic scandal and conspiracy to destroy me politically. That scheme and criminal performance was born in the brains of Knights of Columbus and Catholic priests and Jesuits. They set up the machinery and turned it over to Hearst, whose wife is a Catholic, to bring me into a scandal and ruin me if possible.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. ODDIE in the chair). Does the Senator from Alabama yield to the Senator from Pennsylvania?

Mr. HEFLIN. I yield.

Mr. REED of Pennsylvania. I was chairman of the committee that investigated the incident to which the Senator has just referred. There was no evidence whatsoever that Mr. Hearst's wife or any Catholic priest had anything to do with it. The thing originated in the mind of a man named Avilla, who wanted to get money for his purposes.

Mr. HEFLIN. I am not asking the Senator from Pennsylvania to make any suggestion to me. I will come to him in a minute. I was just going on to say that this conspiracy framed against me was born in the minds of Roman Catholics. I did not expect the Senator from Maryland or Pennsylvania to say that, but I did not expect them to do what he did in that important matter. Avilla swore before that committee. He is a cross between an Italian Catholic and a Roman Catholic Mexican. He swore before that committee, and the testimony has been changed.

Mr. REED of Pennsylvania. Does the Senator mean that we changed one syllable of that testimony?

Mr. HEFLIN. I do not; but it certainly was changed by somebody.

Mr. REED of Pennsylvania. The committee does not know it if there was one syllable changed.

Mr. HEFLIN. I heard his testimony, and I will swear to what I heard. He was asked, "Who did you get those papers from?" He said he got them from Catholic clerks of the Government of Mexico.

Mr. REED of Pennsylvania. I heard every syllable of his testimony and there was nothing like that in it.

Mr. HEFLIN. Nothing like that in it?

Mr. REED of Pennsylvania. No; not a word.

Mr. HEFLIN. I repeat that Avilla said what I say that he said.

I will send for the record. That part of it is still in there. I will send a page for the record of the hearings. I want to show the Senator from Pennsylvania before the Senate and the public. That part is still in there. They said, "What did you tell them you wanted to do with it?" He said, "I told them I wanted it for Bishop Diaz, a Roman Catholic bishop." Did he not say that? I did not know there was a Mexican Diaz, a Catholic bishop. I was in the committee room and heard him. He said, "I told them I wanted them for Bishop Diaz, a Roman Catholic bishop," and that is the part that they struck out. He might have corrected his statement. I do not know. The first part is in there yet, that he got them from Catholic clerks of the Mexican Government, and that "they wanted them for Bishop Diaz" is stricken out.

Mr. REED of Pennsylvania. He was not allowed to see his testimony before it went to the printer. There was not one word of it changed by him or by anybody else so far as I know.

Mr. HEFLIN. That is worse still. If he did not do it, I would like to know who did. I have witnesses who were with me and heard him make that statement. I made that statement on the floor of the Senate in my speech on January 18 by what I heard him say and not by that changed record. They undertook to ruin me, and I got up on the floor of the Senate as an American Senator and exposed that Roman Catholic conspiracy and crime and told the truth about it and drew my own conclusions as to how it was brought about. I have had over 6,000 letters from people in every State in the Union who read the facts, and they agreed with me and indorsed my position. I came here and made my speech denouncing those scoundrels who conspired together to get up that conspiracy. When I got through the Senator from Arkansas [Mr. ROBINSON], the temporary leader of the Democrats, rose with a well-prepared speech and attacked me. Who got him to make it? This Roman influence? I think it did.

What did the Mexican scandal investigating committee do? It did what it could not help but do in one instance. It exonerated me, freed me of all suspicion and charges of wrongdoing, as it did the Senator from Idaho [Mr. BORAH], the Senator from Wisconsin [Mr. LA FOLLETTE], and the Senator from Nebraska [Mr. NORRIS]. Then the members of the committee folded their tents like Arabs and silently marched away. They have never said a word of condemnation of Hearst. They brought no indictment against Avilla, a Roman Catholic, who had dragged the names of four of their colleagues into this Catholic Mexican scandal. They have not said anything condemnatory of him yet. Is not that strange? Then talk about it not being time that we should take some steps to curb this rampant Roman Catholic spirit in America and check its hurtful influence in Congress. What influence prevented proper action by Senator ROBINSON, of Arkansas, and BRUCE, of Maryland, and REED, of Pennsylvania, and JOHNSON, of California? Why did they not condemn Hearst and ask the Senate to condemn him and Avilla?

Mr. REED of Pennsylvania. The committee found the facts and left the denunciation to those who enjoy it.

Mr. HEFLIN. Yes; the committee found the facts. It could not help but do that and acquit of wrongdoing the four Senators who were unfortunately in their hands in the matter, but it failed to go further, neglected its duty, and is subject to my condemnation, and I here and now pronounce it in the Senate of the United States. I have spoken in the Senator's State, the State of Pennsylvania, and I am going to make many more speeches in it. There are many very fine people up there. Woodrow Wilson paid them a very high compliment while he was President of the United States.

I was entitled to have my good name relieved from this cloud of scandal. I was entitled, as were the other three Senators and the Senate itself, to have this committee of Senators denounce those who sought to destroy us; but, strange to say, they have not done so to this day. They are still hanging on to this committee, and I object to the presence of every one of them except the Senator from Washington [Mr. JONES] on that committee. If anybody wants me to give reasons for that statement, I will do so. Why were the Roman Catholics able to hush this matter up as they did? Why not bring these things out in the open? That is the way to preserve the Republic. If a public man is assailed wrongfully, go after and denounce and repudiate those who did it.

Bring them into the open and repudiate them, and denounce them as scoundrels. That was the duty of you, Senator REED, of Pennsylvania; Senator JOHNSON, of California; Senator JONES, of Washington; Senator ROBINSON, of Arkansas; and Senator BRUCE, of Maryland. But, Mr. President, I repeat, strange to say, that that committee never opened its mouth on this question. I, a United States Senator, a Democrat, from the State of Alabama, would expect that the Senator from Maryland [Mr. BRUCE], and the Senator from Arkansas [Mr. ROBINSON], at least to go after those and denounce those who had slandered and tried to destroy me, but they both failed and refused to do it. I am going to get some lunch directly, and build up for another charge against the Roman Catholic machine. And after I get another good night's sleep I may be able to lay some other revelations before the Senate.

Mr. President, it is a noble thing to render service to one's country. It is pleasant to fight in the open without fear and without annoyance from the enemy who is seeking to control this Government, and who has announced in its program that when it does control it it will destroy the Protestant religion in the United States. There is a thrill and an enjoyment in battling for a cause when you know you are right. Regardless of the opposition, regardless of the difficulties and dangers that beset us, it is the duty of every Senator, of everyone who loves his country, who is willing to serve it in time of peace and fight for it in time of war, to stand his ground and speak his views and serve his country as best he can in the open. I took an oath when I came into the Senate and stood at the altar place of this body that I would defend my country against all enemies, both foreign and domestic; and, so help me God, I will be faithful to that oath.

HERBERT HOOVER

Mr. NORBECK. Mr. President, I have been wondering whether Secretary Hoover was going to say anything about the agricultural issue, and the silence has finally been broken. The newspapers carry a copy of his telegram to John Brown, of Monon, Ind. The statement is positive as to the many things he does not want and is vague as to what he favors.

I send Mr. Hoover's statement to the desk and ask that it be read.

The PRESIDING OFFICER (Mr. ODDIE in the chair). Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

> I have your wire saying that the statement is being broadcast in Indiana that I am opposed to all farm-relief measures. As you are aware, I have continuously advocated Federal farm-relief measures for many years. While I have not been able to support those provisions in such measures which embrace price fixing or Government buying and selling of farm products because of my belief that they will be harmful to the farmer and the whole Nation, I have and do believe there are methods through a Federal farm board by which the farming industry can be brought to the same success as our other industrial groups. The President has repeatedly recommended such legislation, and I have been in hopes that Congress will find such measures this session.

Mr. NORBECK. Mr. Hoover says he favors farm "legislation." The remarkable thing is that this statement was made two days after the McNary-Haugen bill passed the House by a majority of nearly 100 and had previously passed the Senate by a vote of more than 2 to 1. Mr. Hoover must have heard of this bill. If so, he must be repudiating it. At least, he refuses

to recognize that measure which the farm organizations of the entire country are supporting. It can hardly be ignorance. If it is not ignorance, then it is something worse—a deliberate insult to the farm organizations, an insult to the farmer, and an insult to the Congress of the United States.

He implies that the bill is already dead, because he still expects farm legislation. He does not favor price fixing; but this bill is not a price-fixing bill. It simply provides for removing the surplus so as to give an American market to the American farmers.

Mr. Hoover says he does not favor placing the Government in business. The McNary-Haugen bill is a device through which the farmer, at his own expense, will be able to remove from the domestic market the weight of exportable surplusage, thus insuring to him the benefit of a domestic market, with full protection of the tariff on agricultural commodities. There is no element of price fixing or Government in business in this bill.

What kind of farm legislation does Secretary Hoover favor? As far as I know, the only plan that has not met his objections has been the one suggested in the 1925 report of the President's agricultural conference. This simply provided for loaning money to farm organizations for marketing purposes. These organizations did not ask for any such bill. They did not need it then. They do not need it now. They do not want it.

We recall that in the last Congress a close friend of Secretary Hoover advocated such a measure in the Senate. It got splendid support from the industrial section, but was repudiated by the agricultural representatives. The plea that under this proposed plan some of this borrowed money might be used to stimulate the market was only another way of saying that the funds would be available for gambling on the board of trade for the purpose of boosting prices.

Unless the farmers were wiser than others who "play the board," they would soon lose their wad. They would be discredited and dishonored. They would be worse off than ever, and they would frequently be reminded by their new-found friends that their business methods were not the best.

By this telegram Herbert Hoover has given notice to Congress and to the farmers that if he is elected President they need not apply to him. It can only be considered a declaration that the present policy of cheap foodstuffs must be maintained in the interest of larger industrial dividends. The election of a candidate who approves the break of party pledges made four years ago would mean the final submergence of agriculture in America to industry.

MESSAGE FROM THE HOUSE

A mesage from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House insisted upon its amendment to the bill (S. 744) to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes, disagreed to by the Senate; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WHITE of Maine, Mr. LEHLBACH, Mr. FREE, Mr. DAVIS, and Mr. BLAND were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3740) for the control of floods on the Mississippi River and its tributaries, and for other purposes.

MISSISSIPPI RIVER BRIDGE NEAR TIPTONVILLE, TENN.

The PRESIDING OFFICER (Mr. ODDIE in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 3862) authorizing J. T. Burnett, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Tiptonville, Tenn., which were, on page 5, line 5, to strike out the word "and," and on the same page, line 13, to strike out the word "its" and insert "his."

Mr. McKELLAR. I move that the Senate agree to the House amendments.

The motion was agreed to.

OHIO RIVER BRIDGE NEAR WELLSBURG, W. VA.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 797) granting the consent of Congress to the J. K. Mahone Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River, at or near Wellsburg, W. Va., which were, on page 1, line 3, to strike out "the consent of Congress is hereby granted to" and insert "in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes"; on page 1, line 4, after the word "assigns," to insert "be, and is hereby, authorized"; on page 2, line 10, to strike out the words "and terminals"; on page 2, line 17, to strike out the word "and" and insert "or"; on page 3, line 1, after the word "any," to insert "public agency or"; on page 3, line 7, after the word "condemnation," to insert "or expropriation"; on page 3, line 9, after the word "condemnation," to insert "or expropriation"; on page 3, line 11, after the word "condemnation," to insert "or expropriation"; on page 3, line 20, to strike out the word "interest" and insert "interests"; on page 3, line 22, after the word "shall," to insert "at any time"; on page 3, line 24, after the word "are," to insert "thereafter"; on page 4, line 1, after the word "the," to insert "reasonable"; on page 4, line 2, after the word "approaches," to insert "under economical management"; on page 4, line 4, after the word "therefor," to insert "including reasonable interest and financing cost"; on page 4, to strike out all after the word "sufficient" in line 7, down to and including the word "approaches" in line 8, and insert "for such amortization"; on page 4, line 9, after the word "been," to insert "so"; on page 4, line 12, to strike out "care, repair"; on page 4, line 13, after the word "approaches," to insert "under economical management"; on page 4, line 15, after the word "the," to insert "actual"; on page 4, line 21, after the word "War," to insert "and with the highway departments of the States of West Virginia and Ohio"; on page 5, line 1, after the word "may," to insert "and upon request of the highway department of either of such States shall"; on page 5, lines 2 and 3, to strike out "the actual cost of constructing the same" and to insert "such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of cost so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge"; on page 5, line 3, to strike out "such" and insert "the"; on page 5, line 3, after the word "purpose," to insert "of such investigation"; on page 5, line 5, to strike out "financing and" and to insert "construction, financing, and"; on page 5, lines 5 and 6, to strike out "the construction" and insert "promotion"; on page 5, line 7, to strike out "actual original cost" and insert "reasonable costs of the construction, financing, and promotion"; on page 5, line 7, after the word "conclusive," to insert "for the purposes mentioned in section 4 of this act"; and to amend the title so as to read: "An act authorizing the J. K. Mahone Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Wellsburg, W. Va."

Mr. NEELY. I move that the Senate concur in the House amendments.

The motion was agreed to.

TAX REDUCTION

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1) to reduce and equalize taxation, provide revenue, and for other purposes.

Mr. SMOOT. Mr. President, the first amendment which was passed over was the one dealing with the surtax rate. I understand that the Senator from North Carolina [Mr. SIMMONS] has a very urgent appointment for 4 o'clock, and he would like to open the discussion upon that amendment. It is impossible for him to conclude his remarks to-day by 4 o'clock. He will have to leave some minutes before that time. Therefore, at the Senator's request, I ask that we take up the amendment on page 195, section 500 (a), which is the admissions tax.

Mr. HARRISON. Mr. President, I understood that out of the fullness of the Senator's heart, and those of his colleagues, they might agree to the proposition to eliminate the admissions tax, with the exception, of course, of the House provisions touching prize fights, because it was stated in the committee that the House having cut down the exemption to $1, and the Senate having raised the exemption up to $3, that would be a loss of some $17,000,000, as I recall, and we would only get an additional $1,000,000 out of admissions. Necessarily, the administration of the law would cost something, as well as the worry; and I understood that the Senator might agree that we would strike out all admissions taxes with the exception of the provision in regard to prize fights carried in the House bill.

Mr. SMOOT. Mr. President, the committee decided to follow the recommendations of Mr. Brady, who represented the producers of the spoken drama, as well as the representative of the actors' associations; and they requested that the limitation be increased to $3. I think this will only cover high-priced operas and the spoken drama perhaps in Chicago and New York; I do not know of any other place in the United States where it will apply.

Mr. HARRISON. I think the Senator is putting Mr. Brady in a false light there. Mr. Brady was trying to get the exemption raised as much as he could. He wanted it all eliminated if it was possible, because it was pointed out before the committee that these people who train themselves in life work, endowed with wonderful talent, that are engaged in grand

opera, for instance—personally, I do not like it, but a good many people do like it, and I admire those that do like it—would have to pay the tax. In other words, it is argued that we are taxing talent in this matter; and because of the small amount of taxes that we would obtain by virtue of leaving it over $3 it seems to me we might eliminate the whole proposition, and this one war nuisance tax would be gotten behind us. Of course, if the Senator wants to contend further on the proposition, it just takes up that much more time.

Mr. SMOOT. I prefer to.

Mr. HARRISON. Let us take a vote on the proposition, then.

Mr. SMOOT. I am perfectly willing to have that done.

Mr. HEFLIN. Let us have a vote now.

Mr. HARRISON. I call for the yeas and nays.

Mr. SMOOT. I am perfectly willing to take the yeas and nays.

The yeas and nays were ordered.

Mr. SIMMONS. Mr. President, before the vote is taken I wish to say just a word.

I want to say, with reference to the request that I made of the Senator in charge of the bill, that I had expected this bill to come up earlier in the day, and made the appointment which has been spoken of, thinking that by the hour named we would have disposed of it; but, while I am on my feet, I want to discuss briefly the amendment that is now before the Senate.

I heard the argument or statement of Mr. Brady. It was one of the most interesting to which I have listened in a long time. Of course, in the position he occupied, Mr. Brady was ready to take and had to take what he could get. He wanted to get as much as he could, and he expressed the opinion that so far as his association was concerned it would be very gratifying if the exemption was moved up to $3. He discussed, however, the effect of this heavy tax upon the spoken drama. He said that before the admissions tax was imposed the spoken drama was played in all parts of the United States; that it went to the smaller towns. Especially did he lay stress upon the fact that it played in the South, which at that time had but few small cities, and that these smaller communities were given the benefit of the spoken drama, with all its educational advantages and effects. As a result of this heavy tax, he said, the spoken drama now was almost exclusively confined to the larger cities of the country; that they had practically ceased to pay any attention to the South or to those States in the West with only small towns, and that as a result of that these people were denied the benefits of hearing the spoken drama as interpreted by the highest talent in the profession. That he pronounced deplorable. That he denounced as something that denied to a large portion of the United States the educational benefits of the spoken drama.

He called attention to the fact that the movies had been substituted for the spoken drama in these sections of the country. I had not thought of it in that light before, but I did remember when I was a younger man, before I came to the Senate, how I enjoyed the plays that visited the little town in which I lived, then a town of not over 10,000 people, and how the people of North Carolina and all these little towns had the benefit of the visitation of these troupes, giving Shakespearean plays and other great educational performances; and it seemed to me that while the movies are also enlightening and educational, they are not to be compared in many respects to the spoken drama. The sections that have had them substituted altogether for the spoken drama have suffered on account of it, and suffered for the sake of a very small revenue income which it was supposed would be derived from the tax.

The majority on the Committee on Finance agreed to raise the exemption, and it may be that as a result of that increase to $3 in the exemption some classes of those companies that play the spoken drama may come to the South, may go to the West, the smaller towns of the South, the smaller towns of the West; but I am inclined to think that while the increased exemption will mitigate the evils of the situation it will not give those sections that are now excluded from these enlightening performances full restoration of what they lost through the imposition of this tax.

There is only a million dollars in dispute. I do not see why we should haggle about a thing of this sort for only a million dollars' revenue. There is no such emergency as requires a tax of this sort, especially a harmful tax yielding such a small amount as this yields. That there is no emergency requiring such a tax is shown by the large surpluses that are constantly piled up in the Treasury.

Raising the exemption to $3 will not enable grand opera to go to the South. Its towns are too small to justify its coming. Now and then some ambitious community in the South—and I take it that this applies also to the West—sometimes gives a guaranty on the part of some of its enterprising citizens, and in that way they secure now and then grand opera in those communities. But why impose upon them, upon a few gentlemen or a few citizens who are so eager to see grand opera that they are willing to pay exorbitant prices for admission and guarantee that the total receipts will not be below a certain sum? Would it not be well to strike out this little pittance of a million dollars and let every part of this country have an opportunity to enjoy the better type of spoken drama, to see the great actors in person upon the stage, to draw that inspiration from these performances which we used to get from the better Shakespearean plays?

Why should not the people of all the country be permitted to hear grand opera? It is delightful to many. I myself care little about it. I do not know that men care so much about it as a rule, but the women of our country almost without an exception enjoy it to the fullest, and yet by reason of this tax, as I say, a large part of the people of this country are prohibited from hearing it because of the burdensome tax imposed upon it. That tax now has been reduced so that it will remain as it was before, above $3 upon grand opera, and exclude it. It will remain, as before, above $3 upon the spoken drama, and exclude it. Is $1,000,000 in the Treasury of the United States so badly needed by the Government that it should deny the privilege of enjoying these plays and hearing this grand music?

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

Mr. SIMMONS. Yes.

Mr. COPELAND. And, of course, I may say to the Senator, it is not alone the rich. Many of the most lowly of our people are interested in these fine plays and this fine music.

Mr. SIMMONS. Why, of course; and if they are induced to come to a community by reason of the guaranty given by a few citizens of the community, the poor can not take advantage of it. The rates will have to be so high that they will be prohibitive except to the people who are well-to-do in life.

It seems to me if there is any tax in this bill that is utterly unjustified, it is the retention of this $1,000,000 tax; and that is the total revenue the tax yields.

I regret very much that the chairman of the committee does not feel at liberty to consent, without having a vote upon it, to let this $1,000,000 tax go.

Mr. SMOOT. If this amendment went out it would make no difference whatever in the matter of grand opera. The tax is not going to hurt any person who is able to pay $10 or $11 for opera seats. We desire to have this as a tax program in order that if there were to be a raise of the tax in the future we could simply raise the rate, and there could never be any complaint about it.

The spoken drama up to $3 would never pay a cent of tax. There are very few little towns in the United States in which the people could ever or would ever afford to pay $3 for a ticket. The movies have taken the place of the spoken drama; there is very little of it left. If it were free of tax it would never be revived again, in my opinion, as long as the theaters charge the rate they do, and Mr. Brady said they were compelled to charge such a rate on account of the expenses. It will never be revived again in the United States. We have on hand now the spoken movie, in which the person appears, you hear his voice, you see him upon the platform, and that can all be witnessed for 35 or 50 or 75 cents. It seems to me that we ought to retain this tax, even if we want to increase the taxes in the future; and I want to say frankly that if the plans are carried out upon the five or six great projects that are being pressed here and in the other House, and they become law, I do not see how we are going to avoid it. Therefore, for that reason, I hope the Senate will support the committee amendment.

Mr. SIMMONS. Does the Senator take the position that remitting this million-dollar tax would embarrass the Treasury?

Mr. SMOOT. Not to-day. I thought I explained that that would not embarrass the Treasury.

Mr. HARRISON. May we not have the amendment reported now?

Mr. SMOOT. I think the proper way to proceed would be for the Senator from North Carolina to offer his amendment now.

Mr. HARRISON. The Senator has offered his amendment, and I just asked that it be reported.

Mr. SMOOT. It is lying on the table.

Mr. SIMMONS. It is on the table, and I ask that it be reported.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. The Senator from North Carolina offers the following amendment: On page 195, to strike out lines 3 to 23, inclusive, and insert in lieu thereof the following:

(a) Section 500(a) of the revenue act of 1926 is amended to read as follows:

"SEC. 500. (a) There shall be levied, assessed, collected, and paid—

"(1) A tax of 25 per cent of the amount paid for admission to a prize fight, or boxing, sparring, or other pugilistic match or exhibition, for which the amount paid for admission is $5 or more: *Provided*, That an equivalent tax shall be collected on all free or complimentary tickets or admissions to such prize fight, or boxing, sparring, or other pugilistic match or exhibition, and the tax shall be on the amount for which a similar seat or box is sold at the said match or exhibition;

"(2) Upon tickets or cards of admission to theaters, operas, and other places of amusement, sold at news stands, hotels, and places other than the ticket offices of such theaters, operas, or other places of amusement, at more than 50 cents in excess of the sum of the established price therefor at such ticket offices plus the amount of any tax imposed under paragraph (1), a tax equivalent to 50 per cent of the whole amount of such excess, such tax to be returned and paid, in the manner and subject to the interest provided in section 502, by the person selling such tickets."

Mr. HARRISON. Mr. President, this amendment is in three sections. One section provides for the taking off of the admission tax. The House adopted the provision with reference to boxing and sparring matches, and so on, which we do not disturb, which is included in this amendment. In other words, by this amendment we leave the tax which the House incorporated in the bill.

Mr. SMOOT. The Senate committee also leaves it in.

Mr. McKELLAR. The Senator means the committee leaves it in on boxing matches?

Mr. HARRISON. Yes; and on prize fights. The third section of the amendment deals with this situation: Under the law now there has been a custom which has grown up in the large cities that hotels and certain theater brokerage firms sell theater tickets.

Mr. SMOOT. Which are known as scalpers' tickets.

Mr. HARRISON. They are known as scalpers in some instances, but the large hotels of the country carry these tickets for the convenience of their patrons.

Mr. SMOOT. This is the present law.

Mr. HARRISON. In the amendment which the Senator from North Carolina proposes, he permits a service charge of not more than 50 cents for each of these tickets which are sold in these hotel lobbies and brokerage offices.

Mr. SMOOT. That is the present law.

Mr. HARRISON. If they charge more than that, there is a penalty imposed. Consequently, we do not disturb the law in these other features particularly, but we do take the admission tax off by this amendment, whether the admission is over $3 or under $3.

Mr. SACKETT. What is the amount of the penalty imposed?

Mr. HARRISON. The penalty is 50 per cent of the amount charged by these people for the services rendered.

Mr. SACKETT. Fifty per cent of the amount charged?

Mr. HARRISON. Fifty per cent in excess of the established price, I should say.

Mr. SACKETT. That would be 25 cents?

Mr. HARRISON. That would be 25 cents in addition to the 50 cents.

Mr. SMOOT. That is correct.

Mr. FLETCHER. Mr. President, does the amendment repeal existing law respecting these admissions? Would that law be terminated under this amendment?

Mr. HARRISON. It does repeal the existing law with reference to the admission tax; yes. That is the object of the Simmons amendment.

Mr. Brady, who has represented the theatrical people for a long time, not with any pay coming to him, but because of his love of the work, made one of the finest presentations before the committee that was ever made before it. He had us all crying there for a little while, in speaking of the great men and women who had shed luster on the theatrical profession.

I do not believe any member of the committee wants to penalize the talent of these people. We all know that in the large cities—and here in Washington—often the theaters charge more than $3. It may be more than they should charge, but they do charge more at times. If the public wants to pay it, it is up to the public; but it seems to me that a decade after the war is over, when this war tax was imposed, it is time for us to eliminate it; and if there is good reason for the Congress to eliminate $17,000,000 out of the $18,000,000 that is now collected from admission dues, certainly the reason should be just as great not to retain the $1,000,000 that we do collect by virtue of this.

I submit that when we consider the expenses incurred in the administration of the law, the trouble that is imposed upon the theatrical profession in the sale of these tickets, and so on, this million dollars can be well made up in some other way, and that all the admission taxes should be taken out of this bill.

Mr. EDGE. Mr. President, the Senator believes in the principle of the surtax, does he not?

Mr. HARRISON. Oh, yes; I believe in the principle of the surtax.

Mr. EDGE. This involves very much the same principle; if one can afford to pay $3 for a ticket, it is not a great burden to pay a small amount of taxation.

Mr. HARRISON. I am surprised at my friend from New Jersey making that argument, because I presume that, outside of the great city of New York, more of these talented people come from New Jersey than from any other State. I suppose the people of New Jersey, which is really next to New York, like to see real legitimate drama, spoken drama, and grand opera and these talented people. I am surprised the Senator wants to impose this penalty upon them. I can see very little likeness or similarity between the imposition of a surtax and the imposition of a tax on people who go to a real good show that might cost $5, where the finest talent are "strutting" their goods on the stage, rather than to go to the Gayety down here, where the admission is probably 50 or 75 cents. I want to encourage people to go to the very best in this country. I want to encourage the people in this country with talent, who have educated themselves for the stage, for the drama, and for grand opera to employ their talent and make great money if they want to without being embarrassed by the Federal Government.

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

Mr. HARRISON. I yield.

Mr. COPELAND. The Senator from New Jersey speaks of this as a surtax. As a matter of fact, we put a surtax upon the rich, but just as many of the people who buy these tickets are poor as are rich.

Mr. SMOOT. A ticket costing over $3?

Mr. COPELAND. Yes; tickets costing over $3.

Mr. SMOOT. They may be in New York.

Mr. COPELAND. A man may be a truck driver and yet have a love of the stage or of grand opera, and he is entitled to go, and he should be given consideration just as much as those who are able to pay high prices.

Mr. HARRISON. Mr. President, in the very forceful presentation to the committee by Mr. Brady he showed that a few years ago in all the cities throughout this country the finest, highest class theatrical troupes visited the cities, and people in those communities could see those shows.

Mr. COPELAND. The poor people.

Mr. HARRISON. Yes; the poor people could see them; but not to-day. Because of the obstacles being thrown in their path, discouragement upon the part of the Government, and many other things, there is hardly any legitimate theater in the country. The people are now going to see motion pictures, and so on. When the people from my section of the country get enough money to visit the city of New York, one of the first things on their program is to see a fine show there, or the grand opera; they want the best; and I presume that is the way with the people from Utah, and from other States.

I submit, Mr. President, that this figure of $3 was not fixed at the instance of Mr. Brady.

Mr. Brady wanted to strike out the admission tax altogether. The theaters of the country and the theatrical patrons want to strike it all out. But when the chairman of the committee, in his suave way, put it to Mr. Brady, "Would you not accept $3," of course, he would accept $3 in preference to a dollar, which was put in the bill in the House, or in preference to the 75 cents that is fixed by the present law. I submit that the amendment of the Senator from North Carolina should be accepted.

Mr. SIMMONS. Mr. President, may I interrupt the Senator?

Mr. HARRISON. Yes.

Mr. SIMMONS. Does not the Senator know it to be a fact that in parts of the country where these fine plays do not go there are numerous people who will travel at heavy expense to the larger cities, at least once a year, maybe twice a year, for the purpose of enjoying the kind of play that is denied them at home?

Mr. HARRISON. That is quite true.

Mr. SIMMONS. We have taken all the tax off the movies; we have taken all the tax off circuses; we have taken all the tax off everything of that kind except the spoken drama.

Mr. SMOOT. Except where the admission is over $3.

Mr. SIMMONS. Except where it is in excess of $3.

Mr. FLETCHER. Can the Senator say whether taking the tax off the movies has reduced the price of admission to the public?

Mr. SIMMONS. I presume it has, and I think it has. I think it will have that effect.

Mr. SMOOT. In some cases, and in some cases not.

Mr. SIMMONS. Why, I ask the Senator, take the tax off these other things, circuses and movies, and retain it qualifiedly or to a limited extent upon these other performances?

Mr. HARRISON. The reason is just as strong for taking it off this as for taking it off these other things. I ask the chairman of the committee if he will not agree to let us strike this out?

Mr. SMOOT. The chairman of the committee can not do that.

Mr. HARRISON. Then let us vote. I ask for the yeas and nays.

The PRESIDING OFFICER. The Chair announces that before a vote can be taken on this amendment, it will be necessary for the Senate to vote on the two committee amendments on page 195, lines 11 and 23. The clerk will read the amendments, because these will perfect the amendment which the Senator from North Carolina proposes.

Mr. SMOOT. It will be just the same thing.

Mr. HARRISON. I ask unanimous consent that we vote on the amendment as it is pending now.

Mr. SMOOT. Mr. President, the Senator must modify that request. Let us vote upon this amendment as a substitute for the committee amendments as reported.

Mr. HARRISON. That is right.

Mr. SACKETT. I would like to ask the chairman of the committee whether the committee has considered at all the penalty provision on speculation in tickets?

Mr. SMOOT. That is in the present law.

Mr. SACKETT. That is in the present law; and is not changed by the amendment of the Senator from North Carolina?

Mr. SMOOT. It is changed very little. It is not changed as the Finance Committee reported the bill, but it is changed in the last four lines of the amendment offered by the Senator from North Carolina.

Mr. SACKETT. Has the committee examined that change to see whether it amounts to anything or not?

Mr. SMOOT. No; but I know that the scalpers desire to have this change made.

Mr. FESS. Let the question be stated.

Mr. SMOOT. The Senator from North Carolina [Mr. SIMMONS] offers an amendment as a substitute for section 500.

Mr. FESS. Then we will have to vote on these amendments before we vote on that.

Mr. SMOOT. We certainly would; but unanimous consent was asked to vote upon this amendment as a substitute for the committee amendment as reported.

Mr. FESS. I wanted to know what we were to vote on.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed as a substitute by the Senator from North Carolina [Mr. SIMMONS].

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

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. SMITH (when his name was called). I have a general pair with the Senator from Indiana [Mr. WATSON]. Not knowing how he would vote, I withhold my vote.

Mr. SIMMONS (when the name of Mr. ROBINSON of Arkansas was called). I was requested by the senior Senator from Arkansas [Mr. ROBINSON] to announce that if he were present he would vote "yea" on this question.

The roll call was concluded.

Mr. CURTIS. I transfer my pair with the senior Senator from Arkansas [Mr. ROBINSON] to the Senator from Idaho [Mr. GOODING], and vote "nay."

Mr. REED of Pennsylvania (after having voted in the negative). I have a general pair with the Senator from Delaware [Mr. BAYARD]. I transfer that pair to the Senator from Vermont [Mr. DALE], and allow my vote to stand.

Mr. BRATTON. I have a pair with the junior Senator from Indiana [Mr. ROBINSON]. I am not at liberty in his absence to vote, but if allowed to do so I would vote "yea."

Mr. SMITH. I transfer my pair with the senior Senator from Indiana [Mr. WATSON] to the junior Senator from Wyoming [Mr. KENDRICK], and vote "yea."

Mr. JONES. I desire to announce the following pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. TRAMMELL]; and

The Senator from Oklahoma [Mr. PINE] with the Senator from Ohio [Mr. LOCHER].

I also desire to announce the absence of the Senator from South Dakota [Mr. NORBECK] and the Senator from New Mexico [Mr. CUTTING] on business of the Senate. If present, both Senators would vote "nay" on this question.

The result of the roll call was—yeas 40, nays 40, as follows:

YEAS—40

Ashurst	George	McNary	Steck
Barkley	Gerry	Mayfield	Stephens
Black	Glass	Neely	Swanson
Blease	Harris	Overman	Thomas
Broussard	Harrison	Pittman	Tydings
Caraway	Hawes	Ransdell	Tyson
Copeland	Hayden	Reed, Mo.	Wagner
Dill	Heflin	Sheppard	Walsh, Mass.
Edwards	King	Simmons	Walsh, Mont.
Fletcher	McKellar	Smith	Wheeler

NAYS—40

Bingham	Fess	Keyes	Reed, Pa.
Blaine	Frazier	La Follette	Sackett
Borah	Gillett	McLean	Schall
Brookhart	Goff	McMaster	Shipstead
Bruce	Gould	Metcalf	Shortridge
Capper	Greene	Moses	Smoot
Couzens	Hale	Norris	Steiwer
Curtis	Howell	Nye	Vandenberg
Deneen	Johnson	Oddie	Warren
Edge	Jones	Phipps	Waterman

NOT VOTING—14

Bayard	du Pont	Norbeck	Trammell
Bratton	Gooding	Pine	Watson
Cutting	Kendrick	Robinson, Ark.	
Dale	Locher	Robinson, Ind.	

The VICE PRESIDENT. The yeas are 40 and the nays are 40. The amendment of the Senator from North Carolina [Mr. SIMMONS] in the nature of a substitute is not agreed to.

Mr. HARRISON. Mr. President, I would like to give notice that there will be another vote on the Simmons amendment when the bill is in the Senate unless some Senator on the other side of the aisle desires to change his vote and come over to us.

Mr. SMOOT. Now, Mr. President, I would like to have the amendment agreed to as reported.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 195, line 11, strike out "$1 or less" and insert in lieu thereof "$3 or less," so as to read:

(1) A tax of 1 cent for each 10 cents or fraction thereof of the amount paid for admission to any place, including admission by season ticket or subscription, to be paid by the person paying for such admission; except that in case the amount paid for admission is $3 or less, no tax shall be imposed, and except that in case of admission to a prize fight, or boxing, sparring, or other pugilistic match or exhibition, for which the amount paid for admission is $5 or more, the tax shall be 25 per cent of such amount: *Provided,* That an equivalent tax shall be collected on all free or complimentary tickets or admissions to such prize fight, or boxing, sparring, or other pugilistic match or exhibition and the tax shall be on the amount for which a similar seat or box is sold at the said match or exhibition.

The amendment was agreed to.

The VICE PRESIDENT. The next amendment passed over will be stated.

The CHIEF CLERK. On page 195, line 23, strike out "$1 or less" and insert in lieu thereof "$3 or less," so as to read:

Amounts paid for admission by season ticket or subscription shall be exempt only if the amount which would be charged to the holder or subscriber for a single admission is $3 or less.

The amendment was agreed to.

Mr. SIMMONS. Mr. President, I desire to ask the chairman of the Committee on Finance in charge of the bill whether he would be willing to take up, somewhat out of its order, the amendment with regard to club dues?

Mr. SMOOT. I am perfectly willing to do so. It will be found in section 412, on page 196.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 196, line 5, the committee proposes to strike out "5 per cent" and insert in lieu thereof "10 per cent," so as to read:

(a) Section 501 of the revenue act of 1926 is amended to read as follows:

"SEC. 501. (a) There shall be levied, assessed, collected, and paid a tax equivalent to 10 per cent of any amount paid—

"(1) As dues or membership fees to any social, athletic, or sporting club or organization, if the dues or fees of an active resident annual member are in excess of $10 per year; or—

And so forth.

Mr. SIMMONS. Mr. President, I wish to state to the Senate that the revenue derived from club dues amounts to $10,000,000 a year. The House proposes to reduce that tax to $5,000,000; that is to say, the House adopted a rate just one-half of the present law. It is in opposition to the amendment proposed by the Finance Committee of the Senate, restoring the tax eliminated by the House, that I wish to ask the Senate to indulge me just for a moment.

I believe that both parties have repeatedly, through their official spokesmen in the administration and in Congress, expressed the desire that we should get rid as quickly as possible of these small rates that were imposed during the war when a great emergency existed, and which are generally characterized as nuisance taxes. The tax upon club dues is largely of that character. There was a time in our history when only the rich were able to indulge in the pleasure of belonging to clubs. But that time has passed and there is hardly a town of 5,000 inhabitants in the country to-day that has not what is called a country club, with golf links attached. Golf was formerly a sport of the rich. There were but few clubs with golf courses in the country, and they were confined largely to the rural surroundings of the larger cities of the country.

But that game has to-day become one of the most fashionable amusements in which our people indulge. The little clubs with golf courses have in their membership the relatively poor as well as the relatively rich. It is a sport that is indulged in by women as well as by men. It is a sport that conduces to good health, to vigorous manhood and womanhood. Not only lovers of sports indorse it but leading scientists and physicians of the country join in proclaiming it one of the most healthful amusements to which men and women now resort.

I wish it were possible to eliminate the tax altogether. An amusement and a sport which is healthful, which has become a resort for exercise and for pleasure of a large element of our people from one end of the country to the other ought not to be subjected to a tax. There are other things from which the Government can get its revenue which are more appropriate sources than this. Because of the universality of this sport, because of its healthful character, I hope that the Treasury Department will be able to stand at this time a cut of one-half of the tax.

Mr. President, I do not wish to pursue the matter further than to make this brief statement. I might speak more at length, but, as I said, I believe it unnecessary at this time.

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

Mr. SIMMONS. Certainly.

Mr. COPELAND. How much will we lose if we leave off the tax entirely?

Mr. SIMMONS. We would lose $10,000,000. If we cut it in half, we will have $5,000,000 still left. The House proposal was to reduce the tax one-half, and I am asking that we adopt the House amendment. The majority of the Finance Committee have asked that the House amendment be stricken out and the present tax retained.

Mr. REED of Pennsylvania, Mr. President, a parliamentary inquiry. On the last roll-call vote I understand that the vote of the Senators was equally divided; and I rise to ask how the Vice President is recorded as having voted?

The VICE PRESIDENT. The name of the Vice President was not called. The parliamentarian informs the Vice President that in the case of a tie vote on an amendment, where the tie vote defeats the amendment, it is not the custom to call the name of the Vice President. If my name had been called, I should have voted "nay."

Mr. REED of Pennsylvania. I suggest that under the Constitution it is the duty of the clerk to call the name of the Vice President when the Senators are equally divided.

The VICE PRESIDENT. The Chair is informed by the parliamentarian that it is necessary for the Chair to direct the clerk to call his name; and the Chair now directs him to call his name.

The CLERK. The Vice President.

Mr. BORAH. Mr. President, just a moment. As I understand, the vote was 40 to 40; and, as it was an amendment, the amendment was lost by reason of the tie vote.

The VICE PRESIDENT. The amendment was lost on a tie vote.

Mr. BORAH. I can not quite understand what effect the Vice President's vote will have.

Mr. NORRIS. Mr. President, was the vote 40–40 or 50–50? [Laughter.]

Mr. WALSH of Montana. Mr. President, undoubtedly it is the parliamentary rule that a motion requires a majority to carry it. If the vote is evenly divided, the motion is lost; but in view of the provisions of the Constitution, it seems to me that the Vice President is charged with the duty of voting, whether he desires to defeat or to carry the motion; and I take the view of the Senator from Pennsylvania that when there is a tie vote the Vice President has a right to vote.

Mr. REED of Pennsylvania. Not only a right but a duty, Mr. President.

Mr. WALSH of Montana. Not only a right but a duty as well.

Mr. REED of Pennsylvania. And if he disagrees with the adversaries of the amendment it is his duty to register his vote and carry the motion.

Mr. SWANSON. Mr. President, if the Senator will permit me, it seems to me the failure of the Vice President to vote shows that he was opposed to the amendment, because his vote for it would have carried it.

Mr. REED of Pennsylvania. The Constitution does not provide for implying or inferring what his intent is.

Mr. SWANSON. The Constitution can not compel him to vote, I should think.

Mr. REED of Pennsylvania. The Constitution compels all of us to vote unless we are excused.

Mr. BLEASE. Mr. President, I submit, on the point of order, that it required a majority vote to carry that amendment, and unless there was a majority vote it was lost. Being lost, obviously there was no requirement or necessity for the Vice President to vote.

I now raise the point of order that the roll call having been finished and the result announced, and other business having been transacted, it is not in order for the Vice President to cast his ballot, any more than it would be for an individual Senator who has now come into the Chamber.

Mr. REED of Pennsylvania. I make the point of order that the roll call is invalid unless the names of all those entitled to vote shall be called.

Mr. BLEASE. I ask that the roll call be taken over, if my friend insists on his point of order; but under all parliamentary usage, where there is a motion made, in order to carry the motion a majority must vote in favor of it, and if there is not a majority the motion is lost; and if another Senator should come in now he certainly would not have a right to cast his vote.

Mr. HARRISON. Mr. President, I want to resent the imputation that the Vice President has not done his duty, and I am delighted to know that the imputation does not come from this side of the aisle. I know, and the other Senators know, that the Vice President does want to discharge his duty, because we will not forget an occasion when he hastened back here at top speed in order to perform his duty. [Laughter.]

Mr. REED of Pennsylvania. Mr. President, leaving the comedy out for a moment, I do not think the question is wholly a laughable one. Every motion conceivable to be made in the Senate is lost if the vote upon it is a tie. There is nothing peculiar about this amendment. The passage of every bill is defeated if the vote be a tie; so that the plain intention of the Constitution was that wherever a tie vote existed, the Vice President should vote. His vote is not dispensed with by reason of the fact that the motion is lost when there is a tie, because that is true in every case and the Constitution must have had it in mind.

I do not advance the suggestion facetiously or lightly. I think the question ought to be ruled upon and acted upon, and that in time it might become of extreme importance; and if there is any doubt about the procedure to be followed it ought to be settled now.

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

Mr. REED of Pennsylvania. I yield.

Mr. DILL. I call the Senator's attention to the constitutional provision. It does not require the Vice President to vote. It is a permissive provision. It says:

but shall have no vote, unless they be equally divided.

Mr. REED of Pennsylvania. Precisely. That is true of the Senators. Each Senator has a vote; but the whole intention of the Constitution is that every one having a vote shall vote unless excused.

Mr. DILL. But there is nothing compulsory about it.

Mr. REED of Pennsylvania. There is nothing compulsory in terms upon the Senators.

Mr. DILL. I do not think the Vice President has failed to discharge his duty at all.

Mr. FLETCHER. Mr. President, in order to settle the thing, I move a reconsideration of the vote. Then we can take another vote.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Florida. Without objection, the motion is agreed to.

Mr. SHORTRIDGE. No, Mr. President.

Mr. REED of Pennsylvania. I call for the yeas and nays on the original reconsidered motion.

The VICE PRESIDENT. The Secretary will call the roll.

Mr. ASHURST. Mr. President, I ask to have the question stated. I do not understand it.

Mr. SMOOT. The yeas and nays were not ordered.

Mr WALSH of Montana. Mr. President, a point of order.

The VICE PRESIDENT. The Senator will state it.

Mr. WALSH of Montana. Is this the motion to reconsider, or has the motion to reconsider been adopted?

The VICE PRESIDENT. The roll call is on the motion to reconsider.

Mr. BINGHAM. Mr. President, a point of order.

The VICE PRESIDENT. The Senator will state it.

Mr. BINGHAM. Is it in order for a Senator who is in the minority to move to reconsider?

Mr. TYDINGS. Mr. President, I make the point of order that the motion to reconsider is out of order, because the original vote was an illegal vote, and it can not be ratified by another one of the same kind.

The VICE PRESIDENT. The point of order is overruled.

Mr. SMOOT. Mr. President——

Mr. TYDINGS. I have the floor. Let me state the matter, please.

Mr. SMOOT. I thought the Senator was through.

Mr. BINGHAM. Has the Chair ruled on the point of order which I raised?

Mr. TYDINGS. Have I the floor, Mr. President?

The VICE PRESIDENT. The Senator from Florida did not have the right to make the motion to reconsider.

Mr. FLETCHER. Then I call on the Senator from Pennsylvania to make it.

Mr. TYDINGS. I still have the floor, have I not?

The VICE PRESIDENT. The Senator from Maryland has the floor.

Mr. TYDINGS. Then the only way we can correct the RECORD, there being an illegal roll call, is to have the roll recalled on that amendment, without any motion to reconsider.

The VICE PRESIDENT. The point of order is overruled.

Mr. SMOOT. I ask unanimous consent that the roll call that was taken be set aside, and that another roll call on the amendment now take place.

The VICE PRESIDENT. Without objection, it is so ordered. The Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. BRATTON (when his name was called). I have a pair with the junior Senator from Indiana [Mr. ROBINSON]. During his absence, and not knowing how he would vote, I withhold my vote. If at liberty to vote, I should vote "yea" on this question.

Mr. CURTIS (when his name was called). I have a pair with the Senator from Arkansas [Mr. ROBINSON], which I transfer to the Senator from Idaho [Mr. GOODING], and will vote. I vote "nay."

Mr. REED of Pennsylvania (when his name was called). Making the same announcement as before, I vote "nay."

The roll call was concluded.

Mr. JONES. I have been requested to announce the following general pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from Oklahoma [Mr. PINE] with the Senator from Ohio [Mr. LOCHER]; and

The Senator from Indiana [Mr. WATSON] with the Senator from South Carolina [Mr. SMITH].

The result was announced—yeas 39, nays 42, as follows:

YEAS—39

Ashurst	George	McKellar	Stephens
Barkley	Gerry	Mayfield	Swanson
Black	Glass	Neely	Thomas
Blease	Harris	Overman	Tydings
Broussard	Harrison	Pittman	Tyson
Caraway	Hawes	Ransdell	Wagner
Copeland	Hayden	Reed, Mo.	Walsh, Mass.
Dill	Heflin	Sheppard	Walsh, Mont.
Edwards	Kendrick	Simmons	Wheeler
Fletcher	King	Steck	

NAYS—42

Bingham	Fess	McLean	Sackett
Blaine	Frazier	McMaster	Schall
Borah	Gillett	McNary	Shipstead
Brookhart	Goff	Metcalf	Shortridge
Bruce	Gould	Moses	Smoot
Capper	Greene	Norbeck	Steiwer
Couzens	Hale	Norris	Vandenberg
Curtis	Johnson	Nye	Warren
Cutting	Jones	Oddie	Waterman
Deneen	Keyes	Phipps	
Edge	La Follette	Reed, Pa.	

NOT VOTING—13

Bayard	Gooding	Robinson, Ark.	Watson
Bratton	Howell	Robinson, Ind.	
Dale	Locher	Smith	
du Pont	Pine	Trammell	

So Mr. SIMMON'S amendment, in the nature of a substitute, was rejected.

Mr. BARKLEY. Mr. President, I desire to offer a substitute for the committee amendment by moving to repeal section 501 of the present statute.

Mr. SMOOT. The committee amendment is to restore 10 per cent, the existing law.

Mr. BARKLEY. My motion is to repeal section 501 altogether. I offer this as a substitute for the committee amendment, which restores the tax from 5 per cent, as carried in the House bill, to 10 per cent, as under the present law.

The VICE PRESIDENT. The vote will be taken first upon the committee amendment, since it seeks to correct what the Senator would strike out. The amendment will be stated.

The CHIEF CLERK. On page 196, line 5, it is proposed to strike out "5 per cent" and insert "10 per cent."

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. BARKLEY. A parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator will state it.

Mr. BARKLEY. Without regard to the action taken by the Senate on the committee amendment, will I still have the right to move to repeal this whole section?

The VICE PRESIDENT. The Senator will have that right.

Mr. SMOOT. The first amendment voted on, however, will be the committee amendment for 10 per cent.

Mr. REED of Missouri. I ask to have the amendment stated.

The VICE PRESIDENT. The amendment will be restated.

The Chief Clerk restated the amendment.

Mr. SMOOT. That is existing law. In other words, we impose the same tax upon club dues as is imposed in the existing law.

Mr. REED of Missouri. Mr. President, it is a very serious question in my mind as to whether the anti-nuisance-tax crusade is a wise one. The fact is that the tax upon moving pictures, upon theaters, and amusements in general is the easiest paid tax there is. A good deal of it comes from a class of people who pay no other taxes. It is a voluntary tax, because no one is compelled to attend any of these places of amusement unless he feels able to pay his way into the theater or other place of amusement. It brings in a large income, and its burden is but slightly felt. My own opinion about it is that there will be but very little money saved to the patrons of these places; that the reduction in tax will be absorbed by the proprietors of the places; and that there will be, in fact, no reduction.

I voted for the amendment to take the tax off theaters proper, because if you are going to exempt the moving pictures, then clearly the exemption ought to be extended to all classes of theatrical amusement. If we ought to encourage anything, it is the legitimate drama, which certainly has not sunk quite to the depths that the moving pictures have in many instances.

Now it is proposed to impose a very heavy tax on clubs. The Senator from North Carolina spoke of golf clubs. If that were the only kind of clubs concerned, it would not arouse much sympathy with me. I am not opposed to ladies and gentlemen playing golf if they want to, but this provision applies, as I understand it, to almost all kinds of clubs.

The fact is that the club is in many instances the home of many people, and if not the home, it is the place where they resort for a portion of their meals. A tax levied upon a club is a good deal like levying a tax upon a home. It applies not only to the great club, with its wealth, but it applies to the club that is of ordinary size. Many of these clubs are barely able to exist; the only way they can pay this tax is by increasing the charges to the patrons; and the patrons are simply a number of men and women who have organized for the purpose of having some place where they can go and enjoy an evening meal. In some instances single men live at the clubs, and it is a tax upon their rooms.

If the tax is to be levied upon homes, it ought to be levied upon every hotel in the land, and I can not see why it should not be levied on the homes themselves. I am opposed, therefore, to increasing the tax on these clubs, and I think that if we are going to take it off theaters, off moving pictures, particularly off moving pictures, we ought to take it off clubs; but in principle I believe that these so-called nuisance taxes are not nuisance taxes at all; they are taxes which get a very large revenue for the Government. Most of them are taxes upon pleasure; most of them are taxes nobody has to pay unless he

voluntarily pays them, whereas a man with ordinary income finds to-day that the Government takes so large a slice of it as seriously to impair his living. Taxes upon moderate incomes in this country are outrageously high.

There ought to be an effort to reduce those taxes, taxes that are forced from people, taxes that largely fall upon the actual earnings of men, not upon their invested capital, but upon their earnings as they go through life.

As far as I am concerned, I am opposed to a 10 per cent tax upon clubs. The 10 per cent upon the club is just the difference between an extortionate rate and bankruptcy. It is said the individual pays the tax. In the long run, it is just the same whether the individual pays it or the club pays it.

Mr. BARKLEY. Mr. President, I desire to discuss very briefly the amendment pending, because what I might say in behalf of the amendment which I expect to offer later would be as applicable to this amendment as it would be to that.

There are some 5,000 of these country clubs located throughout the United States. There has grown up in the last 5 or 10 years a disposition among the smaller communities throughout the country, county seats of 1,500 and 2,000, 2,500, and 3,000 population, to establish some community centers where the members of these clubs, and where the people in the towns generally, might have a place of recreation.

If anybody has any prejudice against these clubs because men play golf on the grounds, I would suggest that a very small portion of the people who attend them engage in golf playing. In the average small county seat there is no public park where children may play or men and women may congregate for any purpose of pleasure or recreation. So by reason of the lack of these public facilities for recreation they have undertaken throughout the country to establish country clubs; there are now nearly 5,000 of these small clubs which have sprung up throughout the country in smaller towns, and many of them have a very difficult time in meeting their expenses and maintaining themselves.

I have in my office letters from officers of some of these small clubs which state that it is a continual fight throughout the entire year to maintain them, and that it is a very serious handicap to be required to pay this 10 per cent tax upon the dues that are charged.

The men and women who are members of these clubs take their children out in the afternoon; they take their lunches out in the daytime; they take their dinners at the club at night; and until bedtime these clubs afford a place for children to play and for men and women to congregate on the porches and engage in conversation.

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

Mr. BARKLEY. I yield.

Mr. COPELAND. Many of these clubs are devoted to the improvement of health, where people go to exercise and to acquire health. So they render a public service in improving the public health.

Mr. BARKLEY. They are all devoted to health, in a general way. Some of them are especially devoted to the improvement of health.

It has been a very fine thing, in other words, to find in the smaller communities of the country men and women who are willing to get behind these local organizations, because their children, as a rule, have no place around the cities to play except in the back alley or out on the street, where they are liable to be run over by a passing automobile and injured or killed.

The amount raised by this tax is $10,000,000 a year. Certainly, in the interest of health and recreation, the Government of the United States can undergo a loss of $10,000,000 a year that is now collected upon these dues under the present law.

Mr. SMOOT. Mr. President, I want to call the Senator's attention to the fact that the very people about whom he has been talking do not pay the $10 dues. This exempts everybody paying up to and including $10.

Mr. BARKLEY. I am not talking about $10; I am talking about 10 per cent.

Mr. SMOOT. If the dues do not exceed $10, the member does not pay anything.

Mr. BARKLEY. There is not one club out of a thousand where the dues are not more than $10 a year.

Mr. SMOOT. They are not $10 a year in the class of clubs to which the Senator has been referring.

Mr. BARKLEY. They are more than $10 a year in the clubs I have reference to. There are some clubs where the dues are less than $10 a year, but it is inconceivable that any club of any importance or any size can maintain itself on an initiation fee or dues of $10 a year.

Mr. SMOOT. The important clubs charge sometimes as high as a thousand dollars.

Mr. BARKLEY. The exemption of $10 really brings no benefit to any great number of clubs.

I think that of all the nuisance taxes which are now levied, this is one which ought to be removed. It ought to be removed in the interest of health and recreation; it ought to be removed in the interest of the creation of a community spirit which is fostered and maintained around these small country clubs in various sections of the country and in the small county seats, where the people have no other center where they can meet for social or athletic or recreative purposes.

I not only hope that if any tax is to be imposed the Senate will agree to the House provision of 5 per cent—if there is to be any tax at all it ought not to be more than 5 per cent—but I sincerely hope we may be able to strike this tax out entirely, because there is no justification for its continuance any longer.

Mr. WALSH of Montana. Mr. President, the exemption of $10 would not take care of a country baseball club, would it?

Mr. BARKLEY. No; the exemption of $10 is practically of no benefit whatever. There is not a club among the nearly 5,000 to which I have referred that could maintain itself on a charge of $10 a year as dues. Many of the clubs charge $10 a month; many of them charge over $100 a year; and to a small county seat, a town in a rural section, where the people are undertaking to maintain a community center for the benefit of the community and for the creation of a spirit of neighborliness among the people, as well as health and recreation, this 10 per cent tax is quite an important item, and keeps many men from joining these clubs.

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

Mr. BARKLEY. I yield.

Mr. FRAZIER. I would like to ask the Senator from Kentucky if he does not think it might be better, if we are going to tax the wealthy clubs—and I do not know that there is any serious objection to that—in the next paragraph to raise the exemption, which is now $10, to at least $25? That would exempt the ordinary little town or country club.

Mr. BARKLEY. It might help some, but even that $25 limit would not touch the great bulk of these clubs. The Senator can very well understand that in a town of 2,500 or 3,000 or even 5,000 people, in order to maintain a club of any value, the annual dues must be more than $25 a year.

Mr. FRAZIER. Then raise the exemption to $50.

Mr. BARKLEY. I think the whole thing ought to be eliminated.

The number of large, rich clubs in this country as compared with those which have sprung up in all sections of America for the benefit of the people who have no other lines of recreation, is insignificant. I think a proper raising of the exemption would help many of these clubs, but I think the tax ought to be eliminated entirely.

Mr. FRAZIER. It seems to me the raising of the exemption would meet the situation, at least as I see it in my State, and I think perhaps it would reach it in a great many other States.

Mr. WALSH of Massachusetts. Mr. President, I am opposed to any tax being levied upon club dues, for the same reason that I was opposed to the tax levied upon admissions. Those taxes were only thought of for the purpose of creating revenue during the war. They were war-nuisance taxes.

We have removed these taxes on from 40 to 50 different articles upon which nuisance taxes were levied during the war. The whole tendency, in every tax revision bill, has been to eliminate the nuisance taxes. They are taxes levied upon a particular class. I do not care how rich people are or how poor they are, it is class taxation, and is not based upon any sound principle of tax policy.

The theory of ability to pay is not applicable here, and I hope that the Senate will get rid of all these nuisance taxes and get down to a simple taxation system of levying the tax burdens upon the theory of ability to pay.

So, Mr. President, I shall vote not only against this tax and the admission tax but every other war-nuisance tax in order that we may get back to a peace-time system of taxation.

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

Mr. McKELLAR. Mr. President, may not the amendment be stated? I do not know exactly what we are to vote upon.

Mr. SMOOT. We are voting upon the committee amendment, as I understand it.

The VICE PRESIDENT. The clerk will state the amendment.

The CHIEF CLERK. On page 196, line 5, the committee proposes to strike out "5 per cent" and to insert in lieu thereof "10 per cent."

Mr. BRUCE. That is an amendment proposed by the committee?

Mr. SMOOT. Yes; a committee amendment we are voting on. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BRATTON (when his name was called). Repeating the announcement of my pair made on the last preceding vote, I withhold my vote. If permitted to vote, I should vote "yea."

Mr. CURTIS (when his name was called). Making the same announcement as to my pair and its transfer as on the previous vote, I vote "yea."

Mr. JOHNSON (when his name was called). Upon this vote I am paired with the junior Senator from Utah [Mr. KING]. I am unable to vote, the Senator and I being paired, he being of one thought and myself of another.

Mr. HARRIS (when the name of Mr. OVERMAN was called). The junior Senator from North Carolina [Mr. OVERMAN] is absent on official business. He is paired with the senior Senator from Wyoming [Mr. WARREN].

Mr. REED of Pennsylvania (when his name was called). Making the same announcement as on the last vote, I vote "yea."

The roll call was concluded.

Mr. GLASS. I desire to announce that my colleague the senior Senator from Virginia [Mr. SWANSON] was called from the Chamber on official business. He is paired with the senior Senator from Massachusetts [Mr. GILLETT]. Were he present, my colleague would vote "nay."

Mr. BRATTON. I transfer my pair with the junior Senator from Indiana [Mr. ROBINSON] to the junior Senator from South Carolina [Mr. BLEASE] and vote "nay."

Mr. JONES. I desire to announce the following general pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from Oklahoma [Mr. PINE] with the Senator from Ohio [Mr. LOCHER]; and

The Senator from Wyoming [Mr. WARREN] with the Senator from North Carolina [Mr. OVERMAN].

The result was announced—yeas 38, nays 35, as follows:

YEAS—38

Bingham	Edge	McLean	Reed, Pa.
Blaine	Fess	McMaster	Sackett
Borah	Frazier	McNary	Schall
Brookhart	Goff	Metcalf	Shipstead
Bruce	Gould	Moses	Shortridge
Capper	Greene	Norbeck	Smoot
Couzens	Hale	Norris	Vandenberg
Curtis	Jones	Nye	Waterman
Cutting	Keyes	Oddie	
Deneen	La Follette	Phipps	

NAYS—35

Barkley	Gerry	Mayfield	Stephens
Black	Glass	Neely	Thomas
Bratton	Harris	Pittman	Tydings
Broussard	Harrison	Ransdell	Tyson
Caraway	Hawes	Reed, Mo.	Wagner
Copeland	Hayden	Sheppard	Walsh, Mass.
Dill	Heflin	Simmons	Walsh, Mont.
Fletcher	Kendrick	Steck	Wheeler
George	McKellar	Steiwer	

NOT VOTING—21

Ashurst	Gillett	Overman	Trammell
Bayard	Gooding	Pine	Warren
Blease	Howell	Robinson, Ark.	Watson
Dale	Johnson	Robinson, Ind.	
du Pont	King	Smith	
Edwards	Locher	Swanson	

So the amendment of the committee was agreed to.

Mr. BARKLEY. Mr. President, I desire to offer an amendment at this point. I move to amend the bill by striking out, on page 196, under the title "Sec. 412. Club dues tax," lines 1 to 26, inclusive, and on page 197, lines 1 to 10, inclusive. This would eliminate altogether the nuisance taxes.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. The Senator from Kentucky moves, on page 196, to strike out lines 1 to 26, inclusive, and on page 197, lines 1 to 10, inclusive, in the following words:

SEC. 412. CLUB DUES TAX.

(a) Section 501 of the revenue act of 1926 is amended to read as follows:

"SEC. 501. (a) There shall be levied, assessed, collected, and paid a tax equivalent to 10 per cent of any amount paid—

"(1) As dues or membership fees to any social, athletic, or sporting club or organization, if the dues or fees of an active resident annual member are in excess of $10 per year; or

"(2) As initiation fees to such a club or organization, if such fees amount to more than $10, or if the dues or membership fees, not including initiation fees, of an active resident annual member are in excess of $10 per year.

"(b) Such taxes shall be paid by the person paying such dues or fees.

"(c) There shall be exempted from the provisions of this section all amounts paid as dues or fees to a fraternal society, order, or association, operating under the lodge system, or to any local fraternal organization among the students of a college or university. In the case of life memberships a life member shall pay annually, at the time for the payment of dues by active resident annual members, a tax equivalent to the tax upon the amount paid by such a member for dues or membership fees other than assessments, but shall pay no tax upon the amount paid for life membership.

"(d) As used in this section, the term 'dues' includes any assessment irrespective of the purpose for which made; and the term 'initiation fees' includes any payment, contribution, or loan required as a condition precedent to membership, whether or not any such payment, contribution, or loan is evidenced by a certificate of interest or indebtedness or share of stock, and irrespective of the person or organization to whom paid, contributed, or loaned."

(b) Subsection (a) of this section shall take effect on the expiration of 30 days after the enactment of this act.

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

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BRATTON (when his name was called). Repeating the announcement of my pair with the junior Senator from Indiana [Mr. ROBINSON], I withhold my vote.

Mr. CURTIS (when his name was called). Making the same announcement as on the previous vote, I vote "nay."

Mr. REED of Pennsylvania (when his name was called). Making the same announcement as before, I vote "nay."

The roll call was concluded.

Mr. BRATTON. I transfer my pair with the junior Senator from Indiana [Mr. ROBINSON] to the senior Senator from North Carolina [Mr. SIMMONS], and vote "yea."

Mr. HARRIS. I desire to announce that the junior Senator from North Carolina [Mr. OVERMAN] was called from the Chamber on official business. He has a pair with the Senator from Wyoming [Mr. WARREN].

Mr. JONES. I desire to announce the following general pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from Oklahoma [Mr. PINE] with the Senator from Ohio [Mr. LOCHER]; and

The Senator from Wyoming [Mr. WARREN] with the Senator from North Carolina [Mr. OVERMAN].

The result was announced—yeas 33, nays 40, as follows:

YEAS—33

Barkley	Gerry	McKellar	Tydings
Black	Glass	Mayfield	Tyson
Blease	Harris	Neely	Wagner
Bratton	Harrison	Pittman	Walsh, Mass.
Broussard	Hawes	Ransdell	Walsh, Mont.
Copeland	Hayden	Reed, Mo.	Wheeler
Dill	Heflin	Sheppard	
Fletcher	Kendrick	Steck	
George	King	Thomas	

NAYS—40

Bingham	Edge	La Follette	Phipps
Blaine	Fess	McLean	Reed, Pa.
Borah	Frazier	McMaster	Sackett
Brookhart	Goff	McNary	Schall
Bruce	Gould	Metcalf	Shipstead
Capper	Greene	Moses	Shortridge
Couzens	Hale	Norbeck	Smoot
Curtis	Johnson	Norris	Steiwer
Cutting	Jones	Nye	Vandenberg
Deneen	Keyes	Oddie	Waterman

NOT VOTING—21

Ashurst	Gillett	Robinson, Ark.	Trammell
Bayard	Gooding	Robinson, Ind.	Warren
Caraway	Howell	Simmons	Watson
Dale	Locher	Smith	
du Pont	Overman	Stephens	
Edwards	Pine	Swanson	

So Mr. BARKLEY's amendment was rejected.

Mr. BARKLEY. Mr. President, I understand under the unanimous-consent agreement entered into that we are not to take up other amendments until all committee amendments are disposed of. Therefore I shall offer no further amendment at this time, but at a later time I shall offer amendments increasing the exemption of $10 to a higher figure.

Mr. SMOOT. Mr. President, we have had all the votes that I shall ask the Senate to take to-night, and I am ready to have the Senate take a recess under the unanimous-consent agreement.

FLOOD CONTROL—CONFERENCE REPORT

Mr. JONES. Mr. President, I desire to state that as early as possible after the Senate convenes to-morrow I desire to call up the conference report on the flood control bill, which has already been adopted by the House.

GOLD MEDALS FOR "NC-4" AVIATORS

Mr. BINGHAM. Mr. President, in accordance with the notice which I gave a few days ago and in order to properly commemorate the fact that it was nine years ago to-day that the first airplane crossed the Atlantic Ocean, the *NC-4* starting from Long Island on that journey which made her and her crew so famous, I ask unanimous consent for the immediate consideration of Calendar 1088, Senate bill 4338, providing for gold medals for that crew. The bill was reported yesterday unanimously by the Committee on Naval Affairs.

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4338) to authorize the President to award in the name of Congress gold medals of appropriate design to Albert C. Read, Elmer F. Stone, Walter Hinton, H. C. Rodd, J. L. Breese, and Eugene Rhodes, which was read, as follows:

Be it enacted, etc., That the President be, and is hereby, authorized to award, in the name of Congress, gold medals of appropriate design to Lieut. Commander Albert C. Read, United States Navy, commanding officer; to Lieut. Elmer F. Stone, United States Coast Guard, pilot; to former Lieut. Walter Hinton, United States Navy, pilot; to Lieut. H. C. Rodd, United States Navy, radio operator; to former Lieut. J. L. Breese, United States Naval Reserve Force, engineer; and to former Machinist's Mate Eugene Rhodes, United States Navy, engineer, for their extraordinary achievement in making the first successful trans-Atlantic flight, in the U. S. naval flying boat *NC-4*, in May, 1919.

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

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

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

S. 805. An act donating Revolutionary cannon to the New York State Conservation Department;

S. 1456. An act to authorize an appropriation for a road on the Zuni Indian Reservation, N. Mex.;

S. 3791. An act to aid the Grand Army of the Republic in its Memorial Day services, May 30, 1928;

S. 3947. An act to provide for the times and places for holding court for the eastern district of North Carolina;

H. R. 9481. An act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1929, and for other purposes; and

H. R. 10141. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred as indicated below:

H. R. 6518. An act to amend the salary rates contained in the compensation schedules of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services"; to the Committee on Civil Service.

H. R. 8907. An act to fix standards for hampers, round-stave baskets, and splint baskets for fruits and vegetables, and for other purposes; to the Committee on Agriculture and Forestry.

H. R. 12408. An act authorizing custodians and acting custodians of Federal buildings to administer oaths of office to employees in the custodian service; to the Committee on the Judiciary.

H. R. 167. An act to amend the act of February 12, 1925 (Public, No. 402, 68th Cong.), so as to permit the Cowlitz Tribe of Indians to file suit in the Court of Claims under said act;

H. R. 491. An act authorizing the attorney general of the State of California to bring suit in the Court of Claims on behalf of the Indians of California; and

H. R. 9046. An act to continue the allowance of Sioux benefits; to the Committee on Indian Affairs.

H. R. 7354. An act to allow the Postmaster General to promote mechanics' helpers to the first grade of special mechanics;

H. R. 8728. An act to authorize the Postmaster General to give motor-vehicle service employees credit for actual time served on a basis of one year for each 306 days of eight hours served as substitute; and

H. R. 12605. An act to enable the Postmaster General to purchase and erect community mail boxes on rural routes and to rent compartments of such boxes to patrons of rural delivery; to the Committee on Post Offices and Post Roads.

H. R. 6854. An act to add certain lands to the Montezuma National Forest, Colo., and for other purposes;

H. R. 11852. An act providing for the confirmation of grant of lands formerly the United States barracks at Baton Rouge, La., to the board of supervisors of the Louisiana State University and Agricultural and Mechanical College; and

H. R. 12192. An act authorizing the Secretary of the Interior to accept a deed to certain land and issue patent therefor to the city of Buhl, Twin Falls County, Idaho; to the Committee on Public Lands and Surveys.

H. R. 9194. An act authorizing the Secretary of the Interior to acquire land and erect a monument on the site of the battle between the Sioux and Pawnee Indian Tribes in Hitchcock County, Nebr., fought in the year 1873;

H. R. 9355. An act to provide for the acquisition of certain property in the District of Columbia for the Library of Congress, and for other purposes; and

H. R. 9965. An act to erect a tablet or marker to mark the site of the Battle of Kettle Creek, in Wilkes County, Ga., where, on February 14, 1779, Elijah Clarke, of Georgia, and Colonel Pickens, of South Carolina, overtook the Tories under Colonel Boyd, killing him and many of his followers, thus ending British dominion in Georgia; to the Committee on the Library.

H. R. 5548. An act to authorize payment of six months' death gratuity to dependent relatives of officers, enlisted men, or nurses whose death results from wounds or disease not resulting from their own misconduct;

H. R. 5644. An act to enable an enlisted man in the naval service to make good time lost in excess of one day under certain conditions;

H. R. 5718. An act to amend the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service"; and

H. R. 11621. An act to authorize the Secretary of the Navy to advance public funds to naval personnel under certain conditions; to the Committee on Naval Affairs.

H. R. 43. An act to amend the act entitled "An act to standardize lime barrels," approved August 23, 1916;

H. R. 5475. An act authorizing the New Cumberland Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near New Cumberland, W. Va.;

H. R. 10786. An act authorizing surveys and investigations to determine the best methods and means of utilizing the waters of the Gila River and its tributaries above the San Carlos Reservoir in New Mexico and Arizona;

H. R. 11917. An act granting the consent of Congress to the county of Cook, State of Illinois, to widen, maintain, and operate the existing bridge across the Little Calumet River in Cook County, State of Illinois;

H. R. 11950. An act to legalize a pier and wharf in Deer Island thoroughfare on the northerly side at the southeast end of Buckmaster Neck at the town of Stonington, Me.;

H. R. 11980. An act granting the consent of Congress to the Fisher Lumber Corporation to construct, maintain, and operate a railroad bridge across the Tensas River in Louisiana;

H. R. 12379. An act granting the consent of Congress to Howard Seabury to construct, maintain, and operate a dam to retain tidal waters in an unnamed cove which is situated and extends from Cases Inlet into section 28, township 21 north, range 1 west, Willamette meridian, in Pierce County, State of Washington;

H. R. 12386. An act authorizing the State of Texas and the State of Louisiana to construct, maintain, and operate a free highway bridge across the Sabine River at or near Pendleton's Ferry;

H. R. 12676. An act to amend section 2 of an act approved February 14, 1926, granting consent of Congress for the construction of a bridge across Red River at or near Fulton, Ark.; and

H. R. 12677. An act to amend section 2 of an act approved March 12, 1928, granting consent of Congress for the construction of a bridge across the Ouachita River at or near Calion, Ark.; to the Committee on Commerce.

H. R. 11758. An act authorizing the Secretary of War to grant a right of way for a levee through the Chalmette National Cemetery;

H. R. 11804. An act authorizing and directing the Secretary of War to lend to the town of Appalachia, Va., 500 canvas cots, 500 blankets, 1,000 bed sheets, 500 pillows, 500 pillowcases, and 500 mattresses or bed sacks, to be used at the convention of the

American Legion, Department of Virginia, to be held at Appalachia, Va., on August 13, 14, and 15, 1928;

H. R. 11953. An act to authorize the sale under the provisions of the act of March 12, 1926 (Public, No. 45, 69th Cong.), of surplus War Department real property;

H. R. 12814. An act to increase the efficiency of the Air Corps; and

H. J. Res. 236. Joint resolution authorizing the Secretary of War to lend tents and camp equipment for the use of the housing committee for the convention of the American Legion for the Department of Washington, to be held at Centralia, Wash., in the month of August, 1928; to the Committee on Military Affairs.

COST OF PRODUCING FERTILIZER UREA

Mr. KING submitted the following resolution (S. Res. 228), which was ordered to lie on the table:

Senate Resolution 228, Seventieth Congress, first session

Whereas it was the intention of the tariff act of 1922 to permit the importation, free of duty, of fertilizers and fertilizer materials for the benefit of the agriculture of the United States; and

Whereas paragraph 26 of said tariff act laid a duty of 35 per cent ad valorem upon importations of urea; and

Whereas at the date of said act importations of urea were of negligible quantity and were restricted to medicinal uses; and

Whereas since the date of said tariff act there has been a wide expansion in the production of synthetic urea and an expanding market for such urea in the United States as a fertilizer, a use which was unknown when said tariff act was passed; and

Whereas there is no production of fertilizer urea in the United States, and the production of medicinal urea with which said fertilizer urea does not compete is limited to a few hundred tons per annum; and

Whereas, because of the demand of American agriculture for an improved and effective nitrogenous fertilizer which leaves no inert residue in the soil, the imports of fertilizer urea have arisen to approximately 1,000,000 pounds per annum; and

Whereas the cost of said fertilizer urea to the American farmer is increased 35 per cent by virtue of the existing tariff which represents an arbitrary imposition upon agriculture without corresponding benefit to any American industry: Now, therefore be it

Resolved, That the United States Tariff Commission is requested, under provisions of section 315 of the tariff act of 1922, to investigate the cost of the production of fertilizer urea in the country from which the principal exports of fertilizer urea are made to the United States, and the facts with respect to the quantities of fertilizer urea being imported and used in the United States, and to report its findings to the President of the United States.

COSTS OF PRODUCING AMMONIUM SULPHATE AND AMMONIUM PHOSPHATE

Mr. KING submitted the following resolution (S. Res. 229), which was ordered to lie on the table:

Senate Resolution 229, Seventieth Congress, first session

Whereas the tariff act of 1922 laid a duty of $5 per ton upon imported ammonium sulphate and a duty of $30 per ton upon imported ammonium phosphate; and

Whereas by the tariff acts of 1909 and of 1913 ammonium sulphate was importable free of duty; and

Whereas in 1926 the exports of ammonium sulphate were 181,125 tons and the imports were 8,368 tons, giving a balance of exports over imports of 172,757 tons, which balance is more than twenty times the total imports for that year; and

Whereas since the date of said tariff act of 1922 the exports of ammonium sulphate as a fertilizer have more than trebled in quantity; and

Whereas ammonium sulphate produced in the United States is sold abroad for the service of foreign agriculture at a lesser price than the same is available in the United States for the service of American agriculture; and

Whereas over 95 per cent of the ammonium sulphate sold in the United States for domestic consumption and for export is under the control of a single monopolistic corporation; and

Whereas said monopolistic corporation by increasing its exports has created an artificial shortage of ammonium sulphate available for the service of American agriculture, which has caused the domestic price to be bid up from $43 to $48 per ton in the last few months, which artificial increase equals the entire duty on ammonium sulphate laid by the tariff act of 1922; and

Whereas ammonium phosphate is becoming available for use as a fertilizer material because of new processes which permit large-scale production; and

Whereas the duty of $30 per ton on ammonium phosphate laid by the tariff act of 1922 is prohibitive and prevents the importation and use of ammonium phosphate as a fertilizer for the service of American agriculture; and

Whereas the rates of duty laid by the tariff act of 1922 upon ammonium sulphate and ammonium phosphate effectively restrict the use of such materials as fertilizers for the service of American agriculture and lay an undue burden upon the farmers of the United States: Now, therefore, be it

Resolved, That the United States Tariff Commission is requested, under the provisions of section 315 of the tariff act of 1922, to investigate the costs of production of ammonium sulphate and of ammonium phosphate in the United States and the principal competing country, and to report its findings to the President of the United States.

COSTS OF PRODUCING SYNTHETIC METHANOL

Mr. KING submitted the following resolution (S. Res. 230), which was ordered to lie on the table:

Senate Resolution 230, Seventieth Congress, first session

Whereas the tariff act of 1922 laid a duty upon importations of methanol at the rate of 12 cents per gallon; and

Whereas the President, by proclamation of November 27, 1926, under the authority of section 315 of said tariff act, increased the duty on imported methanol from 12 cents to 18 cents per gallon, which was the maximum increase permitted by such act; and

Whereas at the date of said proclamation the domestic price of methanol was 65 cents per gallon; and

Whereas since said proclamation there has been a great expansion in the production of synthetic methanol in the United States by virtue of which the domestic price has fallen to 45 cents per gallon, which indicates a presumptive reduction in the cost of production in the United States of 20 cents per gallon, which is more than three times the increase of 6 cents per gallon in the duty made by the presidential proclamation aforesaid; and

Whereas the facts above recited warrant that the President, in the exercise of his powers under section 315 of said tariff act at this time, reduce the duty imposed by said act upon imported methanol from 12 to 6 cents per gallon, which will absorb but 12 cents of the presumptive reduction of 20 cents per gallon in the cost of producing synthetic methanol in the United States; and

Whereas methanol is of extensive and expanding use as a raw material in important industries in the United States: Now, therefore, be it

Resolved, That the United States Tariff Commission is requested, under provisions of section 315 of the tariff act of 1922, to investigate the costs of the production of synthetic methanol in the United States and the principal competing country and to report its findings to the President of the United States.

THE LEAGUE OF NATIONS, CARTELS, AND THE TARIFF

Mr. METCALF. Mr. President, I ask unanimous consent to have printed in the RECORD a very interesting article on "The League of Nations, cartels, and the tariff," by A. Cressy Morrison.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is here printed, as follows:

THE LEAGUE OF NATIONS, CARTELS, AND THE TARIFF[1]

(From the viewpoint of an unofficial observer at the Geneva Economic Conference. Mr. Morrison presents some interesting facts on the international situation.—The editors.)

In May of 1927 I had the good fortune to be an unofficial observer at the Geneva Economic Conference. The League of Nations had devoted a year and a half preparing for the conference, and had invited a selected list of distinguished thinkers and writers in different parts of the world to compile data for the gathering of economists and other representatives from all nations. The conference was called to discuss questions of commerce, industry, trade barriers, international cartels, and agriculture in its relation to industry. One idea developed at the conference was termed the "rationalization of industry."

President Coolidge, upon request, sent five American representatives; like members were also sent from other countries. The league reserved the right to select additional delegates from the different countries representing various organizations. Fifty nations were represented by about 400 delegates and experts.

As soon as the conference organized, it divided into many committees upon which each nation might have a representative if so desired. Not being a member of the League of Nations, the United States did not desire representatives upon some of the committees.

You will be interested to know that the international sessions at Geneva are not nearly as orderly as meetings of the majority of commercial bodies in the United States. There are so many races, people, and languages involved. Those who do not understand the speaker immediately begin talking loudly, and no one is able to comprehend what is being said. It was my idea that the league would be a very dignified body where diplomats in uniform or formal dress would rise and address the assembly, which would listen in rapt silence.

[1] First published under the title "International centralization as suggested by the Geneva Economic Conference."

The official languages of the league are English and French. A Frenchman makes a vigorous speech with all the emphasis of his nature and with that eloquence which is proverbial among the French. He meets with tremendous applause from those who understand French. Immediately after him a translator rises, who says: "Monsieur So-and-So has spoken as follows——"; and then, to the utter amazement of those who are unfamiliar with the real brilliancy of these translators, he will repeat the speech that occupied 30 or 40 minutes and not miss a point. If he is speaking in English, translating it from the French, all those who understand French begin to talk at once, and the poor English listener is hardly aware of what is being said by the translator, and I may well say vice versa. These meetings, therefore, are not the dignified and wonderful things which one would expect.

I emphasize this particular characteristic of the League of Nations meetings because I want to illustrate the point—that it is not a body of supermen. The delegates are ordinary human beings. They have the same frailties, the same standards, the same selfishness, and the same schemes, and indeed the same generosity and general decency which humanity in general possesses. It is a composite of humanity. As a nation is a composite of its citizens, so when a nation sends delegates to the league they are more or less a cross section of its average intelligence. So the League of Nations is the average of the intelligence of the nations which compose it.

Now, that disposes of a prevalent idea that a gathering of the League of Nations is necessarily always right or always wrong. It is human, and the human equation is just as apparent there as anywhere—vindictive responses, lacking entirely in diplomacy, and earnest, sincere men advocating theories they believe to be new but which have been accepted in other countries for years. It is a most interesting study.

As it seems to be a universal opinion in Europe and other countries that the United States is unduly prosperous, so is there a united sentiment that anything which can be done to distribute our prosperity throughout the world, and advance other nations by tapping our sources of income, is a perfectly normal and proper thing to do.

The organization of the League of Nations is very complete and, as in many great bodies where there is wide divergence of opinion, the steam roller is also present. I want to emphasize this steam roller without questioning or criticizing it, except as it applies to the United States.

All the documentary preparation for the economic conference was necessarily in the hands of the officials of the league. Their point of view being international, then the documents prepared are likely to be international, because they select sympathetic writers for the preparation and so the documentation of the economic conference, amounting to about 120 volumes, all prepared in advance and costing approximately $100,000 of the league's money, had a strong international tendency. There were long and emphatic statements about universal brotherhood, the love of your fellow man, mutual dependency of nations, and so on, all highly altruistic. This was a part of the steam roller designed to color the thought of the delegates.

The chairmen of the committees, I am perfectly sure, were designated before the conference convened; and were more or less in sympathy with the purposes of internationalism which the league had in view. I am not criticizing that.

The resolutions were prepared in advance and submitted to the committees for consideration. Of course, they were considered, but human experience develops the fact that there is almost always a majority affirmatively inclined toward a well-written resolution. Mental laziness prevents many from rising and criticizing the verbiage of a resolution which has already been prepared, especially since men have confidence in their committees. The fundamental basis of the resolutions, the thing on which the outcome depended, was evidently prepared in advance. In the end, those delegates who wished to oppose a resolution were almost always in the minority. As a result, the fruit of the conferences and the outcome was largely the result of the determination of the League of Nations to bring about in the conference an international point of view; to destroy nationalism and to substitute a universal brotherhood of nations may be ideal, but the millennium is not yet here. The New Testament teaches "brotherhood," but we still have policemen.

Every one of our own delegates at the conference was sound in his Americanism. On many things they did not vote, especially where it involved an investigation or an expenditure of money by the league; and the American position was very sound, for they could not well vote on a subject that involved expenditures from a fund to which we do not contribute.

Our delegation found many things in the resolutions, evidently inserted with direct reference to us or for the purpose of propaganda in the United States. Many were eliminated. In one case an American delegate, who was a minority of 1 against 52 opposing a clause in a resolution, had the courage to say: "If you press this matter, which is contrary to the interest of the United States as I see it, I shall be obliged to bring in a minority report and precipitate a debate on the question before the conference." That seemed certainly effective, and the wording after long debate was apparently eliminated; but when the report of the committee was printed the next morning, by some inadvertence the objectionable clause was still in the resolution; and it required still more courage for that American delegate to go to the chairman and say to him: "I have discovered a typographical error in the report, and unless it is taken out before it is presented I will renew my objection by making a minority report and will bring the error into public discussion."

So you will see how difficult it is for any nation, and more especially the United States, to meet the majority opinion and be courteous and friendly without yielding something to his international idea when in our hearts we feel we should not yield.

I have given this picture of the League of Nations so that you may see that the league differs in no particular from other great bodies of men wherever they get together to discuss important matters. As is human, they, too, are more or less steered; it is the same thing we find anywhere. That disposes of the League of Nations as a superbody, and I am sure that anyone who will go there and observe it as I did in connection with its inner mechanism will feel that way. In my opinion, whether the propaganda charges us with isolation or not, it makes little difference. If we become bound by the rules of the League of Nations we will find ourselves, step by step, yielding to the majority. We are a good-natured, generous-minded people, and with organization and a majority against us the situation would be dangerous. It is my opinion that the United States should stay out of the League of Nations.

Many of the keynotes of the league are obvious statements. If I were a politician I would always deal in obvious statements, and then the most of my hearers would agree with me.

For illustration, here are some of them: "It is generally conceded that 'the greater the international interchange of products best and most economically produced' in different countries should therefore be regarded as the normal rule." This, of course, means free trade. But the human equation enters, and certainly France, with her standard of living, could not abandon the making of silk and pottery and give this business to China or Japan, nor would those countries give France any return unless her prices were lower than other nations.

Again, England could not abandon the manufacture of dyes and chemicals to Germany on both military and commercial grounds; nor could she intrust a monopoly in such things to any other country and be sure that the higher prices of dyes would not make her production of textiles competitively impossible.

Here is another obvious statement: "Human brotherhood is growing, and in human brotherhood lies our opportunity for future progress and the growth of civilization." Well, that is true basically whether we are white, black, yellow, or red. We are of the same humanity, and we have evolved along similar lines; but our standards differ enormously, and we can not sacrifice them; nor can we adopt the methods of life, morals, or economics of some of our brothers.

Another: "You can not sell unless you buy." Well, that sounds perfectly sound and obvious, but there is much to be said on the other side. Such general statements are hard to answer, and it takes patience and time and no little ability to do it. The league's attitude all the way through was based upon these generalized statements.

"Rationalization of industry," by which is meant quantity production, automatic machinery, system, and great capital investment, became a subject of much discussion. There was a clear understanding that a great deal of the industrial progress of the United States was due to this policy. The efforts of the American people to standardize products so that rationalization could be attained and the extraordinary reduction in man power per unit of output was recognized. The league was apparently unanimous in the opinion that Europe, if it wishes to succeed and compete successfully with the great country across the seas, must adopt this magic rationalization.

All through the discussions of rationalization were long arguments to the effect that the introduction of new machinery was dangerous to the workingman; that if they started rationalization by improving their products or getting a larger production per man it would increase unemployment; and therefore provision must be made and subsidies provided for the idle laborers thus thrown out of work until consumption caught up.

Now, we in America have passed beyond that. Labor in this country knows perfectly well that the introduction of a new machine means more business for the employer and more work for themselves at higher pay. But over on the other side they still show by their debates that they are in the old state of mind. That may not be the feeling of all, but it is the state of mind of many of the delegates.

We see that the average opinions of the other nations are a generation behind us in this matter. But they are awakening, and the time is coming very soon when rationalization and the adoption of American methods will be general. American machinery is now purchased and copied, so that in certain industries, like window glass, they are beating us with our own tools. It is going to increase their competitive ability most materially. They are still in the stage where they feel that low-cost labor reduces the cost of production and that the way to save money is to take it out of the human hide. Fortunately we have gotten beyond that, and the producing power of the American people is the key to our progress. I hope we can maintain wages in this country, and if necessary pay higher ones. Certainly we should pay wages com-

mensurate with our standard of living and continue to use our genius to improve our processes and to bring about further savings in manpower cost.

ON THE QUESTION OF AGRICULTURE

At the Geneva conference agriculture was recognized for the first time side by side with commerce and industry. Its problems must be solved with the others.

But we Americans had paved the way for that, for when we framed our own tariff act of 1922 we recognized that the raw material of one man is the finished product of another. We recognized the farm as a producing industry. It is just as difficult to raise a Merino sheep as it is to make cloth and an overcoat from its wool. The man who produces sheep is just as much a manufacturer as the mill owner. That idea seemed to be just born in Geneva, although we have had it over here for some time. So agriculture was recognized as an integral part of the industrial structure of human life and civilization and entitled to equal compensation and equal recognition.

It seemed to be acknowledged as a deplorable reality that in all of the European countries agriculture was not prospering in the same measure as industry. Our own country recently has been no exception to the general rule. But there the comparison ends, for in our own country agriculture has attained a position of importance, incomparably better than that of the farmer of Europe, who has absolutely no voice in the councils of the nations, and is only a peasant.

If our farmers could only visit Europe and see the return for effort and the standard of living of the peasant farmer, they would learn much by the comparison and would conclude that their lot here is not so bad. Our farmer should still try to better it, but he should hesitate to change our great national policies, like the protective tariff, lest he destroy himself.

CARTELS

Now comes the question of cartels, and that, I presume, is the key point to which I am to address myself. You will be interested to know that the ultimate conclusion of the League of Nations was this: They do not know whether the cartel is a good thing or not. Let me explain that "cartel" is their word in Europe for a trust or monopolistic organization, which may be national or international.

Here in our country, as is well known, we are not allowed to form monopolies or combinations to raise prices or to divide markets. The Sherman antitrust law has for years forbidden that, and our country has thought it wise to continue to do so. Here we know what riotous competition is and what its dangers are. At Geneva we were told that we are stripping our natural resources because riotous competition forces us to take only the cream from our mines, our forests, and other exhaustible natural resources. That is certainly a detriment to future generations, but for the present at least we can not help it.

But over in Europe cartels have been encouraged. Prior to the war Germany had an enormous advantage of rapidly growing industry and governmental recognition or encouragement of cartels. Agencies of the old German Government in foreign countries were charged with the duty of ascertaining the nature of imports from other countries. In Brazil, for illustration, representatives of the German Government were everywhere, in banks and other clerical positions, acquiring information regarding contracts and trade relations with other countries, so that the information might be transmitted to Germany and there acted upon by the cartel for the benefit of German commerce.

An American concern sent a man to Brazil who made contracts with the leading dealers in his particular commodity. The contract bound him to furnish all the items of that commodity which they could normally handle. The contract was large enough to involve the question of loans, and as a matter of course the local dealers went to the banks. The banks copied the contracts and sent them to Berlin, and inside of 60 days a German representative of the cartel came to Brazil, saw the other dealers, and cut the price sufficiently so that the original firms could not compete. The American manufacturer was confronted with the necessity of either cutting his price to a ruinous degree or going out of the business there. In those days Americans were not particularly interested in export business, and the manufacturer did not cut his price, and his business in Brazil was lost.

These methods are not exactly ethical and I do not say that Germany is the only one who did it. A chicken like that might some day come home to roost on our own rail. At the same time, a cartel is in a much better position to conduct such a fight and drive competitors out of business than is a single individual concern.

Now, those pre-war cartels were very successful. We have heard it said, and believe it to be so, that if the German Government had been less inclined to war and more patient, the German method of competition would have made Germany the commercial leader of the world by this time. But, of course, the war came and Germany lost. She lost territory, personnel, training, and methods of government which were effective in this case. It will take that country, and every other country in Europe, some time to reorganize and reestablish old connections and build up their trade again.

But the cartel idea is not dead, and when it came up at Geneva the conference said that there was no law which could control an international cartel; that no law could be made until cartels had demonstrated their usefulness or lack of usefulness, their dangers or their benefits. So national cartels were recognized as established facts and international cartels were considerably encouraged. The league in general terms said: "If a cartel does not raise prices internationally, if it does not discriminate against nations by charging a high price for a necessary commodity to be used in a further commodity, and thus drive that nation out of the competitive field on the further commodity, the cartel would be all right. That if it did not throw workmen out of employment it was all right. That if it did not work them too hard it was all right." But the curious thing about it was that the international cartels were discussed with the same arguments which we find took place in our own Congress when we reread the debates on the Sherman antitrust law—again showing that we have passed through much that seems new to many other nations.

Although the league reached no conclusion about cartels, yet nothing was done to discourage them. Cartels were then and there in process of formation. Last summer the "chemical cartel" was formed internationally. I met people in May who were interested in it and asked, "Have you signed? I see that German chemical stocks are rising." They answered, "No; we have not signed; but conversations are still going on." Later the great "chemical cartel" was formed.

The difficulty in forming cartels is that the initiators usually demand the greater share of the business. When the cartel divides the world's business, for instance, it may be suggested that Germany shall have 50 per cent, France 22 per cent, Holland 16 per cent, and Luxemburg 6 per cent, and so on. These percentages present great difficulties as to who will share and how much each will get.

Cartels divide up the countries on the theory that if you control production you can thus raise prices and prevent destructive competition. Back of the whole thing lies this idea: That the cartels will be better equipped to give successful combat to American industry. The strength of the cartel lies in its centralized control and in its ability to dump or to exercise the kind of competition which will force its competitors out of a neutral market. I believe it is their underlying hope that the increase in American exports may be checked, or in fact radically decreased by the efforts of these organizations.

I was astonished to learn that national cartels are so general that they cover almost all industries. International cartels are less so, but I am told that when the World War broke out there were some 600, and they have increased rapidly ever since.

Which is the proper method of doing business? Of the two systems, which will succeed? A concentrated body organized for international trade, like a cartel, or a concentrated body like the great corporations in the United States? Certainly the small fry must keep near the shore. I do not think the world has as yet demonstrated which is the best for humanity generally. That is a matter for discussion. It is trust and antitrust, and I think we may dismiss that question because we can not settle it here.

These international cartels have weaknesses, and that is the same thing that I have illustrated in the workings of the League of Nations. They are made up of human beings, and my observations confirmed my feeling that Europeans, both as nations and individuals, are not more generous nor less unselfish or high-minded than the American people.

We know there is a very large class of people in the United States who feel that anything our Government does is absolutely wrong. For instance, if we send an ambassador to Mexico who asks Mexico to protect American business interests there, some one is bound to rise and complain that it is not right; that we are trying to interfere with Mexican business and the Mexican Government. If we do not send an ambassador to look after these matters in Mexico, we are then charged with being a neglectful Government. If we go into Nicaragua because we want to protect Americans there, many in this country at once declare we are utterly wrong, are imperialistic, and have ulterior motives. They charge we are creating ill will for our Government, and that we ought to at once withdraw. If we try to do anything to protect Americans in China because there is no strong government in China and no one able to protect us there, some one jumps up and says we are brutal and are helping others to rob China of its independence.

THE TARIFF AND THE LEAGUE

Much of this unthinking criticism is directed at the American tariff. How many thousands of people in the United States think the American tariff is wicked, that it is a menace to peace, that it prevents the whole world from recovering from the war, and that we are ungenerous and unkind to Europe! How many of these critics, either Americans or Europeans, know that 60 per cent of all goods coming here are on the free list; that our imports are double those of any previous time in our history, and that more goods come in free to-day than the total of all imports under any previous law? Well, I found this ignorant criticism in Europe. I talked with a man from Finland who said: "Oh, Mr. Morrison, I wish to speak to you about your American tariff. It is hampering our development." I asked: "In Finland?" I said: "The American people are very friendly to Finland and are proud of

the fact that you have organized a government upon the American model. That we are doing anything to upset the commercial relations between these two countries or do anything that is distasteful to Finland is a surprise to me. Please be specific." Now, gentlemen, that is the key to the whole situation—let the critics be specific. He said: "It is your tariff on lumber and wood pulp." I said: "Why, I am astounded that should affect you, because both are on our free list."

Then I met a Canadian, who said, "Your tariff is very, very bad." I said, "What makes you think so?" He said, "Lots of my friends in the lumber business in Canada are almost bankrupt." I said, "Wait a minute. Lumber is on our free list." He replied, "No; there is a duty of $2 per thousand." So I took my copy of our tariff act, and after reading it to him I said, "There is a duty on one kind of lumber, on planed tongued-and-grooved boards, of $2 per thousand. And the reason for that duty is because Canada charges us a duty of $2 per thousand feet. There is a clause in our tariff bill which says we will put lumber on the free list if the other nations permit our lumber to enter their markets free. In the case of Canada, I know that an application has been made to the Canadian Government to take that $2 per thousand feet off of that particular class of lumber. So you understand the moment your country takes off its tariff then our tariff falls. Your complaint is not against the United States. Go to Ottawa and have it corrected there." This is just another instance of foreign misunderstanding of our tariff.

In Europe they thoroughly believe that we have a tariff wall so high as to prevent anything from coming over here, and that it is almost impossible to export anything to us. None of them know the fact, as I stated a moment ago, that 60 per cent of all imports coming into the United States under our present tariff law are free, and that a tariff is put upon those commodities in which a large amount of labor is used in production, so as to keep our own people working instead of throwing our workmen and women out of employment and giving their jobs to the workmen in Europe. So there is a very strong sentiment, and it results in propaganda which is ever increasing. Indeed, much of this propaganda emanates right in Geneva from certain American organizations with altruistic ideals and supported by American philanthropy, who preach that our self-preservation by means of a tariff is "a menace to world peace." I have innumerable instances of that sort of matter in my possession. All the European nations have organized press bureaus which are sending alleged national opinions to our press, and, strange to say, criticisms of America and our policy get the headlines here in the States.

NATIONAL OPINIONS

And this brings me to this thought: These "national opinions" seem to come into our public prints as though they were the opinions of the peoples of these foreign governments. The propaganda is like this: "It is the consensus of opinion in Germany," or "English opinion is as follows," or "France thinks so and so." Who knows what France thinks? Who knows what the consensus of opinion is in Germany? Who knows what English public opinion is? Do we think we know because an Associated Press dispatch tells us this or that? There is no referendum. Somebody says, "France hates us." Shall we believe that? I think France loves us, and my opinion is as good as a reporter's. I think there is no lack of appreciation in France of the fact that we went "over there." They helped us in our struggle for independence and we came to them when they needed us most. Do you think the people of France hate us because of our tariff, of which ninety-nine out of a hundred Frenchmen never even heard?

But the propagandists say that France made this last attempt to raise duties against us because she wanted to get even with us on account of our protective tariff. You should know that all the European tariff walls are about as high as ours, and many exceed ours. There is not nearly as much on their free list as you would suppose.

Why should we accuse France of reprisal? How do we know what "France" thinks or why she acts? I was once told by a diplomat that if one could tell to-night what the French Government will think tomorrow morning he would surpass the greatest intellectual achievement of the century. Let us analyze this question of reprisal: Shall we say that France "thinks" this or that, and because of the American tariff she prefers to buy goods elsewhere? Is the American tariff as serious a menace to France as the German border line? Germany has been her hereditary enemy, and for generation after generation the French and the Germans have distrusted each other. On the other hand, can you tell me France has entirely forgotten our services to her and the friendly relations which have always existed? Is it because of our tariff or is it for some other reason she has made a reciprocity treaty with Germany, her worst enemy, and tried to raise her tariff against us? You may guess what an individual thinks, but no man can tell what a nation thinks. That is what I am coming to in this whole question of international relationship. France may think one thing or she may think another, but the individual in France who is engaged in the grain business "thinks" that if he can buy wheat from the Argentine one cent cheaper than he can in the United States, he is going to buy in the Argentine. And if he can buy wheat one cent cheaper in Russia than he can buy it in the Argentine or in the United States he is going to buy it in Russia.

We must not expect the individual business man to sacrifice his profits simply because he "thinks" what a wonderful, generous country the United States is, or will say, "How good it has been to us; I for one appreciate it, and therefore I am going to make the sacrifice."

We can take it as axiomatic that the purchasers in all European nations are going to buy what they can within their own borders, and if they must buy from other countries they will buy where they can buy cheapest, and nowhere else. And if they find there is something coming across their borders in serious competition with them, they will devise some means to protect themselves; a tariff, or a classification, or whatever may be necessary.

No matter what we do in America, whether we loan them money to start their industries—as we have done enormously, and thus helped them to build up competition against us—or whether or not we set aside a tariff duty, it is individual American initiative and ability that is going to determine whether we get foreign trade or not; and it is our competitive ability to produce at a lower cost and sell better goods or cheaper goods that will get us the business. Let us not adopt as a commercial principle the idea that we may expect gratitude in our business relations with the people of another country. One of the great philosophers put over his dressing table:

"Never expect gratitude. If it comes it is as a gentle rain from heaven, and it is as rare as a shower in the desert."

Quite apropos of this is a recent statement in Le Temps, a leading Paris paper, which refers to our "holier than thou" attitude, and adds: "At the feet of the Pharisees this attitude must be seriously considered, for they are only too willing to walk over those who prostrate themselves before them," and says further regarding America: "While waiting for a powerful war fleet under hasty construction she is blocking all the seas in order to hold the Old World at her mercy. She is throttling it with chains of gold."

This is a responsible French journal, and the information given is news to us all. I do not believe you knew our country was half as bad as this.

What we may do for the protection of American industry and the maintenance of our own standard of living is our own affair, and we can not look for gratitude whether we do or do not let down our tariff walls.

CARTELS AND THE TARIFF

And that brings me back to the question of cartels: With unorganized industry in the United States and organized trusts abroad when the opportunity occurs and there is any breach in our protective tariff walls, they are coming through. That is one of the great hazards of unorganized effort. Personally, I know of an instance before the war where a certain manufacturing industry was started in this country that had never been undertaken here before. At the end of one year the American manufacturer had demonstrated ability to produce the commodity economically, and at the price of $110 a ton it furnished a small profit. He was then visited by a representative of the foreign cartel, who said: "We want to be very friendly; we recognize the great ability with which you have mastered this industry, and we want to cooperate with you. Your price is $110 a ton. We will allow you 20 per cent of the business in the United States, we will take 80 per cent for ourselves, and will maintain that price." The answer of the American producer was: "I will not enter into any such combination. It is unlawful. I will go it alone and you can go, alone, to a certain very warm clime."

The foreign cartel immediately dropped the price to $60 a ton, much lower than the cost of production in the United States, and just before the war the price was dropped by the cartel to $52 a ton, because the manufacturer in this country was not only persistent but as a patriotic American as well, he kept on making it, even at a loss, because he had a deep pocket.

That is the warfare you will have to meet from the cartels. The strength of the cartel is in its unified effort; its ability to maintain prices in countries which are in the cartel, and to utilize resources thus acquired to drive competitors out of foreign markets including the markets of our own United States, which is the envy of the world.

A weakness of the cartel is also apparent: As soon as it becomes international there is the national feeling as well as the human equation—national pride, jealousy, and selfishness. I do not expect cartels in their present form to last indefinitely, but I do expect the idea to grow and superorganized aggregations to appear, and I think within a very few years we will have cartels of such sound foundation that they will be a distinct menace to American industry. It therefore behooves us, in view of the centralization in Europe, to remember that the greatest market of the world is in the United States; that our export business is from 7 to 10 per cent of the total volume of our production, and, essential as our exports appear to be, we can not afford to bring down our standard of living and throw labor out of employment here just to get us an export trade. We must not break

those things down which have made our prosperity, because with wages paid here three or four or five times those paid in foreign countries, without some means to equalize this difference in cost we are in no position to defend ourselves.

I feel that the League of Nations may be useful; and on the Continent where wages are nearly on a level, where economic conditions are much the same and distances are shorter, perhaps there may be an actual breaking down of tariff walls there. Let us expect that, and let them work out their own salvation. But let us not deceive ourselves with the thought that we can make any nation grateful to us by anything we do in this country. The individual merchant decides the question of where to buy, and he will buy in the cheapest market.

So let us maintain the United States as we have it. Let us keep our high wage scale and our standard of living. Let us thus keep our prosperity. Let us continue to rationalize our industries and in many fields we shall be able to win the world's trade by giving better goods for less money; and at all times we can help Europe, because a prosperous America makes the best customer for all the nations of the world.

EXECUTIVE SESSION

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

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. Under the order heretofore entered, I move that the Senate take a recess until 8 o'clock p. m.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m.) the Senate took a recess until 8 o'clock p. m.

EVENING SESSION

THE CALENDAR

The Senate reassembled at 8 o'clock p. m., on the expiration of the recess.

The PRESIDENT pro tempore. The period of recess having expired, under the unanimous-consent agreement previously entered into the clerk will call the calendar for unobjected bills.

Mr. McKELLAR. I wish to inquire where we are to begin? We left off at Calendar No. 768 on the last call.

Mr. CURTIS. I think we should commence at the first bill on the calendar.

The PRESIDENT pro tempore. The clerk will call the first bill on the calendar.

NAMING OF CERTAIN STATE AND FEDERAL HIGHWAYS

The bill (S. 1182) to provide for the naming of certain highways through State and Federal cooperation, and for other purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of Agriculture is hereby authorized to cooperate with the highway departments of the several States in selecting and assigning names to highways embraced in the system of Federal-aid highways as designated and approved in accordance with the provisions of section 6 of the Federal highway act of November 9, 1921. (42 Stat. L. 212.) When the Secretary of Agriculture and the highway department of a State, acting under the provisions of this act, shall name any such highway it thereafter shall be unlawful for any person, firm, association, organization, or corporation to erect on or along the highway so named, or on or along any part thereof, any sign, marker, or other device on which such highway is referred to, either directly or indirectly, by any other name. Violation of any provision of this act shall be a misdemeanor punishable on conviction by a fine of not to exceed $50, or by imprisonment for not more than 30 days, or by both such fine and imprisonment, in the discretion of the court.

Mr. KING. Mr. President, I call the attention of the Senator from Wisconsin [Mr. BLAINE] to the bill.

The PRESIDENT pro tempore. The attention of the Senator from Wisconsin is invited by the Senator from Utah to Calendar No. 42.

Mr. KING. It is a bill which engaged the Senator's attention for some time. Is he satisfied with the bill?

Mr. BLAINE. I have no objection to its passage.

Mr. KING. Then I have no objection.

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

BILLS PASSED OVER

The bill (S. 2447) for the relief of the stockholders of the First National Bank of Newton, Mass., was announced as next in order.

Mr. BRATTON. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 61) granting an increase of pension to Louise A. Wood was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1939) granting pensions and increase of pensions to widows and former widows of certain soldiers, sailors, and marines of the Civil War, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, the Senator from South Dakota [Mr. NORBECK] is not in the Chamber at the moment. An amendment will be offered to the bill. I ask that it be passed over for the present.

The PRESIDENT pro tempore. The bill will be passed over.

BILLS INDEFINITELY POSTPONED

The bill (S. 132) to authorize the President to appoint LeRoy K. Pemberton a first lieutenant, Officers' Reserve Corps, United States Army, was announced as next in order.

Mr. KING. Over.

Mr. SHORTRIDGE. Mr. President, as to this bill——

The PRESIDENT pro tempore. Objection has already been made to the bill.

Mr. SHORTRIDGE. I propose to make a suggestion, if I may. I myself would ask that it be indefinitely postponed, as it has been adversely reported, together with Calendar Nos. 176, 184, and 268, being Senate bills 2053, 141, and 133. I shall introduce a bill at the next session for relief of the parties named in the respective bills.

The PRESIDENT pro tempore. Without objection, the bill (S. 132) to authorize the President to appoint LeRoy K. Pemberton a first lieutenant, Officers' Reserve Corps, United States Army, the bill (S. 2053) to establish a military record for Daniel P. Tafe, the bill (S. 141) for the relief of Felix Medler, and the bill (S. 133) for the relief of Kenneth B. Turner, will be indefinitely postponed.

BILLS PASSED OVER

The bill (S. 2787) providing for the appointment of governors of the non-Christian Provinces in the Philippine Islands by the Governor General without the consent of the Philippine Senate, was announced as next in order.

Mr. LA FOLLETTE. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States prohibiting war, was announced as next in order.

Mr. BORAH. Over.

The PRESIDENT pro tempore. Does not the Senator wish to deal with the adverse report at all?

Mr. LA FOLLETTE. Let the joint resolution go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

STANDARDS FOR HAMPERS, BASKETS, ETC.

The bill (S. 2148) to fix standards for hampers, round-stave baskets, and splint baskets for fruits and vegetables, and for other purposes, was considered as in Committee of the Whole.

Mr. BRUCE. Mr. President, the Senator from Delaware [Mr. BAYARD] is interested in the bill, and has offered an amendment, but is not present now. Therefore I would like to have the bill go over.

Mr. McNARY. Mr. President, the Senator from Delaware is now one of the strongest advocates of the bill, because I have accepted his amendment.

Mr. BRUCE. I was not aware of that.

Mr. McNARY. I think the Senator will accept my statement?

Mr. BRUCE. Of course, I will.

The amendment was, on page 1, line 5, before the word "three," to insert the words "five-eighths bushel," so as to make the bill read:

Be it enacted, etc., That the standard hampers and round-stave baskets for fruits and vegetables shall be of the following capacities: one-eighth bushel, one-fourth bushel, one-half bushel, five-eighths bushel, three-fourths bushel, 1 bushel, 1¼ bushels, 1½ bushels, and 2 bushels, which, respectively, shall be of the cubic content set forth in this section. For the purposes of this act a bushel, standard dry measure, has a capacity of 2,150.42 cubic inches.

(a) The standard one-eighth bushel hamper or round-stave basket shall contain 268.8 cubic inches.

(b) The standard one-fourth bushel hamper or round-stave basket shall contain 537.6 cubic inches.

(c) The standard one-half bushel hamper or round-stave basket shall contain 1,075.21 cubic inches.

(d) The standard three-fourths bushel hamper or round-stave basket shall contain 1,612.8 cubic inches.

(e) The standard 1-bushel hamper or round-stave basket shall contain 2,150.42 cubic inches.

(f) The standard 1¼-bushel hamper or round-stave basket shall contain 2,688 cubic inches.

(g) The standard 1½-bushel hamper or round-stave basket shall contain 3,225.63 cubic inches.

(h) The standard 2-bushel hamper or round-stave basket shall contain 4,300.84 cubic inches.

SEC. 2. That the standard splint baskets for fruits and vegetables shall be the 4-quart basket, 8-quart basket, 12-quart basket, 16-quart basket, 24-quart basket, and 32-quart basket, standard dry measure. For the purposes of this act a quart standard dry measure has a capacity of 67.2 cubic inches.

(a) The 4-quart splint basket shall contain 268.8 cubic inches.

(b) The 8-quart splint basket shall contain 537.6 cubic inches.

(c) The 12-quart splint basket shall contain 806.4 cubic inches.

(d) The 16-quart splint basket shall contain 1,075.21 cubic inches.

(e) The 24-quart splint basket shall contain 1,612.8 cubic inches.

(f) The 32-quart splint basket shall contain 2,150.42 cubic inches.

SEC. 3. That the Secretary of Agriculture shall in his regulations under this act prescribe such tolerances as he may find necessary to allow in the capacities for hampers, round stave baskets, and splint baskets set forth in sections 1 and 2 of this act in order to provide for reasonable variations occurring in the course of manufacturing and handling. If a cover be used upon any hamper or basket mentioned in this act, it shall be securely fastened or attached in such a manner, subject to the regulations of the Secretary of Agriculture, as not to reduce the capacity of such hamper or basket below that prescribed therefor.

SEC. 4. That no manufacturer shall manufacture hampers, round stave baskets, or splint baskets for fruits and vegetables unless the dimension specifications for such hampers, round stave baskets, or splint baskets shall have been submitted to and approved by the Secretary of Agriculture, who is hereby directed to approve such specifications if he finds that hampers, round stave baskets, or splint baskets for fruits and vegetables made in accordance therewith would not be deceptive in appearance and would comply with the provisions of sections 1 and 2 of this act.

SEC. 5. That it shall be unlawful to manufacture for sale or shipment, to offer for sale, to sell, to offer for shipment, or to ship, hampers, round stave baskets, or splint baskets for fruits or vegetables, either filled or unfilled, or parts of such hampers, round stave baskets, or splint baskets that do not comply with this act: *Provided*, That this act shall not apply to Climax baskets, berry boxes, and till baskets which comply with the provisions of the act approved August 31, 1916, entitled "An act to fix standards for Climax baskets for grapes and other fruits and vegetables, and to fix standards for baskets and other containers for small fruits, berries, and vegetables, and for other purposes", (39 U. S. Stat. L. 673), and the regulations thereunder. Any individual, partnership, association, or corporation that violates this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding $500: *Provided further*, That no person shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the manufacturer, wholesaler, shipper, or other party residing within the United States from whom the hampers, round stave baskets, or splint baskets, as defined in this act, were purchased, to the effect that said hampers, round stave baskets, or splint baskets are correct, within the meaning of this act. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of the hampers, round stave baskets, or splint baskets to such person, and in such case such party or parties making such sale shall be amenable to the prosecution, fines, and other penalties which would attach in due course under the provisions of this act to the person who made the purchase.

SEC. 6. That any hamper, round stave basket, or splint basket for fruits or vegetables, whether filled or unfilled, or parts of such hampers, round stave baskets, or splint baskets not complying with this act, which shall be manufactured for sale or shipment, offered for sale, sold, or shipped, may be proceeded against in any district court of the United States within the district where the same shall be found and may be seized for confiscation by a process of libel for condemnation. Upon request the person entitled shall be permitted to retain or take possession of the contents of such hampers or baskets, but in the absence of such request, or when the perishable nature of such contents makes such action immediately necessary, the same shall be disposed of by destruction or sale, as the court or a judge thereof may direct. If such hampers, round stave baskets, splint baskets, or parts thereof be found in such proceeding to be contrary to this act, the same shall be disposed of by destruction, except that the court may by order direct that such hampers, baskets, or parts thereof be returned to the owner thereof or sold upon the payment of the costs of such proceedings and the execution and delivery of a good and sufficient bond to the effect that such hampers, baskets, or parts thereof shall not be sold or used contrary to law. The proceeds of any sale under this section, less legal costs and charges, shall be paid over to the person entitled thereto. The proceedings in such seizure cases shall conform as near as may be to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in such case, and all such proceedings shall be at the suit and in the name of the United States.

SEC. 7. That this act shall not prohibit the manufacture for sale or shipment, offer for sale, sale, or shipment of hampers, round stave baskets, splint baskets, or parts thereof, to any foreign country in accordance with the specifications of a foreign consignee or customer not contrary to the law of such foreign country; nor shall this act prevent the manufacture or use of banana hampers of the shape and character now in commercial use as shipping containers for bananas.

SEC. 8. That it shall be the duty of each United States district attorney to whom satisfactory evidence of any violation of this act is presented to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States in his district for the enforcement of the provisions of this act.

SEC. 9. That the Secretary of Agriculture shall prescribe such regulations as he may find necessary for carrying into effect the provisions of this act, and shall cause such examinations and tests to be made as may be necessary in order to determine whether hampers, round stave baskets, and splint baskets, or parts thereof, subject to this act, meet its requirements, and may take samples of such hampers, baskets, or parts thereof, the cost of which samples, upon request, shall be paid to the person entitled.

SEC. 10. That for carrying out the purposes of this act the Secretary of Agriculture is authorized to cooperate with State, county, and municipal authorities, manufacturers, dealers, and shippers, to employ such persons and means, and to pay such expenses, including rent, printing publications, and the purchase of supplies and equipment in the District of Columbia and elsewhere, as he shall find to be necessary, and there are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for such purposes.

SEC. 11. That sections 5 and 6 of this act shall become effective at but not before the expiration of one year following the 1st day of November, next, succeeding the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

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

BILLS PASSED OVER

The bill (S. 2149) authorizing and directing the Secretary of Agriculture to investigate all phases of crop insurance was announced as next in order.

Mr. KING. Mr. President, does the Senator from Oregon [Mr. MCNARY] desire to take up the bill this evening?

Mr. MCNARY. Conformable with the request of the Senator from Utah, I shall ask that it go over at this time, because I desire to collect some data which I shall present at some other time to the Senate.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1414) for the prevention and removal of obstructions and burdens upon interstate commerce in cottonseed oil by regulating transactions on future exchanges, and for other purposes, was announced as next in order.

Mr. COPELAND. Mr. President, I have an understanding with the Senator from Texas [Mr. MAYFIELD] regarding the bill. Therefore I ask that it may go over.

The PRESIDENT pro tempore. The bill will be passed over.

CLASSIFICATION OF SERVICE POSTMASTERS

The bill (S. 1728) placing service postmasters in the classified service was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

PRISON-MADE GOODS

The bill (S. 1940) to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases, was announced as next in order.

Mr. BLEASE. Mr. President, I wish to briefly state my objections to S. 1940, entitled "A bill to divest goods, wares, and merchandise manufactured, produced, or mined by convicts of their interstate character in certain cases," which has been

favorably reported with an amendment by the Committee on Interstate Commerce.

The report opens with a significant statement:

The penitentiary problem is a problem for the State. The factors that enter into its adjustment are so many and so varied as to make it essentially a State problem, and no Federal impediment should stand in the way of any State which seeks to determine its own prison affairs and the regulation of the sale of prison products.

Such impediment now exists, and it is only for the removal of the impediment that this legislation is designed.

It goes on to state that the proposed legislation is supported by three great elements of society—namely, the American Federation of Labor, the manufacturers, and the General Federation of Women's Clubs; discusses the "State use" and "State-use plans"; mentions the opposition of prison contractors; deplores uncontrollable abuses; and closes with the gracious announcement, in the form of an amendment, that two years have been given for the readjustment of present systems.

In speaking of the character of the bill the report says:

Briefly, the bill divests convict-made products of their interstate character upon their arrival in the State of their destination and permits the laws of that State to become operative with respect to the sale and distribution of such products within the State. It is simply an enabling act.

The bill does not prohibit the transportation of convict-made goods. It does not force the enactment of any State legislation. It does not alter or in any way interfere with any existing law in any State, nor does it interfere with the management of any State penal institution.

I propose to show by a brief analysis of the bill that this is not a proper subject for legislation by Congress; that its enactment would be unconstitutional and void; and that the effect of its passage, if legal, would be a far-reaching and unjustifiable invasion of the rights of the sovereign States.

In defining the powers of Congress the Constitution of the United States provides, among other things, that—

The Congress shall have power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes. (U. S. Constitution, Art. I, sec. 8, cl. 3.)

It is now considered an elementary proposition of law that this grant of express power to Congress was absolute and exclusive in its nature and, therefore, I will not take the time of the Senate to discuss it. The object of the provision as shown by numerous constructions of the clause in decisions by the Supreme Court of the United States was to place the regulation of interstate commerce under the control of Congress to prevent unfair discriminations against the commerce of one State by another State, and to encourage and foster free and unrestricted intercourse of trade among the several States.

However, we all know that laws are supposed to be founded upon reason and are subject to common-sense interpretation. It was held in the case of Stoutenburg *v.* Hennick (129 U. S. 141) that Congress could not delegate to the District of Columbia the power to regulate commerce between the District and the States; but, on the other hand, it was decided in the Interstate Commerce Commission cases that Congress had authority, under its sovereign and exclusive power to regulate commerce, to create a commission for the purpose of taking over certain of its duties in reference to this subject.

It has also been generally accepted that it is within the power of Congress to permit the exercise of the power to regulate interstate commerce by the States in certain instances. In this connection I might state that sections 4278 and 4279 of the Revised Statutes of the United States, relating to nitroglycerine and other explosives, are grants of power by Congress directly to any State, Territory, District, city, or town to prohibit the introduction of such substances into its limits for sale, use, or consumption therein, and this principle is supported by the opinion of the Supreme Court in Ex parte Jervey, 66 Federal, 960.

Following the decision in Leisy *v.* Hardin (135 U. S. 100), Congress provided in an act of August 8, 1890 (26 Stat. 313):

That all fermented, distilled, or other intoxicating liquors or liquids transported into any State or Territory or remaining therein for use, consumption, sale, or storage therein shall, upon arrival in such State or Territory, be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers to the same extent and in the same manner as though such liquids or liquors had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

This act was held to be valid and constitutional in In re Rahrer (140 U. S. 561), the court saying:

Congress has not attempted to delegate the power to regulate commerce, or to exercise any power reserved to the States, or to grant a power not possessed by the States, or to adopt State laws. It has taken its own course and made its own regulation, applying to these subjects of interstate commerce one common rule, whose uniformity is not affected by variations in State laws in dealing with such property.

And goes on to further say:

No reason is perceived why, if Congress chooses to provide that certain designated articles of interstate commerce shall be governed by a rule which divests them of that character at an earlier period of time than would otherwise be the case, it is not within its competency to do so.

It is peculiarly interesting to note the striking similarity in the wording of the above-quoted act and the language employed by the court in construing the same with S. 1940, the bill which we have under discussion, and which reads as follows:

That all goods, wares, and merchandise manufactured, produced, or mined, wholly or in part, by convicts or prisoners, except paroled convicts or prisoners, or in any penal and/or reformatory institutions, transported into any State or Territory of the United States and remaining therein for use, consumption, sale, or storage, shall upon arrival in such State or Territory be subject to the operation and effect of the laws of such State or Territory to the same extent and in the same manner as though such goods, wares, and merchandise had been manufactured, produced, or mined in such State or Territory, and shall not be exempt therefrom by reason of being introduced in the original package or otherwise.

Section 2 provides that—

This act shall take effect two years after the date of its approval.

It is therefore apparent that upon the foregoing statements of law the proponents of S. 1940 base their claims for its validity. This contention can not be sustained for various and obvious reasons.

In the first place, the business of manufacturing is not commerce. In Kid *v.* Pearson (128 U. S. 20) the Supreme Court of the United States says:

No distinction is more popular to the common mind or more clearly expressed in economic or political literature than that between manufactures and commerce.

The legal definition of the term "commerce" as given by the Supreme Court in County of Mobile *v.* Kimball (102 U. S. 671, 702), and reiterated in Kid *v.* Pearson (supra), is as follows:

Commerce with foreign countries and among the States, strictly considered, consists in intercourse and traffic, including in these terms navigation and the transportation and transit of persons and property, as well as the purchase, sale, and exchange of commodities.

Compare this statement with the following declaration in the same case:

Manufacture is transformation * * * the fashioning of raw materials into a change of form for use. The functions of commerce are different. The buying and selling and transportation incidental thereto constitute commerce; and the regulation of commerce in the constitutional sense embraces the regulation, at least, of such transportation.

The distinction is important and can not be overly emphasized, for it may clearly be seen that the power to regulate commerce does not infer nor imply the power to regulate manufactures.

In fact, the absence of an express grant of power to Congress to regulate manufactures plainly shows that this right was wisely reserved to the people and the several States under the tenth amendment to the Constitution.

Now, the obvious and proximate effect of the enactment into law of the bill under discussion—S. 1940—whatever may be the motives actuating its advocates, will be to permit certain States to regulate and control the legitimate manufacture of wholesome and useful articles in other States through the medium of restrictions and embargoes on interstate commerce.

Unlike the instances of "explosives," "intoxicating beverages," and other articles of like nature deemed by reason of inherent qualities to be dangerous or injurious to the safety, health, and good morals of a community, thereby falling within the class of police power restrictions, S. 1940 is not a measure protesting against the character of the articles sought to be affected thereby, but, on the other hand, and admittedly so, objects solely to the class of labor employed in the manufacture of the goods. In other words, articles of the same kind are proposed to be classified and discriminated against according to the method of origin and not nature. Brooms made by convicts may not be sold, while brooms made by other than convicts may be sold, and likewise with other goods, wares, and merchandise.

In United States *v.* Knight Co. (156 U. S. 1) the Supreme Court has this to say:

> Commerce succeeds to manufacture and is not a part of it. The power to regulate commerce is the power to prescribe the rule by which commerce shall be governed, and is a power independent of the power to suppress monopoly.

Thereby holding that commerce was separate and distinct from the business of manufacturing.

In International Paper Co. *v.* Massachusetts it was held that the manufacture of paper is not commerce. (246 U. S. 135.)

The mining of coal or ore is not interstate commerce, and the Supreme Court of the United States has so held in United Mine Workers *v.* Coronado Co. (259 U. S. 344) and the Oliver Iron Co. *v.* Lord (262 U. S. 172).

See also Crescent Oil Co. *v.* Mississippi (257 U. S. 129).

How, then, if Congress has not the power to regulate manufactures, can it, by passing this bill, divest itself of nothing and at the same time confer something upon the different States? Congress has not this power to give; it has never had this power to give, and surely no one will assert that any State under our form of government has the right to regulate or control the manufactures, mining, and other industries of another State. It is a simple proposition in arithmetic. Nothing subtracted from nothing leaves naught, and naught added to naught gives nothing.

It may be argued where, then, does the power rest? It certainly does not belong to Congress and the right abides in each of the several States.

Once an article is manufactured, mined, or produced and becomes the subject of interstate commerce, of course, the constitutional power of Congress immediately attaches, as has been pointed out, to prevent discriminations by the States.

The question is, Can Congress, by act, designate certain articles as being subject to discriminatory legislation by the States because of the method of their production, and, at the same time, allow other articles of the exact nature to enjoy the privileges and immunities of interstate commerce? The answer is "no," for to admit the affirmative of this proposition would give to Congress the right to regulate the manufactures, mining, and other producing interests of the States and deprive them of this valuable and necessary power.

The Supreme Court in United States *v.* Knight Co. (156 U. S. 1) says:

> It is vital that the independence of the commercial power and of the police power, and the delimitation between them, however sometimes preplexing, should always be recognized and observed.

There is another feature of this proposed legislation, and an important one, to which I desire to call special attention. In his admirable work, Watson on the Constitution, page 532, he has this to say:

> Closely akin to the question of regulating manufacturing is the question whether Congress can forbid the hauling of a commodity by a carrier of interstate commerce which was manufactured in a State, for instance, by women or children under a certain age, as has recently been maintained. This question is of far-reaching effect, and if such power exists in Congress it would result in the most complete invasion of the sovereignty of the States by the General Government which has ever been accomplished under the Federal Constitution.

In Hammer *v.* Dagenhart (247 U. S. 251) it was held that the child labor law can not be sustained on the theory that Congress has power to control interstate commerce in the shipment of child-made goods in States where the evil of child labor has been recognized by local legislation and the right to employ child labor has been more rigorously restrained than in the State of production.

See also Bailey *v.* Drexel Furniture Co. (259 U. S. 20), in which an act imposing a tax on child-labor-made goods was held unconstitutional.

I hope that I have made my objections to S. 1940 clear.

In the first place, I frankly believe that the proposed law would be held unconstitutional and void by the Supreme Court for the reasons which have been assigned.

In the second place, the bill is analogous to the proposed child-labor legislation and constitutes an unwarranted and dangerous invasion of the rights of the sovereign States.

In the third place, it seeks to do indirectly that which can not be done directly and is intended to circumvent the Constitution of the United States.

In the fourth place, Congress can not change the nature of things by act. Frequently acts are passed to alter the records and show that a man was not a deserter from the military or naval forces, but the act of Congress does not alter the fact that he was a deserter. Interstate commerce is interstate commerce and Congress can not alter that fact.

In the fifth place, the enactment of this bill would result in much confusion and controversy between the States. One State will lay an embargo against the goods of another and this will result in reprisals. There is no saying where it would eventually lead to.

I therefore ask that the bill may go over.

The PRESIDENT pro tempore. The bill will be passed over.

BILLS PASSED OVER

The bill (S. 1462) for the adoption of the Columbia Basin reclamation project, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1266) to create in the Bureau of Labor Statistics of the Department of Labor a division of safety, was announced as next in order.

Mr. KING. The Senator from Delaware [Mr. BAYARD] is interested in the measure and he is not here to-night. I ask that the bill may go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2292) providing for the employment of certain civilian assistants in the office of the Governor General of the Philippine Islands, and fixing salaries of certain officials was announced as next in order.

Mr. LA FOLLETTE. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1831) to authorize the Secretary of War and the Secretary of the Navy to class as secret certain material, apparatus, or equipment for military and naval use, and for other purposes, was announced as next in order.

Mr. FESS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 759) to give the Supreme Court of the United States authority to make and publish rules in common-law actions, was announced as next in order.

Mr. BRATTON. Over.

The PRESIDENT pro tempore. The bill will be passed over.

CHARLES R. SIES

The bill (S. 151) for the relief of Charles R. Sies, was announced as next in order.

Mr. KING. Over.

Mr. SHORTRIDGE. Mr. President, I ask the Senator if he will withhold the objection for a moment?

Mr. KING. I will.

Mr. SHORTRIDGE. The House has passed a companion bill which will be found on page 16 of the calendar. It was reported favorably by the House committee, passed by the House, and has been reported favorably by the Senate Committee on Naval Affairs. I hope that we may substitute the House bill for the Senate bill and that the House bill may be put upon its passage.

The PRESIDENT pro tempore. Is there objection?

Mr. KING. I have not seen the House bill, but I notice on page 2 of the report on the Senate bill an adverse recommendation; that is, it is equivalent to that. I read from the report:

> The bill (S. 151) is identical with the bill (S. 3033), Sixty-ninth Congress, which was referred to the Bureau of the Budget, and in regard to which the Navy Department is informed that the proposed legislation was in conflict with the financial program of the President.

I ask the Senator to let the bill go over until Thursday evening, when I shall be very glad to cooperate with him.

Mr. SHORTRIDGE. May I ask the Senator if he will in the meantime have the goodness to read the full report? I think he will agree with me that it is a meritorious bill.

Mr. KING. I shall be glad to do that.

The PRESIDENT pro tempore. The bill will be passed over.

BILLS PASSED OVER

The bill (S. 2859) for the relief of Francis J. Young was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2864) to establish the standard of weights and measures for the following wheat-mill, rye-mill, and corn-mill products, namely, flours, semolina, hominy, grits, and meals, and all commercial feeding stuffs, and for other purposes, was announced as next in order.

Mr. TYSON. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1093) to prevent the sale of cotton and grain in future markets was announced as next in order.

Mr. BRATTON. Mr. President, I see that the Senator from Louisiana [Mr. RANSDELL] has presented minority views. He is absent just now, and on that account I ask that the bill may go over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 57) requesting the President to immediately withdraw the armed forces of the United States from Nicaragua, was announced as next in order, and as being an adverse report.

Mr. ODDIE. Over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The joint resolution (S. J. Res. 99) to amend joint resolution directing the Interstate Commerce Commission to take action relative to adjustments in the rate structure of common carriers subject to the interstate commerce act, and the fixing of rates and charges, was announced as next in order.

Mr. FESS. Over.

Mr. METCALF. I hope the Senator will not insist on the objection.

Mr. FESS. It involves a controversy and I must ask that it go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The bill (S. 2532) to provide for the designation of clerks and employees of the Department of the Interior to serve as registers and receivers in the land office in Alaska, was announced as next in order.

Mr. LA FOLLETTE. Over.

Mr. BINGHAM. Mr. President, will the Senator withhold the objection for a moment?

Mr. LA FOLLETTE. Certainly.

Mr. BINGHAM. I call attention to the bill that has been asked for by the Secretary of the Interior, who says that—

> It is believed that the enactment recommended will promote efficiency in the public service and at the same time work in the direction of economy.

I hope the Senator will not object.

Mr. LA FOLLETTE. I ask that the bill may go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2679) to limit the period for which an officer appointed with the advice and consent of the Senate may hold over after his term shall have expired was announced as next in order.

Mr. JONES. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 728) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes, was announced as next in order.

Mr. HAYDEN. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1263) to amend section 4 of the interstate commerce act was announced as next in order.

Mr. BLEASE. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The resolution (S. Res. 173) expressing it as the sense of the Senate that Andrew W. Mellon should resign as Secretary of the Treasury was announced as next in order.

Mr. REED of Pennsylvania. Over.

The PRESIDENT pro tempore. The resolution will be passed over.

The bill (S. 1748) relating to the qualifications of jurors in the Federal courts was announced as next in order.

Mr. BRATTON. Over.

The PRESIDENT pro tempore. The bill will be passed over.

LIMITATION OF JURISDICTION OF UNITED STATES DISTRICT COURTS

The bill (S. 3151) to limit the jurisdiction of district courts of the United States was announced as next in order.

SEVERAL SENATORS. Over.

Mr. NORRIS. Mr. President, will the Senator objecting to the bill withhold his objection long enough for me to have a couple of amendments to the bill passed on, to which there will be no objection and which will relieve most, if not all, of the objections to the bill when they are examined later. After that is done, then we can pass it over.

The PRESIDENT pro tempore. Does the objecting Senator withhold his objection?

Mr. BRUCE. Mr. President, I am bound to object to the bill. I was not the only Senator who objected, however. There were several who interposed an objection.

Mr. NORRIS. I do not intend to try to pass the bill to-night. I understand it will lead to some debate, but I want to offer two amendments to which there can be no possible objection, and then I am going to ask that it go over.

Mr. BRUCE. Very well.

The PRESIDENT pro tempore. There is a committee amendment.

Mr. NORRIS. Instead of the committee amendment I am going to offer another amendment. The reference in the committee amendment is not quite right. It ought to be as follows——

The PRESIDENT pro tempore. The Senate should disagree to the committee amendment first.

Mr. NORRIS. I want to offer it in lieu of the committee amendment.

The PRESIDENT pro tempore. That may be done.

Mr. NORRIS. Instead of the committee amendment insert the following words:

> United States Code, title 28, section 41, paragraph 1.

That makes the proper reference.

The PRESIDENT pro tempore. Without objection, the bill is before the Senate as in Committee of the Whole, and the amendment is agreed to.

Mr. NORRIS. I now offer another amendment to which there will be no objection because it narrows down the effect of the bill and will leave it so there will be no objection whatever, I believe. It affects the diverse citizenship jurisdiction of the court. It takes away everything except that one.

Mr. BRUCE. Mr. President, I am bound to say I think it will be a little premature to take up the amendments now to limit the jurisdiction of district courts of the United States. I am frank to say that I have received more letters making objection to this bill than with reference to any other bill on the calendar.

Mr. NORRIS. When this amendment is agreed to, if the Senator will then examine the bill I feel as confident that he will favor it as that I am in favor of it myself. I think it will remove any possible objection except from one class of people.

Mr. BRATTON. Mr. President, let me suggest to the Senator from Nebraska that he have his amendment printed and lie on the table before the Senate acts upon it, in order that it may be examined in connection with the bill.

Mr. NORRIS. Of course, I will do that. I will not offer it at all if there is objection. I realize that it takes unanimous consent, but in order that Senators may understand it, let me say that the bill takes away certain jurisdiction of the Federal courts. The amendment narrows down to one particular thing the jurisdiction that it takes away so that those who object to the bill will find it less objectionable, of course, when the amendment is agreed to. They can still object to the bill after that. Of course, as soon as the amendment is agreed to, I will ask that the bill go over.

The PRESIDENT pro tempore. Without objection the amendment will be received, printed, and lie on the table, and without objection the bill as already amended will go over.

Mr. NORRIS. Oh, no, Mr. President. I ask Senators to withhold their objection to see if we can not adopt the amendment. There can not possibly be any objection to it, because those who object to the bill now taking away jurisdiction will have less objection when a part of their objection is entirely removed.

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

Mr. NORRIS. Certainly.

Mr. COPELAND. I think I may say to the Senator from Maryland, because I brought up the objection to the bill in the first place, that the bar association of my city is very much opposed to it. However, I can see no objection to the adoption of the amendment. That completes the bill, but it is still on the calendar. It is not passed in any sense, but is still before us.

Mr. KING. Mr. President, the Senator tenders the amendment, and now the Senator from New York indicates that by the adoption of that amendment it would complete the bill other than the final vote upon it. Some of us might want to offer an amendment to the amendment of the Senator from Nebraska. It does seem to me it would be better to have the bill go over and have the amendment printed and lie on the table.

The PRESIDENT pro tempore. The Chair understands the objection to be maintained on the part of the objecting Senators, and the order of the Chair already entered is that the amendment will be received, printed, and lie on the table.

Mr. COPELAND. Mr. President, I ask unanimous consent to insert in the RECORD at this point a resolution and statement of the committee on jurisprudence and law reform of the American Bar Association in connection with the bill.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution and statement referred to are as follows:

RESOLUTIONS AND STATEMENT OF THE COMMITTEE ON JURISPRUDENCE AND LAW REFORM OF THE AMERICAN BAR ASSOCIATION IN OPPOSITION TO SENATE BILL 3151

To the Senate of the United States:

The within resolutions and statement in relation to Senate bill 3151 are transmitted to the Members of the Senate by direction of the committee on jurisprudence and law reform of the American Bar Association.

HENRY W. TAFT, *Chairman.*

APRIL, 27, 1928.

Resolution of the executive committee of the American Bar Association, adopted at a meeting on April 24, 1928, in Washington, D. C.

Whereas there have been introduced in the present Congress of the United States certain bills which, in the judgment of the executive committee, are inconsistent with the advancement of the science of jurisprudence and the promotion of the administration of justice and uniformity of legislation and of judicial decision throughout the Nation, as defined by the constitution of the American Bar Association; and

Whereas the executive committee is of opinion that it is the duty of the association, acting through its proper committees, to oppose the passage of all bills intended to diminish the powers and to limit the jurisdiction of the Federal courts: Now, therefore, be it

Resolved, That the committee on jurisprudence and law reform be, and it hereby is, authorized in the name of the association to oppose the passage of any bills intended to diminish the powers and to limit the jurisdiction of the Federal courts.

Resolution of the committee on jurisprudence and law reform of the American Bar Association, adopted at a meeting held in Washington, D. C., on April 26, 1928

Pursuant to the authority conferred by the preambles and resolution of the executive committee of the American Bar Association, adopted at its meeting on April 24, 1928, authorizing the committee on jurisprudence and law reform in the name of the association to oppose the passage of any bills intended to diminish the powers and to limit the jurisdiction of the Federal courts, the said committee on jurisprudence and law reform unanimously adopted the following resolutions:

Resolved, That the committee on jurisprudence and law reform of the American Bar Association, in behalf of said association and in its name, opposes the passage of Senate bill 3151, by which it is sought to deprive the United States district courts of the larger part of their jurisdiction in common-law and equity cases, conferred upon them by paragraph (1) of section 24 of the Judicial Code (sec. 41, U. S. C.), being the most important part of the jurisdiction conferred by that section and that most frequently exercised;

Resolved further, That the reasons for the committee's opposition to Senate bill 3151 are set forth in a statement hereto annexed;

Resolved further, That the chairman of the committee be authorized to cause the said preambles and resolutions, together with the said statement, to be printed in convenient form and sent to each Member of the United States Senate.

STATEMENT OF THE COMMITTEE ON JURISPRUDENCE AND LAW REFORM OF THE AMERICAN BAR ASSOCIATION IN OPPOSITION TO SENATE BILL 3151

Senate bill 3151, introduced by Senator NORRIS and favorably reported to the Senate Judiciary Committee, seeks to amend paragraph (1) of section 24 of the Judicial Code (sec. 41, U. S. C.) by taking from the United States district courts jurisdiction at common law or equity in the following cases, viz:

1. Where the suit is between citizens of the same State claiming lands under grants of different States;

2. Where the matter in controversy exceeds $3,000, exclusive of interests and costs; and

(a) Arises under the Constitution or laws of the United States or treaties made or which shall be made under their authority;

(b) Is between citizens of different States; or

(c) Is between citizens of a State and foreign States, citizens or subjects.

As a result of the proposed amendment litigants would be forced in all of the above cases to resort to State courts having jurisdiction.

By the judiciary act of September 24, 1789, establishing the judicial courts of the United States, the Federal courts were given jurisdiction in all cases specified above, except those of citizens of the same State claiming lands under grants of different States and those relating to controversies arising under the Constitution, laws, or treaties of the United States. In the latter cases jurisdiction was conferred by the act of March 31, 1875.

A

During the fiscal years of 1927 there were commenced in the district courts of the United States, exclusive of admiralty and bankruptcy cases, 19,340 private suits. On June 30, 1927, there were there pending in that court undetermined 29,870 of suits of that character (Rept. of the Attorney General, 1927, p. 81). Most of these suits are of a kind in which the district courts would not have jurisdiction if the Senate bill 3151 should become law.

In the annotated copy of the United States Code, under section 41 (Judicial Code, sec. 24), there are over 400 pages of annotations to paragraph (1), most of which relate to litigation of which the district court would be deprived if the bill objected to were passed. Under all of the rest of the 28 paragraphs of that section dealing with other heads of jurisdiction there are only 200 pages of annotations.

The annotated copy of the code also shows that under the first paragraph of section 41 (Judicial Code, sec. 24) 955 subjects have been dealt with by the courts—the number of decisions upon each subject varying—while under all the other paragraphs of the section the subjects, excluding admiralty, number only 194. The pecuniary importance of the business of the district courts is indicated by the fact that in the year 1927 judgments were rendered for the plaintiffs for an aggregate of $92,310,602.85 and for the defendants of $4,913,158.38.

If the Norris bill should become law, the greater portion of the litigation indicated by the above figures would be withdrawn from the Federal courts, and there would probably be no further need for the present judicial establishment. Special courts would be able to deal with admiralty and patent causes, while government causes would be committed to special tribunals—the first step toward a system, alien to Anglo-Saxon ideas of civil liberty, of having one kind of law and procedure governing the rights of individuals among themselves and another controlling rights growing out of their relations to the Government. The benefits of the harmonious and consistent body of law built up in the Federal courts during a period of 140 years would thus be largely lost and the systems of 48 States substituted, often inharmonious and inconsistent.

B

There has been built up by the Federal courts during a period of 140 years, and especially during the last 40 or 50 years, which have been marked by an unprecedented development in agriculture, industry, and transportation, a great body of Federal jurisprudence. The decisions relating to interstate commerce and to due process of law under the fifth and fourth amendments of the Constitution alone constitute a body of law of vast importance to the growth and prosperity of the country. Federal jurisprudence relating to these and other matters owes little to the decisions of State courts, while the Federal courts are constantly contributing to its development. Indeed, the interpretation of the Federal Constitution and statutes has become so associated in the minds of the American public with the Federal courts that to transfer it to the State courts would give a rude shock to the bench, the bar, and the business interests of the country, because it would seem to be a sinister attack upon one of our institutions heretofore regarded as the keystone of the constitutional system.

Apart from considerations based on this historical background there is something essentially unfair and contrary to the spirit of our national system of government in forcing a litigant claiming that a State statute is void under the Federal Constitution to resort in every case to the courts of the very State which has enacted the legislation and presumably in response to a sentiment prevailing among its citizens. And the prejudice such a litigant would naturally suffer under such circumstances will be enhanced where the claim of unconstitutionality depends upon issues of fact which must be settled under the rules of evidence and procedure of the State court, often quite different from those prevailing in the Federal courts. The settlement by the trial court of matters resting in its discretion, the settlement of findings of fact, the making up of the record on appeal, and the limitations upon the power of the highest State appellate court to review the findings or conclusions of the trial court—all of these matters may, and not infrequently do, combine to present in the Supreme Court a case in quite a different aspect from that which would result from the uniform methods and procedure prevailing in the Federal courts; and they might conceivably defeat a litigant in fairly presenting a question of constitutionality to the Supreme Court.

A striking illustration of what might have happened if the Norris bill had been law is afforded by the case of Pierce *v.* Society of Sisters (the Oregon school case, 268 U. S. 510), where an injunction was granted by the district court to restrain the enforcement of a State statute—an initiative measure adopted by the people—requiring parents to send their children to the public schools. The district court held that the statute was in violation of the fourteenth amendment, as it was an unreasonable interference with the liberty of parents in bringing up their children. It was charged among other things that the object of the law was to destroy parochial schools, and it was argued in support of the law that the voters might have been alarmed "at the rising tide of religious suspicion." Here is a typical case where a plaintiff, forced to bring a suit in a State court, would be seriously handicapped in an atmosphere of hostile public opinion based on religious prejudice and where the supporters of the State law would avail of every procedural expedient to prevent their opponents from securing a review in the Supreme Court.

Many other cases will occur to an experienced lawyer. We mention a few by way of illustration.

In Truax v. Raich (239 U. S. 33) a suit was brought to restrain the officers of the State of Arizona from enforcing what was alleged to be an unconstitutional statute. The suit was heard before three judges under the provisions of section 266 of the Judicial Code (U. S. C. 380). The statute was adopted under the initiative provision of the constitution of the State and presumably reflected the prevailing sentiment of the people of the State. It was assailed and held to be unconstitutional as being repugnant to the fourteenth amendment in that it denied to aliens equal protection of the laws, by restricting the number of them who could be employed in a business to 20 per cent of the entire number of employees. The plaintiff was a cook in a restaurant, dependent on his employment for his livelihood, but being an alien was excluded by the terms of the statute. Obviously, he fared better in the Federal court than he would have in a State court.

Contracts for the future delivery of cotton, involving immense sums of money, are made in Illinois, New York, Louisiana, and other States. Several States, notably Georgia, have passed laws declaring that such contracts are gambling contracts. On the other hand, the courts of New York and Louisiana, and the Supreme Court of the United States, take the opposite view. If, therefore, a resident of Georgia incurs an indebtedness to a New York, Louisiana, or Illinois resident upon a transaction in cotton futures, and the latter is forced to go to Georgia to collect it, the courts of that State will reject his claim, and he can only collect by resorting to the Federal court.

In case of the insolvency of great railroad or industrial corporations having property and operating in a number of States, with different receivers, complications arise even in the Federal courts, as they did in the Northern Pacific receiverships. But the difficulties would be infinitely greater if such corporations were forced to have their affairs liquidated in the courts of a dozen States. Neither Congress nor the Supreme Court could grant relief, and the confusion thus created would involve enormous waste of values and great delay in the resumption of normal business, which would in turn affect the welfare of hundreds of thousands of employees dependent for their livelihood upon a resumption of the business of the bankrupt concerns. In some jurisdictions ancillary receivers decline to transmit assets to the receivers in another jurisdiction until creditors in their own localities are fully paid; and the tendency to take this attitude is greater in the State courts than in the Federal courts.

C

Human nature has not changed since Justice Story, speaking for the Supreme Court in Martin v. Hunter (1 Wheat. 304), said that the Constitution had presumed that—

"State attachments, State prejudices, State jealousies, and State interests might sometimes obstruct or control, or be supposed to obstruct or control, the regular administration of justice. Hence, in controversies between States; between citizens of different States; between citizens claiming grants under different States; between a State and its citizens or foreigners; and between citizens and foreigners, it enables the parties, under the authority of Congress, to have controversies heard, tried, and determined before the national tribunals."

It will be observed that the opinion of Justice Story is not predicated alone upon the actual existence of "attachments, prejudices, jealousies, and interest" but upon the supposition that they exist; and that supposition continues unchanged.

It was to avoid discrimination based on such conditions as these that Federal courts were authorized by the Constitution, and lawyers as well as laymen who have given attention to the subject will agree that the following expression is as true now as it ever was, viz:

"The exercise of this jurisdiction [i. e., Federal] tends to promote confidence and commercial intercourse between the citizens of the several States of the Union by furnishing them a comparatively impartial tribunal wherein to adjudicate and enforce the controverted and unsatisfied claims growing out of such intercourse." (Judge Deady, Goldsmith v. Peters, 36 Fed. Rep. 484, 487; aff'd. 147 U. S. 150.)

A man would be blind to conditions in different parts of this country who did not realize that attachments, prejudices, and jealousies and differing social, economic, and political views continue to influence (if sometimes unconsciously) lawyers, judges, and jurymen, when they are called upon to adjudicate upon the rights of citizens from distant States. It is not necessary to charge an unjust point of view in fellow Americans living in different parts of the country. But that marked differences of outlook and opinion exist which influence both legislation and judicial proceedings, especially when the interests of nonresidents are involved, is undeniable.

The commissioners on uniform State laws, appointed by governors of the several States, have been attempting to bring about uniformity in the laws of the several States, and have been successful in certain subjects of legislation; but in many cases where local traditions, prepossessions, and prejudices have resulted in prevailing views on economic, social, or industrial conditions the States have refused to be influenced by the desirability of uniformity. Some States indulge themselves freely in experimental legislation, which is a reflection of dominant local sentiment. Such legislative tendencies do not afford much assurance that a person from a distant brought into a State court will always obtain the same kind of justice as that available to him in a Federal district court.

In contrast with the uncertainties created by the varying conditions existing in the State courts, the necessity for uniformity in the decisions and procedure of the district courts, creates in the judges a sense of judicial responsibility and an esprit de corps which can never exist in the judges of 48 State courts beyond the influence of a unified administration of Federal jurisprudence. This was anticipated by the framers of the Constitution as was pointed out by Chief Justice Taney in Ableman v. Booth, 21 Howard 506. He said:

"But the supremacy thus conferred on this Government could not peacefully be maintained, unless it was clothed with judicial power, equally paramount in authority to carry it into execution; for if left to the courts of justice of the several States, conflicting decisions would unavoidably take place, and the local tribunals could hardly be expected to be always free from the local influences of which we have spoken. And the Constitution and laws and treaties of the United States, and the powers granted to the Federal Government, would soon receive different interpretations in different States, and the Government of the United States would soon become one thing in one State and another thing in another."

Federal district judges, appointed by the President and confirmed by the Senate, have the same salary and hold office during good behavior. They frequently sit in States and districts far removed from their home districts. They are generally men of high character and wide experience, and have made a study of our Federal system. State judges, on the other hand, sit only in their home States and, frequently, only in their own counties; their terms of office and salaries vary; some are elected, some appointed, and some are subject to recall. Uniformity in their experience, capacity, legal learning, or judicial temperament is not to be expected.

D

The development of the sparsely settled portions of this country has been made possible by the investment of capital by security holders residing not alone in the more populous centers, such as Boston, New York, Philadelphia, Chicago, and San Francisco, but, and especially since the war, in every part of the country. Investments have been made, not alone in the securities of the great systems of railroads, but in industrial projects having plants, works, and mines in States other than those where the security holders themselves reside. Billions of both Eastern and Western capital have also been invested in Western banks, trust companies, mortgage companies, and have been loaned on farm mortgages, livestock, cotton, and crops of all kinds. When nonresident investors learn that they must in an emergency depend on the State courts to protect their interests the confidence which has for generations been based upon the security afforded by the right to resort to the Federal courts will be seriously impaired; and a serious blow will be directed at the financial structure which has been built up in a long course of years. And this blow will be reflected not alone in the contraction of investments and loans, but in the increase in the rates of interest, especially on farm mortgages.

E

1. The report of the Judiciary Committee recommending the passage of the Norris bill lays stress upon the jurisdictional limitation as to amount involved. That amount was originally $500 and has been changed by statute from time to time. There is ample power in Congress to change it again. The subject is irrelevant to a discussion of the highly important matter of emasculating the long-established jurisdiction vested in the Federal courts.

2. Another argument used by the committee in its report is embodied in the statement that a nonresident "is given a choice that the resident does not have"; that is, for example, that a resident of New York can go into the State of Pennsylvania and there sue in either the State court or the Federal court. But it is equally true that a resident of Pennsylvania can go into the State of New York, and he there has the choice as to which tribunal he will resort to. In other words, any so-called privilege is reciprocal.

3. The committee also says that "It is a practice becoming more or less common in many States for corporations to be incorporated in one State while they do business in another, and it is believed that this often occurs simply for the purpose of being able to have the choice of two tribunals in case of litigation."

If there are such cases, they do not occur with such frequency as to justify the drastic change proposed by the bill. In most cases the choice of a State in which to incorporate is dependent upon much more important considerations than the creation of a diversity of citizenship. What generally determines the place of incorporation is the taxation system of a State, the stock and bond structure permissible under its laws, and the general liberality, workability, and fairness of its corporation laws. Furthermore, in the case of railroad lines running through a dozen States, it is necessary that one of the States shall be selected as the place of incorporation, and it follows that the corporation can not avoid being a nonresident in all of the other 11 States. And the same is the case with a great industrial corporation

like the United States Steel Corporation, which was incorporated in the State of New Jersey, but has plants and mines in probably a dozen other States, in which it or its subsidiary companies could resort to the Federal courts.

4. The committee asserts that corporations can "make litigation so expensive that their antagonists in the lawsuits frequently submit to unjust and unreasonable demands rather than go to the expense of litigating their rights in the United States courts."

Under the present practice an appeal may be taken to the circuit court of appeals, and thence to the Supreme Court, and in some cases (as in suits provided for in sec. 266) directly to that tribunal. The expense of this process would generally be far less than would be involved in the State courts, where, after a trial in the court at nisi prius, an appeal would perhaps lie to an intermediate appellate tribunal, thence to the highest court of the State, and thence by a writ of error to the Supreme Court of the United States—a circuitous and expensive process.

F

In view of the foregoing considerations and the opposition which has been manifested to the provisions of Senate bill 3151, it would seem suitable that the bill be recommitted to the Judiciary Committee, in order that hearings may be had.

The bill (S. 1794) establishing additional land offices in the States of Montana, Oregon, Idaho, and South Dakota was announced as next in order.

Mr. KING. Mr. President, I shall not object to the bill, but I shall be very glad to have the Senator explain it.

Mr. NORRIS. Mr. President, if the bill is before the Senate, I want to be heard.

Mr. BRUCE. I feel bound to object to the bill, though very reluctantly.

The PRESIDENT pro tempore. Does the Senator refer to 634, the bill to limit the jurisdiction of district courts of the United States?

Mr. BRUCE. Yes.

The PRESIDENT pro tempore. That has gone over under objection maintained by the Senator.

Mr. BRUCE. I saw the Senator from Nebraska on his feet.

Mr. NORRIS. Yes; I am about to speak on the bill, although another bill is technically before the Senate. I am entitled to five minutes on the bill.

The PRESIDENT pro tempore. The Senator from Nebraska is recognized.

Mr. NORRIS. I want to call Senators' attention to just what the bill does. Senators are objecting to it because they have received objections from attorneys. The bill, as introduced and as reported by the Judiciary Committee, took away from the district courts of the United States certain matters of jurisdiction. Among a number of things that it deprived the courts of jurisdiction over was jurisdiction of cases arising by reason of diverse citizenship. The objection comes, I conceive, mostly from that ground, but there are other objections, because it includes other things of which it deprives the courts of jurisdiction.

All my amendment would do would be to restore the bill to such form as to relieve it of all points except that one, so that anyone objecting to the bill certainly can not object to the amendment because it narrows its scope. I realize the objection would have still been made, but I wanted to put it in such shape that it would be confined to one thing alone. If the amendment was agreed to, the only thing it would apply to would be to diverse citizenship, and the only thing that it would eliminate from the law would be the following words:

Is between citizens of different States.

I want Senators to know just exactly what the bill does, and then they can understand what is attempted by the bill. I am not expecting the bill to pass to-night; but I wanted to have it so thoroughly understood that there would not be any further controversy, at least, as to what the bill did.

These are the words that this bill would take out of the present statute:

Is between citizens of different States.

That is all. Those words would be eliminated and the statute would be just the same as it is now. The amendment would narrow it down to those words; and I can not possibly see how anyone who objects to the bill would possibly object to the amendment, because it makes it nearer the present law than it is now.

Mr. DALE. Mr. President——

The PRESIDENT pro tempore. The Senator from Vermont.

Mr. DALE. May I ask the Senator from Nebraska a question?

Mr. NORRIS. Yes.

Mr. DALE. In connection with that bill, if an insurance company had a great many cases, as they do have in all the States of the Union, would they not be excluded from the Federal courts and be compelled to bring their cases in each separate State?

Mr. NORRIS. Yes; an insurance company incorporated in the State of Vermont, which took out a policy in the State of Nebraska, under the laws of Nebraska, and did business in Nebraska, would have to go into the Nebraska courts to settle its controversies. That is what would happen. There is not anybody that I know of that objects to the bill except insurance companies, railroad companies, and large corporations who want to go into a State and do business under its laws, but refuse to go into its courts.

The PRESIDENT pro tempore. The Senator from Vermont having yielded the floor, and the time of the Senator from Nebraska having already expired——

Mr. COPELAND. Mr. President, I ask that the colloquy we have had to-night be printed at one place in the RECORD. The other day the Senator from Nebraska and I had a running colloquy all the afternoon, and I think I have had a hundred letters with reference to it. This is an important matter. I include in my request that the amendment suggested by the Senator from Nebraska be printed in the RECORD, so that all the information may be there for the benefit of our various constituents, because we shall have hundreds of letters about this matter.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The amendment proposed by Mr. NORRIS is as follows:

On page 1, line 4, after the figures "41" and the comma, insert "title 28," and on the same page, line 8, after the word "sue," strike out the period and insert a comma and the following words:

or between citizens of the same State claiming lands under grants from different States; or where the matter in controversy exceeds, exclusive of interest and costs, the sum or value of $3,000, and (a) arises under the Constitution or laws of the United States, or treaties made, or which shall be made, under their authority, or (b) is between citizens of a State and foreign States, citizens, or subjects. No district court shall have cognizance of any suit (except upon foreign bills of exchange) to recover upon any promissory note or other chose in action in favor of any assignee, or of any subsequent holder if such instrument be payable to bearer and be not made by any corporation, unless such suit might have been prosecuted in such court to recover upon said note or other chose in action if no assignment had been made. The foregoing provision as to the sum or value of the matter in controversy shall not be construed to apply to any of the cases mentioned in the succeeding paragraphs of this section.

Mr. BRUCE. Mr. President, I simply want to ask the Senator a question. As I understand, this does away with the jurisdiction of the district courts based on diversity of citizenship.

Mr. NORRIS. That is all it does.

Mr. BRUCE. Then, that makes it, to me, insuperably objectionable.

Mr. NORRIS. Exactly. I am not trying to controvert that. I want to confine it to that. The amendment does not affect that. That is still left. I expect that the Senator will oppose it, and a good many other Senators who will be moved by those who like to go into a State and do business under the laws of that State, but who will not submit themselves to the courts of that State, who want to drag the citizens of the State into the Federal court and make their litigation expensive, and thus wear them out, even though they may have a good defense, with expensive litigation.

The PRESIDENT pro tempore. The clerk will restate the next bill on the calendar.

ADDITIONAL LAND OFFICES IN MONTANA, OREGON, IDAHO, AND SOUTH DAKOTA

The bill (S. 1794) establishing additional land offices in the States of Montana, Oregon, Idaho, and South Dakota was announced as next in order.

The PRESIDENT pro tempore. This bill was considered on April 13 and amended.

Mr. BRATTON. Mr. President, my colleague [Mr. CUTTING] proposed an amendment to this bill yesterday. He had it printed. It is lying on the table. During his absence I propose that amendment on his behalf.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 3, after line 17, it is proposed to insert the following new section:

SEC. 8. That an additional land district is hereby created in the State of New Mexico to embrace lands described as follows:

Beginning at the southeast corner of the State of New Mexico and running thence north on the east line of said State to the base line of the public-land survey in said State; thence west on said line to the range line between ranges 8 and 9 east; thence south on said range line to the first standard parallel south; thence west on said line to the range line between ranges 8 and 9 east; thence south on said line to the second standard parallel south; thence west on said line to the range line between ranges 8 and 9 east; thence south on said line to the third standard parallel south; thence east on said line to the range line between ranges 8 and 9 east; thence south on said line to the south line of the State of New Mexico; thence east on said line to the point of beginning, and that Roswell, within said district, is hereby designated as the site for the land office thereof.

On page 4, line 5, after "Idaho," insert "New Mexico."

Mr. JONES. Mr. President, I should like to inquire if this bill is restoring land offices that have heretofore been abolished by the department as not necessary?

Mr. WALSH of Montana. That, I may say, is the purpose of the bill.

Mr. JONES. Do these amendments contemplate restoring all those that are abolished?

Mr. WALSH of Montana. No. In my State there were 10, and every one of them was abolished but 2, and the bill contemplates the restoration of 4 of them.

Mr. JONES. Making six in all?

Mr. WALSH of Montana. Six instead of 10.

Mr. JONES. I think this bill should go over.

Mr. WALSH of Montana. This bill has heretofore passed the Senate, and was discussed at some considerable length. A very grievous wrong was done, in the judgment of every member of the committee which had this matter under consideration, by this sweeping law. The result is that homesteaders in the State of Montana are obliged now to travel a distance of 500 miles in order to do business at the land office, a distance greater than from this city to the city of Boston.

Mr. JONES. If this were confined to the State of Montana, I do not think I should object to it. I know something about the distances out in our country. We have one land office in the State of Washington, and people travel about 350 miles where they have to travel; but, according to the department, it is not necessary for them to go to the place where the land office is.

As I said to the Senator, if this were confined to the State of Montana, which I know is a State of very great size, I do not think I should object to it; but it seems to be covering and really providing for the restoration of a great many of these offices that the department, after very careful investigation, found were not necessary, and their abolition was in the interest of economy. It is their contention that it does not affect the efficiency of the service.

I want to say, further, that we objected very strenuously in our State to the abolition of all the offices except one. I have not had a single complaint from my State, however, since the offices were reduced to one—not one. Apparently, the service is going on just as satisfactorily as before.

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

Mr. JONES. Yes; I yield to the Senator.

Mr. ODDIE. Just a word on this matter. One of the most important land offices in the United States, located in Nevada, was abolished, and it is included in this bill.

Mr. JONES. I yield the floor.

Mr. BRATTON obtained the floor.

Mr. ODDIE. Will the Senator from New Mexico yield for just one second?

Mr. BRATTON. I yield.

Mr. ODDIE. One of the most important land offices in the country was in the State of Nevada. It was abolished by the department. The department made a serious and blundering error in abolishing that office. It was an uneconomic, a ridiculous, and unbusinesslike piece of business to abolish it. It has caused serious loss and inconvenience to a large number of our citizens, and nothing was gained by it.

Mr. BRATTON. Mr. President, in view of the fact that the Senator is speaking in my time, and I am under the five-minute rule, I shall ask him to speak in his own time.

Mr. ODDIE. Mr. President, I beg the Senator's pardon. I was not conscious of the fact that he had the floor first.

Mr. BRATTON. Mr. President, my colleague [Mr. CUTTING] has just come into the Chamber. If I may have his attention for a moment, I shall state for his information that on his behalf I have just proposed the amendment reestablishing the land office formerly located at Roswell, N. Mex., and was about to explain for the information of the Senator from Washington that this office was discontinued by the department some time ago. I am told by my colleague that a representative of the department has made a careful survey of conditions, and recommends this amendment in the strongest language. People in the State of my colleague and myself necessarily travel immense distances to transact their business with the land office. Oil has been discovered in the southeastern part of the State, where much Government land is situated. Under the present situation many persons interested have to travel to the office situated at Las Cruces, which is a distance in some cases of I should say 200 to 250 miles. The department recommends a restoration of the office formerly located at Roswell. My colleague so informed me to-day. This is my colleague's amendment. I offered it during his absence.

Mr. WALSH of Montana. Mr. President, if I may say a word——

The PRESIDENT pro tempore. The Senator from Montana.

Mr. WALSH of Montana. I agree with the statement of the Secretary of the Interior that the expense of administration of these lands can be reduced by the abolition of these offices. That is true enough; but the effect is to turn over the cost and expense of it to the homesteader who takes up the land, instead of its being borne by the General Government. That is the operation of this thing. As a matter of fact, it does not save one dollar to anybody.

Mr. NORBECK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from South Dakota?

Mr. WALSH of Montana. I do.

Mr. NORBECK. I call the attention of the Senator from Montana to the fact that some of these offices were self-supporting and putting a revenue in the Treasury, when they were abolished.

Mr. WALSH of Montana. Undoubtedly.

The PRESIDENT pro tempore. Does the Senator from Washington maintain his objection?

Mr. JONES. Mr. President, I recognize the situation in Montana. I doubt the wisdom of establishing six offices there, especially in view of the experience in the State of Washington; but I know that the Senator knows the condition there even better than I do, and I know that he would not ask for the establishment of these offices if he did not think it was for the benefit of the settlers.

Mr. WALSH of Montana. We have abolished four now.

Mr. JONES. Yes; I know. Six is quite a good many. I will withdraw my objection under the circumstances, though I doubt the wisdom of it very much.

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

Mr. KING. Mr. President, if we are going to have an additional number added to this bill, I shall object to its being considered.

Mr. STEIWER. Mr. President, will the Senator yield? I desire to offer an amendment.

Mr. METCALF. I object to the consideration of the bill.

The PRESIDENT pro tempore. The bill will be passed over. The amendment proposed by the Senator from Oregon will be received, printed, and lie on the table.

HOWARD UNIVERSITY

Mr. BLEASE. Mr. President, in connection with Order of Business 680, House bill 279, I ask unanimous consent to insert in the RECORD the minority views of the House Committee in reference to this bill. In addition thereto, I should like to call attention to Claflin College at Orangeburg, Allen University, and Benedict College at Columbia, and South Carolina State Normal, Industrial and Agricultural College, all of the State of South Carolina; and I object to the consideration of the bill.

The PRESIDENT pro tempore. Without objection, the minority views of the House committee will be printed in the RECORD.

The matter referred to is as follows:

MINORITY VIEWS

The one object of this bill is to give authority of law by which the Congress may continue to appropriate money from the Federal Treasury for the purpose of improving and maintaining Howard University for negroes, in the city of Washington.

THE SITUATION, PAST AND PRESENT

For nearly a half century the Congress has been annually appropriating to this institution in amounts ranging from $10,000 to more than $500,000. These appropriations have been pure gratuities. Howard is in no sense a Government institution. Again, all these appropriations have been illegal for the reason that no law authorizing them has ever been passed. In committee hearings January 27, 1926, Mr. CRAMTON, of Michigan, says, "We are not authorized to report items of appropriations that are not authorized by law." There is

no need, however, for any argument to prove that all the $5,000,000 which the Congress has in the past years appropriated to this institution has been appropriated illegally. The present bill is an admission of that fact. Furthermore, when a point of order has been made against this item in the Interior Department appropriation bill, the Chairman has always sustained the point, and no proponent of the bill has ever questioned his decision.

THE QUESTION NOW INVOLVED

This bill simply proposes that we now legalize this policy which has been pursued regardless of law for so many years. Thus we would fasten this university upon the Federal Government for permanent support, and establish finally the governmental policy of sustaining one university for one race by Federal funds, while the hundreds and thousands of schools for that race and all other races are left to State, county, or municipal support, or to private philanthropy. Such a policy is unfair, unwise, and unjust. There are many other large colleges or universities for the education of the Negro race—Tuskegee of Alabama, Hampton of Virginia, Wilberforce of Ohio, Fiske of Tennessee, Southern and Straight of Louisiana, Clark and Spellman of Georgia, and many others. These are meeting the demands for the education of the Negro race in pretty well all sections of the country and are supported without Federal aid. Is it right that the friends and constituents of these institutions should now be taxed for the Federal funds to constantly enlarge and maintain this one university for one race in one locality? It is not a question of negro education, nor a question of the needs of education in any way. It is the question of permanently establishing this unsound paternalistic governmental policy.

THE NEED DOES NOT JUSTIFY IT

Throughout the North most of the colleges are open to students of both races. In the South every State maintains one or more institutions for higher education of negroes, and every State has a number of negro colleges maintained by church or private philanthropy. A Washington newspaper has just published a statement that there are 500 institutions for negro education above the high-school grades. In almost every Southern State there comes nearer being college room for all the negro pupils that are really prepared to enter college than for all of the white pupils that are thus prepared.

THE INCREASING DEMANDS OF HOWARD

In the committee hearings on January 27, 1926, Doctor Scott, secretary and treasurer of Howard, said:

"In addition to the $197,500 authorized by the last Congress for a gymnasium, armory, and athletic field, other dormitories for young men and young women must be provided to meet the needs of the rapidly growing student body. Adequate buildings must also be erected for schools of medicine, law, and religion. There is need for an administration building, so that the space now occupied by these offices may be released for classrooms for the collegiate department."

In the same hearings Doctor Durkee, then president of Howard, speaks of the $370,000 appropriated by Congress for a new medical building. Meantime we have been called on for $150,000 for a new dormitory, and the pending Interior bill calls for $180,000 for a new chemistry building. From the above quotation from Doctor Scott it would seem that these demands for new buildings are to continue and doubtless to enlarge indefinitely. The question now before the Congress is, Shall we by passing this bill commit the Government permanently to this program?

Are we to go on for ever appropriating Federal funds for the erection of new and costly buildings to meet the growing demands of this institution? No doubt it is fine for Howard to have all these good buildings and some $200,000 more each year for running expenses. Yet almost every Member of the Congress has in his own State or district some struggling college which is just as much in need of funds and buildings. Many a struggling college in our own districts, dependent on church or private philanthropy, would feel greatly enriched to receive just one gift as large as one of the annual amounts that this Congress is asked to give to Howard University. The demand of Howard for this year is $390,000. Hardly a Member of the House but can think of some worthy struggling college back in his home State that would be relieved of an unspeakable burden, and immensely promoted in usefulness by one gift of that amount. Then shall we go on from year to year making these large donations to one university for negroes in the city of Washington while the constituents of our home schools pay the taxes and struggle on in poverty with their own institutions? Some Members of this House have expressed a hesitancy as to their vote on this bill because of the answer they may have to make to their negro voters back home. It might be well for some to consider the answer to be made to their white constituents who are struggling so hard to maintain institutions for the education of their own young people.

The plea is made that Howard is a necessity for the purpose of preparing physicians, dentists, etc., for the service of the Negro race. In a very large part of the South that is not a necessity, because the white physicians and dentists do practice for the negroes, and the negroes seem to prefer them. But finally, if Howard must be supported for any reason, we submit that it should be done with District funds, just as other cities all over the Nation give large funds for great institutions of learning because of the advantages material and otherwise which such an institution brings to the town in which it is located.

B. G. LOWREY,
M. C. TARVER,
RENE L. DE ROUEN.

Mr. COPELAND. Mr. President, if the Senator will withhold his objection, I wish that the Senate might find it in its heart to pass this bill. We have been beating the devil around the stump for a long time with these appropriations for Howard University.

Here is an establishment which is dedicated to the purpose of educating colored students. Here is a place where they have the facilities for those who are seeking education to go, with their own people in it; and we have always found ways of making the appropriation. If this bill were to pass, we could then, in an orderly and proper way, without subterfuge, make the appropriations which we are bound to make anyway.

I wish the Senator might find it in his heart to consent to the passage of this bill.

Mr. BLEASE. Mr. President, if you will give the negro colleges in South Carolina the same amount of money I will agree to it. Otherwise I object.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. COPELAND. Mr. President, just a word. Has the Senator introduced a resolution or offered an amendment to the bill?

Mr. BLEASE. No; but when the bill comes up I am going to do it.

Mr. COPELAND. Let me suggest to the Senator that he present the amendment that he has in mind. I am not sure but that, so far as I am concerned, I should be glad to support the amendment.

Mr. BLEASE. Mr. President, I do not think there is a State in the American Union that has the same or better facilities for educating the colored people than South Carolina has. We pay a 3-mill constitutional tax for their free school education. Every man pays that tax. We have some of the very best colored institutions in this country.

One of them is maintained entirely by the State of South Carolina, with an appropriation of over $100,000 each year. If every State will do that there will be no necessity for the Government to have to pay for this institution. If you will give to the State colleges for colored people of my State what we are asked to give to this District of Columbia institution, I have no objection; but I shall never consent for my State to pay a 3-mill constitutional tax to educate these people, to which I do not object, and keep up these other institutions by State appropriations, and then sit here and vote to give away the money of my people to other States that do not do anything to try to help their colored people. We are educating ours. We are taking care of them, and we are keeping them in their places by that education.

As the Senator suggests, I will offer an amendment, and it will get two votes, probably—mine and his.

Mr. BINGHAM. Mr. President——

Mr. KING. I call for the regular order.

Mr. BLEASE. I object to the consideration of the bill.

The PRESIDENT pro tempore. The regular order is demanded. The bill will be passed over.

Mr. BINGHAM. I ask unanimous consent that Senate Report No. 672 may be printed as a part of the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The report (No. 672) submitted by Mr. COUZENS, from the Committee on Education and Labor, on April 2, 1928, is as follows:

(Report to accompany H. R. 279)

Your Committee on Education and Labor, to which was referred H. R. 279, a bill to amend section 8 of an act entitled "An act to incorporate the Howard University, in the District of Columbia," approved March 2, 1867, by authorizing Federal appropriations to aid in the construction, development, improvement, and maintenance of said university, having considered said bill reports favorably thereon with the recommendation that the bill do pass without amendment.

A bill similar to H. R. 279 was reported favorably by the Committee on Education and Labor in the last session of Congress.

Howard University was incorporated under the act of March 2, 1867. The first Federal appropriation for its aid was granted March 3, 1879. Since that date the Federal Government has made annual appropriations to assist the university. However, since the establishment of the Budget system items recommended by the Budget and approved by the Committee on Appropriations of the House have been subject to a point

of order and invariably have been stricken out on the ground that such appropriations are not authorized by existing law. This bill would relieve that situation. Even after the items are stricken out in the House the Senate invariably reinserted them in the bill and they were approved in conference.

The university has an attendance of about 2,000 students, who are required to pay tuition and provide their own living expenses. The university has been thoroughly investigated by the college rating board of the Maryland and Middle States district and is rated in class A.

BILLS PASSED OVER

The bill (H. R. 8298) authorizing acquisition of a site for the farmers' produce market, and for other purposes, was announced as next in order.

Mr. BRUCE. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 10885) to amend sections 23 and 24 of the general leasing act approved February 25, 1920 (41 Stat L., 437), was announced as next in order.

Mr. BRATTON. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

MAY GORDON RODES AND OTHERS

The bill (S. 126) for the relief of May Gordon Rodes and Sara Louise Rodes, heirs at law of Tyree Rodes, deceased, was announced as next in order.

Mr. KING. Let that go over.

Mr. SHORTRIDGE. Mr. President, I hope the Senator who objected to the immediate consideration of this bill will withhold his objection for one moment. It will be observed that it is in behalf of the widow and daughter of the deceased; and it was through his genius and his patented rights that our Government during the Great War was saved something over $17,000,000.

It is true that the testimony, as the record shows, claimed upon the one side that a just allowance would be on the basis of $1 per thousand of lumber sawed through or by the patented method of the deceased, whereas others testified that the value would be, perhaps, considerably less; wherefore the committee, which held long and patient hearings, reached the conclusion that instead of $141,000, as claimed according to one side of the controversy, the claim should be allowed for $35,750.

I am saying this in the hope that as between now and the coming on of this case again, Senators who have objected to it may read the report prepared by the subcommittee, written by the Senator from Oregon [Mr. STEIWER], and then agree that this just claim, as I think it is, should be recognized, and this bill passed.

The PRESIDENT pro tempore. The Secretary will state the next bill on the calendar.

BILLS, ETC., PASSED OVER

The bill (S. 2505) granting increase of pension under the general law to soldiers and sailors of the Regular Army and Navy, and their dependents, for disability incurred in service in line of duty, and authorizing that the records of the War and Navy Departments be accepted as to incurrence of a disability in service in line of duty, was announced as next in order.

Mr. NORBECK. Mr. President, I am not going to ask that this bill be taken up to-night, because it calls for quite a little explanation, and there are several changes to be made in it.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 25) to declare the 11th day of November, celebrated and known as Armistice Day, a legal holiday, was announced as next in order.

Mr. BRATTON. Let that go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The bill (S. 1729) extending the classified civil service to include postmasters of the third class, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

MEDICAL RELIEF TO RETIRED OFFICERS AND MEN OF COAST GUARD

The bill (H. R. 11022) to extend medical and hospital relief to retired officers and enlisted men of the United States Coast Guard was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. JONES. Who objected?

The PRESIDENT pro tempore. The junior Senator from Utah.

Mr. JONES. Will the Senator withhold his objection for just a moment?

Mr. KING. Yes.

Mr. JONES. I think if I read a brief extract from the report he will withdraw his objection.

The Secretary of the Treasury says this:

The officers and enlisted men of the Coast Guard while on active duty receive medical attention and hospitalization from the Public Health Service. However, as soon as an officer or enlisted man is retired from active duty, either because of physical disability in line of duty or incident to service, or after having served the Government faithfully and honorably for the greater portion of his life, the Public Health Service is at present without the necessary legislative authority to extend him, in his retired status, the facilities of the marine hospitals or outpatient offices under the jurisdiction of that service. The bill, if enacted into law, will permit the extension to these retired officers and enlisted men of a privilege to which they are justly entitled, a right analogous to that accorded to retired officers and enlisted men of the Navy at naval hospitals and dispensaries. There is a pressing need for this proposed legislation, and the department urges its passage as a meritorious measure.

I hope the Senator will withdraw his objection.

Mr. KING. I will state what has been my objection to this bill. It will be the opening wedge, as I see it, and give the same advantages to every employee of the Government. If the Coast Guard can be differentiated from all other employees of the Government and put in the same category with officers of the Army and the Navy and the Marines, there might be some excuse for it.

Mr. JONES. The Senator knows that when there is a war the Coast Guard goes into the Navy.

Mr. KING. That is true; yet I can see but little difference between the Coast Guard employees and those engaged in the Customs Service, because most of the work of the Coast Guard relates to the enforcement of prohibition or the prevention of smuggling. The activities are rather those of civil-service employees of the Government.

Mr. JONES. No; before the acts to which the Senator has referred were passed we had the Coast Guard, and its work was largely in rescuing people in danger, especially at sea. It is a very dangerous occupation. Now, under the law, when we get into war, it automatically goes into the Navy.

Mr. KING. Yes; I know that.

Mr. JONES. It seems to me the Senator will be justified in withholding his objection to this bill. It has passed the House and is very strongly recommended by the Secretary.

Mr. KING. Is there a unanimous report?

Mr. JONES. There is a unanimous report.

The PRESIDENT pro tempore. Does the Senator maintain his objection?

Mr. KING. I withdraw the objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment, on page 1, line 3, after the word "and," to insert the word "retired," so as to make the bill read:

Be it enacted, etc., That hereafter retired officers and retired enlisted men of the United States Coast Guard shall be entitled to medical treatment at marine hospitals and out-patient offices of the Public Health Service.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

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

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to extend medical and hospital relief to retired officers and retired enlisted men of the United States Coast Guard."

BILL PASSED OVER

The bill (S. 742) to provide for the establishment, operation, and maintenance of foreign trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

PUBLIC PRINTER AND DEPUTY PUBLIC PRINTER

The bill (H. R. 6669) fixing the salary of the Public Printer and of the Deputy Public Printer, was considered as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, etc., That from and after the passage of this act the salary of the Public Printer shall be $10,000 per annum and the salary of the Deputy Public Printer shall be $7,500 per annum.

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

CROMWELL L. BARSLEY

The bill (H. R. 6152) for the relief of Cromwell L. Barsley was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 2, line 2, to strike out the words, "be held to have accrued prior to the passage of this act," and to insert, "accrue or be allowed on account of the passage of this act," so as to make the bill read:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Cromwell L. Barsley, who was a member of Company D, Fifth Regiment United States Volunteers, and Thirty-fourth Regiment United States Volunteer Infantry, and Company D, Nineteenth Regiment Infantry, United States Army, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company I, Nineteenth Regiment Infantry, United States Army, on the 23d day of December, 1907: *Provided*, That no bounty, back pay, pension, or allowance shall accrue or be allowed on account of the passage of this act.

Mr. KING. Mr. President, I would like to have an explanation in regard to this bill.

The PRESIDENT pro tempore. The Senator reporting the bill is not at the present time in the Chamber.

Mr. KING. Let it be passed over temporarily.

The PRESIDENT pro tempore. The bill will go over.

Mr. STEPHENS rose.

Mr. REED of Pennsylvania. I hope the Senator from Utah will not object to the bill. Was the Senator from Mississippi about to make an explanation?

Mr. STEPHENS. I was about to respond to the Senator from Utah.

Mr. KING. Mr. President, I was just about to state that in the report of the major general with respect to this bill, really the report of the Secretary of War, I find that there was a court-martial in the case of this soldier, and he was dishonorably discharged from the service. If there are any reasons why he should be restored, I should be glad to withhold the objection.

Mr. REED of Pennsylvania. Mr. President, this soldier enlisted in 1899, and served loyally and faithfully in the Philippine campaign. He came back and reenlisted, and was sentenced to dishonorable discharge for the crime of stealing two turkeys.

Mr. STEPHENS. One turkey.

Mr. REED of Pennsylvania. I myself never stole two turkeys, but I do not believe that is an essentially heinous crime that ought to offset the service of one who served with distinction in actual hostilities. The committee was unanimous in its belief that the sentence of dishonorable discharge was too severe. Surely, after this delay, the Senate would not be going too far to recognize the honorable service and overlook that offense.

Mr. BRUCE. Mr. President, I think the Senator has overlooked one little circumstance connected with the action of the committee in this case. It is true that this bill was reported favorably by the committee, but it was reported with an amendment. The committee was willing, in other words, that the sentence of dishonorable discharge should be canceled, but the Senator from South Carolina [Mr. BLEASE], who is a member of the committee, informs me that the committee was unanimous in thinking that this soldier should not be allowed any back pay, pension, or pecuniary compensation of any sort.

The effect of the amendment is just that. In other words, the committee took the view that because of this soldier having been sentenced to imprisonment for nine months, and having been dishonorably discharged from the Army, as a matter of grace, as a matter of clemency, if his object is simply to have the record of his dishonorable discharge canceled, that should be done, but it was wholly unwilling that he should be allowed any back pay or any pension or any pecuniary compensation of any kind.

Mr. BORAH. Do I understand that the committee canceled the order of dishonorable discharge?

Mr. BRUCE. Yes; the bill does with this amendment.

Mr. BORAH. Did they find that the man was not amenable to punishment?

Mr. BRUCE. Oh, no. In view of his age, in view of the fact that he had been a soldier for some two years, and had been twice honorably discharged, the committee was willing, if the object of the man was really to establish his moral reputation, as well as it could be reestablished under the circumstances, that the bill should effect a cancellation of the sentence of discharge; but they thought that the man having been formally convicted of theft by a court-martial, and having been sentenced to imprisonment for nine months, and having served a term of imprisonment of six months, and having been dishonorably discharged from the Army, he should not be placed upon the same footing as an irreproachable soldier.

Mr. BORAH. If I had my way about it, I would give him his money.

Mr. BRUCE. That may be, but while the Senator——

Mr. SWANSON. I call for the regular order. This case was discussed for half an hour at the last call of the calendar.

Mr. BRUCE. I agree entirely with the committee. I am perfectly willing that this sentence of dishonorable discharge should be canceled, if that will afford any relief.

The PRESIDENT pro tempore. The Senator from Virginia demands the regular order, which is the amendment proposed by the committee.

Mr. REED of Pennsylvania. Mr. President, the Senator from Virginia will not object to the bill passing as it stands?

Mr. SWANSON. I am not objecting to its passage. This bill was discussed for half an hour, and interrupted the calendar. We will have Thursday night for bills of this kind, bills which are to be debated, and I will not consent to this bill taking up this entire session when it ought to come up on Thursday. I call for the regular order.

The PRESIDENT pro tempore. The Senator from Virginia objects, and the bill will be passed over.

Mr. REED of Pennsylvania. If we will all agree to sit down without further discussion, will not the Senator withdraw his objection?

Mr. SWANSON. Yes.

The PRESIDENT pro tempore. The Senator from Virginia withdraws his objection on condition that no further discussion ensue. The question is on the committee amendment.

Mr. BRUCE. I simply ask——

The PRESIDENT pro tempore. The unanimous-consent agreement is violated, and the regular order will take place.

Mr. BLACK. May I make a request of the Senator from Virginia? Suppose we vote on this bill——

Mr. SWANSON. I have no objection to voting.

The PRESIDENT pro tempore. Just a moment. We are not going to enter into unanimous-consent agreements to do something, and then have them violated within the next 30 seconds, as long as the present occupant of the chair is in the chair.

Mr. SWANSON. I have no objection to voting. All I ask is the regular order. Let a Senator say whether he objects or does not object to the consideration of the bill.

Mr. BRUCE. I have no objection at all to the amendment being disposed of, and to the bill being brought to a vote.

The PRESIDENT pro tempore. When a bill comes up, a Senator is entitled to five minutes, if it comes up without objection.

Mr. SWANSON. I am willing to give the five minutes, but not an hour.

Mr. REED of Pennsylvania. Question!

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

Mr. NEELY. Mr. President, I inquire if this man's offense consisted only of stealing two turkeys; is that all?

Mr. REED of Pennsylvania. That is all.

Mr. NEELY. What is the personnel of the committee that decided that he should have been dishonorably discharged for stealing two turkeys?

Mr. REED of Pennsylvania. The committee did not decide it; the court-martial decided it. The committee is trying to give him a position on the records of the Army substantially equal to an honorable discharge. He deserves it for service in the Spanish War and the Philippine campaign, and we who now discuss it are in substance denying him that relief.

Mr. BRUCE. He was in the Army for only about two years. There is no evidence that he was a brave soldier and, as far as I know, no evidence that he was ever in action.

The PRESIDENT pro tempore. This time is being charged to the Senator from West Virginia.

Mr. NEELY. Mr. President——

Mr. CURTIS. I ask that the bill go over.

The PRESIDENT pro tempore. The bill will go over.

BILL PASSED OVER

The bill (S. 1995) placing certain employees of the Bureau of Prohibition in the classified civil service, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

NATIONAL GUARD STATE STAFF OFFICERS

The bill (H. R. 239) to amend section 110 of the national defense act by repealing and striking therefrom certain provisions prescribing additional qualifications for National Guard

State staff officers, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

Mr. REED of Pennsylvania. Mr. President, that bill has been agreed upon by the adjutants general of the National Guard. It simply puts the staff officers of the guard on the same basis as the staff officers of the Regular Army. It allows them the same privileges and fixes the same qualifications as are fixed for staff officers of the Regulars. I hope there will be no objection.

The PRESIDENT pro tempore. Does the Senator maintain his objection?

Mr. KING. I have no objection.

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

Be it enacted, etc., That the following provisions, to wit, "nor to any State, Territory, or District, or officer or enlisted man in the National Guard thereof, unless and until such State, Territory, or District provides by law that staff officers, including officers of the finance, inspection, quartermaster, and medical departments hereafter appointed shall have had previous military experience and shall hold their positions until they shall have reached the age of 64 years, unless retired prior to that time by reason of resignation, disability, or for causes to be determined by a court-martial legally convened for that purpose, and that vacancies among said officers shall be filled by appointment from the militia of such State, Territory, or District," contained in the last paragraph of section 110 of the national defense act as amended by the act approved September 22, 1922 (42 Stat. L. 1036), be, and the same are hereby, repealed and stricken therefrom, so that said paragraph when so amended will read as follows:

"Except as otherwise specifically provided herein no money appropriated under the provisions of this or the last preceding section shall be paid to any person not on the active list, nor to any person over 64 years of age, nor to any person who shall fail to qualify as to fitness for military service under such regulations as the Secretary of War shall prescribe."

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

PRACTICE OF HEALING IN THE DISTRICT OF COLUMBIA

The bill (S. 3936) to regulate the practice of the healing art to protect the public health in the District of Columbia, was announced as next in order.

SEVERAL SENATORS. Over.

Mr. COPELAND. Mr. President, may I ask who objected to this bill?

Mr. NORRIS. I thought the Senator from New York objected.

Mr. COPELAND. No; I did not object. Does anyone object?

The PRESIDENT pro tempore. The Chair thought some Senator objected.

Mr. KING. Mr. President, will not the Senator explain the bill?

Mr. COPELAND. This bill has occupied the attention of the committee on the District of Columbia for two years, and after great tribulation we have an agreement with all the various systems and cults of practice in this city. The bill provides that every applicant shall apply to a commission, and then go before a basic science committee for an examination in the fundamentals of medicine. Then, if qualified by that basic science committee, the applicant goes before a committee of his own school of practice; and then, if he passes, he gets a license to practice in the District of Columbia.

Mr. CARAWAY. I would like to ask a question as to the nature of this examination by the basic science committee.

Mr. COPELAND. They examine in anatomy, bacteriology, chemistry—the fundamental subjects.

Mr. CARAWAY. If they want to practice the healing art, they must pass that examination whether they are going to be chiropractors or——

Mr. COPELAND. Yes.

Mr. CARAWAY. Are dentists included?

Mr. COPELAND. No; it relates only to practitioners of some branch of medicine.

Mr. CARAWAY. How about undertakers?

Mr. COPELAND. Undertakers are exempt.

Mr. CARAWAY. They ought not to be.

Mr. BRUCE. May I call the attention of the Senator from New York to the fact that I have offered two amendments to this bill relating to chiropractors? The chiropractors of Maryland and other States in the Union think that this bill prescribes no proper standard at all for the qualifications of chiropractic. The chiropractors in the city of Washington accept the bill as it stands; but, so far as I know, it is not the case with the members of that profession anywhere else in the United States. I have offered amendments calculated to create real standards of professional proficiency, and with those amendments I have no objection to the bill.

CROMWELL L. BARSLEY

Mr. BLACK. Mr. President, I endeavored a few moments ago to get the floor with reference to the bill of the young man who was charged with stealing the turkeys. I think it is not right that that bill should be further held up. This young man served between five and six years as an honorable soldier. He served in the Philippine Islands. He was arrested and charged with the crime of stealing two turkeys from his own company. If every soldier who ever stole a turkey had served nine months in prison and been dishonorably discharged, and had that held up against him for the remainder of his life, there would not be many of them left to serve in the Army.

Mr. REED of Pennsylvania. Mr. President——

Mr. BLACK. I yield.

Mr. REED of Pennsylvania. The Senator was a soldier himself, was he not?

Mr. BLACK. I was a soldier for about two years.

Mr. REED of Pennsylvania. Did the Senator ever know of a soldier who would not steal anything to eat when he was hungry?

Mr. BLACK. If he did not, he would be a very unusual soldier.

Mr. BRUCE. I have never had any conception that standards of conduct in the Army were so low.

Mr. NEELY addressed the Chair.

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

Mr. BLACK. I do not yield at all. This turkey matter has been a subject of talk here on this floor, and we have talked about it until one would think the man had committed burglary and grand larceny and murder and robbery and every other crime in the decalogue. As a matter of fact, I am opposed to the committee amendment, although I am a member of the committee. I do not believe that we should deprive this man, after all these years, of anything that might be coming to him in the way of pension or compensation. I think we ought to go back and take up this bill. I think if we do not, we ought to have some more discussion of it. Is it such an awful thing for a soldier to steal a turkey that we have to hold up our hands in holy horror for the remainder of his life—and stealing a turkey from his own company? It was probably just a question whether he would steal it or the company cook would steal it. It was a turkey that belonged to his own company, and here we take the time of the Senate from time to time and object and object to giving a man that which he ought to have when he served between five and six years honorably in the Army as a soldier, fought for this country, risked his life, and now we hold up this price of a turkey and say it is so great and that we have not time to pass on his case, and that we will not give him that which he ought to have after all these years have passed by.

Mr. BRUCE. Mr. President, I am perfectly willing——

The PRESIDENT pro tempore. The Senator from Maryland is now speaking on Calendar No. 768, to regulate the practice of the healing art in the District of Columbia.

Mr. BLACK. That is what I spoke on, Mr. President.

Mr. BRUCE. Mr. President, I want to say that the very mild view that the Senator from Alabama takes of theft reminds me of a thing that happened in my boyhood in southside, Virginia. A colored man came back from church, and somebody asked him what sort of a sermon had been delivered. He said, "A very good sermon, except a reference to chicken stealing brought a sort of coolness over the meeting." The Senator seems to take the same lenient view of theft that the old colored acquaintance of mine did.

Who is to be the judge of what constitutes crime on the part of a soldier, pray? To what tribunal is that question left by the law? It is left to the superior officers of the soldier.

In this case it was a court-martial, and that court-martial determined that under all the circumstances of the case, many of which, of course, can not well be brought to our attention, that soldier had been guilty of a heinous offense, and the sentence of the court-martial was that he should be imprisoned for nine months and that he should be dishonorably discharged from the Army. That was the result. No matter what effort may be made to belittle the importance of this offense, that was the conclusion reached by that court-martial in the deliberate discharge of its duty.

Mr. SHORTRIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator yield?

Mr. BRUCE. If the Senator is speaking on another bill, and not speaking in my time——

The PRESIDENT pro tempore. The Senator must be speaking in the time of the Senator from Maryland.

Mr. BRUCE. I am sorry, I can not yield.

The PRESIDENT pro tempore. The Senator from Maryland declines to yield.

Mr. BRUCE. I am compelled to decline to yield.

Mr. SHORTRIDGE. I want to ask a question.

The PRESIDENT pro tempore. The Senator from Maryland declines to yield.

Mr. BRUCE. There is no evidence, so far as I know, that the soldier had ever been in action.

Mr. SHORTRIDGE. I want to ask a question.

The PRESIDENT pro tempore. The Senator declines to yield.

Mr. BRUCE. There is no evidence that this soldier was a soldier of exemplary character in any respect. It is fair to infer that in all probability he had a very poor general reputation, because we can almost see that by reading between the lines. But, be that as it may, the fact was that the court-martial came to the conclusion that he had been guilty of theft, and that he had been guilty of theft under circumstances sufficiently heinous to justify them in sentencing him to prison for nine months and having him discharged dishonorably from the Army.

The PRESIDENT pro tempore. The time of the Senator from Maryland has expired.

Mr. STEPHENS. Mr. President, I am not going to take much time. I merely desire to say——

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

Mr. STEPHENS. I yield.

Mr. SWANSON. I ask unanimous consent that next Thursday, when we meet for the consideration of contested bills, the first bill that shall be taken up promptly at 8 o'clock and disposed of by 8.20, granting 10 minutes to each side, shall be this turkey bill. [Laughter.] I ask unanimous consent for that purpose.

Mr. BRATTON and Mr. JONES. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. STEPHENS. Mr. President, I am going to say just a word or two.

Mr. CURTIS. Mr. President, will the Senator from Mississippi yield to me?

Mr. STEPHENS. I yield.

Mr. CURTIS. We have a unanimous-consent agreement to take up the calendar under Rule VIII Thursday night. When this bill is reached that night, if there is objection, a motion can be made to proceed to its consideration.

Mr. STEPHENS. Pardon me just a moment, anyway.

Mr. CURTIS. I do hope that Senators will let us complete the call of the calendar for unobjected bills to-night. If we put in all our time discussing one or two bills there will be no others passed. I think Senators ought to let the bill go over because there is objection to it.

Mr. STEPHENS. I am going to say just a word or two.

The PRESIDENT pro tempore. The Senator from Mississippi has the floor.

Mr. BRUCE. I object. If we are going to discuss the bill under Rule VIII Thursday night, I object to discussing it now.

The PRESIDENT pro tempore. The Senator from Mississippi has the floor in his own right and it can not be denied him.

Mr. STEPHENS. Mr. President, before I say what I rose to say, I desire to state in answer to the Senator from Kansas that I have been here five years and I have never objected to the consideration of any Senator's bill. I have not occupied much of the time of the Senate on private bills or other bills.

I rose to say, in answer to the Senator from Maryland [Mr. BRUCE], when he spoke of the character of that man, that if the Senator would go down to the city of Vicksburg, where that poor fellow, weak and feeble and almost unable to walk the streets of the city, now lives, he would find that the best people of that community are the friends of this man.

He would find that Cromwell L. Barsley stands as high in his own community as the Senator from Maryland does in his. I rose, Mr. President, merely to repudiate the statement or the charge or suggestion that this is a man of poor reputation, a man of bad character. I hope we will discuss the matter further at another time.

The PRESIDENT pro tempore. The bill goes over.

PRACTICE OF HEALING IN THE DISTRICT OF COLUMBIA

The PRESIDENT pro tempore. The clerk will restate Order of Business No. 768.

The CHIEF CLERK. A bill (S. 3936) to regulate the practice of the healing art to protect the public health in the District of Columbia.

Mr. DILL. Let the bill go over.

The PRESIDENT pro tempore. The bill will go over.

Mr. COPELAND. Mr. President, did I understand the Senator from Maryland [Mr. BRUCE] to object to the bill?

Mr. BRUCE. I have no objection if the amendment is adopted. So far as I know there is no objection to it.

Mr. DILL. I objected.

Mr. COPELAND. Will not the Senator let us consider it?

Mr. DILL. Not to-night.

The PRESIDENT pro tempore. The bill will be passed over.

BILLS PASSED OVER

The bill (S. 1215) for the relief of Helen F. Griffin was announced as next in order.

The PRESIDENT pro tempore. The bill was reported from the Committee on Claims adversely. Without objection the bill will be indefinitely postponed.

The bill (S. 1552) for the relief of Thomas J. Roff was announced as next in order.

The PRESIDENT pro tempore. The bill was reported from the Committee on Claims adversely. Without objection the bill will be indefinitely postponed.

Mr. McNARY. Mr. President, I regret to state to the Chair that I should like to have the bill (S. 1215) for the relief of Helen F. Griffin remain on the calendar for further consideration.

The PRESIDENT pro tempore. Without objection, the bill will remain on the calendar and will be passed over.

Mr. DENEEN. I make a similar request with respect to the bill (S. 1552) for the relief of Thomas J. Roff.

The PRESIDENT pro tempore. Without objection, the bill will remain on the calendar and will be passed over.

The bill (S. 2901) to amend the national prohibition act, as amended and supplemented, was announced as next in order.

Mr. BRUCE. Over.

The PRESIDENT pro tempore. The bill will be passed over.

LIABILITY IN BREACHES OF FIDUCIARY OBLIGATIONS

The bill (H. R. 6844) concerning liability for participation in breaches of fiduciary obligations and to make uniform the law with reference thereto was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the following provisions concerning liability for participation in breaches of fiduciary obligations, and to make uniform the law with reference thereto, shall be in force in the District of Columbia, namely:

"SECTION 1. Definition of terms: (1) In this act unless the context or subject matter otherwise requires:

"'Bank' includes any person or association of persons, whether incorporated or not, carrying on the business of banking.

"'Fiduciary' includes a trustee under any trust, expressed, implied, resulting or constructive, executor, administrator, guardian, conservator, curator, receiver, trustee in bankruptcy, assignee for the benefit of creditors, partner, agent, officer of a corporation, public or private, public officer, or any other person acting in a fiduciary capacity for any person, trust, or estate.

"'Person' includes a corporation, partnership, or other association, or two or more persons having a joint or common interest.

"'Principal' includes any person to whom a fiduciary as such owes an obligation.

"(2) A thing is done 'in good faith' within the meaning of this act when it is in fact done honestly, whether it be done negligently or not.

"SEC. 2. Application of payments made to fiduciaries: A person who in good faith pays or transfers to a fiduciary any money or other property which the fiduciary as such is authorized to receive, is not responsible for the proper application thereof by the fiduciary; and any right or title acquired from the fiduciary in consideration of such payment or transfer is not invalid in consequence of a misapplication by the fiduciary.

"SEC. 3. Registration of transfer of securities held by fiduciaries: If a fiduciary in whose name are registered any shares of stock, bonds, or other securities of any corporation, public or private, or company or other association or of any trust, transfers the same, such corporation or company or other association, or any of the managers of the trust, or its or their transfer agent, is not bound to inquire whether the fiduciary is committing a breach of his obligation as fiduciary in making the transfer, or to see to the performance of the fiduciary obligation, and is liable for registering such transfer only where registration of the transfer is made with actual knowledge that the fiduciary is committing a breach of his obligation as fiduciary in making the transfer, or with knowledge of such facts that the action in registering the transfer amounts to bad faith.

"SEC. 4. Transfer of negotiable instrument by fiduciary: If any negotiable instrument payable or indorsed to a fiduciary as such is indorsed by the fiduciary, or if any negotiable instrument payable or indorsed to his principal is indorsed by a fiduciary empowered to indorse such instrument on behalf of his principal, the indorsee is not bound to inquire whether the fiduciary is committing a breach of his obligation

as fiduciary in indorsing or delivering the instrument, and is not chargeable with notice that the fiduciary is committing a breach of his obligation as fiduciary unless he takes the instrument with actual knowledge of such breach or with knowledge of such facts that his action in taking the instrument amounts to bad faith. If, however, such instrument is transferred by the fiduciary in payment of or as security for a personal debt of the fiduciary to the actual knowledge of the creditor, or is transferred in any transaction known by the transferee to be for the personal benefit of the fiduciary, the creditor or other transferee is liable to the principal if the fiduciary in fact commits a breach of his obligation as fiduciary in transferring the instrument.

"SEC. 5. Check drawn by fiduciary payable to third person: If a check or other bill of exchange is drawn by a fiduciary as such, or in the name of his principal by a fiduciary empowered to draw such instrument in the name of his principal, the payee is not bound to inquire whether the fiduciary is committing a breach of his obligation as fiduciary in drawing or delivering the instrument, and is not chargeable with notice that the fiduciary is committing a breach of his obligation as fiduciary unless he takes the instrument with actual knowledge of such breach or with knowledge of such facts that his action in taking the instrument amounts to bad faith. If, however, such instrument is payable to a personal creditor of the fiduciary and delivered to the creditor in payment of or as security for a personal debt of the fiduciary to the actual knowledge of the creditor, or is drawn and delivered in any transaction known by the payee to be for the personal benefit of the fiduciary, the creditor or other payee is liable to the principal if the fiduciary in fact commits a breach of his obligation as fiduciary in drawing or delivering the instrument.

"SEC. 6. Check drawn by and payable to fiduciary: If a check or other bill of exchange is drawn by a fiduciary as such or in the name of his principal by a fiduciary empowered to draw such instrument in the name of his principal, payable to the fiduciary personally, or payable to a third person and by him transferred to the fiduciary, and is thereafter transferred by the fiduciary, whether in payment of a personal debt of the fiduciary or otherwise, the transferee is not bound to inquire whether the fiduciary is committing a breach of his obligation as fiduciary in transferring the instrument, and is not chargeable with notice that the fiduciary is committing a breach of his obligation as fiduciary unless he takes the instrument with actual knowledge of such breach or with knowledge of such facts that his action in taking the instrument amounts to bad faith.

"SEC. 7. Deposit in name of fiduciary as such: If a deposit is made in a bank to the credit of a fiduciary as such, the bank is authorized to pay the amount of the deposit or any part thereof upon the check of the fiduciary, signed with the name in which such deposit is entered, without being liable to the principal, unless the bank pays the check with actual knowledge that the fiduciary is committing a breach of his obligation as fiduciary in drawing the check or with knowledge of such facts that its action in paying the check amounts to bad faith. If, however, such a check is payable to the drawee bank and is delivered to it in payment of or as security for a personal debt of the fiduciary to it, the bank is liable to the principal if the fiduciary in fact commits a breach of his obligation as fiduciary in drawing or delivering the check.

"SEC. 8. Deposit in name of principal: If a check is drawn upon the account of his principal in a bank by a fiduciary who is empowered to draw checks upon his principal's account, the bank is authorized to pay such check without being liable to the principal, unless the bank pays the check with actual knowledge that the fiduciary is committing a breach of his obligation as fiduciary in drawing such check, or with knowledge of such facts that its action in paying the check amounts to bad faith. If, however, such a check is payable to the drawee bank and is delivered to it in payment of or as security for a personal debt of the fiduciary to it, the bank is liable to the principal if the fiduciary in fact commits a breach of his obligation as fiduciary in drawing or delivering the check.

"SEC. 9. Deposit in fiduciary's personal account: If a fiduciary makes a deposit in a bank to his personal credit of checks drawn by him upon an account in his own name as fiduciary, or of checks payable to him as fiduciary, or of checks drawn by him upon an account in the name of his principal if he is empowered to draw checks thereon, or of checks payable to his principal and indorsed by him, if he is empowered to indorse such checks, or if he otherwise makes a deposit of funds held by him as fiduciary, the bank receiving such deposit is not bound to inquire whether the fiduciary is committing thereby a breach of his obligation as fiduciary; and the bank is authorized to pay the amount of the deposit or any part thereof upon the personal check of the fiduciary without being liable to the principal, unless the bank receives the deposit or pays the check with actual knowledge that the fiduciary is committing a breach of his obligation as fiduciary in making such deposit or in drawing such check, or with knowledge of such facts that its action in receiving the deposit or paying the check amounts to bad faith.

"SEC. 10. Deposit in names of two or more trustees: When a deposit is made in a bank in the name of two or more persons as trustees and a check is drawn upon the trust account by any trustee or trustees authorized by the other trustee or trustees to draw checks upon the trust account, neither the payee nor other holder nor the bank is bound to inquire whether it is a breach of trust to authorize such trustee or trustees to draw checks upon the trust account, and is not liable unless the circumstances be such that the action of the payee or other holder or the bank amounts to bad faith.

"SEC. 11. Act not retroactive: The provisions of this act shall not apply to transactions taking place prior to the time when it takes effect.

"SEC. 12. Cases not provided for in act: In any case not provided for in this act the rules of law and equity, including the law merchant and those rules of law and equity relating to trusts, agency, negotiable instruments, and banking, shall continue to apply.

"SEC. 13. Uniformity of interpretation: This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those States which enact it.

"SEC. 14. Short title: This act may be cited as the uniform fiduciaries act.

"SEC. 15. Inconsistent laws repealed: All acts or parts of acts inconsistent with this act are hereby repealed.

"SEC. 16. Time of taking effect: This act shall take effect upon the date of its passage."

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

PAYMENT OF BANK DEPOSITS, DISTRICT OF COLUMBIA

The bill (H. R. 6856) relating to the payment or delivery by banks or other persons or institutions in the District of Columbia of deposits of money and property held in the names of two or more persons, and for other purposes, was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That when a deposit shall have been made or shall hereafter be made in, or any collection item shall have been placed or shall hereafter be placed with, any bank, trust company, savings bank, building association, or other banking institution including national banks, transacting business in the District of Columbia, or when any shares of stock shall have been issued or shall hereafter be issued by any building association, transacting business in the District of Columbia, in the names of two or more persons, including husband and wife, payable to either, or payable to either or the survivor or survivors, such deposit, or in any part thereof, or any interest or dividend thereon, and such collection item or its proceeds, or any interest or dividend thereon, or such shares of stock issued by a building association or any interest or dividend thereon, may be paid or delivered to either of said persons whether the other or others be living or not; and the receipt or acquittance of the person to whom such payment or delivery is made shall be a valid, sufficient, and complete release and discharge of the bank, trust company, savings bank, building association, or other banking institution, including national banks, for any payment or delivery so made.

SEC. 2. That when a safety deposit box or vault shall have been hired or shall hereafter be hired from any bank, trust company, savings bank, building association, or other banking institution, including national banks, or any other corporation, transacting business in the District of Columbia, in the names of two or more persons, including husband and wife, with the right of access being given to either, or with access to either or the survivor or survivors of said persons, or property is held for safe-keeping by any such bank, trust company, savings bank, building association or other corporation or banking institution, including national banks, for two or more persons, including husband and wife, with the right of delivery being given to either, or with the right of delivery to either or the survivor or survivors of said persons, any one or more of such persons, whether the other or others be living or not, shall have the right of access to such safety deposit box or vault and to remove the contents thereof, or any part of such contents, or to have delivered to him or them, the property so held for safe-keeping, or any part thereof, and in case of such removal or delivery the said bank, trust company, savings bank, building association, or other corporation or banking institution, including national banks, shall be exempt from any liability for permitting such access or removal or for the delivery to such person or persons.

SEC. 3. Whenever a writ of attachment shall be served on any bank, trust company, savings bank, or other banking institution, including national banks, or on any other corporation, association, or person as garnishee, and such garnishee holds a credit or property for two or more persons, including the person whose credit or property is sought to be attached, or holds a credit or property for any person as agent or trustee or in any other representative capacity without designation of the principal or beneficiary, such credit or property shall not be subject to withdrawal by any person, but shall be held by the garnishee until the attachment shall have been dismissed or otherwise disposed of by the court. If the credit or property is condemned, payment or delivery thereof as ordered by the court shall be a complete discharge of the garnished from all liability to any person in respect of said credit or property. The provisions of this section shall not be construed to apply to a credit or property of a partnership.

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

SURVEY FOR NICARAGUAN CANAL

The joint resolution (S. J. Res. 117) authorizing an investigation and survey for a Nicaraguan canal was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

Mr. EDGE. Mr. President, will the Senator withhold his objection just a moment? I want to make a brief statement.

Mr. KING. I am familiar with it, and I am opposed to the proposition entirely.

Mr. LA FOLLETTE. Regular order!

The PRESIDENT pro tempore. The regular order is demanded.

Mr. EDGE. I still think the Senator should be courteous enough to allow me to make a statement.

The PRESIDENT pro tempore. The Senator from New Jersey is speaking on the next bill, Calendar 791, Senate bill 2097, the regular order having been demanded.

Mr. EDGE. I am not averse to speaking on it if I am allowed to make the statement which I would like to make.

Calendar 785, Senate Joint Resolution 117, is a joint resolution which, in my judgment, is very important and should be disposed of at this session. It does not commit the Government to any constructive engineering work in the slightest degree. It simply provides for the accumulation of information which must necessarily be accumulated either this year or next year or some other year before we can consider what is definitely known to be a proposition we must consider, to wit, the enlargement of the Panama Canal or the building of another canal.

Just why any Member of the Senate or Congress would object to securing the information, which is absolutely essential, is beyond my understanding. We are not committing ourselves to the building of any canal. We are simply endeavoring to find out what is necessary from an engineering standpoint if we meet the commercial obligation which the enlarged business of the Panama Canal suggests we must meet.

It is information that sooner or later we must procure. Just why we should not permit the engineering board of the War Department to attempt to bring down to date a survey which was made some 25 years ago, and give us the information necessary to decide as business men whether we will enlarge the Panama Canal or whether we will build another canal, I repeat, is beyond my understanding.

I can not understand why we should be denied that information. We must get it and can get it in only one way, and that is to investigate. We do not commit ourselves to a single constructive act. We simply say to the War Department, "Use your Corps of Engineers, investigate the Panama Canal, investigate the possibility of a Nicaraguan canal for which we have spent $3,000,000 to have the privilege of using if we want it, and report back to Congress whether either of them is advisable from a professional engineering standpoint." That is all the resolution provides. I can not understand why Congress would not want to get the information. We can not get it in any other possible manner.

I wish to announce that on Thursday night I shall move to bring this measure before the Senate for consideration.

Mr. McKELLAR. Mr. President, may I ask the Senator from New Jersey a question?

Mr. EDGE. Certainly.

Mr. McKELLAR. I will not be here Thursday night. I am leaving the city to-night. As I understand it, the Senator is willing to present my amendments and accept them so far as he can.

Mr. EDGE. I am entirely prepared to accept the amendments which have been presented by the Senator from Tennessee, which add to the resolution the authority that the President may negotiate with the countries of Costa Rica, Honduras, and Salvador in order to provide, if necessary, for certain private rights in order that if Congress decides to build a canal it can be done, and if Congress desires to do it we will then be in possession of the necessary information.

The PRESIDENT pro tempore. The time of the Senator from New Jersey has expired.

The bill (S. 2097) to provide for the protection of municipal watersheds within the national forests was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. BLAINE. Mr. President, I desire to ask the Senator from New Jersey a question.

Mr. EDGE. I shall be glad to answer if I may be permitted to do so.

The PRESIDENT pro tempore. It is in the time of the Senator from Wisconsin.

Mr. BLAINE. I shall ask the question, and then grant the Senator from New Jersey the balance of my time in which to answer.

Mr. EDGE. I thank the Senator from Wisconsin.

Mr. BLAINE. How many additional marines will it be necessary to send to Nicaragua to protect the Americans who go down there to make the survey?

Mr. EDGE. I am very glad to have the three and one-half minutes to answer that question, if I may be permitted to do so without being called to order.

In my judgment, if the Government of the United States takes advantage of the Bryan-Chamorro treaty, for which we paid $3,000,000 in order to have a right of way across Nicaragua, and proceed in a businesslike way to get the information necessary, to ascertain whether the construction of a canal is feasible, is practical, or is advisable, it will be a type of diplomacy that perhaps will result very similarly to the type of diplomacy resulting when we constructed or completed the construction of the Panama Canal.

We have not had any difficulty with Colombia or Panama since we started and completed the Panama Canal. We seem to have a community of understanding and interest with Colombia and Panama. If we consider the construction, which is all the resolution contemplates, or the possibility of building a Nicaraguan canal, with Costa Rica, Honduras, and Salvador all interested in it and all interested in having it done, in my judgment, we will find a type of common sense and practical diplomacy which will solve a great many of our political problems that we have been worrying about a great deal here in the last few weeks.

Mr. BLAINE. I desire to ask the Senator from New Jersey to give me back, out of the time which I gave him, sufficient time to ask him another question.

Mr. EDGE. I am glad to do so.

Mr. BLAINE. I assume the statement the Senator has just made is correct, that if the proper kind of diplomacy were employed in Nicaragua there would be no necessity for sending marines.

Mr. EDGE. I am not discussing the marines. I am discussing a practical, common sense, commercial proposition. We will find the situation in a very few years to be that the Panama Canal will not take care of our commerce and traffic. We must either increase the facilities of the Panama Canal or build another canal, which in ordinary common sense is a pretty good thing to do anyway.

The PRESIDENT pro tempore. The time of the Senator from Wisconsin has expired.

Mr. EDGE. I would like to have another Senator give me a moment. Will the Senator from Tennessee ask me a question and give me a moment?

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

The PRESIDENT pro tempore. The regular order is demanded. The clerk will state the next bill on the calendar.

BILLS PASSED OVER

The bill (S. 3458) to create the reserve division of the War Department, and for other purposes, was announced as next in order.

Mr. LA FOLLETTE. Over.

Mr. REED of Pennsylvania. Mr. President, the objections that have been made to the bill come from the inclusion of the reserve officers' training corps and citizens' military training camps.

Mr. LA FOLLETTE. I ask that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1624) to authorize the payment of additional compensation to the assistants to the engineer commissioner of the District of Columbia was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1625) to fix the salaries of the members of the Board of Commissioners of the District of Columbia was announced as next in order.

Mr. KING. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1945) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes, approved July 11, 1916, and for other purposes," was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3554) to authorize the Public Health Service and the National Academy of Sciences to investigate the means and methods for afffording Federal aid in discovering a cure for cancer, and for other purposes, was announced as next in order.

Mr. CURTIS. The Senator from Utah [Mr. SMOOT] asked me to request that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

UPPER MISSISSIPPI GAME REFUGE

The joint resolution (H. J. Res. 200) to amend section 10 of the act entitled "An act to establish the upper Mississippi River wild life and fish refuge," approved June 7, 1924, was announced as next in order.

Mr. BLAINE. Mr. President, I desire to offer an amendment. I will ask that the amendment be read.

The PRESIDENT pro tempore. The amendment will be reported.

The CHIEF CLERK. Amend by adding a new paragraph on page 2, after line 3, as follows:

Provided, however, That the Secretary of Agriculture shall not grant any exclusive privilege to any person for the trapping or taking of fur-bearing animals on any of the land purchased hereunder, nor shall he grant any privilege of trapping or taking of fur-bearing animals until the person to whom such privilege is granted shall first have complied with the laws relating to trapping of the State wherein the land is situated.

Mr. NORBECK. Mr. President, I hope the Senator will not press the amendment, not that there is anything wrong with it. I have had a letter from the Agricultural Department, to whom the amendment was referred, in which they state it is in line with their policy. But I am hopeful the amendment will not be agreed to, because the bill has to go back to the House, and I do not think they will take it in any other form than that in which they sent it here. I have not the letter with me; but if the Senator will withdraw the amendment, I will have the letter printed in the RECORD to-morrow.

Mr. BLAINE. I understand the Senator from South Dakota to say that the Department of Agriculture states in the letter to which he refers that the department has no objection to the policy proposed by the amendment, and that in the future the department will adhere to the policy proposed by the amendment, but that the department fears that if the amendment is pressed at this time and adopted, the Senate amendment going to the House for concurrence might defeat the legislation, and that it becomes important to them to have the additional right, as conferred by the measure under consideration, in order to increase the acreage of the Mississippi River wild life and fish refuges. I appreciate that such a letter has not the effect of law, but I assume and believe the department will in good faith hereafter refrain from issuing special privileges to special individuals. If the Senator will insert the letter in the RECORD, I wish it might be placed immediately following the discussion on the amendment which I have offered, so that there will be a continuity as to the bill, the amendment, and my remarks for future reference. Under those circumstances I shall be glad to comply with the request of the Senator from South Dakota.

The PRESIDENT pro tempore. The Senator from Wisconsin withdraws his amendment, and without objection the joint resolution will be placed on its passage.

The joint resolution was considered as in Committee of the Whole, and was read, as follows:

Resolved, etc., That section 10 of the act entitled "An act to establish the upper Mississippi River wild life and fish refuge," approved June 7, 1924 (43 Stat. L. 650), as amended by joint resolution of March 4, 1925 (43 Stat. L. 1354), be, and the same is hereby, amended by substituting in lieu of the proviso therein contained the following: *Provided,* That the Secretary of Agriculture shall not pay for any land or land and water a price which shall exceed an average cost of $10 per acre: *Provided further,* That this provision shall not apply to any land or land and water heretofore acquired or contracted for under the provisions of this act."

Mr. NORBECK. I ask to have printed in the RECORD a letter from Secretary Jardine in support of the joint resolution.

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

DEPARTMENT OF AGRICULTURE,
Washington, D. C., May 7, 1928.

Hon. PETER NORBECK,
United States Senate.

DEAR SENATOR: Reference is made to your letter of May 4, transmitting copy of Senator BLAINE'S proposed amendment to H. J. Res. 200, amending section 10 of the act entitled "An act to establish the upper Mississippi River wild life and fish refuge," approved June 7, 1924. Senator BLAINE'S amendment, proposed as a new paragraph, page 2, after line 3, is understood to read as follows:

"*Provided, however,* That the Secretary of Agriculture shall not grant any exclusive privilege to any person for the trapping or taking of fur-bearing animals on any of the land purchased hereunder, nor shall he grant any privilege of trapping or taking of fur-bearing animals until the person to whom such privilege is granted shall first have complied with the laws relating to trapping of the State wherein the land is situated."

We have no objection to this amendment in itself, as it contains nothing whatever that counters with what will be our policy in the administration of the upper Mississippi River wild life and fish refuge, but would appreciate it if the Senator would not press his amendment, as it would mean that the resolution would have to be referred back to the House and there might be some delay that would prevent favorable action on the resolution so near the end of the session, and it is extremely urgent that this resolution be approved by the Congress in order to enable us to proceed advantageously with our land-acquisition program.

You are, I think, already familiar with the reasons why it is so urgent that the average price limit be raised from $5 to $10 per acre. We have now reached the point in our purchase work where, unless the average limit is raised, our purchase work must practically come to an end, as the most of the lands within the lower-priced ranges have been purchased or are under purchase agreement.

Sincerely,

W. M. JARDINE, *Secretary.*

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

LATIN-AMERICAN HIGHWAY MATTERS

The bill (S. 1718) to authorize the President to detail engineers of the Bureau of Public Roads of the Department of Agriculture to assist the governments of the Latin-American Republics in highway matters, was announced as next in order.

Mr. KING. Mr. President, I would like to have an explanation of the bill.

Mr. CURTIS. The Senator from Colorado [Mr. PHIPPS] asked me to request that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

J. C. PEIXOTTO

The bill (S. 1433) for the relief of J. C. Peixotto was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission shall be, and it is hereby, authorized and directed to waive the statute of limitations in the application filed by J. C. Peixotto, a former employee in the medical and utilities division of the War Department at Fort McPherson, Ga., the provision of 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, in order that he may receive the same consideration as though he had applied within the specified time required by law.

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

MARKETING OF PERISHABLE AGRICULTURAL PRODUCTS

The bill (S. 1294) to suppress unfair and fraudulent practices in the marketing of perishable agricultural commodities in interstate and foreign commerce was announced as next in order.

Mr. COPELAND. Mr. President, I am sorry to object to this bill, I will say to the Senator from Idaho [Mr. BORAH], but a number of my constituents are not in sympathy with the bill and I want to find out what is the ground of their objection. I do not intend to be disagreeable about it and keep it forever from being considered, but I would like to have it go over until I can do that.

Mr. BORAH. Mr. President, I simply desire to say that the amendments which have been proposed by those who are not favorable to the bill as it stands are now in process of being agreed upon and I presume we will make time by permitting the bill to go over.

The PRESIDENT pro tempore. The bill will be passed over.

BILLS PASSED OVER

The bill (S. 1762) granting consent to the city and county of San Francisco, State of California, its successors and assigns, to construct, maintain, and operate a bridge across the Bay of San Francisco from Rincon Hill to a point near the South

Mole of San Antonio Estuary, in the county of Alameda, in said State, was announced as next in order.

Mr. ODDIE. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 391) to regulate the use of the Capitol Building and Grounds was announced as next in order.

Mr. DILL. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

LAKE CHAMPLAIN BRIDGE

The bill (H. R. 10643) authorizing the Gulf Coast Properties (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across Lake Champlain at or near Rouses Point, N. Y., was announced as next in order.

Mr. DALE. Mr. President, I should like to call the attention of the Senator from New York to this bill. There are some matters connected with it that were under consideration.

Mr. WAGNER. Mr. President, is this the so-called bridge bill?

Mr. DALE. Yes.

Mr. WAGNER. I am quite content to be recorded in the negative, without offering any further opposition.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

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

PENSIONS AND INCREASE OF PENSIONS

The bill (H. R. 10159) granting pensions and increase of pensions to widows and former widows of certain soldiers, sailors, and marines of the Civil War, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

Mr. KING. Mr. President, may I inquire of the Senator from South Dakota whether this is a House bill or a Senate bill?

Mr. NORBECK. This is the House bill. It passed the House carrying a rate of $40 a month, made no change in the marriage date, but limited it to those who had reached the age of 75 years.

Mr. KING. Very well.

The PRESIDENT pro tempore. The amendments proposed by the committee will be stated.

The first amendment of the Committee on Pensions was, on page 2, line 1, before the word "years," to strike out "75" and insert "72."

The amendment was agreed to.

The next amendment was, on page 2, line 5, after the words "rate of," to strike out "$40" and insert "$50."

Mr. NORBECK. Mr. President, the Senator from Utah and I have an agreement that the rate of $50 will be cut to $40, to conform to the House bill. I therefore suggest that that amendment be rejected.

The amendment was rejected.

The next amendments were, on page 2, line 12, before the word "month," to strike out "next," and in the same line, after the word "month," to insert "next."

The amendments were agreed to.

Mr. JONES. Mr. President, may I ask the Senator a question? Did the committee give consideration to the proposal to change the marriage date?

Mr. NORBECK. Yes. I will say that the present marriage date is approximately 40 years after the close of the war. For 20 years or 23 years the question of changing the date has been before the committee regularly; and every committee, as far as I know, has held consistently to the idea that it should not be changed. There are bills introduced at every session to bring it up to date. It has been contended by some that a woman who married a soldier 60 years after the war ended should be given a pension of $50 a month; but the committee does not agree to that.

Mr. JONES. That is not the contention generally. Of course, these widows might desire a pension of $50 a month, but there are mighty few of them who get it under the law as it is now. It is contended by many, however, that those who marry a soldier who may be 75 or 80 years of age—that happens sometimes, and I think very properly—to take care of him, to look after him, are entitled to some consideration. I wanted to find out whether or not the committee had given that proposition careful consideration, and had come to the conclusion not to make the change.

Mr. NORBECK. I think the committee was unanimous against those changes.

Mr. BLEASE. Mr. President, I should like to ask the Senator a question. The senior Senator from Utah [Mr. SMOOT] stated on the floor of the Senate the other day that the widow of one of the Presidents of the United States was not paid any pension because she married him after he was President of the United States. Are we paying pensions to widows of soldiers who married these soldiers after the war?

Mr. NORBECK. Yes; but we are holding down the limit.

Mr. BLEASE. Then I object to the bill, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. NORBECK. I desire to give notice of my intention to move to take up this bill on Thursday evening.

BILLS PASSED OVER

The bill (S. 2475) to create a prosperity reserve and to stabilize industry and employment by the expansion of public works during periods of unemployment and industrial depression was announced as next in order.

Mr. KING. Mr. President, that bill will take some time.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3845) to prohibit predictions with respect to cotton or grain prices in any report, bulletin, or other publication issued by any department or other establishment in the executive branch of the Government, was announced as next in order.

Mr. SHORTRIDGE. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 11074) to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

EMPLOYMENT OF MINORS WITHIN THE DISTRICT OF COLUMBIA

The bill (H. R. 6685) to regulate the employment of minors within the District of Columbia was announced as next in order.

Mr. FLETCHER. Let that go over.

Mr. CAPPER. Mr. President, was objection raised to House bill 6685?

Mr. KING. Yes; the Senator from Florida [Mr. FLETCHER] objected.

Mr. CAPPER. I wish the Senator would withhold his objection until I can state, just in a minute or two, that there is no measure on this calendar affecting the District of Columbia for which there is more universal support than this measure, known as the child labor bill. Every civic organization in the city, the District Commissioners, the Board of Public Welfare, the Board of Education, the Central Labor Union, all the commercial and trade organizations in the city, were represented at the hearing before the Committee on the District of Columbia, and urged the passage of this measure.

The present child labor law is much below the standards of all the States. It was passed over 20 years ago. In that time there have been very great changes in the child-labor legislation of the country, and the District of Columbia is out of line with the progressive legislation of all the States.

I hope, therefore, that the Senator who offered the objection will withdraw it.

The PRESIDENT pro tempore. Does the Senator from Florida maintain his objection?

Mr. FLETCHER. I do, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. FLETCHER. I should like an opportunity to look into the bill. My understanding was that we had a very good child labor law in the District of Columbia.

Mr. CAPPER. We have not, Mr. President.

Mr. McNARY. I call for the regular order.

The PRESIDENT pro tempore. The regular order is demanded. The Secretary will state the next bill on the calendar.

BILLS PASSED OVER

The bill (S. 814) to rearrange and reconstruct the Senate wing of the Capitol was announced as next in order.

Mr. COPELAND. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3089) to increase the efficiency of the Military Establishment, and for other purposes, was announced as next in order.

Mr. REED of Pennsylvania. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

WILLIAM H. CHAMBLISS

The bill (S. 2274) for the relief of William H. Chambliss was announced as next in order.

Mr. KING. Let that go over.

Mr. EDGE. Mr. President, will not the Senator withhold his objection for a moment?

Mr. KING. I will withhold it.

Mr. EDGE. This is the first time this bill has been reached. The Senator from Alabama [Mr. BLACK] is the chairman of

the subcommittee of the Claims Committee which considered it. The bill is simply proposing a compromise settlement for a captain in the merchant marine who unquestionably, and without any voice raised against his claim, is entitled to payment for having been held up by the Shipping Board for 10 or 12 years with his license to act as a master or captain, and not being permitted to take out a ship. Having accumulated back salary, as I recall, in the neighborhood of $30,000 or $40,000, after careful review and investigation of the circumstances, the committee made a unanimous report to pay him $10,000.

I should be very glad if the Senator from Alabama, who has given a great deal of time to this matter as the chairman of the subcommittee, would give any further explanation that the Senator from Utah might desire.

Mr. KING. Mr. President, I have read the report very carefully. There are probably some appealing reasons for some relief. There is a contradiction of testimony. A full examination was made by the Shipping Board after this beneficiary returned to the United States, and they supported the view that he was properly refused permission to return with his ship.

Concede for the moment that he was improperly discharged. He was discharged; and there is no reason why he should have remained inactive all these years upon the theory that he was still in the employ of the Government.

I shall be perfectly willing, when we can have some little time, to discuss the bill. We have not time now.

The PRESIDENT pro tempore. Objection being made, the bill will be passed over.

BILL PASSED OVER

The bill (S. 4174) to establish a woman's bureau in the Metropolitan police department of the District of Columbia, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

Mr. COPELAND. Mr. President, will the Senator withhold his objection just a moment? Can we take up this bill at some other time when we can discuss the matter? What is the attitude of the Senator about it?

Mr. KING. Undoubtedly, before we adjourn, it will be taken up.

The PRESIDENT pro tempore. The bill will be passed over.

PUBLIC LANDS IN ARKANSAS

The joint resolution (S. J. Res. 114) authorizing assessments by levee, drainage, and road districts upon unreserved public lands in the St. Francis levee district, State of Arkansas, was considered as in Committee of the Whole, and was read, as follows:

Whereas in the improvement by reclamation and otherwise of swamp lands in the State of Arkansas by the St. Francis levee district and by drainage and road districts, great benefits have accrued to lands now owned, or formerly owned, by the United States; and

Whereas under the laws of Arkansas, improvements by all such districts are paid for from the proceeds of special assessments levied on the basis of the benefits accruing to the lands affected, and it has been the practice of the various districts to levy such special assessments upon entered public lands of the United States and to collect such assessments from each entryman when he becomes entitled to a final certificate for the lands; and

Whereas this long-established and equitable practice has been challenged by litigation, and decisions have been rendered invalidating all assessments for benefits accruing to public lands before issuance of final certificate therefor, for the reason that the United States had not given its consent to such assessments upon its lands; and

Whereas the result of the inability of the districts to collect such assessments is to confer the benefit upon owners who have made no compensation therefor, and to place a correspondingly greater burden upon the owners of lands who have paid the assessments, thus unjustly compelling the latter to bear the expense of improving the public lands for the benefit of those who later receive them from the United States: Therefore be it

Resolved, etc., That all unentered, unreserved public lands, and all entered lands for which no final certificates have been issued, within the boundaries of the St. Francis levee district, State of Arkansas, shall after the approval of this act be subject to inclusion in and assessments by the St. Francis levee district and drainage and road districts, such assessments to be made, and to be enforced as a lien, in the same manner as provided in the case of drainage assessments and enforcement of liens therefor by drainage districts upon certain public lands, in the act entitled "An act authorizing local drainage districts to drain certain public lands in the State of Arkansas, counties of Mississippi and Poinsett, and subjecting said lands to taxation," approved January 17, 1920.

SEC. 2. The United States consents to any assessments made prior to the approval of this act by the St. Francis levee district and drainage and road districts, upon any unreserved public lands within the boundaries of the St. Francis levee district (whether or not entered at the time the assessment was made and whether or not final certificates or patents therefor had been issued prior to the approval of this act), if such assessments were made in conformity with the constitution and laws of the State of Arkansas as in force at the time. In the case of lands still beneficially owned by the United States, such assessments shall constitute a lien upon such lands, to be enforced in the same manner as liens for assessments authorized by section 1.

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

CLARENCE CLEGHORN

The bill (H. R. 5981) for the relief of Clarence Cleghorn was considered as in Committee of the Whole.

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

LOUISE M. CAMBOURI

The bill (S. 363) for the relief of Louise M. Cambouri was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments.

Mr. KING. Mr. President, I see that this claim was allowed by the Accounting Office. Was a further examination made, and the validity of the claim established?

Mr. HOWELL. It was; and the Comptroller General advises that the bill should be paid.

Mr. KING. I have no objection.

The PRESIDENT pro tempore. The amendments of the committee will be stated.

The amendments were, on page 1, line 5, after the words "sum of," to insert "$251.26," and at the top of page 2 to insert a new section, as follows:

SEC. 2. That no part of the amount appropriated in this bill in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys on account of services rendered or advances made in connection with said claim. Any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in any sum not exceeding $1,000.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to Louise M. Cambouri, out of any money in the Treasury not otherwise appropriated, the sum of $251.26, in full satisfaction of all claims against the United States on account of services rendered in the translation and verification of letters and documents for the United States Veterans' Bureau, prior to the cancellation of a contract dated May 13, 1926, claim for payment having been disallowed by the General Accounting Office on April 20, 1927.

SEC. 2. That no part of the amount appropriated in this bill in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys on account of services rendered or advances made in connection with said claim. Any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

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

BILL PASSED OVER

The bill (S. 1749) providing for the development of hydroelectric energy at Great Falls for the benefit of the United States Government and the District of Columbia was announced as next in order.

The PRESIDENT pro tempore. Let this bill be passed over.

EDWARD I. GALLAGHER, ADMINISTRATOR

The bill (S. 456) to carry out the findings of the Court of Claims in the case of Edward I. Gallagher, of New York, administrator of the estate of Charles Gallagher, deceased, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Edward I. Gallagher, administrator of the estate of Charles Gallagher, deceased, of New York, the sum of $23,387.03, being the amount found due by the Court of Claims for loss and destruction of his schooner *Nimrod* and cargo, during the Civil War while he was under military orders, within military lines, and executing military commands, as reported to Congress in Senate Document No. 56, Fifty-eighth Congress, third session, Congressional Report No. 1303, filed in the Senate December 5, 1904.

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

EDWARD A. BLAIR

The bill (S. 1633) for the relief of Edward A. Blair was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the President is authorized to appoint Edward A. Blair a second lieutenant of the United States Marine Corps and to retire him and place him upon the retired list of the Marine Corps with the retired pay and emoluments of that grade.

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

Mr. KING subsequently said: Mr. President, what became of Senate bill 1633?

The PRESIDENT pro tempore. It was passed.

Mr. KING. I ask unanimous consent to reconsider the vote by which the bill was passed, and have it put back on the calendar. I want to look into it.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the vote is reconsidered. The bill will be passed over.

AMENDMENT TO COPYRIGHT LAW

The bill (H. R. 6104) to amend sections 57 and 61 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Patents with an amendment, on page 2, line 16, after the word "regulations," to insert "as," so as to make the bill read:

Be it enacted, etc., That sections 57 and 61 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909 (sec. 57 and sec. 61, title 17, U. S. C.), be, and the same are hereby, amended so as to read as follows:

"SEC. 57. That the said printed current catalogues as they are issued shall be promptly distributed by the copyright office to the collectors of customs of the United States and to the postmasters of all exchange offices of receipt of foreign mails, in accordance with revised lists of such collectors of customs and postmasters prepared by the Secretary of the Treasury and the Postmaster General, and they shall also be furnished in whole or in part to all parties desiring them at a price to be determined by the register of copyrights for each part of the catalogue, not exceeding $10 for the complete yearly catalogue of copyright entries. The consolidated catalogues and indexes shall also be supplied to all persons ordering them at such prices as may be determined to be reasonable, and all subscriptions for the catalogues shall be received by the Superintendent of Public Documents, who shall forward the said publications; and the moneys thus received shall be paid into the Treasury of the United States and accounted for under such laws and Treasury regulations as shall be in force at the time.

"SEC. 61. That the register of copyrights shall receive, and the persons to whom the services designated are rendered shall pay, the following fees: For the registration of any work subject to copyright, deposited under the provisions of this act, $2, which sum is to include a certificate of registration under seal: *Provided,* That in the case of any unpublished work registered under the provisions of section 11, the fee for registration with certificate shall be $1, and in the case of a published photograph the fee shall be $1 where a certificate is not desired. For every additional certificate of registration made, $1. For recording and certifying any instrument of writing for the assignment of copyright, or any such license specified in section 1, subsection (e), or for any copy of such assignment or license, duly certified, $2 for each copyright office record-book page or additional fraction thereof over one-half page. For recording the notice of user or acquiescence specified in section 1, subsection (e), $1 for each notice of not more than five titles. For comparing any copy of an assignment with the record of such document in the copyright office and certifying the same under seal, $2. For recording the renewal of copyright provided for in sections 23 and 24, $1. For recording the transfer of the proprietorship of copyrighted articles, 10 cents for each title of a book or other article, in addition to the fee prescribed for recording the instrument of assignment. For any requested search of copyright office records, indexes, or deposits, $1 for each hour of time consumed in making such search: *Provided,* That only one registration at one fee shall be required in the case of several volumes of the same book deposited at the same time."

SEC. 2. This act shall go into effect on July 1, 1928.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

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

The bill was read the third time and passed.

BILL PASSED OVER

The bill (S. 3874) authorizing appropriations of funds for construction of a highway from Red Lodge, Mont., to the boundary of the Yellowstone National Park near Cooke City, Mont., was announced as next in order.

SEVERAL SENATORS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

APPOINTMENT OF MIDSHIPMEN BY VICE PRESIDENT

The bill (S. 2802) to provide for the appointment of five midshipmen each year at large by the Vice President of the United States was considered as in Committee of the Whole.

The bill had been reported from the Committee on Naval Affairs, with amendments.

The first amendment was, on page 1, line 5, after the word "law," to strike out "five."

The amendment was agreed to.

Mr. KING. Mr. President, I desire to ask the chairman of the Naval Affairs Committee if it is deemed necessary, in view of the recent bill passed authorizing further appointments of cadets at Annapolis, to provide for further appointments.

Mr. HALE. I do not think it is exactly necessary, Mr. President; but the committee felt that the Vice President, who has the right to appoint cadets to West Point, should have the same right at the Naval Academy. We have simply given him the same right that any Senator would have.

Mr. KING. The point I am making is whether or not we are overloading the officers, both of the Army and the Navy, by appointing too many to Annapolis and to West Point.

Mr. HALE. I do not think so.

Mr. KING. It seemed to me that we were.

Mr. HALE. I do not think it will overload us at all.

Mr. BRUCE. Mr. President, I will ask the Senator from Maine whether a Senator has power now to appoint more than three appointees to West Point and the Naval Academy?

Mr. HALE. At the present time only three, Mr. President; but the appropriation bill for the coming year authorizes four.

Mr. BRUCE. Then he will have power to appoint four after this year?

Mr. HALE. Yes.

Mr. DILL. Mr. President, I think we all received notices that we have the power to appoint the extra one now.

Mr. NEELY. No; upon the passage of the bill.

Mr. DILL. The bill has already passed.

Mr. HALE. Under the law as it at present exists, we have a right to appoint five; but appropriations are only made sufficient to take care of three at the present time. The appropriation bill for the coming year provides for four.

Mr. DILL. But the Bureau of Navigation less than 10 days ago sent out notices stating that the extra appointee might be named to take the examination on June 13.

Mr. HALE. They probably thought the bill would go through before that time.

Mr. DILL. I know that I received such a notice.

Mr. HALE. They were simply anticipating. Of course, they will have to call that off if the appropriation bill does not go through.

Mr. BARKLEY. Mr. President, I should like to ask the Senator from Maine a question.

Mr. McNARY. I call for the regular order.

Mr. BARKLEY. I notice that this bill provides that the Vice President may appoint five midshipmen each year. Inasmuch as the four-year term for graduation at Annapolis would apply to these midshipmen as well as those appointed by the Senators and Representatives, that would give the Vice President 20 midshipmen in the Naval Academy. Is that what is intended?

Mr. HALE. The bill gives the Vice President the same power to appoint midshipmen that Senators now have.

Mr. BARKLEY. But that is not what this bill says. It says he shall have the right to appoint five for each year.

The PRESIDENT pro tempore. The Chair will state to the Senator from Kentucky that there are other amendments to come which cover that point.

Mr. McNARY. I call for the regular order.

The PRESIDENT pro tempore. There are other amendments not yet agreed to.

Mr. LA FOLLETTE. I call for the regular order.

Mr. JONES. I desire to ask the Senator from Maine if this is the situation—that under the general law now the Vice President appoints a certain number to West Point?

Mr. HALE. He does, now.

Mr. JONES. And he never has had the right to appoint to the Naval Academy?

Mr. HALE. He has not.

Mr. JONES. This simply extends that right to him?

Mr. HALE. It does.

The PRESIDING OFFICER. The remaining amendments proposed by the committee will be stated.

The next amendment was, in line 5, after the word "appointed," to strike out "each year."

The amendment was agreed to.

The next amendment was, in line 6, after the words "United States," to insert "equivalent in number to those allowed for each United States Senator."

The amendment was agreed to.

As amended the bill is as follows:

Be it enacted, etc., That hereafter there shall be allowed at the United States Naval Academy, in addition to those allowed by existing law, midshipmen appointed at large by the Vice President of the United States, equivalent in number to those allowed for each United States Senator.

The bill was reported to the Senate as amended, and the amendments were concurred in.

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

The title was amended so as to read: "A bill to provide for the appointment of midshipmen at large by the Vice President of the United States."

APPRAISAL OF CERTAIN GOVERNMENT PROPERTY

The bill (H. R. 5746) to authorize the appraisal of certain Government property and for other purposes was considered as in Committee of the Whole.

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

SALARIES OF PUBLIC PRINTER AND DEPUTY PUBLIC PRINTER

Mr. KING. Mr. President, the Senator from Mississippi [Mr. HARRISON] was unavoidably detained. He has telephoned me asking that I request that Order of Business No. 737, House bill 6669, be put back on the calendar.

Mr. BINGHAM. What is that bill?

Mr. KING. Order of Business No. 737, House bill 6669.

The PRESIDENT pro tempore. It is a bill fixing the salary of the Public Printer and of the Deputy Public Printer. What is the Senator's request?

Mr. KING. I ask unanimous consent that it be restored to the calendar as not having been passed. I ask unanimous consent to reconsider its passage.

The PRESIDENT pro tempore. The Senator from Utah asks unanimous consent to reconsider the vote whereby the bill was passed, and that it be restored to its place on the calendar. Is there objection?

Mr. BINGHAM. I object, Mr. President.

The PRESIDENT pro tempore. Objection is made.

DUTY OF NAVAL OFFICERS ON AIRSHIPS

The bill (H. R. 5465) to amend section 1571 of the Revised Statutes to permit officers of the Navy to count duty on airships as sea duty was considered as in Committee of the Whole.

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

DUTY OF NAVAL OFFICERS AS FLEET AND SQUADRON ENGINEERS

The bill (H. R. 5531) to amend the provisions contained in the act approved August 29, 1916, relating to the assignment to duty of certain officers of the United States Navy as fleet and squadron engineers was considered as in Committee of the Whole.

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

CONCURRENT RESOLUTION PASSED OVER

The concurrent resolution (S. Con. Res. 11) to investigate the problem of the control of aircraft for seacoast defense was announced as next in order.

Mr. JONES. Mr. President, may we have a brief explanation of this concurrent resolution?

Mr. HALE. I have just had word that the War Department would like to have the concurrent resolution go over.

The PRESIDENT pro tempore. The concurrent resolution will be passed over.

DATE OF PRECEDENCE OF CERTAIN STAFF NAVAL OFFICERS

The bill (H. R. 21) to provide for date of precedence of certain officers of the staff corps of the Navy was considered as in Committee of the Whole.

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

Mr. KING subsequently said: Mr. President, I desire to ask the Senator from Maine if House bill 21 is the bill known as the running mate bill, to which there was so much objection a year or two ago?

Mr. HALE. No; this has nothing to do with that matter. The Senator from Rhode Island [Mr. METCALF] reported the bill. He will explain it.

Mr. KING. It is the bill with respect to taking precedence, and so forth. If it is the so-called running mate bill that was under consideration when I was a member of the Naval Affairs Committee, I want to object to it.

Mr. HALE. The bill simply seeks to correct the date of precedence in the Navy of two officers who were originally appointed ensigns in the line of the Navy upon graduation from Annapolis.

Mr. KING. I have no objection.

Mr. REED of Pennsylvania. Mr. President——

The PRESIDENT pro tempore. The bill is already passed.

Mr. REED of Pennsylvania. Mr. President, the bill provides that any officer transferred to the Navy staff shall take precedence of the officer of the line immediately above him at the time of the transfer, which officer shall be assigned as his running mate for promotion purposes.

Mr. HALE. There are only two officers involved in this. As I explained, under existing law at the time of transfer when these two officers transferred from the line to the staff corps they were given precedence in accordance with their rank and with their date of entrance into the staff corps; thereby losing the precedence they took upon the date of their commission in the line upon graduation from Annapolis. By this bill they will be restored to and placed in the same position for pay purposes based on promotion as the other members of their class of the Naval Academy, the class of 1923.

These are the only two officers involved, as since the time of their transfer from the line to the staff legislation has been enacted—the act of June 10, 1926—whereby hereafter when a line officer is transferred to a staff corps he shall retain the rank and date of commission held by him at the time of such transfer.

Mr. REED of Pennsylvania. This simply gives these officers the same privilege as all officers enjoy by law.

BILL PASSED OVER

The bill (H. R. 11134) to authorize appropriations for constuction at military posts, and for other purposes, was announced as next in order.

Mr. REED of Pennsylvania. Mr. President, in behalf of the senior Senator from Utah [Mr. SMOOT] I ask that that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

SETTLEMENT OF ACCOUNTS IN THE NAVAL SERVICE

The bill (H. R. 10276) providing for sundry matters affecting the naval service was considered as in Committee of the Whole.

Mr. JONES. Mr. President, this is an act, according to the title, providing for sundry matters affecting the naval service. That does not give very much information. I would like to have some brief explanation as to what the bill provides for.

The PRESIDENT pro tempore. The attention of the chairman of the Committee on Naval Affairs is invited to the inquiry.

Mr. HALE. Mr. President, Captains Smith and Hutchins in their accounts have had certain small sums disallowed by the General Accounting Office in the audit of their accounts; the small sums represented alleged losses in the accounts because of fluctuation of exchange while they were serving as naval attachés at Pekin, China. Both these officers were following the instructions of the Navy Department then in effect, and the alleged loss was the direct result of such procedure. That takes care of two.

Mr. JONES. That is all right.

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

BILL PASSED OVER

The bill (S. 4179) to amend the corrupt practices act by extending the same to candidates for nomination and election to the offices of Representative and Senator in the Congress of the United States, and for other purposes, was announced as next in order.

Mr. STEPHENS. I think that is a matter that will bear some discussion.

The PRESIDENT pro tempore. The bill will be passed over.

EXTENDING PROVISIONS OF REVISED STATUTES TO HAWAII AND ALASKA

The bill (S. 2069) to extend the provisions of section 1814 of the Revised Statutes to the Territories of Hawaii and Alaska was announced as next in order.

Mr. KING. Mr. President, I would like to be advised of the object of this bill.

Mr. BINGHAM. Mr. President, the only object of that bill is to permit the Territories of Hawaii and Alaska to have the same privilege which the States now have of paying for two statues to go into Statuary Hall. The bill was introduced at

the request of the Legislature of Hawaii, and it is unanimously reported by the committee.

Mr. KING. Very well.

Mr. FLETCHER. There are some amendments to it.

The PRESIDENT pro tempore. There seems to be some confusion with reference to the amendments. The bill was reported in the first instance by the Committee on Territories and Insular Affairs with amendments, and then was sent to the Committee on the Library, which now reports it with amendments, but the print of the bill at the desk seems to contain no amendments whatever.

Mr. JONES. I want to ask the Senator whether or not the committee took into consideration the fact that possibly at some time in the future these Territories might become States, and in the meantime the Territories would put two statues in Statuary Hall, and the States would have no privilege of doing so. The Senator may think that is rather remote.

Mr. BINGHAM. The time is so remote and the event so unlikely to happen, and the desire of the Territories, being that their distinguished men should be recognized in this way, the committee saw no objection. The amendment which the Committee on Territories put in was changing the reference to section 1814 of the Revised Statutes to the section of the Code, but it later appears that the Code is not the law yet, nor will it be for four or five years, and therefore that amendment was not pressed.

Mr. SWANSON. Mr. President, it does seem to me that this hasty method of filling up Statuary Hall is not wise. We put a great many statues there in a few years, and nobody will know why they were put there.

I think one of the most striking things I remember reading was about Themistocles, the greatest of the Greeks, a genius in war and peace. Athens never erected a monument to him, and somebody asked him once why Athens did not erect a monument to him. He said, "I would rather have people ask that question, than ask why they did erect a monument to me."

As to half the monuments in Statuary Hall, people may ask, "Why did they put those monuments there?" In the cases of most of the old States it took 20 or 30 or 40 or 50 years before they had the privilege of filling the places to which they were entitled. It is not wise to hurry this matter on behalf of the Territories, and I object.

The PRESIDENT pro tempore. The bill will go over.

BILLS PASSED OVER

The bill (S. 3770) authorizing the Federal Power Commission to issue permits and licenses on Fort Apache and White Mountain Indian Reservations, was announced as next in order.

Mr. CURTIS. The Senator from Colorado [Mr. PHIPPS] asked that this go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2330) authorizing reconstruction and improvement of a public road in Wind River Indian Reservation, Wyo., was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

FEDERAL BUILDING IN HARTFORD, CONN.

The bill (S. 4035) authorizing conveyance to the city of Hartford, Conn., of title to site and building of the present Federal building in that city was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in consideration of the fact that the site of the present Federal building at Hartford, Conn., was originally donated to the United States for Federal uses, the Secretary of the Treasury be, and he is hereby, authorized and directed to convey by quitclaim deed to the city of Hartford, Conn., title to said site and the Federal building thereon, upon completion and occupancy of the new Federal building authorized to be constructed in said city.

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

FORT DEFIANCE HISTORICAL MUSEUM

The joint resolution (S. J. Res. 82) providing for the erection of a public historical museum on the site of Fort Defiance, Defiance, Ohio, was considered as in Committee of the Whole, and was read, as follows:

Whereas on the 9th day of August, 1794, Gen. Anthony Wayne, a gallant and distinguished soldier of the Revolutionary and Indian Wars, erected a fort at the confluence of the Maumee and Auglaize Rivers, known as Fort Defiance; and

Whereas the original site of old Fort Defiance is now preserved as a public park of 3 acres, wherein the State of Ohio has expended $26,000 to construct a concrete retaining wall, and a further appropriation by the State of Ohio is available for landscaping and beautification of site; and

Whereas the site is one of national as well as local significance: Therefore be it

Resolved, etc., That the Secretary of War is authorized and directed (1) with the approval of the proper official of the State of Ohio, to select a site in the public park maintained by the State of Ohio on the site of Fort Defiance, at Defiance, Ohio, and (2) to construct thereon, as a memorial to Gen. Anthony Wayne, a public museum suitable for housing a collection of historical relics which is already available; but such museum shall not be constructed until the State of Ohio has made adequate provision for its care and maintenance, and the Secretary of War may, in his discretion, suspend all construction under this act until the State of Ohio has made available a sum equal to that hereinafter authorized to be appropriated, to be used in the construction of such museum.

SEC. 2. The plans for such museum shall be subject to the approval of the National Commission of Fine Arts.

SEC. 3. There is hereby authorized to be appropriated the sum of $50,000, or so much thereof as may be necessary, to carry out the provisions of this act.

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

MAJ. GEN. WILLIAM C. GORGAS MONUMENT

The joint resolution (S. J. Res. 92) to provide for a monument to Maj. Gen. William Crawford Gorgas, late Surgeon General of the United States Army, was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on the Library with an amendment, to strike out all after the enacting clause and to insert:

That the Director of Public Buildings and Public Parks of the National Capital is authorized and directed to select a site on public grounds of the United States in the District of Columbia, and to contract for the erection thereon, at a cost not to exceed $50,000, of a monument to Maj. Gen. William Crawford Gorgas, late Surgeon General of the United States Army, commemorative of the services rendered by him to humanity. The site chosen and the design of such monument shall be approved by the National Commission of Fine Arts and the Joint Committee on the Library.

SEC. 2. There is hereby authorized to be appropriated the sum of $50,000, or so much thereof as may be necessary, to carry out the provisions of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

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

ADMINISTRATIVE ASSISTANT, LIBRARY OF CONGRESS

The bill (H. R. 10544) to abolish the office of administrative assistant and disbursing officer in the Library of Congress and to reassign the duties thereof, was considered as in Committee of the Whole.

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

ETHNOLOGICAL RESEARCHES

The bill (S. 1855) to provide for cooperation by the Smithsonian Institution with State, educational, and scientific organizations in the United States for continuing ethnological researches on the American Indians, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Smithsonian Institution is hereby authorized to cooperate with any State, educational institution, or scientific organization in the United States for continuing ethnological researches among the American Indians and the excavation and preservation of archæological remains.

SEC. 2. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $20,000, which shall be available until expended for the above purposes: *Provided*, That at such time as the Smithsonian Institution is satisfied that any State, educational institution, or scientific organization in any of the United States is prepared to contribute to such investigation and when in its judgment such investigation shall appear meritorious, the Secretary of the Smithsonian Institution may direct that an amount from this sum equal to that contributed by such State, educational institution, or scientific organization, not to exceed $2,000, to be expended from such sum in any one State during any calendar year, be made available for cooperative investigation: *Provided further*, That all such cooperative work and division of the result thereof shall be under the direction of the Secretary of the Smithsonian Institution.

Mr. McKELLAR. Mr. President, in reference to this bill, it should be indefinitely postponed. Substantially the same bill

has already been passed. I call the attention of the Senator from Ohio to that fact.

The PRESIDENT pro tempore. Without objection, the bill will be indefinitely postponed.

DISTRICT JUDGE, NORTHERN DISTRICT OF ILLINOIS

The bill (S. 4183) authorizing filling of a vacancy occurring in the office of district judge for the northern district of Illinois created by the act entitled "An act for the appointment of an additional circuit judge for the fourth judicial circuit, for the appointment of additional district judges for certain districts, providing for an annual conference of certain judges, and for other purposes," approved September 14, 1922, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That a vacancy occurring at any time in the office of district judge for the northern judicial district of Illinois created by the act entitled "An act for the appointment of an additional circuit judge for the fourth judicial circuit, for the appointment of additional district judges for certain districts, providing for an annual conference of certain judges, and for other purposes," approved September 14, 1922, is authorized to be filled.

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

TENNESSEE RIVER BRIDGE, KENTUCKY

The bill (S. 4059) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Tennessee River, at or near the mouth of Clarks River, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge and approaches thereto across the Tennessee River, at a point suitable to the interests of navigation, at or near where Clarks River empties into the Tennessee River, 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. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, 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 for such amortization shall have been so 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 maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

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

CUMBERLAND RIVER BRIDGE, KENTUCKY

The bill (S. 4060) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River, at or near Canton, Ky., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge and approaches thereto across the Cumberland River, at a point suitable to the interests of navigation, at or near the town of Canton, Ky., 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. If tolls are charged for the use of such bridge the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, 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 for such amortization shall have been so 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 maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

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

ILLINOIS RIVER BRIDGE, ILLINOIS

The bill (S. 4034) authorizing the Calhoun Bridge Co., an Illinois corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Illinois River, at or near Grafton, Ill., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment, on page 2, line 10, to strike out "pedestrains," and to insert the word "pedestrians," so as to make the bill read:

Be it enacted, etc., That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, the Calhoun Bridge Co., an Illinois corporation, its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Illinois River, at a point suitable to the interests of navigation, at or near Grafton, Ill., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. The Calhoun Bridge Co., its successors and assigns, is authorized to construct, maintain, and operate such bridge and the necessary approaches thereto as a railroad bridge for the passage of railway trains or street cars, or both, or as a highway bridge for the passage of pedestrians, animals, and vehicles, adapted to travel on public highways, or as a combined railroad and highway bridge for all such purposes; and there is hereby conferred upon the said Calhoun Bridge Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. After the completion of such bridge, as determined by the Secretary of War, if the same is constructed as a highway bridge only, either the State of Illinois, any political subdivision thereof, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation, in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interest in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 4. If such bridge shall at any time be taken over or acquired by the State of Illinois or by any municipality or other political subdivision or public agency thereof, under the provisions of section 3 of this act, and if tolls are charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so 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 maintenance, repair, and operation of the

bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 5. If such bridge is constructed as a combined railroad bridge for the passage of railway trains or street cars, and a highway bridge for the passage of pedestrians, animals, and vehicles, then the right of purchase and condemnation conferred by this act shall apply to a right of way thereover for the passage without cost of persons, animals, and vehicles adapted to travel on public highways; and if the right of purchase or condemnation shall be exercised as to such right of way over the bridge, then the measure of damages or compensation to be allowed or paid for such right of way shall be a sum equal to the difference between the actual fair cash value of such bridge determined in accordance with the provisions of section 3 of this act, and what its actual fair cash value so determined would have been if such bridge had been constructed as a railroad bridge only. If the right of purchase or condemnation conferred by this act shall be exercised as to the right of way over such bridge, then that part of the bridge which shall be purchased or condemned and shall be thereafter actually used for the passage of pedestrians, animals, or vehicles, shall be maintained, operated, and kept in repair by the purchaser thereof.

SEC. 6. The Calhoun Bridge Co., its successors and assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War and with the highway department of the State of Illinois a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and at the request of the highway department of the State of Illinois shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of construction, financing, and promoting such bridge. For the purpose of such investigation the said Calhoun Bridge Co., its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 3 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The Calhoun Bridge Co., its successors and assigns, is hereby authorized and empowered to fix and charge just and reasonable tolls for the passage of such bridge of pedestrians, animals, and vehicles adapted to travel on public highways, and the rates so fixed shall be the legal rates until the Secretary of War shall prescribe other rates of toll as provided in the act of March 23, 1906; and if said bridge is constructed as a railroad bridge, or a joint railroad and highway bridge, as provided in this act, the said Calhoun Bridge Co., its successors and assigns, is hereby authorized to fix by contract with any person or corporation desiring the use of the same for the passage of railway trains or street cars, or for placing water or gas pipe lines or telephone or telegraph or electric light or power lines, or for any other such purposes, the terms, conditions, and rates of toll for such use; but in the absence of such contract, the terms, conditions, and rates of toll for such use shall be determined by the Secretary of War as provided in said act of March 23, 1906.

SEC. 8. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Calhoun Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 9. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

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

FRENCH BROAD RIVER BRIDGE, TENNESSEE

The bill (S. 4045) granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the French Broad River on the Newport-Asheville (N. C.) road in Cocke County, Tenn., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 2, line 3, to strike out after the numerals "1906" and the comma the remainder of the paragraph, so as to read:

Be it enacted, etc., That the consent of Congress is hereby granted to the highway department of the State of Tennessee, and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the French Broad River, at a point suitable to the interests of navigation, on the Newport-Asheville (N. C.) road near the town of Del Rio, in Cocke County, in the State of Tennessee, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

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

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

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

The title was amended so as to read: "A bill granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the French Broad River on the Newport-Asheville (N. C.) road near the town of Del Rio, in Cocke County, Tenn."

TENNESSEE RIVER BRIDGE, KENTUCKY

The bill (S. 4062) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Tennessee River at or near Egners Ferry, Ky., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment, on page 1, line 7, to strike out the word "Egners" and insert in lieu thereof the word "Eggners," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the State highway commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge and approaches thereto across the Tennessee River, at a point suitable to the interests of navigation, at or near Eggners Ferry, 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. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, 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 for such amortization shall have been so 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 maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

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

The title was amended so as to read: "A bill authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Tennessee River at or near Eggners Ferry, Ky."

TELEPHONE LINE WESTERN NAVAJO INDIAN RESERVATION

The bill (S. 3779) to authorize the construction of a telephone line from Flagstaff to Kayenta on the Western Navajo Indian Reservation, Ariz., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment, on page 1, line 3, to strike out "$40,000" and insert in lieu thereof "$35,000," so as to make the bill read:

Be it enacted, etc., That $35,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the reconstruction of the telephone line from Flagstaff to the Western Navajo Indian Agency at Tuba City, and for the construction of a continuation of said telephone line from Tuba City to the Marsh Pass Indian Boarding School at Kayenta, Ariz.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

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

C. R. OLBERG

The bill (S. 2738) for the relief of C. R. Olberg was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs, with an amendment, on page 1, line 11, to strike out "January 26" and insert "September 30, 1926," so as to make the bill read:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit the accounts of David Buddrus, cashier and special disbursing agent, Five Civilized Tribes, in the amount of $494, and to credit the accounts of C. R. Olberg, assistant chief irrigation engineer and special disbursing agent, Indian Service, in the amount of $1,253, both amounts representing per diem allowances in lieu of subsistence paid to C. R. Olberg during the period March 5, 1924, to September 30, 1926, while on duty at Sacaton, Ariz., and Los Angeles, Calif.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

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

BRIDGE AND ROAD, HOOPA VALLEY RESERVATION, CALIF.

The bill (H. R. 441) to authorize an appropriation to pay half the cost of a bridge and road on the Hoopa Valley Reservation, Calif., was considered as in Committee of the Whole.

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

CUMBERLAND RIVER BRIDGE, KENTUCKY

The bill (S. 4061) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Smithland, Ky., was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State highway commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge and approaches thereto across the Cumberland River, at a point suitable to the interests of navigation, at or near the city of Smithland, Ky., 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. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, 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 for such amortization shall have been so 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 maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

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

EDMUND F. HUBBARD

The bill (H. R. 10139) for the relief of Edmund F. Hubbard was considered as in Committee of the Whole.

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

PENSIONS AND INCREASE OF PENSIONS

The bill (H. R. 12381) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 2, after line 18, to strike out:

The name of James F. Conner, late of the Ninety-ninth Company, United States Coast Artillery Corps, Philippine insurrection, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 4, after line 13, to strike out:

The name of David Gregory, late of Company G, Thirteenth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 5, to strike out:

The name of John F. Kilbride, late of the Sanitary Detachment, First Regiment New York Cavalry, National Guard, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 5, after line 16, to strike out:

The name of George F. Wiggins, late of the United States Navy, war with Spain, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 5, line 22, after the words "rate of," to strike out "$20" and insert "$12," so as to read:

The name of Carl Johan Anderson, late of the United States Navy, war with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 6, after line 15, to strike out:

The name of Mary A. Clarke, widow of James Clarence Clarke, late of the Coast Signal Service, United States Navy, war with Spain, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 7, after line 17, to strike out:

The name of John H. Doremus, late of Company D, Second Regiment New Jersey Volunteer Infantry, war with Spain, and pay him a pension at the rate of $125 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 7, after line 21; to strike out:

The name of Thomas A. McEntire, alias Thomas Ingalls, late of Companies A and G, Second Regiment United States Infantry, Indian wars, and pay him a pension at the rate of $8 per month.

The amendment was agreed to.

The next amendment was, at the top of page 8, to strike out:

The name of Joseph D. Keane, late of Troop A, Eighth Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 9, line 3, after the words "rate of" to strike out "$30" and insert "$12"; so as to read:

The name of William H. Clarke, late of the United States Navy, war with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 9, after line 14, to strike out:

The name of Annie McNamara, widow of Robert C. McNamara, late major, Fifth Regiment Pennsylvania Volunteer Infantry, war with Spain, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 11, after line 18, to strike out:

The name of John B. Maddox, late of the Sixth Battery, Iowa Volunteer Light Artillery, war with Spain, and pay him a pension at the rate of $15 per month.

The amendment was agreed to.

The next amendment was, on page 13, after line 6, to strike out:

The name of James C. Hicks, late of the Sixty-eighth Company, United States Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 18, line 9, after the words "rate of," to strike out "$40" and insert "$20," so as to read:

The name of John Garvey, late of the United States Navy, war with Spain, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 18, line 13, after the words "rate of," to strike out "$20" and insert "$12," so as to read:

The name of Joseph D. Combs, late of Capt. F. C. Sells's company, and Capt. Jim Cummings's Oregon Volunteer Infantry, Indian wars, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 18, line 20, after the words "rate of," to strike out "$100" and insert "$75," so as to read:

The name of Terese B. Hall, widow of Gen. William P. Hall, late of the United States Army, Regular Establishment, and pay her a pension at the rate of $75 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 19, after line 13, to strike out:

The name of Herman Green, late of the Sixth Battery, United States Field Artillery, war with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 19, line 19, after the words "rate of" to strike out "$12" and insert "$20"; so as to read:

The name of Harry F. Palmer, late of the United States Navy, war with Spain, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 19, after line 23, to strike out:

The name of James Shaw, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 20, line 7, after the words "rate of," to strike out "$30" and insert "$20," so as to read:

The name of William D. Warren, late of Company G, First Regiment Territorial, United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, after line 5, to strike out:

The name of Clark Brown, late of Company I, Third Regiment Georgia Volunteer Infantry, war with Spain, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, after line 22, to insert:

The name of David J. Menard, jr., late seaman of the United States Navy, and pay him a pension at the rate of $30 per month.

The name of Lawrence Waterhouse, late of Troop B, Seventh Regiment United States Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving, said increase to date from February 17, 1927.

The name of Sarah I. Booth, dependent mother of Albert Booth, late of Battery K, Third Regiment United States Artillery, Company G, Thirty-seventh Regiment United States Infantry, and pay her a pension at the rate of $20 per month.

The name of John Rose, late of Battery F, Second Regiment United States Artillery, and later of the Twenty-second Company of the Recruiting Service, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The name of Harry L. Dean, late of Company A, Twelfth Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The name of John T. Kiernan, late of Company L, Fourth Regiment United States Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Charles G. Bostwick, alias Carlos G. Bostwick, late of Company I, Second Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The name of Joseph Burris, late of Company G, Fourth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month.

The name of Ellis East, late of Companies F and B, Fourth Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The name of Gus W. Peterson, late of Wagon Company 26, Quartermaster Corps, United States Army, First Cavalry Division Trains, and pay him a pension at the rate of $24 per month.

The name of Devonah Watts, widow of Albert S. Watts, late of Company G, First regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Joel M. Clanton, late of Capt. William C. Painter's company, Washington Volunteers and Oregon Volunteers, Bannock War, 1878, and pay him a pension at the rate of $12 per month.

The name of Stephen B. Moss, pioneer frontiersman and Indian fighter, and pay him a pension at the rate of $20 per month.

The name of Annie Ward, dependent mother of Raymond J. Ward, late of Company I, Fifty-third Regiment Pioneer Infantry, and Sixty-first Service Squadron, Air Service, United States Army, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Tillie M. Foley, widow of Jeremiah C. Foley, late of the Fourteenth Company, United States Signal Corps, and pay her a pension at the rate of $30 per month.

The name of John G. Hawkins, late of Company A, Second Signal Corps, National Guard, and Troop B, Twelfth Regiment United States Cavalry, and pay him a pension at the rate of $15 per month.

The name of Charles V. Barr, late of Company I, One hundred and fifty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Elmer J. Allard, United States Navy, and pay him a pension at the rate of $12 per month.

The name of Henry Buck, civilian employee, Quartermaster Department, Nez Perce Indian War, and pay him a pension at the rate of $12 per month.

The name of Salathiel G. Leach, late of Company G, Second Regiment Idaho Volunteer Militia, Nez Perce Indian War, and pay him a pension at the rate of $12 per month.

The name of Bowie G. Mills, late of Company E, Third Regiment Virginia Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Clarence W. Queen, late of One hundred and twenty-fourth Company, United States Coast Artillery Corps, and pay him a pension at the rate of $17 per month.

The name of Simpson Wilson, late of the Modoc Indian War, 1872–1873, and pay him a pension at the rate of $12 per month.

The name of John O. White, late of Twenty-second Company, unassigned United States Infantry, and pay him a pension at the rate of $12 per month.

The name of Harry A. Nichols, late of the United States Navy, and pay him a pension at the rate of $12 per month.

The name of George W. Cleveland, late of Company B, First Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The name of Ada J. Lewis, dependent mother of Dixon W. Lyons, late of Company K, Seventh Regiment United States Volunteer Infantry, and Troop H, Casualty Department, Ninth Regiment United States Cavalry, and pay her a pension at the rate of $20 per month.

The amendment was agreed to.

Mr. REED of Pennsylvania. Mr. President, I offer the following amendment to the bill.

The PRESIDENT pro tempore. The amendment will be reported.

The CHIEF CLERK. The Senator from Pennsylvania proposes the following amendment:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Leon P. Chesley, late of One hundred and twenty-first Company, United States Coast Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

Mr. KING. Mr. President, I would like to ask the Senator why there is so much discrimination between the beneficiary under his amendment and so many of the others.

Mr. REED of Pennsylvania. The reason this particular claimant was denied relief was that previously, in a past Congress, a special bill had passed for his relief. He is very old, very much crippled, and in dire need of this relief. Therefore I would like to see this go on as an amendment to this bill.

Mr. KING. May I inquire of the Senator what military service this man rendered?

Mr. REED of Pennsylvania. He is a veteran of the Civil War. This is an increase on account of his excessive disability.

Mr. KING. He has an honorable record?

Mr. REED of Pennsylvania. He has an honorable record.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Pennsylvania.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

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

The bill was read the third time, and passed.

VERN E. TOWNSEND

The bill (H. R. 3029) for the relief of Vern E. Townsend was considered as in Committee of the Whole.

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

Mr. KING subsequently said: Mr. President, I hope the Senator from Pennsylvania will pardon me, but I would like to ask him a question about the case where he offered an amendment to a pension bill. Under existing law I do not understand why the beneficiary of the amendment would not receive a pension of $50 a month under the existing law.

Mr. REED of Pennsylvania. I understand that he does not. Thirty dollars is the maximum he would get.

Mr. KING. Under the general law he would be entitled to $50, unless there is some reason why it was disallowed.

Mr. REED of Pennsylvania. I do not know of any special circumstances. I suggest that the Senator let this go on, and I will agree to cut it out in conference if there is any reason why that should be done.

Mr. KING. I am sure the Senator will discover that he would receive the compensation indicated, unless there was some legal objection.

Mr. REED of Pennsylvania. If I misstated the facts, I shall join with the Senator in asking the conferees to cut it out.

DISTINGUISHED FOREIGN AVIATORS

The bill (S. 4235) to amend section 12 of the act entitled "An act to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes," approved July 2, 1926, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That section 12 of the act approved July 2, 1926, entitled "An act to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes," be, and the same is hereby, amended by inserting after the words "in an aerial flight" the following: "and to citizens of foreign countries, visitors to the United States, who have distinguished themselves by extraordinary achievement in an aerial flight or flights made at least in part within the bounds of the United States or its possessions."

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

JOSEPH J. BAYLIN

The bill (S. 1643) for the relief of Joseph J. Baylin was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to Joseph J. Baylin, of Baltimore, Md., out of any money in the Treasury not otherwise appropriated, the sum of $1,000, which sum was forfeited to the United States by Joseph J. Baylin on the bail bond of Berkely Morseberger, afterwards produced in court through the efforts of said Joseph J. Baylin.

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

JENNIE WYANT

The bill (H. R. 4229) for the relief of Jennie Wyant and others was considered as in Committee of the Whole.

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

ROBERT O. EDWARDS

The bill (S. 2894) for the relief of Robert O. Edwards, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., that the President of the United States be, and he is hereby, authorized to summon Robert O. Edwards, late major in the Coast Artillery Corps of the Regular Army of the United States, before a retiring board for the purpose of a hearing of his case and to inquire into all facts touching upon the nature of his disabilities, to determine and report the disabilities which in its judgment have produced his incapacity and whether such disabilities were incurred during his active service in the Army and were in line of duty; that if the findings of such board are in the affirmative the President is further authorized, in his discretion, to nominate and appoint, by and with the advice and consent of the Senate, the said Robert O. Edwards a major in the Coast Artillery Corps and to place him immediately thereafter upon the retired list of the Army with the same privileges and retired pay as are now or may hereafter be provided by law or regulation for the officers of the Regular Army: *Provided*, That the said Robert O. Edwards shall not be entitled to any back pay or allowance by the passage of this act.

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

MICHAEL ILITZ

The bill (H. R. 6908) for the relief of Michael Ilitz was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 1, line 4, after the word "retired," insert the words "he had applied for retirement three months previous to June 13, 1916."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

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

The bill was read the third time, and passed.

WILLIAM H. DOTSON

The bill (H. R. 7227) for the relief of William H. Dotson was considered as in Committee of the Whole.

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

HARLEY O. HACKER

The bill (S. 3690) to correct the military record of Harley O. Hacker was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 1, line 5, to strike out "Harley" and to insert in lieu thereof "Harlie."

Mr. KING. Mr. President, I regret to say that I notice that a number of these cases which we are just considering show that the beneficiary was dishonorably discharged. I was wondering if the committee had changed its policy. I think I shall object to this bill.

The PRESIDENT pro tempore. The bill will be passed over.

ORGANIC SCHOOL LAW

The bill (S. 3828) to amend Public Law No. 254, approved June 20, 1906, known as the organic school law, so as to relieve individual members of the Board of Education of personal liability for acts of the board, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia, with amendments, on page 1, line 8, to strike out the words "for any acts of the said board in which the said members" and insert in lieu thereof the words "for any official action of the said board performed in good faith in which the said members"; and on page 2, line 3, after the word "any," insert the word "such," so as to make the bill read:

Be it enacted, etc., That Public Law No. 254, approved June 20, 1906, be amended by adding, at the end of section 2 of said act, the following:

"The members of the Board of Education of the District of Columbia shall not be personally liable in damages for any official action of the said board performed in good faith in which the said members participate, nor shall any member of said board be liable for any costs that may be taxed against them or the board on account of any such official action by them as members of the said board; but such costs shall be charged to the District of Columbia and paid as other costs are paid in suits brought against the municipality; nor shall the said board or any of its members be required to give any supersedeas bond or security for costs or damages on any appeal whatever."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

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

SALLY MATTIE MACREADY

The bill (H. R. 7992) for the relief of Sally Mattie Macready, widow of Edward Daniel Macready, was announced as next in order.

The PRESIDING OFFICER. That bill was reported adversely, and will be indefinitely postponed.

LOS ANGELES NATIONAL FOREST

The bill (S. 4135) to conserve the water resources and to encourage reforestation of the watersheds of Los Angeles County by the withdrawal of certain public lands included within the Angeles National Forest from location and entry under the mining laws, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the public lands of the United States within the boundaries of the Angeles National Forest located in the

State of California and hereinafter described are hereby withdrawn from location or entry under the mining laws of the United States:

All Government lands in section 6, 7, and 18, township 1 north, range 7 west, San Bernardino meridian.

All Government lands in sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19, township 1 north, range 8 west, San Bernardino meridian.

All Government lands in sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 22, 23, 24, 25, 26, and 27, township 1 north, range 9 west, San Bernardino meridian.

All Government lands in sections 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 14, 15, 18, 21, and 24, township 1 north, range 10 west, San Bernardino meridian.

All Government lands in sections 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, and 14, township 1 north, range 11 west, San Bernardino meridian.

All Government lands in sections 1, 2, and 12, township 1 north, range 12 west, San Bernardino meridian.

All Government lands in sections 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 22, 27, 28, 30, and 31, township 2 north, range 7 west, San Bernardino meridian.

All Government lands in sections 5, 6, 7, 8, 10, 13, 15, 16, 17, 18, 19, 20, 21, 24, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, township 2 north, range 8 west, San Bernardino meridian.

All Government lands in sections 5, 8, 9, 10, 11, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, township 2 north, range 9 west, San Bernardino meridian.

All Government lands in sections 1, 10, 11, 12, 13, 14, 19, 20, 21, 22, 23, 24, 31, 32, 33, 34, 35, and 36, township 2 north, range 10 west, San Bernardino meridian.

All Government lands in sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 32, 33, 34, 35, and 36, township 2 north, range 11 west, San Bernardino meridian.

All Government lands in sections 3, 4, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, township 2 north, range 12 west, San Bernardino meridian.

All Government lands in sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 23, 24, and 26, township 2 north, range 13 west, San Bernardino meridian.

All Government lands in sections 1, 2, 3, 4, and 6, township 2 north, range 14 west, San Bernardino meridian.

All Government lands in sections 19 and 20, township 3 north, range 7 west, San Bernardino meridian.

All Government lands in sections 2, 3, 4, 5, 6, 8, 9, 10, 11, 13, 14, 15, 16, 21, 23, 24, 28, 29, 32, and 33, township 3 north, range 8 west, San Bernardino meridian.

All Government lands in sections 1, 4, 5, 7, 8, 9, 16, 17, 20, 21, 28, 29, 32, and 33, township 3 north, range 9 west, San Bernardino meridian.

All Government lands in sections 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, and 18, township 3 north, range 10 west, San Bernardino meridian.

All Government lands in sections 1, 3, 10, 11, 12, 13, 14, 15, 17, 20, 22, 23, 24, 26, 27, 29, 30, 31, 32, 34, and 35, township 3 north, range 11 west, San Bernardino meridian.

All Government lands in sections 4, 5, 6, 8, 16, 17, 20, 21, 22, 25, 26, 27, 28, 29, 31, 32, 34, and 35, township 3 north, range 12 west, San Bernardino meridian.

All Government lands in sections 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 19, 20, 21, 28, 29, 30, 31, 32, and 33, township 3 north, range 13 west, San Bernardino meridian.

All Government lands in sections 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, township 3 north, range 14 west, San Bernardino meridian.

All Government lands in sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 23, 24, 25, and 36, township 3 north, range 15 west, San Bernardino meridian.

All Government lands in sections 21, 28, 31, 32, 33, 34, and 35, township 4 north, range 8 west, San Bernardino meridian.

All Government lands in sections 20, 21, 27, 28, 29, 32, 33, 34, 35, and 36, township 4 north, range 9 west, San Bernardino meridian.

All Government lands in sections 19, 29, 30, and 31, township 4 north, range 10 west, San Bernardino meridian.

All Government lands in sections 3, 10, 11, 13, 14, 24, 30, 31, 32, 33, and 34, township 4 north, range 11 west, San Bernardino meridian.

All Government lands in sections 24, 25, 31, 32, and 33, township 4 north, range 12 west, San Bernardino meridian.

All Government lands in sections 17, 18, 35, and 36, township 4 north, range 13 west, San Bernardino meridian.

All Government lands in sections 11 (inside forest), 13, 14, 15, 16, and 17 (inside forest), township 4 north, range 14 west, San Bernardino meridian.

All Government lands in sections 27, 28, and 34, township 5 north, range 11 west, San Bernardino meridian.

All Government lands in sections 7 and 18, township 5 north, range 14 west, San Bernardino meridian.

All Government lands in sections 1, 2, 3, 6, 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 27, 29, and 30, township 5 north, range 15 west, San Bernardino meridian.

All Government lands in sections 1, 2, 4, 5, 11, 12, 14, 23, 25, and 26, township 5 north, range 16 west, San Bernardino meridian.

All Government lands in sections 3, 4, 10, 15, and 22, township 5 north, range 18 west, San Bernardino meridian.

All Government lands in sections 7, 8, 18, 25, 26, 27, 28, 29, 31, 32, 35, and 36, township 6 north, range 14 west, San Bernardino meridian.

All Government lands in sections 2, 5, 6, 11, 12, 13, 14, 19, 20, 21, 22, 27, 31, 32, 33, and 34, township 6 north, range 15 west, San Bernardino meridian.

All Government lands in sections 1, 6, 10, 11, 12, 13, 14, 15, 16, 22, 23, 24, 27, and 34, township 6 north, range 16 west, San Bernardino meridian.

All Government lands in sections 1, 6, 8, 12, 13, 14, 15 16, 17, 18, 19, 21, 27, and 28, township 6 north, range 17 west, San Bernardino meridian.

All Government lands in section 13, township 6 north, range 18 west, San Bernardino meridian.

All Government lands in section 30, township 7 north, range 14 west, San Bernardino meridian.

All Government lands in sections 16, 17, 18, 21, 22, 23, 25, 26, 27, 30, 31, 32, 33, and 34, township 7 north, range 15 west, San Bernardino meridian.

All Government lands in sections 6, 7, 12, 13, 17, 19, 20 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, and 33, township 7 north, range 16 west, San Bernardino meridian.

All Government lands in sections 1, 2, 5, 6, 7, 8, 10, 11, 12, 18, 19, 30, and 31, township 7 north, range 17 west, San Bernardino meridian.

All Government lands in section 36, township 7 north, range 18 west, San Bernardino meridian.

And all Government lands in sections 32, 34, and 35, township 8 north, range 17 west, San Bernardino meridian.

SEC. 2. That this act shall not defeat or affect any lawful right which has already attached under the mining laws and which is hereafter maintained in accordance with such laws: *Provided*, That the President, upon recommendation of the Secretary of the Interior and the Secretary of Agriculture, may, by Executive order, when in his judgment the public interest would best be served thereby, and after reasonable notice has been given through the Department of the Interior, restore to location and entry under the mining laws any of the lands hereby withdrawn therefrom.

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

BILL PASSED OVER

The bill (H. R. 4012) for the relief of Charles R. Sies was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

RESERVE OFFICERS' TRAINING CORPS

The bill (H. R. 244) to enable members of the Reserve Officers' Training Corps who have interrupted the course of training prescribed in the act of June 4, 1920, to resume such training and amending accordingly section 47c of that act, was considered as in Committee of the Whole.

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

FORT BAKER MILITARY RESERVATION, CALIF.

The bill (H. R. 4588) authorizing an appropriation for the repair and resurfacing of roads on the Fort Baker Military Reservation, Calif., was considered as in Committee of the Whole.

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

GRATUITOUS ISSUE OF SERVICE MEDALS

The bill (H. R. 5789) to provide for the gratuitous issue of service medals, and similar devices, for the replacement of the same, and for other purposes, was considered as in Committee of the Whole.

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

PURCHASE OF REAL ESTATE BY THE WAR DEPARTMENT

The bill (H. R. 5806) to authorize the purchase of real estate by the War Department was considered as in Committee of the Whole.

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

CHAPLAINS AT THE UNITED STATES MILITARY ACADEMY

The bill (H. R. 6652) to fix the pay and allowances of chaplain at the United States Military Academy, was considered as in Committee of the Whole.

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

RESERVE SUPPLIES, WAR DEPARTMENT

The bill (H. R. 7752) to limit the issue of reserve supplies or equipment held by the War Department was considered as in Committee of the Whole.

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

PREPARATION OF MILITARY MAPS

The bill (H. R. 7937) to authorize mapping agencies of the Government to assist in preparation of military maps was considered as in Committee of the Whole.

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

PURCHASE OF LAND AT SELFRIDGE FIELD, MICH.

The bill (H. R. 11808) to authorize an appropriation for the purchase of land at Selfridge Field, Mich., was considered as in Committee of the Whole.

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

PURCHASE OF REAL ESTATE IN HAWAII

The bill (H. R. 11809) to authorize an appropriation to complete the purchase of real estate in Hawaii was considered as in Committee of the Whole.

Mr. KING. Mr. President, I ask the chairman of the Committee on Military Affairs if we did not make a large appropriation, either last year or this year, for the purchase of necessary barracks and grounds for military purposes?

Mr. REED of Pennsylvania. Yes; Mr. President, we did. This amount is about $34,000, appropriated to pay the verdict in condemnation proceedings started in 1917 for the condemnation of a tract that fitted into the land of Schofield Barracks. It has been occupied by the Government for more than 10 years, the condemnation proceedings were begun, and this is the final amount of the verdict rendered against the Government.

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

BOARD OF VISITORS, UNITED STATES MILITARY ACADEMY

The bill (H. R. 8105) to provide for the membership of the Board of Visitors, United States Military Academy, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 1, line 5, after the word "Senate" and the comma, to add the words "two members of the Committee on Appropriations of the Senate."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

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

The bill was read the third time and passed.

WILLIAM R. CONNOLLY

The bill (H. R. 1537) for the relief of William R. Connolly was considered as in Committee of the Whole.

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

MARY E. O'CONNOR

The bill (H. R. 6436) for the relief of Mary E. O'Connor was considered as in Committee of the Whole.

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

LOIS WILSON

The bill (H. R. 10192) for the relief of Lois Wilson was considered as in Committee of the Whole.

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

LOUIE JUNE

The bill (H. R. 2473) for the relief of Louie June was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, after line 10, to add a new section, as follows:

SEC. 2. That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys on account of services rendered or advances made in connection with said claim. Any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

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

The bill was read the third time, and passed.

GEORGE M. BROWDER AND F. N. BROWDER

The bill (H. R. 3372) for the relief of George M. Browder and F. N. Browder, was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to George M. Browder and F. N. Browder, as administrators of the estate of the late F. G. Browder, the sum of $7,500. Such sum shall be in full satisfaction of all claims against the United States for damages resulting from the death of the said F. G. Browder, who, on October 20, 1926, near the city of Montgomery, Ala., was struck and killed by an airplane owned and operated by the United States.

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

CLIFFORD J. SANGHOVE

The bill (H. R. 3442) for the relief of Clifford J. Sanghove was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Comptroller General of the United States is authorized and directed to cancel the claim of the United States against Clifford J. Sanghove, lieutenant, United States Naval Reserve Force, retired, in the sum of $1,067.46 erroneously paid to him.

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

M. M. EDWARDS

The bill (H. R. 3936) for the relief of M. M. Edwards was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to M. M. Edwards, widow of Lieut. John Davis Edwards, chief engineer of the U. S. S. *Shaw*, United States Navy, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $1,000 for the loss of her husband's household goods and personal effects which were destroyed in the disaster to the U. S. S. *Shaw*, occurring on October 9, 1918, which destruction was due to collision with H. M. S. *Aquitania*.

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

WILLIAM V. TYNES

The bill (H. R. 7061) for the relief of William V. Tynes, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement against the Government, the sum of $125 to William V. Tynes, in compensation for damages sustained by his Ford motor car as result of a collision with United States Navy trailer No. 42, in Norfolk, Va., on March 4, 1924.

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

WILLIAM THURMAN ENOCH

The bill (H. R. 4993) for the relief of William Thurman Enoch was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, to William Thurman Enoch, of El Paso, Tex., the sum of $5,000 on account of permanent injury sustained by him through the negligence of Frederick W. Warner, an employee of the United States.

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

BYRON BROWN RALSTON

The bill (H. R. 5968) for the relief of Byron Brown Ralston, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the President is authorized to appoint Byron Brown Ralston, formerly lieutenant commander in the United States Navy, a lieutenant commander in the United States Navy and place him upon the retired list of the Navy with the retired pay and allowance of that grade with credit for any purposes for all service to which he was entitled on April 15, 1927: *Provided*, That a duly constituted naval retiring board finds that the said Byron Brown Ralston incurred physical disability incident to the service while on the active list of the Navy: *Provided further*, That no back pay, allowance, or emoluments shall become due as a result of the passage of this Act.

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

HEIRS OF JOHN EIMER

The bill (H. R. 1529) for the relief of the heirs of John Eimer, was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full and legal settlement against the Government, to the heirs of the late John Eimer the sum of $5,000 for death of said John Eimer, caused by being struck by a Government-owned automobile which was driven by a Government employee.

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

HEIRS OF DR. THOMAS C. LONGINO

The bill (H. R. 5398) for the relief of the heirs of the late Dr. Thomas C. Longino was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government the sum of $1,000 to the heirs of the late Dr. Thomas C. Longino as reimbursement on account of losses of personal property as a result of the Galveston flood, on September 8, 1900.

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

THOMAS EDWIN HUFFMAN

The bill (H. R. 11741) for the relief of Thomas Edwin Huffman was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem in favor of Thomas Edwin Huffman United States coupon notes Nos. L-12380683 to L-12380685, inclusive, in the denomination of $50 each, of the Victory Liberty loan 4¾ per cent convertible gold notes of 1922-23, matured May 20, 1923, with interest at the rate of 4¾ per cent per annum from May 20, 1919, to May 20, 1923, inclusive, without presentation of said notes or the coupons representing interest from May 20, 1919, to May 20, 1923, the notes with the said coupons attached having been lost, stolen, or destroyed: *Provided*, That the said notes shall not have been previously presented and paid, and that payment shall not be made hereunder for any coupons that shall have been previously presented and paid: *And provided further*, That the said Thomas Edwin Huffman shall first file in the Treasury Department of the United States a bond in the penal sum of double the amount of the principal of the said notes and the interest payable thereon when the notes matured, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the lost, stolen, or destroyed notes hereinbefore described, or the coupons pertaining thereto.

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

CHARLES R. WAREHAM

The bill (H. R. 8808) for the relief of Charles R. Wareham was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the accounts of Charles R. Wareham, acting postmaster at Kearney, Nebr., in the sum of $17,204.83, due to the United States on account of funds and stamps lost in the burglary of the post office at Kearney, Nebr., on September 23, 1926.

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

HOTTUM-KENNEDY DRY DOCK CO.

The bill (S. 513) for the relief of the Hottum-Kennedy Dry Dock Co., of Memphis, Tenn., was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with an amendment, on page 1, line 6, to strike out "$1,438.89" and insert in lieu thereof "$1,231.50," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to the Hottum-Kennedy Dry Dock Co., owner of the Hottum-Kennedy Dry Docks, out of any money in the Treasury not otherwise appropriated, the sum of $1,231.50 in full settlement to reimburse such owner for loss sustained as a result of damages caused to such docks and appurtenant property through collision with the U. S. S. *Inspector* on January 30, 1920.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

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

BILLS PASSED OVER

The bill (H. R. 1) to reduce and equalize taxation, provide revenue, and for other purposes was announced as next in order.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3569) to equalize the pay of certain classes of officers of the Regular Army was announced as next in order.

Mr. KING. Mr. President, I have had a number of letters making objection to the bill.

Mr. REED of Pennsylvania. I think it is perhaps another bill relating to something else about which the Senator has had letters. The Senator from Texas [Mr. SHEPPARD] is here. I would be glad to have him explain the bill.

Mr. SHEPPARD. Mr. President, the bill merely gives to several hundred captains and majors in the Army the same promotion pay as is given all other officers in the same rank. They were omitted, it is presumed by oversight, when the bill was passed in 1920. These few hundred captains and majors are not receiving as much pay by $100 or $150 a month as all other officers of the same rank.

Mr. KING. I am unable to understand how that could have occurred.

Mr. SHEPPARD. It was an oversight. They were left out and were not mentioned in the Army pay bill when all the others were taken care of, or when the advanced pay was provided for. These officers were admitted in 1920 as emergency Army officers.

Mr. KING. Does it mean that there are a number of persons from civilian life who entered the Army and who are now in the Army, and that they want the same pay as regular West Point officers who have been in the Army for many years and perhaps have attained their number of years of service, when in the same grades there are emergency officers who reached those grades after a few months of service?

Mr. REED of Pennsylvania. No. The circumstances are these: The pay bill of 1922 provides that the pay period into which these officers shall be placed shall be determined by the length of their commissioned service plus an allowance of 14 years for officers of a particular age. It has been held by the Comptroller General that although that credit for commissioned service applies to the original pay bill in which they are placed, it does not help them in the subsequent increment or subsequent pay period in which they would be entitled to be placed by further service. It gives them a constructive credit at the beginning of their service, but denies them the same constructive credit in the calculation of their pay periods from then on. It puts them in exact relation with those officers with whom they ranked at the beginning of their service.

It is the result of a technicality that did not occur to anyone in Congress or in the department at the time the officers began their service. It will go very far toward relieving the discontent among the emergency officers who were taken in in 1920. It merely carries on the constructive credit for service that they were given at the beginning of their term.

Mr. KING. I want to ask the Senator from Pennsylvania if the War Department, after full consideration of the bill, has reported favorably or adversely? My understanding is it would cost a very large sum of mony—about half a million dollars, or perhaps more. That is not a primary objection or a sufficient objection if it is a proper bill.

Mr. REED of Pennsylvania. The War Department reports that the additional cost will be $1,173,000 a year and reports against it. At the same time I do not want to say that without saying I believe it is fair and that I hope, if not to-night, at some time, it will be passed.

Mr. KING. I confess I do not understand the bill. I would like an opportunity to read the report and get the views of the War Department.

The PRESIDENT pro tempore. The bill will be passed over.

SALARIES OF PUBLIC PRINTER AND DEPUTY PUBLIC PRINTER

Mr. HARRISON. Mr. President, I understand that Calendar 737, the bill (H. R. 6669) fixing the salary of the Public Printer and of the Deputy Public Printer was passed in my absence. I had spoken to at least three Senators about objecting to it in my absence.

Mr. McKELLAR. Mr. President, I think that was reconsidered a while ago.

The PRESIDENT pro tempore. Objection was made to its reconsideration.

Mr. HARRISON. I thought it would be objected to when it was called. I had understood from at least three Senators that they would object for me, but it was passed and some one objected to its reconsideration. I now ask unanimous consent that the vote by which it was passed be reconsidered and the bill take its place on the calendar.

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

Mr. BINGHAM. Mr. President, there was no objection when the bill was reached on the calendar.

Mr. HARRISON. That may be true. The Senator did not understand me. I had spoken to two or three Senators who were opposed to the bill, as I was opposed to the bill. I could not be here when the matter came up in the regular course, but I understood it would be objected to by the other Senators to whom I had spoken. It was not objected to, and I therefore request that it be reconsidered. Is there objection to my unanimous-consent request?

Mr. BINGHAM. Will not the Senator let the request go over until to-morrow?

Mr. HARRISON. No. I want to get it acted on and the bill placed back on the calendar to-night.

Mr. BINGHAM. The Senator can submit his request to-morrow.

Mr. HARRISON. I can state the reasons why I am opposed to the bill, but I do not want to take up the time of the Senate by doing that to-night, because it would prevent the passage of some other legislation. I may say to the Senator that if he objects to my request for reconsideration, there will be nothing else passed to-night.

The PRESIDENT pro tempore. May the Chair interject the suggestion to the Senator from Mississippi that he make his motion to reconsider, which will prevent transmission of the bill to the House.

Mr. HARRISON. Do I understand the Chair objects to my unanimous-consent request?

The PRESIDENT pro tempore. No. The Chair was trying to offer some first aid to the injured. If the Senator enters his motion to reconsider he secures substantially the benefits which he attempts to secure by his unanimous-consent request.

Mr. HARRISON. I understand that, but I want the matter reconsidered and the bill placed on the calendar. I am not making an unreasonable request of the Senate. I object to very few bills here. I can object to more bills. I am opposed to this bill at this particular time. I want it to take its place on the calendar again. I ask unanimous consent that the votes by which it was ordered to a third reading and passed be reconsidered.

The PRESIDENT pro tempore. The Senator from Mississippi asks unanimous consent that the votes by which the bill was ordered to a third reading and passed be reconsidered, and that the bill be restored to the calendar. Is there objection? The Chair hears none and it is so ordered. The bill is restored to its place on the calendar.

WARRANT OFFICERS OF THE REGULAR ARMY

The bill (S. 3459) to amend an act of Congress approved March 4, 1927 (Public, No. 795, 69th Cong.), to provide for appointment as warrant officers of the Regular Army of such persons as would have been eligible therefor but for the interruption of their status caused by military service rendered by them as commissioned officers during the World War, was announced as next in order.

Mr. KING. Over.

Mr. REED of Pennsylvania. Mr. President, will the Senator withhold his objection until I make a statement?

Mr. KING. Certainly.

Mr. REED of Pennsylvania. It has been held that these noncommissioned officers, who would be entitled to be appointed warrant officers, are prohibited from appointment if, as a matter of fact, their services as noncommissioned officers were interrupted during the World War by their temporary service as commissioned officers. In other words, they can not receive the appointment to which they would otherwise be entitled if they were more than ordinarily meritorious and were temporarily used as commissioned officers. The additional cost to the Government will be very slight. It is a long-deferred recognition of good service to very loyal noncommissioned officers. I hope the Senate will be willing to pass it.

Mr. KING. I observe the report of the Secretary of War states that the Director of the Budget has been consulted and advises that the proposed legislation is in conflict with the financial program of the President. There must be a considerable amount of expense attached to it or it would not meet with the disapproval of the President.

Mr. REED of Pennsylvania. The additional cost will be $6,387.20 a year. The recommendation of the War Department is that if the proposed legislation should be enacted into law it will correct an injustice done to a small class of men who served faithfully during the World War and are yet debarred from reaping the benefits to which they would have been eligible by reason of long and faithful service had they not accepted temporary commissions as officers. Then, having in every way argued in favor of the bill, the Secretary of War winds up with the curt statement that it is in conflict with the financial program of the President. It may be that it is, but it is certainly a long-deferred recognition due to a very faithful group of noncommissioned officers.

Mr. KING. There ought to be some harmony in the executive departments.

The PRESIDENT pro tempore. Does the Senator from Utah withdraw his objection?

Mr. KING. I do.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment on page 1, line 5, to strike out the word "person" and insert the word "persons," so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to appoint as warrant officers of the Regular Army any persons whose commissioned service in the Army during the World War, added to their service as quartermaster clerk, amounted to 12 years or more of service prior to June 4, 1920, and who were not eligible for appointment as field clerks, Quartermaster Corps, under the provisions of the act of August 29, 1916, because of the interruption of their 12 years' requisite service as quartermaster clerks to render commissioned service in the World War: *Provided*, That for the purposes of this act the period of commissioned service during the World War prior to June 4, 1920, be deemed equivalent to a like period of detached service away from permanent station or duty beyond the continental limits of the United States: *Provided*, That in determining length of service for longevity pay and retirement they shall be credited with and entitled to count the same military service as authorized for warrant officers, and all classified service rendered as clerks in the Military Establishment: *Provided further*, That the limitation in the act of June 30, 1922, on the number of warrant officers, United States Army, shall not apply to the appointees hereunder.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

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

EDGAR TRAVIS, SR.

The bill (S. 652) for the relief of Edgar Travis, sr., was considered as in Committee of the Whole. The bill had been reported from the Committee on Military Affairs with amendments on page 1, line 7, after the word "have" to insert the words "enlisted in said company on April 1, 1863, and to have," and in line 9, after the word "service," to insert the words "of the United States as a private," and in line 10, after the word "company" to insert the words "on December 26, 1864," so as to make the bill read:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Edgar Travis, sr., late of Company I, Sixth Regiment West Virginia Volunteer Infantry, shall hereafter be held and considered to have enlisted in said company on April 1, 1863, and to have been honorably discharged from the military service of the United States as a private of said company on December 26, 1864: *Provided*, That no pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

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

BILL PASSED OVER

The bill (H. R. 8988) for the relief of Milton Longsdorf was announced as next in order.

Mr. FLETCHER. Mr. President, I desire to call the attention of the Senate to the fact that we have passed to-night a number of House claims bills, one after the other. I am not going to object to any of them, but my understanding is, and I want to state this for the information of all concerned, that there are over 100 bills which have passed the Senate involving meritorious and just claims, hanging fire in the body at the other end of the Capitol, without even being reported out of committee. It is almost time to serve notice on somebody that they can not expect us to pass their bills sent to us by the House and have them continue to refuse to act on bills which the Senate sends to them. I merely wanted to say that much.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 3241) for the relief of Seymour Buckley was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

BILL INDEFINITELY POSTPONED

The bill (S. 1690) for the relief of Lewis W. Crain was announced as next in order. The bill had been reported adversely from the Committee on Military Affairs.

The PRESIDENT pro tempore. Without objection, the bill will be indefinitely postponed.

ENSIGN JACOB E. DEGARMO

The bill (H. R. 9148) for the relief of Ensign Jacob E. DeGarmo, United States Navy, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the President is hereby authorized to appoint, by and with the advice and consent of the Senate, Ensign Jacob E. DeGarmo, United States Navy, a lieutenant, junior grade, on the retired list of the Navy: *Provided*, That nothing contained herein shall entitle Ensign Jacob E. DeGarmo to any back pay or allowance.

Mr. KING. Mr. President, I should like an explanation of the bill from the Senator from Maine.

Mr. HALE. Mr. President, the purpose of the bill is to advance Ensign DeGarmo, United States Navy, one grade on the retired list of the Navy, thereby giving him retired rank, pay, and allowances that by general law should and would be his had the proper procedure and action been taken in his case.

The act of March 4, 1911, provides that if an officer of the Navy fails in his physical examination when eligible for promotion, and said physical disability shall be determined to have been contracted in the line of duty, such officer shall be retired with the rank to which his seniority entitled him to be promoted.

Ensign DeGarmo was eligible for promotion to the rank of lieutenant, junior grade, and was examined physically by a medical board to determine his physical fitness for promotion to that rank. He became eligible in 1923. He was not found physically qualified for promotion. Eight months later he was ordered to appear before a naval retiring board, not before a medical examining board, to determine fitness for promotion, and as a result of the findings of the retiring board he was placed on the retired list with the rank of ensign, whereas he should have been ordered before a medical board to determine fitness for promotion, and, if found physically unqualified for promotion, he would have been placed upon the retired list with the rank of lieutenant, junior grade, to which his seniority entitled him.

The bill seeks to give him the rank of lieutenant, junior grade, on the retired list to which, by the act of March 4, 1911, he is entitled. Under the regular procedure he should have been retired as a lieutenant, junior grade, instead of ensign, the rank in which he was retired. The department reported favorably on the bill.

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

FRANK A. GRAB

The bill (H. R. 1951) granting six months' pay to Frank A. Grab was considered as in Committee of the Whole.

The bill has been reported from the Committee on Naval Affairs with an amendment, on page 1, line 10, after the word "death," to insert: "*Provided*, That the said Frank A. Grab establishes that he was actually dependent upon his son, Alfred Newton Grab, at the time of the latter's death," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to pay, out of current appropriations, Pay of the Navy, 1927, to Frank A. Grab, father of Alfred Newton Grab, deceased seaman, United States Navy, who was killed in line of duty on February 7, 1922, at Guantanamo Bay, Cuba, an amount equal to six months' pay at the rate said Alfred Newton Grab was receiving at the date of his death: *Provided*, That the said Frank A. Grab establishes that he was actually dependent upon his son, Alfred Newton Grab, at the time of the latter's death.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

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

The bill was read the third time, and passed.

ALEXANDER GINGRAS

The bill (H. R. 11978) granting six months' pay to Alexander Gingras, father of Louis W. Gingras, deceased private, United States Marine Corps, in active service, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Naval Affairs with an amendment, on page 1, line 9, after the word "death," to insert: "*Provided*, That the said Alexander Gingras establishes that he was actually dependent upon his son, Louis Walter Gingras, at the time of the latter's death"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to pay, out of current appropriations, Pay of the Navy, 1927, to Alexander Gingras, father of Louis W. Gingras, deceased private, United States Marine Corps, who died in line of duty on March 31, 1927, at Managua, Nicaragua, an amount equal to six months' pay at the rate said Louis W. Gingras was receiving at the date of his death: *Provided*, That the said Alexander Gingras establishes that he was actually dependent upon his son, Louis Walter Gingras, at the time of the latter's death.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

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

The bill was read the third time and passed.

GOVERNMENT PRINTING OFFICE

The bill (S. 2440) to provide that four hours shall constitute a day's work on Saturdays throughout the year for all employees in the Government Printing Office was announced as next in order.

Mr. KING. Let that go over until we have a chance to discuss it.

Mr. SHIPSTEAD. Mr. President, will the Senator withhold that objection for a moment?

Mr. KING. Let me say to the Senator that he was kind enough to furnish me some data this afternoon which I have not had time to examine. I thought perhaps on Thursday evening we could take up the matter and discuss it.

Mr. SHIPSTEAD. Very well.

Mr. KING. It seems to me there is some relationship between these and other employees of the Government.

Mr. SHIPSTEAD. Yes. May I take just a moment to state the difference? The difference is this:

The employees of the Government Printing Office work 48 hours a week. The employees of the executive departments work 42 hours a week. The employees of the Government Printing Office do not get 30 days' sick leave, as all employees of all the other departments get. They do not get that 30 days' leave. This will give them a half holiday on Saturday. It will give them a 44-hour week, the same hours per week that are enjoyed by all men in the printing trades all over the United States.

I hope the Senator will withdraw his objection. That is the only difference.

Mr. KING. Mr. President, on Thursday evening I shall be very glad to consider this bill. With the statement of the Senator, I am inclined to support it; but I should like to examine it.

The PRESIDENT pro tempore. The Senator objects, and the bill will be passed over.

AMENDMENT OF TEACHERS' SALARY ACT

The bill (S. 4063) to amend certain sections of the teachers' salary act, approved June 4, 1924, and for other purposes, was considered as in Committee of the Whole, and was read.

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

Mr. KING subsequently said: Mr. President, what became of Senate bill 4063?

The PRESIDENT pro tempore. It was passed.

Mr. KING. I had an amendment to offer to that bill, and I do not have it here to-night. I ask unanimous consent to reconsider the vote by which the bill was passed.

The PRESIDENT pro tempore. The Senator from Utah asks unanimous consent to reconsider the vote whereby Senate bill 4063 was passed. Is there objection? The Chair hears none, and the bill will be returned to its place on the calendar.

CUSTOMS BUILDINGS IN PORTO RICO

The bill (H. R. 9363) to provide for the completion and repair of customs buildings in Porto Rico was considered as in Committee of the Whole.

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

JAMES K. P. WELCH

The bill (H. R. 971) for the relief of James K. P. Welch was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 1, line 7, after the word, "as," to insert, "of the date August 31, 1864, as," so as to make the bill read:

Be it enacted, etc., That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteers, or any branch thereof, James K. P. Welch shall hereafter be held and considered to have been honorably discharged from the military service of the United States as of the date August 31, 1864, as a private of Company I, Fifty-ninth Regiment Indiana Volunteer Infantry, Civil War: *Provided,* That no back pay, bounty, pension, or allowance shall be held to have accrued prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

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

The bill was read the third time, and passed.

M. SELLER & CO.

The bill (S. 2304) for the relief of M. Seller & Co. was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to refund to M. Seller & Co., Portland, Oreg., certain penalties in the amount of $7,147.80, being amount paid to the collectors of customs at Portland, Oreg., and Seattle, Wash., on April 28, 1927, in the respective sums of $4,749.40 and $2,398.40, said penalties being incurred under the customs laws in the entry of certain merchandise from Germany, at a less value than that returned upon final appraisement, such entry having been made without any intention to defraud the revenues of the United States or to conceal or misrepresent the facts of the case or to deceive the appraiser as to the value of the merchandise.

Mr. KING. Mr. President, I should like to have an explanation of that bill.

Mr. STEIWER. Mr. President, the bill is my colleague's bill. I observe that he is absent for the moment from the Chamber.

This bill is for the relief of a firm doing business at Portland, Oreg., and Seattle and Spokane, Wash. It provides for the refunding of certain penalties exacted by the Customs Service upon goods that were erroneously misvalued and entered. The department felt that they were obliged to collect the penalties. They have stated, however, in the statement made to the committee which examined the bill that they had no doubt but that the declaration of value was made in good faith.

The committee believed in the light of 50 years of very law-abiding course of this firm in its dealings with the United States Government, in view of the fact that it had never encountered any penalty heretofore, that the statement of good faith upon the part of the department was a sufficient justification to allow the return of the penalties. I hope the Senator may not object to the bill.

Mr. KING. I should like to ask the Senator what is the recommendation of the acting official of the Treasury Department under whose jurisdiction this claim would come.

Mr. STEIWER. They made no recommendation, save to report that they had no doubt that the declaration of value was made in good faith. The reason why they made no recommendation was that they thought their recommendation might be construed as an attitude upon their part that would open up other claims; but I desire to suggest to the Senator that there probably will be no other claims where the circumstances are similar to this one.

I neglected to state, in the statement I made a minute ago, that in this particular case this importer had appealed to the Treasury Department for information as to its course in making the valuation, and made the valuation under the information supplied by the Treasury Department itself, which was erroneous, as it proved afterwards because the antidumping law had just been enacted, and both the agent of the Treasury Department and the importer were in error in their understanding of the law.

Mr. KING. Mr. President, may I say to the Senator that many complaints have come to the attention of some of us, and I know the matter was considered when an investigation of the Internal Revenue Bureau was under consideration, as to the frequency with which goods were undervalued that were brought into the United States; and many manufacturers in the United States, those whose products come into competition with imports into the United States, have complained of the undervaluations; and many charges have been made. I think truthfully, that many of these importations were fraudulently undervalued. It would seem to me that we ought to be very careful in remitting these penalties.

Mr. STEIWER. The committee, if I may say so to the Senator, scrutinized this claim with that particular idea in mind. We thought, in view of the statement made by the Treasury Department that it was done in good faith, on account of 50 years of honest dealings with the Treasury, that the claimants were entitled to the presumption of good faith in this particular case.

Mr. KING. I shall not object.

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

FINCH R. ARCHER

The bill (H. R. 2658) for the relief of Finch R. Archer was considered as in Committee of the Whole.

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

JOHN M. SAVERY

The bill (H. R. 4925) for the relief of John M. Savery was considered as in Committee of the Whole.

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

BILL PASSED OVER

The bill (H. R. 11951) to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by the acts of March 6, 1920, and February 27, 1926, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

PAN AMERICAN UNION

The bill (H. R. 12899) authorizing the erection for the sole use of the Pan American Union of an office building on the square of land lying between Eighteenth Street, C Street, and Virginia Avenue NW., in the city of Washington, D. C., was considered as in Committee of the Whole.

Mr. KING. Mr. President, may I inquire what is the cost to the Government, if any? I thought we had a Pan American Union. Is this to authorize the construction of another building?

Mr. KEYES. Yes, Mr. President; this is to authorize the construction of an office building. The present building is not adequate for the activities of the Pan American Union at the present time. It is proposed to erect an office building across the street from the present Pan American Union Building, on a site now owned by the Government, and now occupied by the War Department. There is no expense at all to the Government, except that the Government will loan this site, but will retain the title to the land.

Mr. KING. Who will pay for the building?

Mr. KEYES. The Pan American Union.

Mr. FLETCHER. Have they not got ground enough where they are to construct their office building?

Mr. KEYES. There is room around the building, but architects are of the opinion that it would spoil the building that is there now to undertake to put an office building on the same lot.

Mr. FLETCHER. I thought possibly there was room back of that building.

Mr. KEYES. This would be back, of course, but it would be across the street. There is no objection to it, so far as I know; and the War Department, which occupies the proposed site, is perfectly agreeable to the use of the land for this purpose.

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

THE LEAGUE OF NATIONS

Mr. BRUCE. Mr. President, if there is no objection, I should like to have inserted in the RECORD an address by Rev.

George E. Bevans, of Fairmount, W. Va., which I think is of some value.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

The matter referred to is here printed, as follows:

BEVANS REVIEWS LEAGUE OF NATIONS IN ACTION—MINISTER WRITES ABOUT ORGANIZATION IN "LEAGUE OF NATIONS PRACTICAL"

"The League of Nations practical" is the subject discussed this week by the Rev. George E. Bevans, pastor of the First Presbyterian Church, at Fairmount, W. Va. Doctor Bevans spent a week at Geneva last summer studying the League of Nations and attending the fourth annual Institute of International Relations arranged by the League of Nations Union (London) and the League of Nations Nonpartisan Association (New York). About 400 delegates were present from Great Britain and the United States.

In discussing the "League of Nations practical," Doctor Bevans says:

"Fifty-five years ago there was no association of nations to see that letters were safely and quickly delivered from one country to another. Mail traveled very slowly and on account of the difference in rates of postage it was difficult to send letters into foreign countries. In 1874 representatives from many nations met in Berne, Switzerland, and formed what was known as the Universal Postal Union. As a result of that union mail service was perfected between all nations and speed and safety of mail delivery was guaranteed by the governments of the world.

"Nine years ago there was no League of Nations established to help maintain peace and the most terrible war in all history had just come to a close. It was in January, 1920, that the first meeting of the League of Nations was called by President Woodrow Wilson in Paris to promote international good will and peace. But as early as 1914 definite plans had been formulating in the minds of leading statesmen in Great Britain, France, and America, to the end that after the World War ways and means must be provided to prevent another such holocaust of civilization. Hence, when the delegates to the Peace Conference met in Paris in 1919 there was a general understanding that some agreement would be made by the nations to prevent if possible future wars. Such an understanding was contained in the last of President Wilson's famous fourteen points, on the basis of which the allied nations signed the armistice with Germany, which stipulated that 'a general association of nations must be formed under specific covenants for the purpose of affording mutual guarantees of political independence and territorial integrity to great and small states alike.'

"The framing of the League of Nations covenant was the first work accomplished by the delegates at the Peace Conference in 1919. The introduction to this peace covenant reads as follows: 'The high contracting parties in order to promote international cooperation and security by the acceptance of obligations not to resort to war, by the prescription of open, just, and honorable relations between nations, by the firm establishment of the understandings of international law as the actual rule of conduct among governments, and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another, agree to this covenant of the League of Nations.'

"Such was the origin of the League of Nations, the story of its organization and accomplishments represents the dawning of a new day in world history. First, let us note the mechanics of the league and then appraise its success and failures. The league consists of an assembly, a council, and a secretariat. The assembly is composed of the rank and file of the nations of the earth. The underlying motive back of the league is that eventually every government will become a member. Such membership is not automatically accorded, however, but only as each nation, other than those nations which were charter members, makes definite application and agrees to certain requirements and guarantees and is favorably voted upon by two-thirds of the assembly.

"There were 28 of the allied and 13 neutral nations who were the first members of the leagues. One state, China, though it never signed the treaty of Versailles, containing the peace covenant, did sign the covenant and entered the league that way. Hence at the first meeting of the assembly of nations in 1920 there were 42 members represented. The assembly meets once a year on the first Monday in September. At the end of the seventh assembly in 1927 the membership of the league had increased to 50 nations. The most notable countries not in the league are the United States, Russia, Mexico, Turkey, and Egypt. All governments in the world with the exception of eight have been members of the league.

"It was quite fitting that the home of this new international organization should be centered at Geneva, Switzerland, the country which has not had a war in a hundred years and whose republican form of government is the oldest in existence. The assembly building at Geneva is a very plain-looking rectangular structure, much like a public hall in America, with a seating capacity of possibly 1,200. In the assembly each nation can have three representatives, nominated in most cases by the prime ministers of each country, and as all public questions are referred to committees and each nation has a member on each committee it is customary for the different States to have a group of experts to assist in the committee work. The unanimous vote of the assembly is required for any definite action.

"The work of the assembly consists in discussing six classes of questions, as follows: 1. Legal and constitutional questions. 2. The league's technical organizations (the economic, health, and transit commissions). 3. Disarmament. 4. The league's budget. 5. Humanitarian questions. 6. Political questions (including mandates). The assembly is independent of the council and corresponds roughly to a house of representatives. Its meetings are always of the open-forum type, where the freest public discussions are held. The assembly turns the white light of publicity upon all international questions and serves as a safety valve for the nations.

"The council is limited in numbers and corresponds to a cabinet in a government. It gives prominence and recognized leadership to the largest nations. In the council, Great Britain, France, Italy, Japan, and Germany have permanent seats, and nine other members are elected by the assembly, the method being to elect three members each year for a period of three years. The council is somewhat like the Senate of the United States with its restricted membership, it meets at least four times a year, in March, June, September, and December, and almost always at Geneva in the famous glass room. In fact, the council has had 44 meetings in the seven years of its history and has developed a new method of handling problems of foreign affairs. The prime ministers, secretaries of foreign relations, and other leading statesmen thus are brought together frequently to talk informally about matters of international concern. English and French are the two official languages used at the league.

"The secretariat is chosen from 30 nations. It is something distinctively new in international cooperation and is the outstanding feature of the League of Nations. It has been called the international civil service and well deserves the confidence and praise which it has received from everyone acquainted with its work. There are from five to six hundred international employees in the secretariat and labor department of the league. They are all experts, skilled in the special line of work for which they have been selected. They keep their nationality, but their official allegiance and responsibility are to the league alone. They remain at Geneva all the year engaged in their technical work relating to the mandate countries, public health, social and labor problems, press publicity, legal matters, armaments, etc. Rarely do two members of the same nationality work together, the result being a new and valuable coordination of different racial points of view, produce better international understanding and better international relations. Men and women are equally eligible for this world work through the secretariat. The secretary general is elected annually by the league.

"The expense attachd to such international administration and service is by no means small and yet anyone who makes a study of the League of Nations would not begrudge the expenditures. The cost of the league, including the International Labor Organization and the Permanent Court of International Justice, amounts to $4,500,000 annually, which sum represents the cost of two hours of World War to the United States or one three-thousandths of the annual budget of France.

"The accomplishments of the league in the brief seven years of its history can be summed up as follows: First, the settlement of political disputes, such as the Vilna question, which had started a war between Poland and Lithuania in September, 1920, but, through the intervention of the League of Nations, fighting was ended. Second, the Aaland Islands question represented a struggle between Sweden and Finland for possession of the islands. The league appointed two impartial commissions of jurists of different nationalities, who visited the islands and countries involved and whose recommendations brought about satisfactory settlement of the difficulties. Third, the Upper Silesia question presented a problem of the division of that territory between Germany and Poland which would be acceptable to the two nations. The league by wise and tactful planning succeeded in making the new frontier 'a line of union rather than of division.' Fourth, the Yugoslav threat of Albania was the occasion of the invasion of Albanian territory by Yugoslav troops. The matter was brought before the council, the Albanian and Yugoslav representatives being present. Pledges were given to respect the frontier and the trouble died down. Fifth, the Memel dispute illustrates another type of league methods. The port of Memel on the Baltic was the prize sought both by Lithuania and Poland. A small commission of experts, with Mr. Norman Davis, a former Acting Secretary of State in the United States, as chairman, studied the dispute and submitted an agreement which settled the points at issue. Sixth, the Greco-Bulgarian dispute which started in October, 1925, an open warfare between the two countries, with Greek troops invading Bulgaria with artillery and airplanes and bombing towns and bridges. Bulgaria appealed to the league, fighting was stopped, and Greece had to pay over $200,000 damages to Bulgaria.

"Other examples of disputes settled by the league could be mentioned. Again and again embryonic wars have been prevented by the intervention of the league, which without such an international agency might have resulted in another continental or world war. In addition

to settling political disputes, the League of Nations has accomplished an enormous amount of reconstruction work. International loans were arranged which saved Austria and Hungary from bankruptcy. One million four hundred thousand Greek refugees were kept from perishing and established in Greece by a loan of $50,000,000. Four hundred and twenty-seven thousand prisoners of war were exchanged and aided by the League of Nations. Various health centers have been established by the league. The white-slave traffic in women and children has been closely watched and studied. Obscene literature curtailed and two antiopium conferences fostered.

"In conclusion, the successes in international relations through conferences and by throwing delays into the war machinery have demonstrated that the League of Nations has developed a new technique, which, if perfected, will produce a new world order. The failures of the league are due to old national intrigues and racial jealousies. It is hard for old hatreds to die. Treaties will always be potential scraps of paper until the sense of moral obligation is universally developed.

"The League of Nations in the seven years of its history has dealt with minor political differences rather than major difficulties, though no dispute is so trifling that it can not become larger. As Hon. Elihu Root said, 'The spirit of international disputes is the main thing,' and it is the creation of that spirit which cooperation and interchange of thought and discussion between the nations of the earth at Geneva is accomplishing.

"The day can not be far distant when the United States, with the other indifferent countries, will pledge allegiance to a united states of the world, a league of nations which shall in truth become an open parliament of man. When the day dawns, 'the sword shall be beat into plowshares and the spears into pruning hooks, nations shall not lift the sword against nation, neither shall they learn war any more.' God hasten that day!"

ESTABLISHMENT OF ADDITIONAL LAND OFFICES

Mr. STEIWER submitted an amendment intended to be proposed by him to the bill (S. 1794) establishing additional land offices in the States of Montana, Oregon, Idaho, and South Dakota, which was ordered to lie on the table and to be printed.

PNEUMATIC-TUBE SERVICE

The bill (H. R. 13171) authorizing the Secretary of the Treasury to accept a franchise from the government of the city of New York to change the routing of the pneumatic-tube service between the customhouse and the present appraisers' stores building, and for other purposes, was considered as in Committee of the Whole.

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

BRIDGE BILLS

Mr. CURTIS. Mr. President, I ask unanimous consent to pass seven bridge bills that have been reported without amendment. They are in the usual form.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the following bridge bills in their order, and they were severally reported to the Senate without amendment, ordered to a third reading, read the third time, and passed:

H. R. 11692. An act authorizing the Gulf Coast Properties (Inc.), a Florida corporation, of Jacksonville, Duval County, Fla., its successors and assigns, to construct, maintain, and operate a bridge across the Lake Champlain at or near East Alburg, Vt.;

H. R. 11797. An act granting the consent of Congress to Columbus County, State of North Carolina, to construct, maintain, and operate a free highway bridge across the Waccamaw River at or near Reeves Ferry, Columbus County, N. C.; and

H. R. 11992. An act granting the consent of Congress to the Arkansas Highway Commission to construct, maintain, and operate a free highway bridge across the Current River at or near Biggers, Ark.

LAKE SABINE BRIDGE, TEX.

The bill (S. 4253) authorizing H. L. McKee, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Lake Sabine at or near Port Arthur, Tex., was considered as in Committee of the Whole, as follows:

Be it enacted, etc., That, in order to promote interstate commerce, improve the postal service, and provide for military and other purposes, H. L. McKee, his heirs, legal representatives, and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto, across Lake Sabine, at a point suitable to the interests of navigation, between a point at or near Port Arthur, Tex., and a point opposite in Cameron Parish, La., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon H. L. McKee, his heirs, legal representatives, and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State: *Provided*, That no part of the present Pleasure Pier on the east side of the Sabine-Neches Canal belonging to the city of Port Arthur and/or leased to the Port Arthur Chamber of Commerce and Shipping shall be condemned, nor shall the same be acquired or occupied by the said H. L. McKee, his heirs, legal representatives, or assigns, except upon terms and conditions to be stipulated by said city of Port Arthur and the Port Arthur Chamber of Commerce and Shipping.

SEC. 3. The said H. L. McKee, his heirs, legal representatives, and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Texas, the State of Louisiana, any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 10 years after the completion of such bridge, the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge and its approaches shall at any time be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 15 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 6. The said H. L. McKee, his heirs, legal representatives, and assigns, shall within 90 days after the completion of such bridge, file with the Secretary of War and with the highway departments of the States of Texas and Louisiana, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of cost so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said H. L. McKee, his heirs, legal representatives, and assigns, shall make available all of his records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be con-

clusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to H. L. McKee, his heirs, legal representatives, and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. There is hereby granted to H. L. McKee, his heirs, legal representatives, and assigns, a right of way not to exceed 100 feet in width across the spoil bank of the ship canal at such location, to be approved by the Chief of Engineers, as will provide a highway connection or connections between the bridge authorized by this act and any bridge or bridges that are or may hereafter be constructed across the ship canal, the United States to retain such free use of the right of way as does not interfere with the bridge approach: *Provided*, That no toll shall be charged for use of the approach to be built on United States property. The duration of such right of way shall terminate with the termination of the franchise granted by this act for the construction of the bridge and shall attach to and become a part of such bridge, and shall pass with the same in any transfer thereof.

SEC. 9. The right to alter, amend, or repeal this act is hereby expressly reserved.

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

SABINE RIVER BRIDGE

The bill (S. 4254) authorizing the State of Texas and the State of Louisiana to construct, maintain, and operate a free highway bridge across the Sabine River at or near Pendleton's Ferry, was considered as in Committee of the Whole, as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes, the State highway commission of Texas and the Louisiana Highway Commission be, and are hereby, authorized to construct, maintain, and operate a free highway bridge and approaches thereto across the Sabine River, between Sabine County, Tex., and Sabine Parish, La., at a point suitable to the interests of navigation, at or near Pendleton's Ferry, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. There is hereby conferred upon the State highway commission of Texas and the Louisiana Highway Commission all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property, needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

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

MISSOURI RIVER BRIDGE NEAR RANDOLPH, MO.

The bill (H. R. 11338) authorizing the Kansas City Southern Railway Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Randolph, Mo., was considered as in Committee of the Whole.

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

The title was amended so as to read: "An act authorizing the Kansas City Southern Railway Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River near Randolph, Mo."

MISSOURI RIVER BRIDGE

The bill (S. 4203) authorizing J. H. Haley, his successors and assigns (or his heirs, legal representatives, and assigns), to construct, maintain, and operate a bridge across the Missouri River at or near a point where Olive Street Road, St. Louis County, Mo., if extended west would intersect the Missouri River, was considered as in Committee of the Whole.

The amendments of the Committee on Commerce were, on page 1, line 5, after the name "J. H. Haley," to strike out "his successors and assigns (or"; in line 6, after the word "assigns," to strike out the parenthesis; on page 4, line 8, after the name "J. H. Haley," to strike out "his successors and assigns (or"; on the same page, line 9, after the word "assigns," to strike out the parenthesis; on the same page, line 24, after the name "J. H. Haley," to strike out "his successors and assigns or"; on page 5, line 1, after the word "assigns," to strike out the parenthesis; on the same page, line 10, after the name "J. H. Haley," to strike out "his successors and assigns (or"; and in line 11, after the word "assigns," to strike out the parenthesis, so as to make the bill read:

Be it enacted, etc., That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, J. H. Haley, his heirs, legal representatives, and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation, at or near a point about 3,500 feet downstream from mile 45 as established by the survey of the United States Engineers, War Department, said place or point being approximately 5,000 feet downstream from the point where Olive Street Road, St. Louis County, Mo., if extended west would intersect the southerly bank of the Missouri River, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of Missouri, any political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 10 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interest in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property; and (4) actual expenditures for necessary improvements.

SEC. 3. If such bridge shall at any time be taken over or acquired by the State of Missouri, or by any municipality or other political subdivision or public agency thereof, under the provisions of section 2 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financial cost, as soon as possible under reasonable charges, but within a period of not to exceed 10 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so 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 maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 4. J. H. Haley, his heirs, legal representatives, and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War and with the highway department of the State of Missouri a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and at the request of the highway department of the State of Missouri shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said J. H. Haley, his heirs, legal representatives, and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 2 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to J. H. Haley, his heirs, legal representatives, and assigns, and any corporation to which or any person to whom such rights, powers, and privi-

leges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

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

The title was amended so as to read: "A bill authorizing J. H. Haley, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River near a point where Olive Street Road, St. Louis County, Mo., if extended west would intersect the Missouri River."

INTERNATIONAL CONFERENCE FOR REVISION OF CONVENTION OF 1914 FOR SAFETY OF LIFE AT SEA

The joint resolution (S. J. Res. 131) providing for the participation by the United States in the International Conference for the Revision of the Convention of 1914 for the safety of life at sea was considered as in Committee of the Whole, and was read.

Mr. KING. Mr. President, I have no objection to the consideration of this joint resolution, but I inquire why the appropriation is $100,000. In most of these measures it is either $25,000 or $50,000.

Mr. REED of Pennsylvania. Because it will be necessary for the United States to send a delegation of not less than 11 persons to London for this purpose, with about 11 experts accompanying them. That was the size of the delegation in 1914. The United States has more tonnage and is more interested in this convention than any other nation, and it is necessary for her to be represented at all of the various subcommittee meetings that are held by the conference.

Mr. JONES. Mr. President, I desire an opportunity to look into this joint resolution. I ask that it go over to-night.

The PRESIDENT pro tempore. The joint resolution will be passed over.

INDEMNITY TO GOVERNMENT OF FRANCE

The bill (H. R. 9043) to authorize the payment of an indemnity to the Government of France on account of losses sustained by the owners of the French steamship *Madeleine* as a result of a collision between it and the U. S. S. *Kerwood*, was considered as in Committee of the Whole.

Mr. KING. Mr. President, I observe that the tort in this case, if there was one, was committed by the United States, so I have no objection.

Mr. REED of Pennsylvania. It was a collision with an American transport.

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

RECESS

Mr. CURTIS. Mr. President, the hour of 10.30 o'clock having arrived, I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and (at 10 o'clock and 30 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, May 9, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 8 (legislative day of May 3), 1928

FOREIGN SERVICE

To be Foreign Service officers, unclassified

Carlos J. Warner, of Ohio.
Burton Y. Berry, of Indiana.
John S. Littell, of New York.
William P. Cochran, jr., of Pennsylvania.
Robert D. Coe, of Wyoming.
Stanley G. Slavens, of Texas.
Archibald E. Gray, of Pennsylvania.
Arthur R. Ringwalt, of Nebraska.
Morris N. Hughes, of Illinois.
Bertel E. Kuniholm, of Massachusetts.
Edmund O. Clubb, of Minnesota.
Henry S. Villard, of New York.
William Edwin Guy, of Missouri.
Frederick H. Ward, of New Jersey.
William W. Butterworth, jr., of Louisiana.
Julius Wadsworth, of Connecticut.
Robert Y. Brown, of Alabama.
Monroe Hall, of New York.
H. Livingston Hartley, of Massachusetts.
Edward G. Trueblood, of Illinois.
Garret G. Ackerson, jr., of New Jersey.
Robert P. Joyce, of California.
Charles S. Reed, 2d, of Ohio.
James E. Brown, jr., of Pennsylvania.

To be vice consuls of career

Carlos J. Warner, of Ohio.
Burton Y. Berry, of Indiana.
John S. Littell, of New York.
William P. Cochran, jr., of Pennsylvania.
Robert D. Coe, of Wyoming.
Stanley G. Slavens, of Texas.
Archibald E. Gray, of Pennsylvania.
Arthur R. Ringwalt, of Nebraska.
Morris N. Hughes, of Illinois.
Bertel E. Kuniholm, of Massachusetts.
Edmund O. Clubb, of Minnesota.
Henry S. Villard, of New York.
William Edwin Guy, of Missouri.
Frederick H. Ward, of New Jersey.
William W. Butterworth, jr., of Louisiana.
Julius Wadsworth, of Connecticut.
Robert Y. Brown, of Alabama.
Monroe Hall, of New York.
H. Livingston Hartley, of Massachusetts.
Edward G. Trueblood, of Illinois.
Garret G. Ackerson, jr., of New Jersey.
Robert P. Joyce, of California.
Charles S. Reed, 2d, of Ohio.
James E. Brown, jr., of Pennsylvania.

POSTMASTERS

ALABAMA

Alden M. Wallace to be postmaster at Tuskegee, Ala., in place of A. M. Wallace. Incumbent's commission expires May 20, 1928.

William L. Jones to be postmaster at Parrish, Ala., in place of W. L. Jones. Incumbent's commission expires May 20, 1928.

Howard F. Little to be postmaster at Linden, Ala., in place of H. F. Little. Incumbent's commission expires May 20, 1928.

Griffin G. Guest to be postmaster at Fort Payne, Ala., in place of G. G. Guest. Incumbent's commission expires May 20, 1928.

Louie W. Vaughan to be postmaster at Cuba, Ala., in place of L. W. Vaughan. Incumbent's commission expires May 20, 1928.

Hugh H. Dale to be postmaster at Camden, Ala., in place of H. H. Dale. Incumbent's commission expires May 20, 1928.

ALASKA

Charles A. Sheldon to be postmaster at Seward, Alaska, in place of C. A. Sheldon. Incumbent's commission expires May 23, 1928.

William J. Shepard to be postmaster at Cordova, Alaska, in place of W. J. Shepard. Incumbent's commission expires May 19, 1928.

ARKANSAS

Genie O. Starnes to be postmaster at Louann, Ark., in place of W. S. Edsall, removed.

Madie W. Russell to be postmaster at Star City, Ark., in place of M. W. Russell. Incumbent's commission expires May 26, 1928.

Maud Jackson to be postmaster at Sherrill, Ark., in place of Maud Jackson. Incumbent's commission expires May 26, 1928.

Elmer B. Wacaster to be postmaster at Mount Ida, Ark., in place of E. B. Wacaster. Incumbent's commission expires May 26, 1928.

Bertha E. Millian to be postmaster at Lexa, Ark., in place of B. E. Millian. Incumbent's commission expires May 26, 1928.

John M. Phillips to be postmaster at Jasper, Ark., in place of J. M. Phillips. Incumbent's commission expires May 17, 1928.

CALIFORNIA

Homer C. Bolter to be postmaster at Vacaville, Calif., in place of S. F. Ellison, deceased.

Leslie M. McClary to be postmaster at Lomita, Calif., in place of C. M. Smith, removed.

Edward A. Rees to be postmaster at Fontana, Calif., in place of H. S. Barbee, resigned.

Warren A. Woods to be postmaster at Suisun City, Calif., in place of W. A. Woods. Incumbent's commission expired April 21, 1928.

Frances W. Brown to be postmaster at Montrose, Calif., in place of F. W. Brown. Incumbent's commission expires May 14, 1928.

Nan G. Cary to be postmaster at Engelmine, Calif., in place of O. B. Camp. Incumbent's commission expired January 24, 1928.

COLORADO

James L. Allison to be postmaster at Woodmen, Colo., in place of J. L. Allison. Incumbent's commission expires May 19, 1928.

Charles V. Engert to be postmaster at Lyons, Colo., in place of C. V. Engert. Incumbent's commission expires May 26, 1928.

John C. Kessenger to be postmaster at Limon, Colo., in place of J. C. Kessenger. Incumbent's commission expires May 14, 1928.

Cora M. Northup to be postmaster at Fountain, Colo., in place of C. M. Northup. Incumbent's commission expires May 26, 1928.

George Haver to be postmaster at Eckley, Colo., in place of George Haver. Incumbent's commission expires May 19, 1928.

Irving P. Beckett to be postmaster at Craig, Colo., in place of I. P. Beckett. Incumbent's commission expires May 19, 1928.

Thomas F. Beck to be postmaster at Aspen, Colo., in place of T. F. Beck. Incumbent's commission expires May 14, 1928.

CONNECTICUT

Frederick W. Foster to be postmaster at Short Beach, Conn., in place of F. W. Foster. Incumbent's commission expires May 14, 1928.

John A. Ayer to be postmaster at Saybrook, Conn., in place of J. A. Ayer. Incumbent's commission expires May 19, 1928.

Clarence L. Clark to be postmaster at Lyme, Conn., in place of C. L. Clark. Incumbent's commission expires March 19, 1928.

William T. Crumb to be postmaster at Jewett City, Conn., in place of W. T. Crumb. Incumbent's commission expires May 19, 1928.

James F. Holden to be postmaster at Forestville, Conn., in place of J. F. Holden. Incumbent's commission expires May 19, 1928.

Edward S. Coulter to be postmaster at Essex, Conn., in place of E. S. Coulter. Incumbent's commission expires May 19, 1928.

IDAHO

Lester J. Holland to be postmaster at Shelley, Idaho, in place of L. J. Holland. Incumbent's commission expires May 19, 1928.

Charles J. Shoemaker to be postmaster at Sandpoint, Idaho, in place of C. J. Shoemaker. Incumbent's commission expires May 19, 1928.

Floyd E. Reynolds to be postmaster at Richfield, Idaho, in place of F. E. Reynolds. Incumbent's commission expires May 19, 1928.

Amanda O. Holmes to be postmaster at Plummer, Idaho, in place of A. O. Holmes. Incumbent's commission expires May 19, 1928.

Albert E. White to be postmaster at Payette, Idaho, in place of A. E. White. Incumbent's commission expires May 19, 1928.

Robert N. Molloy to be postmaster at Orofino, Idaho, in place of R. N. Molloy. Incumbent's commission expires May 19, 1928.

Ned Jenness to be postmaster at Nampa, Idaho, in place of Ned Jenness. Incumbent's commission expires May 31, 1928.

Hugh D. Stanton to be postmaster at Kendrick, Idaho, in place of H. D. Stanton. Incumbent's commission expires May 19, 1928.

Edith M. Smylie to be postmaster at Genesee, Idaho, in place of E. M. Smylie. Incumbent's commission expires May 12, 1928.

Frank Dvorak to be postmaster at Aberdeen, Idaho, in place of Frank Dvorak. Incumbent's commission expires May 19, 1928.

ILLINOIS

Clarence C. Cary to be postmaster at Utica, Ill., in place of S. K. Lewis, removed.

Laura A. Gregory to be postmaster at Willisville, Ill., in place of L. A. Gregory. Incumbent's commission expires May 20, 1928.

Mark Simpson to be postmaster at Waterman, Ill., in place of Mark Simpson. Incumbent's commission expires May 19, 1928.

Arthur Justus to be postmaster at Warren, Ill., in place of Arthur Justus. Incumbent's commission expires May 26, 1928.

Christian Andres to be postmaster at Tinley Park, Ill., in place of Christian Andres. Incumbent's commission expires May 20, 1928.

LeRoy Gammon to be postmaster at Thebes, Ill., in place of LeRoy Gammon. Incumbent's commission expires May 26, 1928.

Edward P. Devine to be postmaster at Somonauk, Ill., in place of E. P. Devine. Incumbent's commission expires May 23, 1928.

Elizabeth R. Grant to be postmaster at Shabbona, Ill., in place of E. R. Grant. Incumbent's commission expires May 23, 1928.

Harry Hutchins to be postmaster at Rockton, Ill., in place of Harry Hutchins. Incumbent's commission expires May 20, 1928.

John N. Taffee to be postmaster at Pinckneyville, Ill., in place of J. N. Taffee. Incumbent's commission expires May 23, 1928.

Minor S. Miller to be postmaster at Pearl City, Ill., in place of M. S. Miller. Incumbent's commission expires May 26, 1928.

Guy E. Meyers, to be postmaster at Milledgeville, Ill., in place of G. E. Meyers. Incumbent's commission expires May 26, 1928.

Irene L. Ford to be postmaster at Mahomet, Ill., in place of I. L. Ford. Incumbent's commission expires May 14, 1928.

Jessie A. Livingston to be postmaster at Livingston, Ill., in place of J. A. Livingston. Incumbent's commission expires May 20, 1928.

Charles J. Rohde to be postmaster at Lena, Ill., in place of C. J. Rohde. Incumbent's commission expires May 14, 1928.

Olive G. Woods to be postmaster at Hennepin, Ill., in place of O. G. Woods. Incumbent's commission expires May 23, 1928.

Andrew R. Tarbox to be postmaster at Gibson City, Ill., in place of A. R. Tarbox. Incumbent's commission expires May 20, 1928.

Frank G. Robinson to be postmaster at El Paso, Ill., in place of F. G. Robinson. Incumbent's commission expires May 20, 1928.

John H. Lawder to be postmaster at Campbell Hill, Ill., in place of J. H. Lawder. Incumbent's commission expires May 14, 1928.

Elliott O. Andrews to be postmaster at Belvidere, Ill., in place of E. O. Andrews. Incumbent's commission expires May 23, 1928.

Joseph D. Robertson to be postmaster at Barrington, Ill., in place of J. D. Robertson. Incumbent's commission expires May 26, 1928.

Francis W. Craig to be postmaster at Apple River, Ill., in place of F. W. Craig. Incumbent's commission expires May 20, 1928.

INDIANA

John N. Hunter to be postmaster at South Bend, Ind., in place of J. N. Hunter. Incumbent's commission expires May 12, 1928.

Warren B. Johnson to be postmaster at Owensville, Ind., in place of W. B. Johnson. Incumbent's commission expires May 20, 1928.

Iva D. Myers to be postmaster at Millersburg, Ind., in place of I. D. Myers. Incumbent's commission expires May 20, 1928.

Walter C. Farrell to be postmaster at Middletown, Ind., in place of W. C. Farrell. Incumbent's commission expires May 20, 1928.

Clara L. Boesen to be postmaster at Griffith, Ind., in place of C. L. Boesen. Incumbent's commission expires May 17, 1928.

Clara A. Salla to be postmaster at Denham, Ind., in place of C. A. Salla. Incumbent's commission expires May 20, 1928.

IOWA

Wesley Seufferlein to be postmaster at Lake City, Iowa, in place of L. M. Freeman, resigned.

Joseph McClelland to be postmaster at Wellman, Iowa, in place of J. A. Stump. Incumbent's commission expires May 19, 1928.

Clair A. Sodergren to be postmaster at Wayland, Iowa, in place of C. A. Sodergren. Incumbent's commission expires May 19, 1928.

Charlie C. Clifton to be postmaster at Thompson, Iowa, in place of C. C. Clifton. Incumbent's commission expires May 17, 1928.

Hazel A. Coltrane to be postmaster at Stockport, Iowa, in place of H. A. Coltrane. Incumbent's commission expires May 19, 1928.

Frank T. Best to be postmaster at Pomeroy, Iowa, in place of F. T. Best. Incumbent's commission expires May 20, 1928.

Solomon T. Grove to be postmaster at Plover, Iowa, in place of S. T. Grove. Incumbent's commission expires May 29, 1928.

Frank E. Moravec to be postmaster at Oxford Junction, Iowa, in place of P. E. Moravec. Incumbent's commission expires May 19, 1928.

Charles E. L. See to be postmaster at Laurens, Iowa, in place of C. E. L. See. Incumbent's commission expires May 19, 1928.

Howard B. Gillespie to be postmaster at Guthrie Center, Iowa, in place of H. B. Gillespie. Incumbent's commission expires May 20, 1928.

John F. Dicus to be postmaster at Griswold, Iowa, in place of J. F. Dicus. Incumbent's commission expires May 19, 1928.

Perry D. Burke to be postmaster at Gladbrook, Iowa, in place of P. D. Burke. Incumbent's commission expires May 14, 1928.

Calvin C. Knoll to be postmaster at Gilmore City, Iowa, in place of C. C. Knoll. Incumbent's commission expires May 14, 1928.

William M. Young to be postmaster at Defiance, Iowa, in place of W. M. Young. Incumbent's commission expires May 20, 1928.

James W. Duckett to be postmaster at Corwith, Iowa, in place of J. W. Duckett. Incumbent's commission expires May 14, 1928.

William E. Clayman to be postmaster at Conrad, Iowa, in place of W. E. Clayman. Incumbent's commission expires May 14, 1928.

Lloyd S. Meyers to be postmaster at Columbus Junction, Iowa, in place of L. S. Meyers. Incumbent's commission expires May 19, 1928.

J. Tracy Garrett to be postmaster at Burlington, Iowa, in place of J. T. Garrett. Incumbent's commission expired December 19, 1927.

William W. Jamison to be postmaster at Brighton, Iowa, in place of W. W. Jamison. Incumbent's commission expires May 19, 1928.

Charles H. Cookinham to be postmaster at Ayrshire, Iowa, in place of C. H. Cookinham. Incumbent's commission expires May 14, 1928.

Clyde C. Sheaffer to be postmaster at Alden, Iowa, in place of C. C. Sheaffer. Incumbent's commission expires May 20, 1928.

Patience Felger to be postmaster at Afton, Iowa, in place of Patience Felger. Incumbent's commission expires May 19, 1928.

KANSAS

Bertha Collins to be postmaster at Washington, Kans., in place of Connie Collins, deceased.

Susie J. Gibbons to be postmaster at St. Paul, Kans., in place of S. J. Gibbons. Incumbent's commission expires May 20, 1928.

Ulysses G. Stewart to be postmaster at Rossville, Kans., in place of U. G. Stewart. Incumbent's commission expires May 20, 1928.

Eldon C. Newby to be postmaster at Randolph, Kans., in place of E. C. Newby. Incumbent's commission expires May 19, 1928.

Henry M. Highland to be postmaster at McCune, Kans., in place of H. M. Highland. Incumbent's commission expires May 20, 1928.

Sherman F. Lull to be postmaster at Linn, Kans., in place of S. F. Lull. Incumbent's commission expires May 19, 1928.

Frank W. Brady to be postmaster at Lebanon, Kans., in place of A. J. Miller. Incumbent's commission expired December 18, 1927.

Charles F. Schafer to be postmaster at Jewell, Kans., in place of C. F. Schafer. Incumbent's commission expires May 24, 1928.

Merton M. Fletcher to be postmaster at Glasco, Kans., in place of M. M. Fletcher. Incumbent's commission expires May 19, 1928.

Herbert L. Fryback to be postmaster at Colby, Kans., in place of H. L. Fryback. Incumbent's commission expires May 19, 1928.

KENTUCKY

Anna E. Fuqua to be postmaster at Rockvale, Ky., in place of A. E. Fuqua. Incumbent's commission expires May 14, 1928.

Helen E. Park to be postmaster at Rockport, Ky., in place of L. F. Gibbs. Incumbent's commission expired February 29, 1928.

Carley O. Wilmoth to be postmaster at Paris, Ky., in place of C. O. Wilmoth. Incumbent's commission expires May 23, 1928.

Nannie J. Wathen to be postmaster at Irvington, Ky., in place of N. J. Wathen. Incumbent's commission expires May 14, 1928.

Byrant H. Givens to be postmaster at Caneyville, Ky., in place of B. H. Givens. Incumbent's commission expires May 14, 1928.

John G. Fisher to be postmaster at Berry, Ky., in place of J. G. Fisher. Incumbent's commission expires May 23, 1928.

John F. Graves to be postmaster at Arlington, Ky., in place of J. F. Graves. Incumbent's commission expires May 14, 1928.

LOUISIANA

Florence Shelton to be postmaster at Destrehan, La., in place of E. H. Tullis, removed.

Ector R. Gammage to be postmaster at Westlake, La., in place of E. R. Gammage. Incumbent's commission expires May 19, 1928.

Nannie H. Rogillio to be postmaster at Water Proof, La., in place of N. H. Rogillio. Incumbent's commission expired April 15, 1928.

Daniel Crowe to be postmaster at Vivian, La., in place of Daniel Crowe. Incumbent's commission expires May 12, 1928.

Walter C. Miller to be postmaster at Logansport, La., in place of W. C. Miller. Incumbent's commission expires May 29, 1928.

Lillian P. Gross to be postmaster at Lake Providence, La., in place of L. P. Gross. Incumbent's commission expires May 19, 1928.

Mattie B. Peyton to be postmaster at Keatchie, La., in place of M. B. Peyton. Incumbent's commission expires May 19, 1928.

Claude H. Wallis to be postmaster at Houma, La., in place of C. H. Wallis. Incumbent's commission expired January 7, 1928.

John A. Marchand to be postmaster at Gonzales, La., in place of J. A. Marchand. Incumbent's commission expires May 19, 1928.

Augustine M. Dugas to be postmaster at Centerville, La., in place of A. M. Dugas. Incumbent's commission expired March 12, 1928.

MAINE

Carleton E. Young to be postmaster at Winterport, Me., in place of C. E. Young. Incumbent's commission expires May 19, 1928.

Lawrence H. Allen to be postmaster at South Windham, Me., in place of L. H. Allen. Incumbent's commission expires May 19, 1928.

Frank G. Thompson to be postmaster at Milo, Me., in place of F. G. Thompson. Incumbent's commission expires May 20, 1928.

Arthur Donkus to be postmaster at Lisbon, Me., in place of Arthur Donkus. Incumbent's commission expires May 22, 1928.

Gustavus A. Young to be postmaster at Island Falls, Me., in place of G. A. Young. Incumbent's commission expires May 19, 1928.

Alvin H. Perley to be postmaster at Charleston, Me., in place of A. H. Perley. Incumbent's commission expires May 22, 1928.

Fred E. Jones to be postmaster at Brownville, Me., in place of F. E. Jones. Incumbent's commission expires May 20, 1928.

MASSACHUSETTS

Nancy S. Harley to be postmaster at South Hanson, Mass., in place of N. S. Harley. Incumbent's commission expires May 19, 1928.

Walter B. Currier to be postmaster at South Acton, Mass., in place of W. B. Currier. Incumbent's commission expires May 19, 1928.

William P. Lovejoy to be postmaster at Barnstable, Mass., in place of W. P. Lovejoy. Incumbent's commission expires May 20, 1928.

MICHIGAN

Henry S. Smith to be postmaster at Wolverine, Mich., in place of D. M. Butler. Incumbent's commission expired January 9, 1928.

Frank N. Green to be postmaster at Olivet, Mich., in place of F. N. Green. Incumbent's commission expires May 23, 1928.

Arthur G. Stone to be postmaster at Niles, Mich., in place of A. G. Stone. Incumbent's commission expires May 23, 1928.

Ralph M. Powers to be postmaster at Jonesville, Mich., in place of R. M. Powers. Incumbent's commission expires May 24, 1928.

Adrian J. Westveer to be postmaster at Holland, Mich., in place of A. J. Westveer. Incumbent's commission expires May 23, 1928.

James R. Flood to be postmaster at Crystal Falls, Mich., in place of J. R. Flood. Incumbent's commission expires May 29, 1928.

John H. Ter Avest to be postmaster at Coopersville, Mich., in place of J. H. Ter Avest. Incumbent's commission expires May 24, 1928.

Edwin L. Groger to be postmaster at Concord, Mich., in place of E. L. Groger. Incumbent's commission expires May 23, 1928.

Earl Brown to be postmaster at Brighton, Mich., in place of Earl Brown. Incumbent's commission expires May 24, 1928.

MINNESOTA

Henry E. Day to be postmaster at Raymond, Minn., in place of H. E. Day. Incumbent's commission expired December 19, 1927.

Alvin A. Ogren to be postmaster at New London, Minn., in place of A. A. Ogren. Incumbent's commission expired December 19, 1927.

Hans P. Becken to be postmaster at Hanska, Minn., in place of H. P. Becken. Incumbent's commission expires May 20, 1928.

Henry O. Halverson to be postmaster at Gonvick, Minn., in place of H. O. Halverson. Incumbent's commission expires May 20, 1928.

MISSOURI

Frederick M. Rich to be postmaster at Perry, Mo., in place of W. F. Norris, resigned.

Ezra L. Plummer to be postmaster at Seneca, Mo., in place of E. L. Plummer. Incumbent's commission expires May 14, 1928.

Robert J. Smith to be postmaster at Miller, Mo., in place of R. J. Smith. Incumbent's commission expires May 14, 1928.

Ruby M. Ratcliff to be postmaster at Matthews, Mo., in place of R. M. Ratcliff. Incumbent's commission expires May 19, 1928.

Isaac P. Hopkins to be postmaster at Edgerton, Mo., in place of I. P. Hopkins. Incumbent's commission expires May 19, 1928.

Mary M. Wightman to be postmaster at Bethany, Mo., in place of M. M. Wightman. Incumbent's commission expires May 23, 1928.

Walter L. Meyer to be postmaster at Auxvasse, Mo., in place of W. L. Meyer. Incumbent's commission expires May 14, 1928.

MONTANA

Thomas E. Devore to be postmaster at Whitehall, Mont., in place of T. E. Devore. Incumbent's commission expires May 20, 1928.

Lucile D. Knight to be postmaster at Twin Bridges, Mont., in place of L. D. Knight. Incumbent's commission expires May 31, 1928.

Robert Parsons to be postmaster at Sweetgrass, Mont., in place of Robert Parsons. Incumbent's commission expires May 20, 1928.

Margaret D. McGlumphy to be postmaster at Sumatra, Mont., in place of M. D. McGlumphy. Incumbent's commission expires May 12, 1928.

Claude C. Alexander to be postmaster at Stanford, Mont., in place of C. C. Alexander. Incumbent's commission expires May 20, 1928.

Robert T. Richardson to be postmaster at Missoula, Mont., in place of R. T. Richardson. Incumbent's commission expires May 20, 1928.

Lee Jellison to be postmaster at Hobson, Mont., in place of Lee Jellison. Incumbent's commission expires May 26, 1928.

George W. Patterson to be postmaster at Havre, Mont., in place of G. W. Patterson. Incumbent's commission expires May 20, 1928.

Avory W. Dehnert to be postmaster at Denton, Mont., in place of A. W. Dehnert. Incumbent's commission expires May 20, 1928.

George C. Core to be postmaster at Choteau, Mont., in place of G. C. Core. Incumbent's commission expires May 20, 1928.

Charles W. Allison to be postmaster at Bainville, Mont., in place of C. W. Allison. Incumbent's commission expires May 20, 1928.

NEBRASKA

Louis A. Rice to be postmaster at Wilsonville, Nebr., in place of L. A. Rice. Incumbent's commission expires May 14, 1928.

Otto J. Zuelow to be postmaster at Schuyler, Nebr., in place of O. J. Zuelow. Incumbent's commission expires May 26, 1928.

Anton B. Helms to be postmaster at Randolph, Nebr., in place of A. B. Helms. Incumbent's commission expires May 26, 1928.

Wesley E. Snider to be postmaster at Osceola, Nebr., in place of W. E. Snider. Incumbent's commission expired April 7, 1928.

May Roberts to be postmaster at Nemaha, Nebr., in place of May Roberts. Incumbent's commission expires May 19, 1928.

Archie L. Smith to be postmaster at Imperial, Nebr., in place of A. L. Smith. Incumbent's commission expires May 20, 1928.

Elizabeth McGuire to be postmaster at Hampton, Nebr., in place of Elizabeth McGuire. Incumbent's commission expired April 7, 1928.

Frank W. Fuhlrodt to be postmaster at Fremont, Nebr., in place of F. W. Fuhlrodt. Incumbent's commission expires May 20, 1928.

Harry V. Ingram to be postmaster at Exeter, Nebr., in place of H. V. Ingram. Incumbent's commission expires May 20, 1928.

Russell Mooberry to be postmaster at Dorchester, Nebr., in place of Russell Mooberry. Incumbent's commission expired January 16, 1928.

Stanley E. Hemenway to be postmaster at Clearwater, Nebr., in place of S. E. Hemenway. Incumbent's commission expires May 26, 1928.

Orin J. Schwieger to be postmaster at Chadron, Nebr., in place of O. J. Schwieger. Incumbent's commission expires May 19, 1928.

Harry B. Clayton to be postmaster at Central City, Nebr., in place of H. B. Clayton. Incumbent's commission expires May 19, 1928.

Oscar M. Fenstermacher to be postmaster at Cedar Bluffs, Nebr., in place of O. M. Fenstermacher. Incumbent's commission expires May 20, 1928.

Minnie L. Smith to be postmaster at Blue Springs, Nebr., in place of M. L. Smith. Incumbent's commission expires May 20, 1928.

Elmer H. Doering to be postmaster at Battle Creek, Nebr., in place of E. H. Doering. Incumbent's commission expires May 26, 1928.

Edward F. Farley, jr., to be postmaster at Bancroft, Nebr., in place of E. F. Farley, jr. Incumbent's commission expires May 19, 1928.

Harry C. McClellan to be postmaster at Arlington, Nebr., in place of H. C. McClellan. Incumbent's commission expires May 26, 1928.

NEVADA

John W. Christian to be postmaster at Pioche, Nev., in place of J. W. Christian. Incumbent's commission expires May 14, 1928.

William E. Dalton to be postmaster at Gerlach, Nev., in place of W. E. Dalton. Incumbent's commission expires May 14, 1928.

NEW HAMPSHIRE

Maurice R. Wright to be postmaster at Northampton, N. H., in place of M. R. Wright. Incumbent's commission expires May 24, 1928.

William T. Lance to be postmaster at Meredith, N. H., in place of W. T. Lance. Incumbent's commission expires May 19, 1928.

Leston F. Eldredge to be postmaster at Durham, N. H., in place of L. F. Eldredge. Incumbent's commission expires May 19, 1928.

Thomas H. Dearborn to be postmaster at Dover, N. H., in place of T. H. Dearborn. Incumbent's commission expires May 19, 1928.

NEW JERSEY

Anne W. Campbell to be postmaster at Tabor, N. J., in place of A. W. Campbell. Incumbent's commission expires May 12, 1928.

Belle H. Smith to be postmaster at Springfield, N. J., in place of B. H. Smith. Incumbent's commission expires May 19, 1928.

Charles Herrmann to be postmaster at South River, N. J., in place of Charles Herrmann. Incumbent's commission expires May 19, 1928.

Rachel E. Berger to be postmaster at Ringoes, N. J., in place of R. E. Berger. Incumbent's commission expires May 14, 1928.

Harry B. Mason to be postmaster at Pompton Lakes, N. J., in place of H. B. Mason. Incumbent's commission expires May 19, 1928.

Ida H. Collom to be postmaster at Pemberton, N. J., in place of I. H. Collom. Incumbent's commission expires May 19, 1928.

Frank L. Pote to be postmaster at Paulsboro, N. J., in place of F. L. Pote. Incumbent's commission expired April 15, 1928.

William A. Reeves to be postmaster at New Lisbon, N. J. in place of W. A. Reeves. Incumbent's commission expires May 19, 1928.

Frank McMurtry to be postmaster at Mendham, N. J., in place of Frank McMurtry. Incumbent's commission expired January 15, 1928.

John E. MacIlwain to be postmaster at Magnolia, N. J., in place of J. E. MacIlwain. Incumbent's commission expires May 29, 1928.

Lyle W. Morehouse to be postmaster at Little Falls, N. J., in place of L. W. Morehouse. Incumbent's commission expires May 19, 1928.

George Coleman to be postmaster at Delanco, N. J., in place of George Coleman. Incumbent's commission expires May 19, 1928.

Charles E. Bishop to be postmaster at Elizabeth, N. J., in place of C. E. Bishop. Incumbent's commission expired April 21, 1928.

Harriet C. Rosenkrans to be postmaster at Branchville, N. J., in place of H. C. Rosenkrans. Incumbent's commission expires May 12, 1928.

NEW MEXICO

George H. Disinger to be postmaster at Hillsboro, N. Mex., in place of G. H. Disinger. Incumbent's commission expires May 14, 1928.

NEW YORK

Volney P. Hyde to be postmaster at La Fargeville, N. Y., in place of H. S. Luther, removed.

Clifford C. Wenzel to be postmaster at Deferiet, N. Y., in place of M. M. Parker, deceased.

Herbert J. Crandall to be postmaster at Silver Creek, N. Y., in place of H. J. Crandall. Incumbent's commission expires May 31, 1928.

Copeland E. Smith to be postmaster at Olean, N. Y., in place of C. E. Smith. Incumbent's commission expires May 19, 1928.

William W. Carpenter to be postmaster at Monticello, N. Y., in place of W. W. Carpenter. Incumbent's commission expires May 19, 1928.

William P. McConnell to be postmaster at Marlboro, N. Y., in place of W. P. McConnell. Incumbent's commission expires May 19, 1928.

Lulu B. Morehouse to be postmaster at Marathon, N. Y., in place of L. B. Morehouse. Incumbent's commission expires May 19, 1928.

George B. Bradish to be postmaster at Malone, N. Y., in place of G. B. Bradish. Incumbent's commission expired April 15, 1928.

Walter N. Durland to be postmaster at Hurleyville, N. Y., in place of W. N. Durland. Incumbent's commission expires May 19, 1928.

Daniel T. Evans to be postmaster at Chittenango, N. Y., in place of D. T. Evans. Incumbent's commission expires May 19, 1928.

Margaret M. Senecal to be postmaster at Champlain, N. Y., in place of M. M. Senecal. Incumbent's commission expires May 19, 1928.

Ettie M. Babcock to be postmaster at Canaan, N. Y., in place of E. M. Babcock. Incumbent's commission expires May 26, 1928.

Arthur J. Lytle to be postmaster at Angelica, N. Y., in place of A. J. Lytle. Incumbent's commission expires May 26, 1928.

NORTH CAROLINA

Thomas A. Kennedy to be postmaster at Troutmans, N. C., in place of T. A. Kennedy. Incumbent's commission expires May 20, 1928.

Perry T. Roane to be postmaster at Kelford, N. C., in place of P. T. Roane. Incumbent's commission expires May 19, 1928.

Joseph S. Mitchell to be postmaster at Draper, N. C., in place of J. S. Mitchell. Incumbent's commission expires May 17, 1928.

Sue M. Vick to be postmaster at Bailey, N. C., in place of S. M. Vick. Incumbent's commission expires May 17, 1928.

NORTH DAKOTA

Michael Coyne to be postmaster at Starkweather, N. Dak., in place of Michael Coyne. Incumbent's commission expires May 31, 1928.

Benjamin L. Anderson to be postmaster at Grenora, N. Dak., in place of B. L. Anderson. Incumbent's commission expires May 20, 1928.

Paul M. Bell to be postmaster at Elgin, N. Dak., in place of P. M. Bell. Incumbent's commission expired April 21, 1928.

OHIO

Ray Phillips to be postmaster at Leavittsburg, Ohio, in place of P. L. Livingston, removed.

Ralph Dunfee to be postmaster at Dresden, Ohio, in place of C. S. Littick, deceased.

Ben J. Filkins to be postmaster at Wakeman, Ohio, in place of B. J. Filkins. Incumbent's commission expires May 17, 1928.

Charles R. Finnical to be postmaster at Newton Falls, Ohio, in place of C. R. Finnical. Incumbent's commission expires May 19, 1928.

Harry E. Griffith to be postmaster at Mount Gilead, Ohio, in place of F. H. Miller. Incumbent's commission expired December 19, 1927.

John W. Kramer to be postmaster at Maumee, Ohio, in place of J. W. Kramer. Incumbent's commission expires May 19, 1928.

Don B. Stanley to be postmaster at Lowell, Ohio, in place of D. B. Stanley. Incumbent's commission expires May 17, 1928.

Robert E. Friel to be postmaster at Lore City, Ohio, in place of R. E. Friel. Incumbent's commission expires May 17, 1928.

Olive G. Randall to be postmaster at Hubbard, Ohio, in place of O. G. Randall. Incumbent's commission expires May 19, 1928.

Fred M. Hopkins to be postmaster at Fostoria, Ohio, in place of F. M. Hopkins. Incumbent's commission expires May 31, 1928.

Hosea A. Spaulding to be postmaster at Delaware, Ohio, in place of H. A. Spaulding. Incumbent's commission expires May 19, 1928.

Melroy C. Johns to be postmaster at Caldwell, Ohio, in place of M. C. Johns. Incumbent's commission expires May 17, 1928.

OKLAHOMA

Dosia Parsons to be postmaster at Mountain View, Okla., in place of W. M. Underwood, resigned.

Fred Godard to be postmaster at Wellston, Okla., in place of Fred Godard. Incumbent's commission expires May 19, 1928.

Howard E. Sowle to be postmaster at Vici, Okla., in place of H. E. Sowle. Incumbent's commission expires May 19, 1928.

John H. Durnil to be postmaster at Picher, Okla., in place of J. H. Durnil. Incumbent's commission expires May 24, 1928.

OREGON

William P. Skiens to be postmaster at Burns, Oreg., in place of W. P. Skiens. Incumbent's commission expires May 14, 1928.

PENNSYLVANIA

George A. Hill to be postmaster at Newtown, Pa., in place of W. S. Tomlinson, resigned.

Laura C. Ehler to be postmaster at Shippenville, Pa., in place of L. C. Ehler. Incumbent's commission expires May 19, 1928.

Teresa G. Burke to be postmaster at Renova, Pa., in place of T. G. Burke. Incumbent's commission expired January 22, 1928.

Maurice G. Coffey to be postmaster at Mill Hall, Pa., in place of M. G. Coffey. Incumbent's commission expired January 22, 1928.

Joseph S. Gillingham to be postmaster at Lincoln University, Pa., in place of J. S. Gillingham. Incumbent's commission expires May 17, 1928.

Calvin E. Cook to be postmaster at Dillsburg, Pa., in place of C. E. Cook. Incumbent's commission expired March 7, 1928.

Howard S. Kiess to be postmaster at Blossburg, Pa., in place of H. S. Kiess. Incumbent's commission expires May 26, 1928.

PORTO RICO

Moises Jordan to be postmaster at Utuado, P. R., in place of Moises Jordan. Incumbent's commission expires May 19, 1928.

Jose Mayol to be postmaster at Arecibo, P. R., in place of J. M. Alcover. Incumbent's commission expires May 19, 1928.

Carlos F. Torregrosa to be postmaster at Aguadilla, P. R., in place of C. F. Torregrosa. Incumbent's commission expires May 19, 1928.

SOUTH DAKOTA

Goodwin L. Hansen to be postmaster at Wasta, S. Dak., in place of M. S. Reed, deceased.

William R. Amoo to be postmaster at Morristown, S. Dak., in place of W. R. Amoo. Incumbent's commission expires May 20, 1928.

TENNESSEE

William G. Leach to be postmaster at Huntington, Tenn., in place of W. G. Leach. Incumbent's commission expires May 14, 1928.

TEXAS

Joe P. Luce to be postmaster at Graford, Tex., in place of V. M. Kahlban, resigned.

Oliver P. Maricle to be postmaster at Wichita Falls, Tex., in place of O. P. Maricle. Incumbent's commission expires May 26, 1928.

James A. Morgan to be postmaster at Vega, Tex., in place of J. A. Morgan. Incumbent's commission expires May 26, 1928.

Minerva M. F. Cowart to be postmaster at Turkey, Tex., in place of M. M. F. Cowart. Incumbent's commission expires May 26, 1928.

William M. Willis to be postmaster at Timpson, Tex., in place of W. M. Willis. Incumbent's commission expires May 26, 1928.

Hal M. Knight to be postmaster at Sterling City, Tex., in place of H. M. Knight. Incumbent's commission expires May 24, 1928.

Jesse P. Smith to be postmaster at Smiley, Tex., in place of J. P. Smith. Incumbent's commission expires May 26, 1928.

Raymond G. Hirth to be postmaster at San Juan, Tex., in place of R. G. Hirth. Incumbent's commission expires May 14, 1928.

William H. Tarter to be postmaster at Roxton, Tex., in place of W. H. Tarter. Incumbent's commission expires May 26, 1928.

Lillie M. Ragsdale to be postmaster at Richardson, Tex., in place of L. M. Ragsdale. Incumbent's commission expires May 26, 1928.

Edgar W. Hargett to be postmaster at Richards, Tex., in place of E. W. Hargett. Incumbent's commission expires May 26, 1928.

Fred N. Bland to be postmaster at Orangefield, Tex., in place of F. N. Bland. Incumbent's commission expires May 14, 1928.

Clara C. White to be postmaster at Megargel, Tex., in place of C. C. White. Incumbent's commission expires May 26, 1928.

Dunn R. Emerson to be postmaster at Marlin, Tex., in place of D. R. Emerson. Incumbent's commission expires May 26, 1928.

Robert W. Bourland to be postmaster at Marathon, Tex., in place of R. W. Bourland. Incumbent's commission expires May 14, 1928.

George F. Bates to be postmaster at Lyons, Tex., in place of G. F. Bates. Incumbent's commission expires May 26, 1928.

Thomas C. Hood to be postmaster at Lyford, Tex., in place of T. C. Hood. Incumbent's commission expires May 14, 1928.

Mike O. Sharp to be postmaster at Denison, Tex., in place of M. O. Sharp. Incumbent's commission expires May 26, 1928.

Charles F. Palm to be postmaster at Carrizo Springs, Tex., in place of C. F. Palm. Incumbent's commission expires May 14, 1928.

UTAH

Harris B. Simonsen to be postmaster at Helper, Utah, in place of Eugene Chatlin, resigned.

Charles Boyer to be postmaster at Springville, Utah, in place of T. H. Latimer, jr. Incumbent's commission expired December 18, 1927.

VERMONT

Reginald W. Buzzell to be postmaster at Newport, Vt., in place of R. W. Buzzell. Incumbent's commission expires May 19, 1928.

VIRGINIA

William B. Perkins to be postmaster at Trout Dale, Va., in place of W. H. Hash, deceased.

Guthrie R. Dunton, jr., to be postmaster at White Stone, Va., in place of G. R. Dunton, jr. Incumbent's commission expired April 8, 1928.

James O. Dameron to be postmaster at Weems, Va., in place of J. O. Dameron. Incumbent's commission expired April 8, 1928.

Herbert C. Bolton to be postmaster at St. Paul, Va., in place of H. C. Bolton. Incumbent's commission expires May 22, 1928.

John J. Ward to be postmaster at Nassawadox, Va., in place of J. J. Ward. Incumbent's commission expires May 19, 1928.

Frank G. Jones to be postmaster at Montvale, Va., in place of F. G. Jones. Incumbent's commission expires May 19, 1928.

Nannie L. Curtis to be postmaster at Leehall, Va., in place of N. L. Curtis. Incumbent's commission expires May 19, 1928.

Bernard Willing to be postmaster at Irvington, Va., in place of Bernard Willing. Incumbent's commission expired April 8, 1928.

Thomas T. Weddle to be postmaster at Floyd, Va., in place of T. T. Weddle. Incumbent's commission expires May 19, 1928.

Ray L. Barlow to be postmaster at Buckner, Va., in place of R. L. Barlow. Incumbent's commission expires May 19, 1928.

WASHINGTON

William G. Meneice to be postmaster at Carson, Wash., in place of W. G. Meneice. Incumbent's commission expires May 14, 1928.

WEST VIRGINIA

Norvell H. Burruss to be postmaster at Spring Hill, W. Va., in place of B. N. Burruss, deceased.

Gertrude Smith to be postmaster at Oak Hill, W. Va., in place of Gertrude Smith. Incumbent's commission expires May 14, 1928.

Alphonse Leuthardt to be postmaster at Grafton, W. Va., in place of Alphonse Leuthardt. Incumbent's commission expired May 3, 1928.

Aileen J. Calfee to be postmaster at Eckman, W. Va., in place of A. J. Calfee. Incumbent's commission expires May 14, 1928.

Lawrence Barrackman to be postmaster at Barrackville, W. Va., in place of Lawrence Barrackman. Incumbent's commission expires May 14, 1928.

WISCONSIN

Charles E. Sage to be postmaster at Wild Rose, Wis., in place of C. A. Smart, deceased.

Earl H. Herbert to be postmaster at Coleman, Wis., in place of A. B. Van Vonderen, deceased.

Fred J. Scheinpflug to be postmaster at Boscobel, Wis., in place of L. K. Austin, resigned.

Charles L. Calkins to be postmaster at Rhinelander, Wis., in place of C. L. Calkins. Incumbent's commission expires May 12, 1928.

Richard A. Goodell to be postmaster at Platteville, Wis., in place of R. I. Dugdale. Incumbent's commission expired January 7, 1928.

John A. Dickerson to be postmaster at Edgerton, Wis., in place of D. C. Gile. Incumbent's commission expired February 15, 1928.

WYOMING

Frank G. Brown to be postmaster at Fort Laramie, Wyo., in place of F. G. Brown. Incumbent's commission expires May 20, 1928.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 8 (legislative day of May 3), 1928

COMMISSIONER OF INTERNAL REVENUE

Harris F. Mires to be assistant to the Commissioner of Internal Revenue.

COLLECTOR OF CUSTOMS

Manuel B. Otero to be collector, collection district No. 24, El Paso, Tex.

POSTMASTERS

CALIFORNIA

Zylpha Potter, Hughson.
Frank N. Lawrence, Mount Shasta.
Belle Kornelissen, Newhall.

ILLINOIS

Harold E. Ward, Sterling.

KENTUCKY

Sophia A. Calvert, Big Clifty.
Charles A. Niles, Dawson Springs.
Orvil Coleman, Wolfpit.

MINNESOTA

Fred J. Page, Cusson.
Thomas Considine, Duluth.
Albert J. Schroeder, Holdingford.

MISSISSIPPI

John B. Going, Calhoun City.
Charles Kramer, Stonewall.

NEW HAMPSHIRE

Thomas H. Dearborn, Dover.

WISCONSIN

Fred J. Scheinpflug, Boscobel.

HOUSE OF REPRESENTATIVES

TUESDAY, *May 8, 1928*

The House met at 12 o'clock noon.

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

Blessed Lord and Master, Thy bountiful mercy is our hope and trust. We are here not in our own strength but through the loving-kindness and condescension of our Heavenly Father. Each day Thou dost set the marks of loveliness upon the face of Thy creation. Unto us do Thou send forth Thy light, that we may fulfill the measure of duty that is made plain to us. Enrich us with the fruitful joys of the Christian's faith; may they be our shield and our defense. Redeem our country from enmities and jealousies. Shadow it everywhere with the sweet, gracious sentiment of brotherhood. Teach us that the lasting treasure of life is the presence of Him who quiets all alarms and stills the soul with heavenly peace. Through Jesus Christ our Lord. 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 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. 11026) entitled "An act to provide for the coordination of the public-health activities of the Government, and for other purposes."

The message also announced that the Senate disagrees to the amendment of the House of Representatives to the bill (S. 744) entitled "An act to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes," requests a conference with the House on the disagreeing votes

of the two Houses thereon, and appoints Mr. JONES, Mr. McNARY, Mr. JOHNSON, Mr. FLETCHER, and Mr. RANSDELL to be the conferees on the part of the Senate.

CUSTER STATE PARK, S. DAK.

Mr. WILLIAMSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2910) granting to the State of South Dakota for park purposes the public lands within the Custer State Park, S. Dak.

The SPEAKER. The gentleman from South Dakota asks unanimous consent to take from the Speaker's table the bill S. 2910. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there be, and is hereby, granted to the State of South Dakota, for public park purposes, the publicly owned lands within the boundaries of the Custer State Park in townships 3 and 4 south, range 6 east, and the east one-third of townships 3 and 4 south, range 5 east, Black Hills meridian: *Provided*, That in the event of the failure on the part of the State of South Dakota to use the lands hereby granted for public park purposes the title thereto shall revert to the United States, and the Secretary of the Interior is hereby authorized and empowered to determine the facts and to declare such forfeiture and such reversion and to restore said lands to the public domain.

With the following committee amendment:

Page 2, line 4, after the word "domain," insert the following: "*Provided*, That this grant shall not include any land which on the date of the approval of the act is covered by any existing bona fide right or claim under the laws of the United States unless and until such right or claims is relinquished or extinguished."

The committee amendment was agreed to.

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

A motion to reconsider was laid on the table.

PRELIMINARY EXAMINATION AND SURVEY OF EASTCHESTER CREEK, N. Y.

Mr. FITZPATRICK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the preliminary examination and survey of Eastchester Creek, N. Y.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. FITZPATRICK. Mr. Speaker and gentlemen of the House, some time ago I introduced a bill, H. R. 9604. The object of this bill is to provide for a preliminary examination and survey of the Eastchester Creek to determine such improvements as may be necessary to meet with increasing transportation.

The Members of this House are not familiar with this creek I refer to, which is also known as Hutchinson River. It empties into Eastchester Bay, an indentation 3 miles long and 1,000 feet to 1½ miles wide, in the north shore of Long Island Sound, immediately east of Throggs Neck, 12 miles west of the Connecticut State line, and 21 miles by water east of the Battery, New York City. Its course is 9 miles slightly west of north from the head of the bay. The navigable section of the creek is tidal, is 100 feet to 1,000 feet in width, and extends about 2½ miles above its mouth. The approach through the bay is approximately 600 feet wide, with a controlling depth of 5 feet at mean low water. Four bridges cross the creek, two near the mouth, one a highway bridge and the other a railroad bridge, one highway bridge at Boston Post Road, and the other at Fulton Avenue.

There has been no permanent improvement proposed since 1910. Since that time transportation has increased from 800 to 1,000 per cent, and it would increase considerably more if this river was improved by deepening and widening the channel so that larger boats could enter it. At the present time the channel is supposed to be 5 feet deep at low tide, but if it is not dredged out frequently it is less than that.

I have been petitioned by a number of business men both in Westchester County and Bronx County to try and get some permanent improvement; among those are—

Hon. James Berg, mayor city of Mount Vernon, N. Y.
J. F. Mahlsted, president Mahlsted Lumber & Coal Co.
G. T. Macbeth, representing the Westchester Lighting Co.
John F. Fee, secretary and treasurer William J. Fee Coal Co.
William Hart Hussey, secretary H. B. Pruser Coal Co.
Theodore S. Trimmer, president T. S. Trimmer Coal Co.
Frank J. Howard, representing the Sylvestre Oil Co.
Frank Zeltray, representing the Beacon Oil Co.
Philip Levene, president Pelham Manor Coal & Transfer Co.
Joseph S. Yendell, representing the Excelsior Lubrication Co.
Roy J. Garofano, vice president Garofano Construction Co.
Alfred F. Barbaresi, of A. Barbaresi & Son, builders and contractors.
A. P. Brooks, president the Wilson & Adams Co.
C. O. Beck, manager the Bang Service Station (Inc.).
A. Aurisy, secretary Hutchinson River Supply Co. (Inc.).
Petrillo Bros. (Inc.), Eastchester Creek.
James V. Petrillo, secretary Carlo Petrillo Dock & Supply Co.
Harold Ferlard, manager Valvoline Oil Co.
Suburban Lumber Co., Boston Road, Eastchester, N. Y.
The Home News of the Bronx, which enters the home of nearly every family in that county.
The Mount Vernon Argus, Mount Vernon, N. Y.
The Pelham News, Pelham, N. Y.
Hon. Thomas H. O'Neil.
Hon. Robert L. Moran, county clerk Bronx County.
Hon. Albert G. Halberstadt, president Century Mills Paper Co.
Hon. John J. Hanley.
Hon. Thomas J. McDonald.
Hon. Christopher C. McGrath.
Hon. William A. Keating.
Hon. Edwin W. Fiske.
August Miller.
Paul A. Vaccarelli.
Joseph A. Carey.
R. J. Jennings, president Eastchester Creek Association.
Daniel V. O'Connell and Hon. Edward R. Koch.

I would like to impress upon this body the great necessity of this waterway. The river is bounded on the north by Westchester County and the south by Bronx County. If the river was widened so that large boats could navigate it would be a great benefit to over one quarter of a million people, and there is no part of our country to-day that is building so rapidly as the northern end of the Bronx and the southern end of Westchester County, which takes in Yonkers, Mount Vernon, Pelham, and New Rochelle. At the present time at low tide it is extremely difficult for three or four boats to use this creek at the same time, and if this improvement is made, it would lower the prices on building materials, oils, fuel, and all kinds of merchandise, and I believe that our Government owes the people of this section the improvement such as I am asking for. I hope that the Rivers and Harbors Committee will favorably report this bill and that prompt action will be taken on it by the House.

EXTENSION OF REMARKS

Mr. CONNERY. Mr. Speaker, I ask unanimous consent that all Members of the House who wish to do so may extend their remarks in eulogy of the late JAMES A. GALLIVAN.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that all Members who wish to do so may extend their remarks in eulogy of the late Representative GALLIVAN. Is there objection?

There was no objection.

DIRECT MARKETING OF HOGS

Mr. COCHRAN of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by answering the argument of the gentleman from Kansas [Mr. HOPE] on the packers and stockyards bill.

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

There was no objection.

Mr. COCHRAN of Missouri. Mr. Speaker, on February 29 the gentleman from Kansas [Mr. HOPE] addressed the House on the subject of the Capper-Hope bill and the direct marketing of hogs. I have studied this question and have some facts and figures that should be welcomed. These relate to certain statements made by the gentleman from Kansas.

Of primary importance was a question as to whether or not the bill introduced by the gentleman from Kansas would affect smaller packers. He was asked how the owner or the manager of a particular plant in Iowa, for example, was going to buy his hogs unless he buys them direct from a farmer. The gentleman from Kansas stated that his bill would not affect such a situation at all and that he did not think his bill would apply to towns with no public stockyards. The fact of the matter is the bill by its very language positively is applicable to so-called smaller packing plants owning private receiving yards. The same question came up during recent hearings before the Senate Committee on Agriculture and Forestry and at the hearing Dr. Arthur W. Miller, chief of the stockyards and packers division of the Bureau of Animal Industry, United States Department of Agriculture, indicated very definitely that the bill would apply to such plants. The bill positively would be applicable to all packing houses, small as well as large, owning pens where they receive livestock direct from farmers who have elected to sell their property direct to the packer. We have

such plants in St. Louis, and they as well as farmers who have been selling to them would be very severely affected by the unique proposal advanced by the gentleman from Kansas.

In St. Louis there are no public stockyards. There are yards across the Mississippi in East St. Louis, Ill. The farmers of Missouri and near-by States sell large numbers of their hogs direct to the packing plants in St. Louis to their entire satisfaction. If the gentleman's bill should ever pass, the ultimate result of its effect would be that the farmers of Missouri would have to haul or send their hogs right by the doors of our St. Louis packers, take them across the river into Illinois at an added expense of hauling, bridge tolls, and marketing charges, and then the St. Louis packers would have to go over into Illinois, buy these Missouri hogs, and haul them back into Missouri again, paying a heavy switching charge, having the animals damaged, bruised, and crippled by additional handling and generally encountering a heavy increase in the cost of their operations. The producer would receive fewer net dollars, the manufacturer's cost would be increased, and if the money wasted in this fashion could be made up at all it would have to mean a greater cost of meat.

Moreover, it would be a serious question whether our St. Louis packers doing business under such conditions could compete successfully with some other packers not situated as they are. Our packers could not move, because you can not put a packing house on wheels. Even if you could put a packing house on wheels, what benefit would that be to the farmers of Missouri, who now get the greatest possible returns for their pigs by selling them to the nearest buyer in St. Louis? The prices, incidentally, are based on the public terminal markets' prices, grade for grade. The economic loss resulting from any bill such as the gentleman's would amount to something between $50 and $75 a car—a loss which would have to be stood largely by the farmer, partly by the packer, and partly by the consumer.

The fact is that under the bill introduced by the gentleman from Kansas the Secretary of Agriculture—and nobody knows how some future Secretary might interpret the proposed law for some particular class or locality—may post as a public yards any packer or any shipper or any feeder or any farmers, or all of them, if they own or operate private yards. Also, the bill provides that any farmer selling to a posted stockyards privately owned by a shipping association or packer may complain to the Secretary of Agriculture, whereupon the Secretary may hold a hearing on behalf of the discontented farmer in any way the Secretary desires. There is nothing in the bill to give the privately owned posted yards a guaranty that it will be cited for a hearing only when there is reasonable ground for a hearing. Some one might just imagine that he had a grievance and still throw the private yards into a hearing. If the shipper or shipping association manager were forced to go to such a hearing his work would absolutely cease while he was so occupied. When small organizations like the packers we have in St. Louis, various parts of the Corn Belt, and elsewhere as well, are forced to appear, their chief operating officers must stop their operating and productive work and busy themselves with preparing for and attending whatever hearing they might be called upon to attend.

The gentleman might also be interested in observing that a great majority of the farmers in the Corn Belt and in the West are unalterably opposed to his bill which, while it ostensibly is directed at preventing packers from buying livestock direct, actually would have the effect of preventing farmers, individually or collectively, as the case might be, from selling their livestock direct, and the testimony is that they have found it extremely profitable to do so inasmuch as by so doing they are able to market their stock in the most economical manner, saving themselves heavy marketing charges.

Among other organizations that have opposed this legislation is the Iowa Cooperative Livestock Shippers, which is a State federation of local cooperative shipping associations of Iowa. There are approximately 640 shipping associations in Iowa and those associations have about 100,000 members. They handle approximately 60,000 carloads of livestock a year, mainly hogs. The position taken by the Iowa Cooperative Shippers has been that this bill would restrict the number of outlets available for selling their livestock. There are in Iowa 19 so-called concentration yards owned by packers and 13 packing plants. Each and every one of these so-called concentration yards and 13 local plants purchases livestock direct from farmers or farmers' cooperatives. There are several plants, especially in such States as Iowa, Minnesota, and adjacent States that purchase 100 per cent of their livestock direct from farmers or from farmers' cooperatives. The farmers of various localities have found it profitable to sell direct to packers and they are against any legislation which would prevent them from continuing to do so. They are selling this year in one State alone more than 4,000,000 hogs direct to packers.

It may also be of interest to know that the American National Livestock Association, the Oregon Cattle Raisers' Association, the Nebraska Stock Growers' Association, the Utah Cooperative Livestock Exchange, the Wyoming Stock Growers' Association, the Texas Cattle Raisers' Association, the Fayette County (Ohio) Producers' Co. and a large number of other important cooperative and farmers' associations are opposed to the bill and to the idea embodied in it.

The opposition of the farmers' cooperatives and shipping associations has been so strong that, as was to be expected, proponents of this legislation have drafted amendments which purport to exempt them from the operation of the measure. That might be all very well, but such an amendment would not help the individual farmers, or even the cooperative associations, who desire to sell their own property to some packer a few miles away and to whom for years they have been selling hogs to their entire satisfaction; that is, getting the high dollar for the fruits of the farmers' own labor in raising the hogs for market. The best evidence that this system of marketing has been satisfactory to millions of individual farmers all over the United States is that they continue to sell their hogs this way and not a few who used to sell their animals entirely in the terminal markets are now following the practice of selling their animals direct to some conveniently located packing house. Some individual farmers have been selling their hogs this way for 30 or 40 years, and even if cooperative and shipping associations should be exempted from the operations of this bill, in so far as posting their yards and so on is concerned, the bill still would prohibit freedom of action on the part of farmers individually and collectively who want to sell their own hogs direct and packers who want to buy the farmer's hogs direct. If you eliminate a buyer, you at the same time affect sellers, because, obviously, you can not sell direct if somebody else is prevented from buying direct. Here is an arrangement that is mutually satisfactory to buyer and seller. Personally, I do not believe that Congress will ever even seriously consider abridging the individual's right of contract and freedom of action in any such manner as is proposed.

The gentleman made some other statements during the course of his remarks which were—unintentionally, I am sure—not quite accurate, or at least they were not complete.

The gentleman charged that packers who own private yards at terminal markets are depressing prices on those markets by buying a portion of their hog requirements direct from farmers or direct at their plants from farmers and their associations and cooperatives.

The fact that packers located at the terminal markets may have bought some of their hog requirements through private yards and, therefore, will need to buy fewer hogs on that particular market in no way tends to depress hog prices because the supply to be sold on the market has been reduced along with the demand. It is obvious that the reduction in the supply automatically offsets any reduction in demand.

The gentleman then infers that the present low level of hog prices is a result of manipulation of the livestock market. I have found some very interesting figures touching on this point; figures which show conclusively that the lower level of hog prices is a direct result of the lower prices which packers obtained for pork. For example, I have compared the price of fresh and cured pork products on the Chicago market on March 1 of 1928 with the prices of those same products on March 1, 1927. I have a table taken from official figures issued by the Bureau of Agricultural Economics of the United States Department of Agriculture. It shows interesting comparisons:

Pork prices at Chicago; fresh pork products

	Mar. 1, 1928	Mar. 1, 1927	Amount of decline	Per cent of decline
Loins 10/12	$13.75	$22.50	$8.75	39
Skinned shoulders	11.00	16.50	5.50	33⅓
Spare ribs	9.00	15.00	6.00	40
Boston butts	13.25	20.25	7.00	34

Cured pork products week ending February 25

	1928	1927	Amount of decline	Per cent of decline
Hams, smoked, regular No. 1 12/14	$22.00	$28.00	$6.00	21
Hams, smoked, skinned No. 1 16/18	20.00	28.50	8.50	30
Picnics, smoked 4/8	16.50	18.50	2.00	11
Bacon, No. 1 6/8	30.00	34.50	4.50	13
Backs, dry salt 12/14	11.00	14.25	3.25	23
Lard, refined	11.00	14.38	3.38	24

It will be noted from these tables that declines in the nine principal pork products have ranged from 40 to 11 per cent, with an arithmetical average decline of 26.5 per cent. In the case of four fresh-pork items shown the declines have averaged 36.6 per cent. Against this we have a decline of only 31 per cent in the price of hogs at Chicago on March 1, 1928, as compared with March 1, 1927, according to figures published by the Chicago Daily Drovers Journal. These figures show clearly, in my opinion, that the decline in hog prices is due to one thing—a parallel and equal decline in the price of pork.

In other words, regardless of the decline in the export demand and regardless of whether or not there has been an increase in the hog supply and hog marketings, hog prices went down because the consumer would not absorb our pork supply except at lower levels, which necessitated declines in wholesale pork prices as much as 8¾ cents per pound. It is unnecessary, I am sure, to point out that when a packer is forced to sell his meat at wholesale at drastically lower levels, a decline in hog prices is inevitable.

The gentleman from Kansas confessed he did not know whether there has been an increase in the supply of hogs. It is interesting to observe that during January, 1928, the receipts of hogs at the seven leading markets were 20 per cent greater than during January, 1927, and, furthermore, during February, 1928, receipts of hogs at these seven leading markets were 60 per cent greater than during February of last year. The aggregate increase for the two months over the same two months of last year was 38 per cent. Surely these figures indicate clearly that the supply of hogs coming to market has increased and furnishes in itself ample reason for a corresponding decrease in the prices which have been paid for those hogs.

Disregarding the present situation, however, the gentleman stated that the drop in the prices of hogs took place about seven months ago. That is true. Prices of hogs seven months ago were appreciably lower than they had been one year before that. According to figures published by the Drovers' Journal, the average hog price at Chicago during July, 1927, was 28 per cent below the price for July, 1926. The price in August, 1927, was 21 per cent below the price in August, 1926; but prices of pork products at that time showed even greater declines. The figures of the Bureau of Agricultural Economics for the week ending July 30, 1927, and the corresponding week of 1926 are shown in another tabulation.

Pork prices at Chicago

	Week ending July 30, 1927	Week ending Aug. 1, 1926	Amount of decline	Per cent of decline
Loins 10/12	$23.10	$25.40	$2.30	9
Skinned shoulders	12.00	18.50	6.50	35
Spare ribs	10.50	14.00	3.50	25
Boston butts	15.50	23.40	7.90	34
Regular smoked hams	22.00	37.00	15.00	60
Smoked picnics	17.00	24.50	7.50	30
Bacon	32.00	44.00	12.00	27
Dry salt backs	12.50	17.50	5.00	29
Refined lard	12.00	17.50	5.50	30

We see from this table that the decrease of 21 to 28 per cent in the price of hogs was accompanied by an equal decline in the wholesale prices of pork products. Thus, whether we look at the figures for a week ago or seven months ago, or any other time, we only find proof that the price of hogs is determined by what consumers are willing to pay for the amount of pork which those hogs produce. It was the lower price of pork, gentlemen, and not direct marketing or alleged market manipulation which has been responsible for the lower level of hog prices.

At another point the gentleman asks that producers be permitted to sell their hogs on a competitive and open market instead of one which is under the absolute "control" of the purchaser. The producer is entirely free to do this now if he so desires. Official figures issued by the United States Department of Agriculture show that two-thirds of the entire hog supply is marketed through the public markets, which always have been considered open and competitive. Furthermore, the one-third of the hog supply which is marketed direct to the packer is marketed in that way only because the producer chooses to market his hogs that way. If the producers were not satisfied with the prices and conditions which they obtain in selling direct, it is obvious that they would market all of their livestock through the public markets, or in some other way. No producer is compelled to send his hogs direct to any packer. He does so only because he chooses to do so.

The gentleman next turns his attention to the technique of country buying. He infers that packers select a favorite dealer in each town, authorize him to pay higher prices than the market in order to drive competitors out of business and thereby create a monopoly for themselves in that community. Then, the gentleman says, the packers apportion and divide territory so that they will not have to compete with each other. In this same connection, however, representatives of the United States Department of Agriculture point out that every Iowa county has from 2 to 14 outlets for its hogs, and all but 9 counties have 4 or more buying agencies.

The statement that packers apportion territory among themselves is unsubstantiated by the gentleman, probably because he can point to no instance of apportionment. If, however, the packers have attempted to apportion territory among themselves such fact would constitute no argument whatever in favor of additional legislation. Anyone with the slightest knowledge of the antitrust acts well knows that under the provisions of the Sherman Act any agreement by the packers to apportion territory is now and has been unlawful ever since the enactment of that law in 1891. Aside from this, however, section 202, Clause F, of the packers and stockyards act of 1921, reads as follows:

> It shall be unlawful for any packer to (f) conspire, combine, agree, or arrange with any other person (1) to apportion territory for carrying on business in commerce, or (2) to apportion purchases or sales of any article in commerce, or (3) to manipulate or control prices in commerce.

We thus see that the laws of the United States now in full force and effect are ample to correct any situation such as the gentleman has described. All that he or those who are urging passage of this bill need to do in this connection is to bring the facts to the attention of the Secretary of Agriculture for the filing of complaint. No additional legislation whatever is necessary.

The gentleman then makes the statement that, as a result of what he describes as the selected shipper plan, the packers are enabled to get the best hogs in any territory without competition, with the result that the inferior hogs are shipped to the central markets and thus set the price for good hogs which are produced direct. The fact is that the packers do not make a practice of taking only selected hogs when they buy direct. In most cases they take entire droves which may contain hogs of all grades, with the result that there still is a plentiful supply of choice hogs being shipped to the central markets. Even when the packer does buy only choice grades direct he is obliged to pay the price for such grades which has been established on the central markets each day, and the law of supply and demand establishes a separate price for each grade and weight. Incidentally, hundreds of buyers are on each of the terminal markets, not just the buyers of packers who buy in the country. The prices of these different grades are readily available to producers through Government reports, radio, and newspapers, and by the telephone.

There is no justification, therefore, for the charge that direct marketing of choice grades of hog results in depressing the prices for the choice grades. The contrary is nearer the truth. Choice hogs are in great demand on all terminal markets. If some have been bought direct in the country, it would seem to follow that the supply on the terminal markets would be lessened, but the demand would be almost the same; hence the price should be higher than otherwise would be the case.

I find also a statement to the effect that there is no agency to guarantee the farmer fair grading and weighing on his direct shipments, since the packer himself fixes the grade, weight, and price. In commenting on this unfair inference I should like to point out that the very fact that farmers continue to market their hogs direct to packers, and in many cases have been doing so for 20 or 30 years, and that the fact that this practice has been increasing during recent years, indicates clearly that the grading, weighing, and pricing are satisfactory to the farmer, otherwise he would not market his hogs in that manner.

At another point the gentleman states that in a good many cases the producer of hogs who does not "stand in" with the packers can not sell his hogs at all. Surely any producer anywhere can ship his hogs to one of the public markets whenever he wishes and get them sold promptly regardless of whether he is or is not in favor with some packer. No farmer needs favors from some packer. The farmer has hogs and the packer must have his raw material. It is a business proposition purely and simply.

The next of the statements on which I wish to comment is one to the effect that the packer who has bought some of his hogs direct lays off the public market until later in the day, with the result that there is no competition all day and with the effect that hog prices are lowered. I should like to point

out that the time of day in which the buying takes place in no way affects competition. The plain fact is, however, that hog prices are determined by the total supply of hogs and the total demand for hogs—as influenced by the demand from consumers of pork—and not by the time or place or method of purchase.

As a matter of fact, staying out of the market in the early part of the day is not a new practice nor one which can be attributed to direct marketing. It is merely a phase of buying and is directly comparable to the case where a market agency will hold its hogs at higher prices than the market during the first part of the day.

Staying out of the market is not, however, practiced to any extent. The bulk of the packers are willing to bid, and do bid, on hogs soon after they are yarded and presented for sale. There is occasionally a situation where buyer's and seller's views as to price do not immediately meet to the extent of promptly causing an active market, and sometimes things are dull for an hour or two while this adjustment is going on, but it does not take as long for buyer and seller to meet on the price of livestock as it does on many other articles; some are quicker; some are longer.

We do not believe there has been any reason for complaint in recent years because of lack of bids reasonably early in the morning from buyers, and even if there was less activity for longer periods it would have no bearing on the direct marketing problem.

The gentleman then quotes the Secretary of Agriculture to the effect that the direct marketing system will, in fact, if it has not already done so, impair and ultimately break down the open competitive public markets where livestock is bought and sold, and where prices are established. In this the present Secretary does not agree with his predecessor, Henry C. Wallace.

Direct marketing in no way imperils the existence of the central markets. It is obvious that the many packers who have enormous sums of money invested at the central markets are as interested as anyone else in maintaining the markets at which they are established. Moreover, the great bulk of the buying is done through the central markets.

As for the suggestion that direct marketing already may have broken down the public markets, I think I need only call attention to the combined increase of 38 per cent in the receipts of hogs at the seven leading markets during January and February of this year as compared with the same two months of last year. From these figures it would seem that the open competitive markets were healthy and flourishing.

It is only fair to observe that charges which have been made from time to time against the packing industry have been quickly disproven by mere reference to official Government figures showing livestock prices, meat prices, and the rate of packers' profits.

In conclusion, I wish only to point out that producers of livestock and their representatives in Congress need not fear that direct marketing will bring about the downfall of the central markets, or that it will in any way affect adversely the price of hogs. What they should fear is the effect of unwise legislation which would restrict the processes of the packing industry, for such action would only curtail the outlets and marketing privileges of the livestock producers themselves. The Hope bill they should fear for an additional reason, namely, that even if amended it would tend to discourage cooperative direct marketing of livestock.

It is a fundamental principle of cooperative marketing and good marketing practice for individual farmers to get the produce of the farms to what is termed the farmer's consumer by the most direct route possible—passing by the door of the middlemen wherever possible or desirable. This is exactly what is being done now and increasingly developed in the marketing of livestock direct to packers. The economic saving by this method amounts to $50 or more per car of livestock marketed, some of this accruing to the producer and some to the packer. It also helps the consumer because it tends to decrease the spread between the farm and the table, a thing which for years has been recognized as being highly desirable for producers and consumers as well.

The packers in St. Louis who will be affected if this bill becomes a law number over 50. Many are in my district, and their existence practically depends upon their ability to purchase part of their kill direct.

Several thousand of my constituents who are now employed by these packers will also be affected if the business of their employers is curtailed.

Missouri has just completed a $90,000,000 good-roads program, the Federal aid being advanced in part to afford good roads for the farmer to bring his products to market by truck. Thousands are now saving freight rates by using these roads, and they will resent any attempt to prevent them from marketing their hogs direct to the packer where they receive the market quotations without any deductions for yardage, water, feed, and so forth.

FLOOD PROTECTION ON WHITE RIVER, ARK.

Mr. WOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Joint Resolution 135 and consider the same.

The SPEAKER. The gentleman from Indiana asks unanimous consent to take from the Speaker's table Senate Joint Resolution 135 and consider the same in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the joint resolution, as follows:

Senate joint resolution (S. J. Res. 135) making an emergency appropriation for flood protection on White River, Ark.

Whereas the disastrous floods of 1927 destroyed millions of dollars' worth of property along the White River, State of Arkansas; and

Whereas the efforts to hold the levees along that stream exhausted the entire resources of the levee districts; and

Whereas the funds to build said levees and keep them in repair is raised by a tax levied on the lands; and

Whereas the last dollar under the constitution these lands can be taxed for that purpose has been exhausted; and

Whereas the Government under the flood control act has assumed jurisdiction over these levees; and

Whereas these levees are now being threatened with destruction by a flood now raging on White River; and

Whereas there are no available funds appropriated to strengthen and hold these levees against the impending flood: Therefore be it

Resolved, etc., That there is hereby appropriated out of any money in the Treasury not otherwise appropriated the sum of $25,000, or so much thereof as may be required, to be expended under the direction of the Chief of Engineers of the United States Army and the Mississippi River Commission to strengthen and hold levees on the White River in Woodruff and Monroe Counties, Ark.

SEC. 2. The Chief of Engineers of the United States Army or the Mississippi River Commission, or both, are hereby authorized to expend said sum, or so much thereof as may be required, to strengthen or hold said levees.

The SPEAKER. The question is on the preamble.

The question was taken, and the preamble was stricken out.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. WOOD, a motion to reconsider the vote whereby the resolution was passed was laid on the table.

FLOOD CONTROL

Mr. REID of Illinois. Mr. Speaker, I ask unanimous consent to call up the conference report on the bill (S. 3740) for the control of floods on the Mississippi River and its tributaries, and for other purposes, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Illinois asks unanimous consent to call up the conference report on the bill (S. 3740) and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3740) for the control of floods on the Mississippi River and its tributaries, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 13, 17, 18, 19, and 20.

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 21, 22, 24, 25, 26, 27, 28, 29, 30, 32, and 33, and agree to the same.

Amendment numbered 9: That the Senate recede from its disagreement to the amendment of the House numbered 9, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment, insert the following: "but nothing herein shall prevent, postpone, delay, or in anywise interfere with the execution of that part of the project on the east side of the river, including raising, strengthening, and enlarging the levees on the east side of the river"; and the House agree to the same.

Amendment numbered 14: That the Senate recede from its disagreement to the amendment of the House numbered 14, and agree to the same with an amendment as follows: In lieu of the

matter proposed to be inserted by said amendment insert the following:

"; (c) provide without cost to the United States, all rights of way for levee foundations and levees on the main stem of the Mississippi River between Cape Girardeau, Mo., and the Head of Passes."

"No liability of any kind shall attach to or rest upon the United States for any damage from or by floods or flood waters at any place: *Provided, however*, That if in carrying out the purposes of this act it shall be found that upon any stretch of the banks of the Mississippi River it is impracticable to construct levees, either because such construction is not economically justified or because such construction would unreasonably restrict the flood channel, and lands in such stretch of the river are subjected to overflow and damage which are not now overflowed or damaged by reason of the construction of levees on the opposite banks of the river it shall be the duty of the Secretary of War and the Chief of Engineers to institute proceedings on behalf of the United States Government to acquire either the absolute ownership of the lands so subjected to overflow and damage or floodage rights over such lands."

And the House agree to the same.

Amendment numbered 15: That the Senate recede from its disagreement to the amendment of the House numbered 15, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"SEC. 4. The United States shall provide flowage rights for additional destructive flood waters that will pass by reason of diversions from the main channel of the Mississippi River: *Provided*, That in all cases where the execution of the flood-control plan herein adopted results in benefits to property such benefits shall be taken into consideration by way of reducing the amount of compensation to be paid."

And the House agree to the same.

Amendment numbered 16: That the Senate recede from its disagreement to the amendment of the House numbered 16, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "which in the opinion of the Secretary of War and the Chief of Engineers, are"; and the House agree to the same.

Amendment numbered 23: That the Senate recede from its disagreement to the amendment of the House numbered 23, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"Including levee work on the Mississippi River between Rock Island, Ill., and Cape Girardeau, Mo., and on the outlets and tributaries of the Mississippi River between Rock Island and Head of Passes in so far as such outlets or tributaries are affected by the backwaters of the Mississippi: *Provided*, That for such work on the Mississippi River between Rock Island, Ill., and Cape Girardeau, Mo., and on such tributaries, the States or levee districts shall provide rights of way without cost to the United States, contribute 33⅓ per cent of the costs of the works, and maintain them after completion: *And provided further*, That not more than $10,000,000 of the sums authorized in section 1 of this act shall be expended under the provisions of this section.

"In an emergency, funds appropriated under authority of section 1 of this act may be expended for the maintenance of any levee when it is demonstrated to the satisfaction of the Secretary of War that the levee can not be adequately maintained by the State or levee district."

And the House agree to the same.

Amendment numbered 31: That the Senate recede from its disagreement to the amendment of the House numbered 31, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment, insert the following:

"The sum of $5,000,000 is hereby authorized to be used out of the appropriation herein authorized in section 1 of this act, in addition to amounts authorized in the river and harbor act of January 21, 1927, to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers for the preparation of the flood-control projects authorized to be submitted to Congress under this section: *Provided further*, That the flood surveys herein provided for shall be made simultaneously with the flood-control work on the Mississippi River provided for in this act: *And provided further*, That the President shall proceed to ascertain, through the Secretary of Agriculture and such other agencies as he may deem proper, the extent to and manner in which the floods in the Mississippi Valley may be controlled by proper forestry practice."

And the House agree to the same.

Pursuant to House Concurrent Resolution No. 34, it is recommended that in the first proviso to section 10 the words "board created in section 1 of this act" be stricken out, and in lieu thereof the words "Mississippi River Commission" be inserted.

FRANK R. REID,
C. F. CURRY,
ROY G. FITZGERALD,
RILEY J. WILSON,
W. J. DRIVER,
Managers on the part of the House.

W. L. JONES,
DUNCAN U. FLETCHER,
CHAS. L. MCNARY,
JOS. E. RANSDELL,
HIRAM W. JOHNSON,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3740) for the control of floods on the Mississippi River and its tributaries, and for other purposes, submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report, as to each of such amendments, namely:

SECTION 1

On No. 1: Strikes out the Secretary of War as a member of the planning board.

On No. 2: Provides for one civil engineer as a member of the planning board, instead of two as proposed by the Senate.

On No. 3: Provides that the civil engineer shall be chosen from civil life.

On No. 4: Provides that the planning board shall consider the plans recommended by the Mississippi River Commission.

On No. 5: Inserts the language proposed by the House, providing that the planning board shall recommend to the President such action as it may deem necessary to be taken in respect to the engineering differences between the two flood-control plans, the President's decision to be followed in carrying out the project. The planning board is to have no other authority in regard to the project except as set forth in this section.

On No. 6: Strikes out the word "further" as proposed by the House.

On No. 7: Strikes out the word "as" as proposed by the House.

On No. 8: Strikes out the words "as those protected by levees constructed on the main river" as proposed by the House.

On No. 9: Inserts the language proposed by the House, with the additional insertion, after the word "of," in line 22, on page 3, of the words "that part of." This is in the nature of a perfecting amendment and does not change the sense of the House amendment.

On No. 10: Inserts the new paragraph at the end of section 1, as proposed by the House, providing that all unexpended balances of appropriations heretofore made for flood control on the Mississippi River under the flood control acts of 1917 and 1923 shall be available for expenditure under this act, except section 13.

SECTION 2

On No. 11: Strikes out the word "additional," as proposed by the House, from the phrase "no additional local contribution to the project herein adopted is required."

SECTION 3

On No. 12: Strikes out the words "local interests" and inserts the words "the States or levee districts," as proposed by the House, in line 8, on page 5.

On No. 13: Strikes out the words "the title to" proposed to be inserted by the House, in line 15, on page 5.

On No. 14: Inserts the language proposed by the House, but changes the latter part of the last paragraph of the section so as to clarify the meaning.

SECTION 4

On No. 15: Strikes out the first paragraph of the section, as proposed by the Senate, and inserts in lieu of the amendment proposed by the House a provision which has been agreed upon by the conferees, to the effect that the United States shall provide flowage rights for additional destructive flood waters that will pass by reason of diversions from the main channel of the Mississippi River. The amendment agreed to by the conferees also contains a proviso to the effect that where the flood-control project results in benefits to property, such benefits shall be taken into consideration by way of reducing

the amount of compensation to be paid. This provision is similar to existing law.

On No. 16: Inserts the language proposed by the House, to the effect that the opinion of the Secretary of War is to decide what lands, easements, or rights of way are necessary to be acquired, and adds that the opinion of the Chief of Engineers is also to be followed.

On Nos. 17, 18, 19, and 20: Strikes out the language proposed by the House and restores the language of the Senate, in the last proviso in section 4, the House amendment not having been considered essential or important.

SECTION 6

On No. 21: Strikes out the language, proposed by the Senate, and inserts the word "Funds," as proposed by the House, in line 10, on page 8.

On No. 22: Inserts the words "section 1 of," as proposed by the House, in line 11, on page 8.

On No. 23: Strikes out the language, proposed by the Senate, and inserts the language, proposed by the House, with the additional provision that for levee work on the Mississippi River between Rock Island, Ill., and Cape Girardeau, Mo., the States or levee districts shall provide rights of way, pay one-third of the work, and maintain the levees when completed.

SECTION 7

On No. 24: Strikes out the words "below Cape Girardeau, Mo.," as proposed by the Senate, so that the emergency fund may be used for rescue work or repair or maintenance on any of the tributaries of the Mississippi.

On No. 25: Inserts the language, proposed by the House, which would authorize the emergency fund to be used to repair levees destroyed by the flood of 1927.

SECTION 8

On No. 26: Inserts the new paragraph at the end of the section, as proposed by the House, providing that the salary of the president of the Mississippi River Commission shall be $10,000, and the salary of the other members of the commission shall be $7,500.

SECTION 9

On No. 27: Strikes out the entire section, as proposed by the Senate, and inserts the language, proposed by the House, providing that the provisions of sections 13, 14, 16, and 17 of the river and harbor act of March 3, 1899, shall be applicable to all lands, waters, easements, and other property and rights acquired or constructed under the provisions of this act.

SECTION 10

On No. 28: Inserts the language, proposed by the House, providing that the surveys authorized by the river and harbor act of January 21, 1927, in addition to those set forth in House Document No. 308, Sixty-ninth Congress, first session, shall be prosecuted as speedily as practicable.

On Nos. 29 and 30: Strikes out the language, proposed by the Senate, and inserts the language, proposed by the House, naming the tributaries for which flood-control projects shall be prepared.

On No. 31: Inserts the new paragraph at the end of the section, as proposed by the House, with the additional provisions that the flood-control projects on the tributaries of the Mississippi shall be submitted to Congress, and that the forestry investigation may be undertaken by such other agencies as the President may deem proper as well as by the Secretary of Agriculture.

SECTION 11

On No. 32: Strikes out the language, proposed by the Senate, and inserts the language, proposed by the House, to the effect that if the levee between Tiptonville, Tenn., and the Obion River, in Tennessee, is found feasible and is approved by the President, it shall be built.

SECTIONS 13 AND 14

On No. 33: Inserts the two new sections, proposed by the House, section 13 providing for a modification of the flood-control project on the Sacramento River, Calif., and section 14 providing that contracts for the sale of land shall contain a provision that no Member of Congress is interested in the sale.

The conferees have agreed to recommend that section 10 be amended to provide that the surveys of the tributaries shall be reviewed by the Mississippi River Commission instead of the planning board. This change is recommended in order to make this section consistent with the provision in section 1 that the planning board shall have no power or authority except to consider the engineering differences between the two plans for flood control on the lower Mississippi. This recommendation of the conferees was authorized by House Concurrent Resolution No. 34, adopted by the House and Senate on May 7, 1928.

FRANK R. REID,
C. F. CURRY,
ROY G. FITZGERALD,
RILEY J. WILSON,
W. J. DRIVER,
Managers on the part of the House.

Mr. REID of Illinois. Mr. Speaker, I move the adoption of the conference report.

The SPEAKER. The question is on agreeing to the conference report.

Mr. DENISON. Mr. Speaker, I ask the gentleman to yield to me for five minutes.

Mr. REID of Illinois. Mr. Speaker, first I yield five minutes to the gentleman from Wisconsin [Mr. FREAR].

Mr. FREAR. Mr. Speaker and gentlemen of the House, this flood control bill as now reported by the conferees is accepted, as I understand it, by the Attorney General and by those who were in the President's conference. They have agreed to it as a compromise, and to my mind it is a very satisfactory compromise, depending upon the legal interpretation that is to be had hereafter. I shall speak of one or two points which were in controversy and were discussed in the House quite fully during debate upon the bill. In section 3, it will be remembered, there is a provision relating to forcing waters across the Mississippi River by reason of levees constructed by the Government, and the consequent damage to those living on the opposite side of the river. In section 3 there has now been inserted this provision:

lands in such stretch of the river subjected to overflow and damage which are not now overflowed or damaged by reason of the construction of levees on the opposite banks of the river.

Any additional damage caused by the Government should be paid, so far as the damage is concerned. The only criticism that rises in my mind is whether or not the Government should buy the flowage rights instead of permitting the damage to be recovered by court action.

Mr. GARRETT of Tennessee rose.

Mr. FREAR. In just a moment. In section 4 the same result, apparently, is reached, to be determined by legal construction of the word "additional" inserted before "destructive flood waters." The chairman of the committee will correct me if I am not stating this correctly. That word provides, in effect, that in these flood ways, where they have been used heretofore for flood ways, no damage can be collected from the Government unless it is "additional" damage due to the construction of levees. Where the use of the flood ways creates additional overflow because of greater floods caused by the works, then the Government might properly be held responsible to the extent of providing land for such additional overflow or flowage rights. Actual damages to be recovered by court action would be preferable.

Those are the two principal provisions in controversy. Of course, the effect of this change is to strike out the enormous expenditure of two or three hundred million dollars for buying up whole flood ways that we have had in the bill heretofore.

Mr. BOX rose.

THE ADMINISTRATION PLAN ACCEPTED BY CONFEREES IS 100 PER CENT BETTER THAN THE SENATE BILL

Mr. FREAR. In just a moment. A third proposition which, to my mind, is important provides that benefits shall be charged or credited or offset against any damages, which is certainly proper and has been our contention at all times. The commission feature now in the bill is, of course, far preferable to that which was provided in the Senate bill, and the bill as presented to you by the conferees, as influenced by the advice of the President and his advisers, in my judgment is 100 per cent better than the bill as it came from the Senate. It is also far preferable to the bill that was discussed here in the House. As long as it is also acceptable to those who have the final say in its determination, I am satisfied with it. [Applause.]

A brief examination has only been afforded of all the amendments, but the conference report on the flood control bill in some respects presents an entirely different bill from that which passed the Senate unanimously or that which was afterwards reported to the House by the House committee and thereafter passed.

A VETO WOULD HAVE BEEN SUSTAINED. IT WILL NOT BE NEEDED NOW TO GET FAIR FLOOD LEGISLATION

In the week's discussion of the flood control bill when before the House different objectionable features connected with the

bill were pointed out, apparently successfully, judged by the final vote of April 24 to recommit the bill and substitute the measure recommended by the Attorney General. On this motion 139 votes for recommittal with 28 pairs totaled 167 votes for the substitute proposal and gave positive assurance that in case of a veto of the flood control bill because of its objectionable features, such veto would be sustained by the House.

With that certainty the Executive, with the aid of the Attorney General and Chief of Engineers, has been able to secure modifications of the bill so that it is far less objectionable than the bill passed by the House as stated, and it is a vast improvement over the carelessly drawn bill passed by the Senate.

No attempt will be made to point out all of the important changes in a bill which it was predicted by Army engineers would cost the Federal Government from $1,000,000,000 to $1,500,000,000 as passed by the Senate, although a misleading amount of $325,000,000 was carried in the Senate bill.

NOT TO COST MUCH MORE THAN THE ARMY ENGINEERS' PLAN

Several specific amendments accepted by the conferees have been briefly referred to. Their adoption ought to materially reduce the cost estimate to an amount not far in excess of the $300,000,000 in round numbers estimated for the General Jadwin plan of flood control rejected in its local contribution features by both House and Senate bills.

A provision inserted in the Attorney General's substitute bill offered on the motion to recommit required that States or local interests furnish rights of way for flood-way levees and also a provision recommended by the Army engineer's plan for small local contributions are omitted from the conferees' bill. To that extent it is a departure from the policy heretofore adopted by the Federal Government. It also affords invitation for subsequent flood-control projects to evade contribution because of this precedent.

The following changes, however, in the original Senate and House bills are of vast importance, and in substance far overshadow the objections mentioned:

First. The amendment accepted by the conferees under section 1 now provides that the President shall determine the flood plans and other important questions which are to be submitted to him, and that the board temporarily formed for the purpose of recommending plans shall have no power or authority in respect to the project excepting to recommend to the President. This places responsibility with the Executive, and is a protection to the Government not afforded by the original bills, that left large powers to a mixed politically formed board.

Second. The commission or board, consisting of the Chief of Engineers, the president of the Mississippi River Commission, and a civil engineer, with duties confined to a submission of Mississippi River plans, is infinitely preferable to the commission provided in the Senate bill that, as stated, was reasonably certain to develop into a political commission in course of time. Proposals in other bills to have many millions of dollars of existing levee indebtedness assumed by the Federal Government through action by such commission affords an understanding of a danger that has been thus avoided.

$71,000,000 RAILWAY PAYMENT STRICKEN OUT

Third. The provision contained in section 4 of the Senate bill and also as reported in the House bill granting unlimited damages to public-service corporations has been stricken from the bill. The provision, urged by railway engineers before our committee, contemplated a payment by the Federal Government to their roads of over $71,000,000 for relocating their roads in the flood ways and elsewhere. That provision has been eliminated from the bill by the conferees.

Fourth. Under the House bill as passed by the House it was provided in section 3 that the Government should acquire absolute ownership of land or floodage rights where lands along the banks of the Mississippi River are damaged by the construction of flood-control works.

This provision as passed by the House might have included lands heretofore subject to flowage all along the river and would have occasioned heavy expense to the Government because of that fact.

As reported by the conferees, section 3 is now changed so as to provide liability only "for damages for lands not now overflowed." This amendment is not subject to reasonable objection, although the provision is subject to difficulties and possibly unnecessary expenditures because the Government will not be limited to "damages" to be collected by court procedure but upon proof of damages not heretofore suffered it may be the duty of the Federal Government to acquire absolute ownership or flowage rights to such lands.

The distinction between a remedy of damages and an alternative of purchasing flowage rights was discussed when the flood-control bill was before the House and also by the Attorney General's substitute, which limited relief for damages to damage suits.

Fifth. The main cause of contention throughout the debate of several days was section 4, which provided that the Government should provide flowage rights for 4,000,000 acres of land or for any additional or less amount required for the flood ways.

Army engineers have estimated these costs would reach from $25 to $75 per acre, and presumably would cost the Government through condemnation suits or purchase over $200,000,000 just for flowage rights in the flood ways. It was also disclosed that 17 per cent of the owners of flood way lands owned 77 per cent of such lands.

BILL NOW STRIKES OUT 4,000,000 ACRE PURCHASE

The conferees, according to the report, have changed section 4 in two particulars, as stated, first by inserting the word "additional" before the words "destructive flood waters," so that it is understood the Government will only be liable for any new or additional damages in the flood ways that may be occasioned by the construction of flood-control works. If this construction is correct—and it has been passed upon by the Attorney General—then it will avoid any necessity for purchasing the 4,000,000 acres of lands which have heretofore been subject to overflow. Only a small fraction of such lands will be subjected to new overflow according to the engineers. This was an indefensible objection to the Senate and House bill which is now eliminated.

A second material amendment to section 4 has been agreed upon in the conferees' report, which provides "that in all cases where the execution of the flood-control plan herein adopted results in benefits to property such benefits shall be taken into consideration by way of reducing the amount of compensation to be paid." This recognizes and puts into effect the policy of offsetting benefits against damages, and is an important protection to the Government not recognized in the bill as passed by the House.

LOCAL CONTRIBUTION OF ONE-THIRD OF COSTS HEREAFTER TO BE DECLARED

Sixth. An important provision not found in the Senate bill but reported in the House bill is that which provides that in work on the tributaries "local interests shall provide rights of way without cost to the United States, contribute 33⅓ per cent of the cost of the works, and maintain the works after completion." This provision sets forth a flood policy hereafter to be adopted by the Federal Government.

The modifications in the bill speak for themselves, and were made possible by the fact that without modifications there was strong possibility that the bill could not become law, due to Executive opposition. To the President and his advisers belongs the credit for removing some of the most objectionable features of the bill.

In its present form the bill is not entirely all that could be desired to protect the Government, but due to the threatening situation in the Mississippi Valley flood-control works must be constructed without delay. For this reason in their efforts to reach a satisfactory compromise the conferees of both Senate and House are entitled to commendation from every friend of and sympathizer with the flood-control problem.

To those minority members of the committee, and to the Members of the House who by their action and vote on the motion to recommit brought about a situation that protected the rights of the Federal Government, thanks are due. As stated at the outset of the discussion, we have a responsibility toward the Federal Government as well as to our own States and local constituencies, and that has been fairly recognized in mutual efforts to secure a satisfactory bill.

Mr. REID of Illinois. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. DENISON].

Mr. DENISON. Mr. Speaker, I want to commend the action of the managers on the part of the House for the splendid work they have done in reaching an agreement on this bill. I think they did good work, and they deserve a great deal of credit for what they did. They had some very serious difficulties to overcome in order to get an agreement and get a bill that would be satisfactory. Of course, as will often happen, however, some unwise provisions have crept into the bill, and I want to call attention to one of those provisions. I think I should do that at this time, before the bill becomes a law, because I think sooner or later it will be necessary for Congress to amend the bill.

In section 6 it is provided that the fund appropriated under the bill may be expended for the construction of flood works and levees on the Mississippi between Rock Island and Cape

Girardeau, Mo.; but on that part of the river the local levee districts or the States under this provision have to provide not only the ground where the levees are built but will have to furnish 33⅓ per cent of the funds for the construction of the levees and maintain them after they are built. Of course, you understand that below Cape Girardeau, Mo., the Government pays all of the costs of constructing the levees, but above Cape Girardeau the local districts will be required to pay 33⅓ per cent of the cost. I do not think there is any justification for such a distinction on different parts of the Mississippi River. It is also provided that on the tributaries of the Mississippi River, which are affected by the floods of the Mississippi, the local districts have to pay 33⅓ per cent of the levees on those tributaries. Let me show you the injustice of that. I am not criticizing the conferees or the committee. I think they did the best they could do, but I merely wish to call the attention of the House to the injustice of that provision. Let me illustrate it by the city of Cairo, Ill. Cairo is situated on the narrow point where the Ohio and the Mississippi come together. On the Mississippi side the Government will pay for all expenses of flood protection. Just around the point on the other side of the city—the city faces both rivers—where the Mississippi River water backs up into the Ohio, just as high as in the Mississippi, the city might have to pay 33⅓ per cent of the cost of levee protection upon that side. The Mississippi River causes the danger on both sides of the city. On one side the city might have to pay one-third of the flood protection, while on the other side the Government will pay it all.

Mr. NEWTON. What is the reason for the distinction?

Mr. DENISON. There is no reason, but I assume the conferees had to accept that or not have any legislation. Sooner or later Congress will have to correct that provision. The Mississippi River, in the flood of 1927, cut across into the Ohio River above the city of Cairo, and ran entirely around the city, so you can see that the Mississippi River flood is often the only source of danger to the city of Cairo. So the same rule as to costs ought to apply on both sides of the city, because the source of danger is usually the same.

I merely use the situation at Cairo as an illustration of the point I am trying to make with reference to one provision of the bill as agreed to by the conferees. As a matter of fact, we all understand that Cairo will be protected by the flood way provided across the river in Missouri, especially if the Jadwin plan adopted by the bill is not changed by the action of the board. If the board should change the Jadwin plan for the protection of Cairo, and if a plan to protect Cairo would provide only for levees, then we can all see that a great injustice will have been done to the people of Cairo and to Mound City and Mounds, just above Cairo. Cairo can not stand higher levees. Cairo will not be secure until the flood level of the Mississippi River is materially reduced, as provided in the Jadwin plan. If the board should unfortunately decide to reject the Jadwin plan for the protection of Cairo and approve a plan for higher levees there, I would be compelled to file a bill to amend the flood control bill at least to the extent of providing that the same rule with reference to paying for the costs of levees should apply on the tributaries of the Mississippi River as far as they are directly affected by the floods of the Mississippi River. Every reason that would justify the payment of all costs by the Government for levees on the Mississippi River would suggest that the Government pay all costs of levees on the tributaries of the Mississippi River as far back as such tributaries are directly flooded by the waters of the Mississippi River. Above those points there is justification for an apportionment of costs to local levee districts for constructing levees on the tributaries. The Mississippi River floods endanger Mounds and Mound City just above Cairo on the Ohio River when the Ohio River is in flood, and the Government should pay all costs for the protection of those cities. But if the Jadwin plan is followed and the flood level of the Mississippi River at Cairo is lowered by a diversion channel on the opposite side, then, of course, Cairo and Mound City will alike be fully protected. And I wish to say that the people of Cairo and southern Illinois are depending upon full adherence by the board to the Jadwin plan for their protection.

Mr. REID of Illinois. Mr. Speaker, I yield myself five minutes.

The SPEAKER. The gentleman from Illinois is recognized for five minutes.

Mr. REID of Illinois. Mr. Speaker, the important changes are only three in number. I will begin backwards. In the first section we provided for the planning board composed of the Chief of Engineers, the president of the Mississippi River Commission, and one civil engineer. In that same section we provided that they should have no other power or authority except to try to make the two flood-control plans consistent.

In section 10 it was provided in the bill as it passed both Houses that certain surveys of the tributaries and reservoirs be referred to this same board. To make it consistent with the provision in section 1 the conferees recommend that section 10 be amended so that the surveys of the tributaries will be reviewed by the Mississippi River Commission instead of by the planning board. That change was authorized by House Concurrent Resolution No. 34, which was adopted here yesterday.

The next important section is the so-called flowage-rights section. I think we have the language corrected to meet the views of nearly everyone in the House. The United States will not now have to pay for flowage rights over lands now used in conducting the destructive water from the main Mississippi Rived. It was cured very simply by the addition of the word "additional." If the work puts any additional flood destruction on those lands, that must be provided for. In the same paragraph it was provided in the House amendment that the diversion must be regulated or controlled or confined. We struck those words out and referred it to the board.

Then the only other provision was the so-called Garrett amendment. We changed the House amendment so that the additional damage caused by the construction work would come within their purview as the objection was made to giving them the right to collect damages.

Mr. GARRETT of Tennessee. I observe there has been inserted in that amendment which vitally affects the interests of my State the words, "not now flooded or damaged." I would like to ask the gentleman this question: As is well understood by the gentleman and the gentleman's committee, by reason of work on the opposite side now in existence, and by reason of work that will be erected in the future, not only levees that will cause water to come over on Tennessee that does not belong there, but also revetment work for the protection of the west bank levees, in all probability there is going to be a continuation and increase of the bank erosion on the east side. Does the gentleman think, under the language as it now reads, the damage by erosion will be taken care of?

Mr. REID of Illinois. I will answer that by saying to you that I do not think the additional words change your position one bit, and if you refer to the paragraph you will see why. The paragraph now reads:

> No liability of any kind shall attach to or rest upon the United States for any damage from or by floods or flood waters at any place: *Provided, however,* That if in carrying out the purposes of this act it shall be found that upon any stretch of the banks of the Mississippi River it is impracticable to construct levees, either because such construction is not economically justified or because such construction would unreasonably restrict the flood channel, and lands in such stretch of the river are subjected to overflow and damage which are not now overflowed or damaged by reason of the construction of levees on the opposite banks of the river it shall be the duty of the Secretary of War and the Chief of Engineers to institute proceedings on behalf of the United States Government to acquire either the absolute ownership of the lands so subjected to overflow and damage or floodage rights over such lands.

And then the words that the gentleman objected to, "which are not now overflowed or damaged." I think if it can not be economically justified they must find a substitute, and that substitute, in my opinion, would be to acquire flowage rights made necessary by the construction on the other side of the river.

I do not think the addition of those words makes any change in the amendment the gentleman submitted.

Mr. GARRETT of Tennessee. And if the original amendment embraced erosion, and the words "not now flooded or damaged" retained, the gentleman thinks it would still embrace erosion?

Mr. REID of Illinois. My idea is that any flood-control works erected under this act, thereby damaging the land on the other side to a different extent from that existing before the flood-control works were erected, would come within that amendment.

Mr. GARRETT of Tennessee. The question of national liability is recognized in the amendment?

Mr. REID of Illinois. Yes. It is the first time it has been recognized that it is a duty to take care of that side of the river.

Mr. CHINDBLOM. Only by reason of additional damage due to the works constructed under this act?

Mr. REID of Illinois. Yes.

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

Mr. REID of Illinois. Yes.

Mr. QUIN. We have levees constructed doing damage now. The levees on the other side have caused us damage.

Mr. REID of Illinois. All right. The amendment you submitted makes it the duty to provide levees. Failure to provide levees because not economically justified makes it necessary to pay flowage rights or damages on those that exist at the present time.

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

Mr. REID of Illinois. Yes.

Mr. BOX. The gentleman provides additional damages done by reason of the increased flow, as I understand it. How will such damages be ascertained?

Mr. REID of Illinois. There is no method provided under the bill.

Mr. BOX. Will they have the right to proceed in court for the collection of such damages?

Mr. REID of Illinois. This is the first time that any right has been recognized on the part of the individual owner against the Government for any flood-control damages.

Mr. BOX. And does the gentleman believe we will have the right to proceed in court for the collection of such damage without the permission of Congress hereafter?

Mr. REID of Illinois. I think it creates a right, and I presume every right in court follows the creation of that right.

Mr. WHITTINGTON. Will the gentleman yield?

Mr. REID of Illinois. Yes.

Mr. WHITTINGTON. I call attention to the fact that there is no inhibition in the project with reference to the construction of revetments on the bluff side and that, as a matter of fact, revetments have been constructed in the vicinity of Natchez on the bluff side.

Mr. REID of Illinois. In regard to the question raised by the gentleman from Illinois [Mr. DENISON], I think his criticism is not well directed for the reason that the project takes care of Cairo and consequently it would come within the project whether or not that happens to be on the Ohio side or the Illinois side. That was my construction of it, that Cairo was a part of the project and consequently it would be necessary to take care of Cairo because it was within the project and would not come within the so-called tributary section. I think those are the main points, and I think we have gone over them fully.

Mr. FULBRIGHT. Will the gentleman yield?

Mr. REID of Illinois. Yes.

Mr. FULBRIGHT. The gentleman is familiar with what is designated as the New Madrid flood way in the Jadwin plan and spoken of in this bill. That plan provides for the cutting down of the levee that now exists along the Missouri side and provides for the construction of a new levee 5 miles west, and, I presume, it takes in the land intervening between the two levees as a flood way.

Now, under the provisions of this bill as amended, will the landowners between the existing levee that is to be cut down 5 feet and the new levee that they propose to erect 5 or more miles to the west be entitled to flowage rights?

Mr. REID of Illinois. The gentleman can answer it himself. Does it put additional destructive flood waters down there?

Mr. FULBRIGHT. Well, I think the gentleman is familiar with this situation.

Mr. REID of Illinois. That is the only way I can answer it. If the Government puts additional destructive flood waters down there, of course they would be entitled to flowage rights.

Mr. CHINDBLOM. If the chairman is going into a discussion of facts relating to various localities, I am afraid we will get far afield from the principles underlying this legislation.

Mr. REID of Illinois. I think that is so and that is the reason I answered the gentleman as I did. If that puts additional flood waters down there, then you come within the purview of the act and the Government would have to acquire the flowage rights.

Mr. Speaker, I move the adoption of the conference report.

The conference report was agreed to.

On motion of Mr. REID of Illinois, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

THE JURISDICTION OF THE INTERSTATE COMMERCE COMMISSION OVER INTERURBAN ELECTRIC LINES

The SPEAKER. Under special order of the House the Chair recognizes the gentleman from South Carolina [Mr. STEVENSON] for 15 minutes. [Applause.]

Mr. STEVENSON. Mr. Speaker and gentlemen, in 1911 an interurban electric railroad system was chartered in South Carolina to be extended from Greenwood, by way of Anderson, Greenville, Spartanburg, Gaffney, and Grover, to Gastonia, N. C. Of course, the charter in South Carolina only applied to that State, about 115 miles. At the same time North Carolina chartered an interurban system also to meet with it and be a part of it, to extend from the North Carolina line, by way of Kings Mountain, Gastonia, Charlotte, and Salisbury, to Winston-Salem. The construction was begun and they completed 90 miles from Greenwood, S. C., to Spartanburg. When the war came on construction stopped at Spartanburg and construction from Charlotte south stopped at Gastonia, leaving a gap of 60 miles in there to be joined up. That stood until 1926. The charter in the meantime had been extended by the Legislature of South Carolina and, I believe, by the Legislature of North Carolina, and they got ready to join this up and make the extension to Salisbury and Winston-Salem, N. C.

The Southern Railway has always occupied that territory with a splendid system, as good as there is in the world, and it occupies it to-day with a double track from this city to Atlanta, Ga. They opposed the completion of this system. It was brought before the Interstate Commerce Commission, and the question was raised whether it had jurisdiction to keep them from building. Under the Esch-Cummins Act jurisdiction was given to the Interstate Commerce Commission to either give or withhold a certificate. If the commission gives such a certificate the railroad can be built; and if they do not, the railroad can not be built. Without that certificate railroads can not be constructed any more, in so far as ordinary railroads are concerned.

The Interstate Commerce Commission has heard the matter at some length and has decided that it has jurisdiction, that there is no public convenience served, and therefore it has refused this permission, with three or four dissenting members.

Now, I want to discuss for a few minutes the genesis of this trouble and see whether they are justified in extending their jurisdiction over this railroad.

I assert that it is in keeping with the determination to have a transportation monopoly in this country consisting of the railroads that now exist; that it is a throttling of extensions of roads where there are no railroads; and that it is giving to the Interstate Commerce Commission jurisdiction to which that commission is not entitled.

When the Esch-Cummins Act came up for consideration it contained this provision, subdivision 21 of section 1. It is now subdivision 22, all of the subdivisions having been advanced one number:

> The authority of the commission conferred by paragraphs (17) to (20), both inclusive—

It is now 18 to 21—

> shall not extend to the construction or abandonment of side tracks, or of spur, industrial, team, or switching tracks, or of street car and electric interurban lines, if such tracks or lines are located or to be located wholly within one State.

You will notice this confined the jurisdiction to interurban lines and other lines that cross a State line but did not extend to those wholly within the State.

I had this very situation in mind because it runs across my district. I offered an amendment, and we debated it for two or three hours, and finally Mr. Esch and myself got together on language which was much better than that which I had offered, and Mr. Esch finaly offered this amendment:

> Mr. ESCH. Mr. Chairman, I desire to offer a substitute to the amendment of the gentleman from South Carolina.
>
> The CHAIRMAN. The Clerk will report the amendment.
>
> The Clerk read as follows:
>
> "Amendment offered by Mr. Esch: Page 53, line 13, strike out lines 13, 14, 15, and 16 and insert in lieu thereof the following:
>
> "'To the construction or abandonment of any line located or to be located wholly within one State or to any street car or electric interurban line.'"

The Chairman required the Clerk to report the language as it would read, and he so reported it.

The paragraph as amended read:

> The authority of the commission conferred by paragraphs 17 to 20, both inclusive, shall not extend to the construction or abandonment of any line located or to be located wholly within one State or to any street car or electric interurban line.

In this way we enacted the law. You will notice that the distinction was made that certain lines used by steam tracks, side tracks, and spur tracks had to be located within a State to be exempt from this jurisdiction, but any street car or electric interurban line was exempted from the jurisdiction. This point came up and this question was raised, and the act was finally enacted in the following language—the Senate, of course, had to do something. It had to amend this somehow, and they put it in this way:

The authority of the commission conferred by paragraphs 18 to 21, both inclusive, shall not extend to the construction or abandonment of spur, industrial, team, switching, or sidetracks located or to be located wholly within one State.

Now, that is one complete sentence. This follows:

Or of street, suburban, or interurban electric railroads which are not operated as part or parts of a general steam railroad system of transportation.

You have there two classes that were exempt—the spur tracks and other kinds of tracks connected with steam railroads that were located wholly within the State and the electric lines, interurban, or street railways that were not operated as a part of a steam railroad system. These were the two.

Now, what does the commission say? Nobody claims that this system is operated as a part of any steam railroad system, but they say, forsooth, because it is built on better lines than the Southern Railway was at the time, and its bridges are better than the Southern Railway had at that time, and it is prepared to haul as heavy freight trains as the Southern Railway, and does haul as heavy freight trains as the Southern Railway, "We class it as a commercial steam railroad," although it has never had a steam engine on it and it is not contemplated to put any on it.

The people who control it have developed wonderful power there, and they are making a wonderful accession to property and wealth and industry and population in that part of the country, and they propose to continue to do it by electricity.

This is their proposition. They say we will class it as a steam railroad—as a commercial railroad.

Suppose you adopt their classification as a commercial electric railroad separate and distinct from an interurban railroad? Then it is not embraced in this bill. You would have a street railway that would be subject to the jurisdiction of the Interstate Commerce Commission if it were operated in conjunction with a steam railroad system, but you would not have, if it were operated in conjunction with an interurban commercial railroad system, which is something that was born in the brain of the ingenuity of the people who do not want any more transportation in that country.

Very aptly Mr. Brainerd, one of the commissioners, in the dissenting opinion says:

The act does not distinguish between a "commercial railroad operated by electricity" and an interurban electric railroad not operated as a part of a general steam-railroad system of transportation, and we can make no such distinction.

There is no such distinction as a commercial interurban system from the ordinary interurban system.

The commission in order to justify this decision cited a statute of South Carolina, and it started in the middle of the section and cited only that part that seemed to justify their action. They say:

The statutes of South Carolina provide that the phrases "interurban railroad" or "interurban railway" shall be construed to include all railroads and railways operated by electricity whose main business consists in the transportation of passengers from one municipality to another.

Well, that sounds as if they did intend to limit it, does it not? But that simply gives you an idea of the candor of the commissioner who wrote the opinion.

I just want to show you what that statute says, and you will see at once that it is a case of misapplication of a statute, and that they certainly ought to have had sufficient intelligence to have discriminated:

In the construction of this section (which is section 4 and section 5) the phrases street railroad or street railway shall be construed to include all railroads and railways operated by electricity whose main business consists in the transportation of passengers between different points within the limits of a municipality, and the phrases "interurban railroad" or "interurban railway" shall be constructed to include all railroads and railways—

This is where they began to quote—

operated by electricity whose main business consists in the transportation of passengers from one municipality to another.

Now, what was section 5? Section 5 is the section requiring them to have vestibules on all interurban railroad cars for the protection of passengers and motormen, and expressly so states. In other words, the Legislature of South Carolina was providing for vestibules on the passenger cars of interurban railroads, and has expressly stated that this was for the protection of passengers and of motormen, and they said that in so far as they are concerned interurban railways shall be held to be embraced in any electric railroad that carries passengers.

They take that and make what South Carolina did not intend an interurban railway in their charter. You will see when you read both sections that it did not intend anything of the kind. Not only that, but if that was true of all the railroads it would have required every interurban railroad that carried freight to put a vestibule on its freight cars, which is absurd.

Then they tried to tie up North Carolina with this proposition. There is the case of Kirkpatrick in the Sixty-seventh North Carolina, page 477. That North Carolina case was where an abutting landowner on a street was suing the interurban railroad for damages to his property because they were operating freight cars up and down the street. In other words, they had a freight system, and the supreme court of the State said that street railways would not be liable to the abutting landowner, but they said that so far as the right of the abutting landowner was concerned they would have the same right as against the interurban as against the steam railroad.

What is the upshot of this? Here is a territory teeming with industry, the center of the manufacturing country of the Southland—I have been familiar with that country all my life—I was raised in it—there has not been in that country 100 miles long and 100 miles wide—more than 100 miles of railroad constructed within my memory for 50 years. I mean the territory between the Broad and the Yadkin and the North Carolina line and the Blue Ridge.

Now, the development is beginning, it has reached out, and capital is flowing in, and full development is going on, and the opportunities for development are unlimited for the prosperity of this country. The people are ready to put up their money and build those instrumentalities which are desirable over the Piedmont country, establish factories, and the Interstate Commerce Commission says no, you can not do it, you have the Southern Railroad and that is good enough.

I have no disposition to criticize that splendid system, but there is nothing so perfect that it can do everything and I submit that it is absolutely outrageous and an invasion of the rights of the State and an infraction of the provisions and a perversion of the statute that Mr. Esch wrote, and he dissented like a man from the decision made in the case.

Mr. ABERNETHY. The State of North Carolina, as well as South Carolina, is back of this proposition?

Mr. STEVENSON. Yes.

Mr. NEWTON. Will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. NEWTON. How many of the commissioners dissented?

Mr. STEVENSON. Mr. McManamy, Mr. Esch, and Mr. Brainerd.

Now, I thank the House for the opportunity of addressing it. There is a bill pending in which it is proposed to take the jurisdiction away from the Interstate Commerce Commission and I submit there ought to be some action upon it. [Applause.]

REAPPORTIONMENT OF REPRESENTATIVES

The SPEAKER pro tempore (Mr. FENN). Under the special order, the Chair recognizes the gentleman from New York [Mr. JACOBSTEIN] for 20 minutes.

Mr. JACOBSTEIN. Mr. Speaker and Members of the House, I am taking this opportunity to address the Members on a subject which may come to a vote in the House in a very few days.

I am going to address myself to the subject of reapportionment of the membership of the House of Representatives, a subject not only of importance to every Member of the House but to every portion of the United States.

I do not know whether you realize that every day we sit here, every day Congress is in session, we are violating the very first articles of the Constitution of the United States. You may talk all you want about the observance by the States and citizens of the fourteenth amendment or the fifteenth amendment or the eighteenth amendment of the Constitution, the cold fact remains that for the last eight years the very first article of the Constitution of the United States has been violated every day by ourselves—the Congress.

We can not hope to have the respect for the Constitution from citizens of this country unless we as a Congress respect the Constitution ourselves.

Here are the constitutional provisions regarding apportionment:

ART. 1, SEC. 2. Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of 10 years, in such manner

as they shall by law direct. The number of Representatives shall not exceed 1 for every 30,000, but each State shall have at least one Representative.

* * * * * * *

AMENDMENT XIV, SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. * * *

The first proposition I lay down is that the Constitution of the United States describes very definitely that we "shall" reapportion this House every 10 years. It is true there is no explicit mandate to that effect, and there are some constitutional lawyers who maintain that is discretionary with the Congress itself. The fact remains, however, that for 120 years this provision of the Constitution was very religiously adhered to and was very consistently and uniformly observed. Thirteen times we have reapportioned the Congress of the United States, as shown in the following table:

The membership and ratio of the different apportionments heretofore had and when enacted

Census	Date of apportionment act	States	Members	Ratio
	1789	13	65	30,000
1790	Apr. 14, 1792	15	105	33,000
1800	Jan. 14, 1802	16	141	33,000
1810	Dec. 21, 1811	17	181	35,000
1820	Mar. 7, 1822	24	213	40,000
1830	May 22, 1832	24	240	47,700
1840	June 25, 1842	26	223	70,680
1850	May 23, 1850	32	234	93,423
1860	May 23, 1860	34	243	127,381
1870	Feb. 2, 1872	37	293	131,425
1880	Feb. 25, 1882	38	325	151,911
1890	Feb. 7, 1891	44	356	173,901
1900	Jan. 16, 1901	45	386	194,182
1910	Aug. 8, 1911	46	433	211,877

The first break in that fine tradition came in 1920. There is a feeling abroad in the land that the Congress of the United States ought to be a little more meticulous in the observance of the Constitution.

We talk loudly and a whole lot about representative government. Do you believe in representative government? Do you think that we really have representative government when 13,000,000 people (which represents the increase in population from 1910 to 1920) are to-day without proper, fair representation as a result of our failure to reapportion the House? Let me illustrate how this representative government of ours works. We have a Representative in Los Angeles, our colleague, Mr. CRAIL, who represents a million and a quarter people. Each one of you please compare that with the representation in your own individual districts. The average is about 225,000 to 250,000. Is there any equity in that situation? Can anyone say that we have a representative government in the United States when a man in Detroit, Mich., has in his district 750,000 to 800,000 people as against a bare one-quarter of a million for the average Representative? Most assuredly this is a travesty on representative government.

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

Mr. JACOBSTEIN. Yes, indeed.

Mr. RAMSEYER. That inequality, of course, can be greatly relieved by the legislatures of those States.

Mr. JACOBSTEIN. That is true as within the States, but it does not correct the inequality as between States. California, for instance, was entitled to three additional members on the basis of the 1920 census returns, whereas Missouri would have lost two Members if the House membership had been retained at 435.

The following table shows the gains and losses that would have occurred if the 1920 reapportionment had gone into effect on the basis of a House membership of 435, 460, and 483 respectively:

State	Number of Representatives	Compared with present House		Number of Representatives	Compared with present House		Number of Representatives	Compared with present House	
		Gain	Loss		Gain	Loss		Gain	Loss
United States	435	12	12	460	27	2	483	48	
Alabama	10			10			11	1	
Arizona	1			1			1		
Arkansas	7			8	1		8	1	
California	14	3		15	4		16	5	
Colorado	4			4			4		
Connecticut	6	1		6	1		6	1	
Delaware	1			1			1		
Florida	4			4			4		
Georgia	12			13	1		13	1	
Idaho	2			2			2		
Illinois	27			28	1		30	3	
Indiana	12		1	13			13		
Iowa	10		1	11			11		
Kansas	7		1	8			8		
Kentucky	10		1	11			11		
Louisiana	7		1	8			8		
Maine	3		1	3		1	4		
Maryland	6			6			7	1	
Massachusetts	16			17	1		18	2	
Michigan	15	2		16	3		17	4	
Minnesota	10			10			11	1	
Mississippi	7		1	8			8		
Missouri	14		2	15		1	16		
Montana	2			2			2		
Nebraska	5		1	6			6		
Nevada	1			1			1		
New Hampshire	2			2			2		
New Jersey	13	1		14	2		14	2	
New Mexico	1			2	1		2	1	
New York	43			45	2		47	4	
North Carolina	11	1		11	1		12	2	
North Dakota	3			3			3		
Ohio	24	2		25	3		26	4	
Oklahoma	8			9	1		9	1	
Oregon	3			3			4	1	
Pennsylvania	36			38	2		40	4	
Rhode Island	2		1	3			3		
South Carolina	7			7			8	1	
South Dakota	3			3			3		
Tennessee	10			10			11	1	
Texas	19	1		21	3		21	3	
Utah	2			2			2		
Vermont	1		1	2			2		
Virginia	10			10			11	1	
Washington	6	1		6	1		6	1	
West Virginia	6			6			7	1	
Wisconsin	11			12	1		12	1	
Wyoming	1			1			1		

Mr. RAMSEYER. We are not responsible for the districting within the States.

Mr. JACOBSTEIN. That is true as within States, but our's is the duty to wipe out inequalities as between States. It was to adjust ourselves to that fluctuation, to that shifting of population that the framers of the Constitution provided that there shall be an enumeration every 10 years. There has been either an increase or a shifting of population between the rural and

industrial centers of the United States every 10 years from the beginning. A decennial census and a decennial reapportionment was specifically provided for to make our Government strictly representative.

Mr. RAMSEYER. I do not want to leave the impression, of course, that I do not think that the Congress should act in reapportioning the House of Representatives every 10 years. I think it is the duty of the Congress, and that Congress has neglected that duty.

Mr. JACOBSTEIN. I am glad to have the gentleman from Iowa support my contention that Congress has neglected its duty, and that is the first point that I make. The serious consequences of the neglect are brought home to every Member of this House when he stops to realize the great disparity in representation as measured by population in the various districts of the United States.

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

Mr. JACOBSTEIN. Yes; gladly.

Mr. HOCH. I agree with the gentleman as to the constitutional duties, but there is one phase of the matter to which I think attention has not been called, and that is the practical phase. Some Members are in favor of 435 Members, some in favor of 300, and some in favor of 460. Assuming that all are honest in their opinion, and you can not get a majority who favor any one number, how can you carry out the mandate of the Constitution? Whose duty is it to surrender to the other fellow's opinion?

Mr. JACOBSTEIN. I am going to answer that question by passing to my next point. The gentleman has anticipated my next proposition, which is this: Ever since the foundation of our Government there has been a deadlock in Congress over the question as to what should be the size of the House. I have read all of the debates from the beginning on this subject, and in every Congress every 10 years the subject comes up, "What shall be the size of the House?" As a matter of fact, there has usually been a compromise. The way they have solved it in the past was very simple. They always increased the size of the House to take care of most of the States. They did that every time but once. That exception occurred in 1840, when a slight decrease was made in the size of the House. Usually whenever any Member feared that reapportionment might affect adversely his State and he opposed reapportionment, they satisfied him by increasing the size of the House. This solution was simple up to 1920. Up to that time the size of the House kept rolling up, satisfying most of the States of the Union, even those States that had a decrease in population between the census periods. Have I answered the question?

Mr. HOCH. The gentleman has answered how they solved it.

Mr. JACOBSTEIN. They solved the problem by always increasing the size of the House. I imagine the increases were always a little larger than normal because of the compromise effected.

Mr. HOCH. But I am talking about where you do not want to solve it in that way.

Mr. JACOBSTEIN. Well, let us see. In 1920 there came a deadlock. If we had kept the House as now constituted at 435, there would have been a considerable number of States—11—which would absolutely have lost in their membership. Eleven States would have lost representation in this House at that time. Naturally they objected to it. That is human nature. They wanted to protect their own districts and their own States. There was a compromise proposed of 460, which did not satisfy the House, and the bill was recommitted and all chance of reapportionment shattered at that session of Congress. Some Members from California and Michigan who anxiously desired reapportionment voted to recommit the bill rather than agree to a House larger than 435.

Of course, 483 would have taken care even of Maine and Missouri, the States which relatively lost most in population in the decade from 1910 to 1920. The point is that there were some Members of the House who wanted the membership increased to 483 to take care of everybody. Many want a House of 460, but there was a considerable body of opinion which said that we ought to keep the House down to 435 for the sake of efficiency. They split on that rock, and so the bill was recommitted, and every year since that time every effort to secure reapportionment on the basis of 1920 met with defeat in the committee and on the floor of the House.

Mr. RAMSEYER. If the gentleman will permit, in January, 1921, the bill passed the House, but it died in the Senate.

Mr. JACOBSTEIN. That is true, and I thank the gentleman for refreshing my memory on that matter. The Senate failed to act on it. It came up again in the House and the bill was recommitted by the House and since that time it has never come up because the Census Committee has never favorably reported a reapportionment bill upon the basis of the 1920 returns. I may say in passing that in the Census Committee the argument against the use of the 1920 figures of population was always made that they contained too great an element of error adverse to the rural regions.

Mr. RAMSEYER. I wish to say the House did favor action of the bill to hold the membership down to 435.

Mr. JACOBSTEIN. Yes. I am glad the gentleman made that point. The action of this House in that regard, if it means anything, means that they favor 435. They favor a House having a membership of 435; and because a membership of 435 would have adversely affected 11 States, we never have been able to get a bill through. Remember that 11 States mean 22 Senators. I call your attention to the fact that in 1930, if we try to hold the membership of the House down to 435, 17 States are likely to be affected, representing 215 members of the House.

The following table represents the States which would lose one or more Members with the House on the basis of preliminary estimates of population for 1930 and assuming the House to retain its present 435 membership:

Alabama	10
Indiana	13
Iowa	11
Kansas	8
Kentucky	11
Louisiana	8
Maine	4
Massachusetts	16
Mississippi	8
Missouri	16
Nebraska	6
New York	43
North Dakota	3
Pennsylvania	36
Tennessee	10
Vermont	2
Virginia	10
Total	215

You can imagine what 34 Senators representing these 17 States can do when they go on the warpath to wreck a bill. You can see the difficulties ahead.

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

Mr. JACOBSTEIN. Yes; with pleasure.

Mr. DOWELL. When the apportionment bill at one time was before the House and apparently had enough votes to pass it, a motion was made to recommit it. Was the gentleman one of those who favored to recommit the bill?

Mr. JACOBSTEIN. I was not a Member of the House at that time.

Mr. DOWELL. Those who were favoring it and claiming that the Constitution required that the House should act upon the question voted generally to recommit the bill.

Mr. JACOBSTEIN. What you say is true and only helps to reinforce my own argument that a deadlock is impending in 1930. As you have stated, many Members who demanded reapportionment to protect their own States actually voted against the Siegel reapportionment bill (H. R. 7882, October 14, 1921). They helped kill this bill by voting to recommit it. Their vote to recommit, however, must be interpreted as meaning not a vote against reapportionment, but rather a vote against increasing the size of the House above 435. The RECORD shows that 3 Members from California, 7 Members from Michigan, 10 from Ohio, 13 from Texas, 7 from North Carolina, and 7 from New Jersey voted to recommit and helped kill the bill, even though their States would have gained by the passage of that particular reapportionment bill, which would have increased the size of the House to 460. The explanation I have given is the only logical explanation, namely, that rather than see the House increased in size they preferred to have no reapportionment at all.

Mr. DOWELL. If the gentleman please, the motion was made by the gentleman from California to recommit the bill.

Mr. JACOBSTEIN. The motion to recommit was made in order to get the 435.

Mr. DOWELL. In order to prevent the possibility of getting more than 435.

Mr. JACOBSTEIN. Yes; I believe that is true, and again your own argument emphasizes the point I have been making namely, a strong feeling against enlarging the size of the House membership, rightly or wrongly.

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

Mr. JACOBSTEIN. Yes.

Mr. LOZIER. The gentleman from California [Mr. BARBOUR] did not make the motion to recommit. He made a motion to amend the bill by fixing the membership at 435. This amendment was defeated by a vote of 123 yeas to 140 nays. The gentleman from Indiana, Mr. FAIRFIELD, made a motion to recommit the bill without instructions. The motion to recommit carried, the vote being 146 yeas and 142 nays. This

vote killed the bill; and on this vote the vast majority of those who insisted on reapportionment voted to recommit the bill, thereby killing the measure and destroying the possibility of a reapportionment bill at that session.

Mr. JACOBSTEIN. I believe that to be a fair statement, but it indicates again that there is trouble ahead in the 1930 reapportionment.

Mr. LOZIER. One more statement, with your permission: California and Michigan would have secured a large increase in their representation if this bill had been enacted; but on the motion to recommit seven members of the Michigan delegation in the House voted to recommit, three were paired in favor of recommitting, two voted against the motion, and there is no record as to the views of the other Representative from Michigan. Three of the Representatives from California voted to recommit, four voted against the motion, and four did not vote. The two States Michigan and California, that would have fared the best under the bill as reported by the committee, were largely instrumental in defeating this bill, thereby destroying all chance for reapportionment on that occasion. Our colleagues from Michigan and California are loud in their demands for a new reapportionment, but I am wondering if they have told the people of their States that they would have secured an increased representation seven years ago, if their Representatives in Congress at that time, had not lent their influence to defeat the 1921 reapportionment bill.

Mr. DOWELL. Mr. Speaker, will the gentleman permit a question?

Mr. JACOBSTEIN. If it is on the bill; yes.

Mr. DOWELL. It is. On the bill as it now stands Congress is delegating the power——

Mr. JACOBSTEIN. If the gentleman will give me five minutes more, I think I can answer all these questions.

The emergency is going to be more critical in 1930. I will tell you why. The population has probably increased from 105,000,000 to approximately 125,000,000.

If you undertake to satisfy the wishes of every State in the Union you will have to have a House with a membership of 535. It is inconceivable that that will be done. Five hundred and thirty-five means a size too large to be wieldy, it seems to me, and there is a decided opinion here that in view of the fact that so many Members voted for 435 they are not going to vote for 535. If you do not get legislation in 1930 you will have a rotten borough system developed in this country by which 30,000,000 people will be unfairly represented in the United States.

We can therefore anticipate a deadlock. What is the remedy? The remedy is simply this: We propose to Congress now—and I hope the bill will be reported to the House by special rule—anticipatory legislation. Unless Congress does act in 1930, then the reapportionment we provide in this bill shall become operative. What do we provide in this bill? First, that the House shall consist of 435 Members, retaining the present membership of the House. That can be changed at any time; in 1930, or in 1931, or in 1932, or in 1933, or on up to 1940. But until Congress acts the House will remain at 435. In our bill (Fenn bill) we do not suggest what the future Congress should do as regards the size of the House. We merely say that the House shall stay where it is in size until changed by some future Congress. Then we specify that the apportionment shall be made according to the well-known mathematical formula, the method of major fractions. This is the method used in 1910 and recommended in 1920. You understand, of course, the Fenn bill simply provides a method of reapportionment only operative in the event Congress fails to act.

Congress always reserves that legislative power. In fact, Congress can always pass supplementary legislation on reapportionment and has done so on many occasions. I will now answer the question in the minds of many of you and raised in the minority report. Congress surrenders none of its powers. It can act at any time on reapportionment, and there is ample precedent for this statement. What it does do is this: It says to the Bureau of the Census, "Go ahead and take the census of the population of 1930, and after you have done that, after you have enumerated the population according to the States of the Union, assign representation to every State on the basis known as major fractions," a method used in 1910, a method used in 1920, and a method which is very simple to understand. I think I could make it plain to you in five minutes if I had the time. So Congress does not divest itself of its authority. It is constitutional. The last word from the Supreme Court of the United States bears me out in this. Only a month ago—April 9, 1928—the Supreme Court of the United States sustained the flexible provisions of the tariff act (J. W. Hampton, jr., & Co. *v.* The United States), wherein Congress gave another Government agent the power to fix rates on imports and gave it the power, when ordered by the President, to increase or decrease a tax. Our apportionment does not begin to go as far as that. What we propose here is not so drastic. We are merely assigning a function, a ministerial function, to a department of the Government which we at all times control. We say to the Census Bureau, "We direct you to apportion 435 members on the basis of the 1930 census, using the method of major fractions, but only to become effective or operative if we do not act." At any time if we choose to act and do enact legislation, then that particular apportionment which has been set into operation ceases to be the law.

It seems to me the bill is very simple. It is easy to understand. We surrender no power and it protects the Nation against the emergency of a deadlock that might arise in the year 1930 and which might be fraught with serious consequences to the country.

Mr. DOWELL. Will the gentleman yield?

Mr. JACOBSTEIN. Yes.

Mr. DOWELL. As I understand this bill it authorizes the apportionment for 1930.

Mr. JACOBSTEIN. On the basis of the 1930 population.

Mr. DOWELL. That involves the same principle, does it not, as though we made a permanent apportionment by the Census Department?

Mr. JACOBSTEIN. After that 1930 population census is taken, Congress is at liberty to act and should act. But if it fails to do its duty in 1930-31 then this bill provides a definite method and basis for reapportionment. That is all there is to it.

Mr. DOWELL. This is permanent law for action in the future?

Mr. JACOBSTEIN. It is permanent only in the sense that if Congress fails to act that method and formula continues to operate—and should.

Mr. DOWELL. If Congress fails to agree on the number they will permit, then the Census Bureau will make an apportionment in 1930; in 10 years, in 1940, they make it again.

Mr. JACOBSTEIN. That is right.

Mr. DOWELL. In 10 years they make it again.

Mr. JACOBSTEIN. That is right.

Mr. DOWELL. And unless Congress agrees to the number——

Mr. JACOBSTEIN (interposing). Just let me make one supplementary remark there. They will have to do it every 10 years, but when the Census Bureau does do it it is bound by the particular formula prescribed by Congress itself.

Mr. DOWELL. To be sure, but you have delegated it to the Census Department.

Mr. JACOBSTEIN. That is right. We have not, however, delegated any legislative power, but have merely assigned a ministerial function to another agent of the Federal Government, just as Congress did when it set up the Interstate Commerce Commission or the Tariff Commission, only with this difference, however, in the reapportionment bill this other outside agency is powerful and does not function at all if Congress does its duty by taking affirmative action. The Census Bureau merely submits tables to Congress showing reapportionment for a House membership of 435 on the 1930 census figures. These figures become the reapportionment when transmitted by the Clerk of the House to the several States. Neither the Census Bureau nor the Secretary of Commerce exercises any discretionary power. It is all done by specific direction of the Congress.

THE FEDERAL COURTS

The SPEAKER pro tempore. The time of the gentleman from New York has expired. Under special order of the House the gentleman from New York [Mr. LAGUARDIA] is recognized for 15 minutes.

Mr. LAGUARDIA. Mr. Speaker, I have had occasion to speak concerning the Federal judiciary several times. I have been criticized for my outspoken statements concerning Federal judges. That my statements were "too strong" was stated by some of my colleagues. Others claim that I am entirely wrong. The power of the judiciary has been steadily creeping and growing, until to-day it has established itself a super-government answerable and responsible to no one. The framers of our Constitution but a few years after its adoption saw this danger. The best minds of the time protested against the encroachment of the court on legislative and administrative functions of the other branches of Government. It was seen even in the early days of our Republic that this mighty power could and would be used or misused by a selfish, greedy minority for the exploitation of the masses. No one living to-day, whether Republican, Democrat, Progressive, or independent, will doubt the wisdom, ability, foresight, and patriotism of

Thomas Jefferson. There are few outstanding figures in American history who everyone claims as they do Thomas Jefferson. With prophetic vision and almost uncanny accuracy he looked into the future and saw exactly what the Federal courts would become and the power that they would eventually arrogate unto themselves. Just let me pause for a moment to read a short quotation from Thomas Jefferson:

We already see the power, installed for life, responsible to no authority (for impeachment is not even a scarecrow), advancing with a noiseless and steady pace to the great object of consolidation. The foundations are already deeply laid by their decisions for the annihilation of constitutional State rights and the removal of every check, every counterpoise to the ingulphing power of which themselves are to make a sovereign part. * * * Let the future appointments of judges be for four or six years and removable by the President and Senate. This will bring their conduct at regular periods under revision and probation, and may keep them in equipoise between the general and special governments. We have erred in this point by copying England, where certainly it is a good thing to have the judges independent of the King. But we have omitted to copy their caution also, which makes a judge removable on the address of both legislative houses. That there should be public functionaries independent of the Nation, whatever may be their demerit, is a solecism in a republic of the first order of absurdity and inconsistency. (Letter to Mr. William T. Barry. The Jeffersonian Cyclopedia.)

Mr. RAMSEYER. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. RAMSEYER. From what is the gentleman quoting?

Mr. LAGUARDIA. I am quoting from a letter written by Thomas Jefferson to William T. Barry. It will be found in the Jeffersonian Cyclopedia, page 448.

Just another short quotation from Jefferson:

At the establishment of our Constitution the judiciary bodies were supposed to be the most helpless and harmless members of the Government. Experience, however, soon showed in what way they were to become the most dangerous; that the insufficiency of the means provided for their removal gave them a freehold and irresponsibility in office; that their decisions, seeming to concern individual suitors only, pass silent and unheeded by the public at large; that these decisions, nevertheless, become law by precedent, sapping, by little and little, the foundations of the Constitution and working its change by construction before anyone has perceived that that invisible and helpless worm has been busily employed in consuming its substance. In truth, man is not made to be trusted for life if secured against all liability to account. (Letter to A. Coray. The Jeffersonian Cyclopedia.)

Now, Mr. Speaker, only a few days ago a decision was handed down in the city of New York by a so-called statutory court, this court consisting of either a justice of the supreme court and two circuit court judges or a judge of the circuit court and two district court judges.

Mr. WAINWRIGHT. How are they convened?

Mr. LAGUARDIA. They are convened on motion.

I desire to call the attention of my colleagues at this time that what happened to New York a few days ago may happen in your cities at any time. In fact, this regulation of public service utilities and local municipal matters by Federal courts is not new. Greedy public-service corporations have learned that they can run to the Federal courts and evade State laws and regulatory measures of State commissions. They will sign a contract or accept a franchise from a State commission, agree to all the terms, solemnly agree to submit to the regulatory powers of a State commission, with a dishonest mental reservation that as soon as they obtain the franchise or the contract they will go to the Federal courts and obtain judicial relief from compliance and exploit the people to the extent of their greed and the nerve of the Federal judge. The State of Indiana is at this very moment protesting against the usurpation of the Federal courts. I have here a resolution passed by the Legislature of the State of Indiana begging Congress to protect the State against the action of the Federal courts, and at this point, Mr. Speaker, I ask unanimous consent to read part of the resolution of the Indiana Legislature and to extend the complete resolution.

The SPEAKER pro tempore (Mr. FENN). The gentleman from New York asks unanimous consent to extend his remarks in the manner indicated. Is there objection? The Chair hears none.

Mr. LAGUARDIA. Here is what the Legislature of the State of Indiana says:

UNITED STATES OF AMERICA,
STATE OF INDIANA,
Office of the Secretary of State.

I, F. E. Schortemeier, secretary of state of the State of Indiana, hereby certify that the following and hereto attached is a full, true, and complete copy of enrolled Senate Joint Resolution 5, chapter 269, acts of seventy-fifth regular session of the General Assembly of the State of Indiana:

A joint resolution requesting Congress to prepare, support, and secure the enactment of legislation limiting and defining the jurisdiction of the United States courts in public utility and rate cases to the consideration after, not before, the courts of various States have considered the issue involved

Whereas Congress in 1816 created Indiana a sovereign and independent State, with full right to control its local affairs, and the corporations it created, and these would include especially utility corporations, furnishing water, light, gas, phone service, and other necessities; and

Whereas the growth and development of the State of Indiana and its public utilities reached such proportions in 1913 that it became necessary that careful and proper consideration of the rights of the public and the adequate protection of the public welfare, made it necessary for the General Assembly of the State of Indiana to create a public-service commission; and

Whereas certain utilities of this State, to wit: The Indianapolis Water Co., the Indiana Bell Telephone Co., the Citizens Gas Co. of Indianapolis, and The Central States Gas Co. of Vincennes, and the Greensburg Water Co. of Greensburg, petitioned the Public Service Commission of the State of Indiana for increased rates for service to the public; and

Whereas such petitions were heard and valuations thereof determined and rates fixed by the Indiana Public Service Commission, which were in the judgment of the commission fair, reasonable, and just; and

Whereas said utilities, to wit, the Indianapolis Water Co., the Indiana Bell Telephone Co., the Citizens Gas Co., the Central States Gas Co., of Vincennes, and the Greensburg Water Co. did, immediately in each case, invoke the jurisdiction of the Federal court of the State of Indiana instead of taking their cases to our State courts, alleging that the valuation determined and rates fixed by the public service commission were confiscatory; and

Whereas the laws of the State of Indiana governing the public service commission provide for and authorize any utility or person interested in any rate order to appeal to the circuit or superior court of any county in this State from any order of the commission fixing such rate, or rates, or valuation; and

Whereas such utilities did, in each instance, invoke the jurisdiction of the Federal court without first having pursued the remedy provided by the laws of the State of Indiana giving the right to appeal to the State courts; and

Whereas in each instance the Federal court has fixed a higher valuation and a higher rate than that fixed by the public service commission; and

Whereas the right of the State of Indiana to control its local affairs with reference to such utilities was defeated and prevented; and

Whereas the Public Service Commission of Indiana fixed the valuation of the Indianapolis Water Co. at $16,455,000; the Indiana Bell Telephone Co. at $32,000,000; the Citizens Gas Co. at $12,000,000; the Central States Gas Co. of Vincennes at $482,845, and the Greensburg Water Co. at $225,000; and

Whereas thereafter at hearings in the Federal Court of the District of Indiana the valuations of these public utilities were fixed at the following figures, to wit: The Indianapolis Water Co. at $19,000,000, resulting in increase of rates; Indiana Bell Telephone Co. at $36,000,000, resulting in increase of rates; Citizens Gas Co. at $16,000,000, increasing the rate for gas from 90 cents to $1.20; Central States Gas Co., of Vincennes, at $739,572; and the Greensburg Water Co. at $340,000, resulting in increase of rates: Therefore be it

Resolved by the Seventy-fifth General Assembly of the State of Indiana, That the United States Senators and Members of Congress representing the State of Indiana be, and they are hereby, respectfully petitioned to prepare, support, and their associates enact legislation limiting the jurisdiction of the courts of the United States in all cases that may be filed therein by public utilities seeking relief from orders issued by public service commissions, to such utilities as have first exhausted all legal remedies given by the courts of the respective States; Be it further

Resolved, That copies of this resolution be transmitted by the governor and the secretary of state to the Senators and Members of Congress representing the State of Indiana, and the Senators and Congressmen of the other States of the United States.

F. HAROLD VAN ORMAN,
President of the Senate.
HARRY G. LESLIE,
Speaker of the House of Representatives.

Filed March 11, 1927—12.02 p. m.

F. E. SCHORTEMEIER,
Secretary of State.

In testimony whereof I hereunto set my hand and affix the great seal of the State of Indiana. Done at my office in the city of Indianapolis, this 12th day of March, A. D. 1928.

[SEAL] F. E. SCHORTEMEIER,
Secretary of State.

The city of New York has invested over $400,000,000 in subways. These subways are operated by rapid-transit corporations under a contract with the city of New York. Among other things, the contract provides that the operating companies must furnish service under certain general conditions, and specifically provides that a fare of 5 cents shall be charged. The gentlemen must bear in mind that at the time the contract was signed there was a movement all over the United States for cheap transportation. Many of the cities in Ohio were enjoying 3-cent car fares. Six rides and seven rides for a quarter were in effect in many cities of the United States. So the operating companies, to protect themselves, insisted that the 5-cent provision should be written into the contract. It was written into the contract. It has been there for 15 years. If when the operating companies were making huge profits and declaring big dividends the city of New York would have sought to lower the rate, the operating companies would have resisted and would have insisted upon the rights of contract. Yet, now we find these same companies, after years of maneuvering, after years of the dirtiest kind of politics, resorting to the Federal court to aid in the execution of their dirty work.

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

Mr. LAGUARDIA. Yes.

Mr. WAINWRIGHT. May I ask the gentleman to enlighten us as to what claim of authority this statutory court asserts in order to get control of this matter? I think there is a great deal of confusion in the public mind as to how this purely local question got into a Federal court.

Mr. LAGUARDIA. The decision handed down by this so-called statutory court starts off with an apology and a misstatement of facts. It makes a clumsy attempt to prevent the scorn of public opinion. It states in the opinion that the action in the Federal court was commenced by the subway company prior to the action commenced in the State court by the transit commission. Not one of the millions of strap hangers of New York City will be deceived by this misstatement of fact, even if it is contained in a judicial decision.

The action was commenced in the Federal court by obtaining an ex parte order from a Federal judge residing in Westchester hours after court had adjourned. This ex parte order was suddenly presented to the judge and signed by him at his home. The order is lengthy, involved, and technical. Yet the ex parte order signed by the judge at his home was prepared and printed. How did the transit company know how the judge would decide and what he would put in the order to have a printed and prepared order for his honor to sign? The fact is, and everyone in New York knows it, with the apparent exception of the three judges who sat on the case, that this order was obtained after both the Federal court and the transit companies had learned that the State commissioners had moved in the State court to protect the rights of the city of New York and the millions of citizens compelled to use the subways.

The opinion of the court smacks of the shrewd mathematics of the curb rather than the deliberate judgment of the bench.

The prophetic wisdom of Jefferson was never more emphasized than in the present instance. I submit that it was the intention of the framers of the Constitution that the Federal courts should dispense justice and should not be made the adding machine for greedy corporations.

The decision in the Interborough Rapid Transit Co. case increasing the rate of fare without any justification of facts compares with the political decision in the Dred Scott case. It will settle nothing. The millions of people of New York City will simply refuse to pay the increased fare.

I happen to have first-hand knowledge concerning the contracts under which the Interborough Rapid Transit Co. is operating. First of all, the people of this country must know that the city of New York owns the subways. Second, that the Interborough operates these subways under a contract with the city of New York. When I was president of the board of aldermen in 1920, the Interborough and the other rapid-transit companies appeared before us seeking to modify the contract. It was admitted and conceded then that the rates of fare could not be increased unless both parties to the contract consented.

This happened to me. I do not get this out of a book. I was president of the board when they applied for a modification of the contract.

It was the law then. On the showing the board of estimate and apportionment of which I was a member refused to modify the contract and the fare was not increased. The law has not changed since 1920. The judges have changed.

If the contract was constitutional and valid during the years that the Interborough and other rapid-transit companies paid out over 180 per cent in dividends, it is constitutional to-day.

This case is not novel in any way. The same point came squarely before the Supreme Court in the case of the Georgia Railway & Power Co. against the town of Decatur, reported in two hundred and sixty-second United States Reports on page 432. There the facts were almost identically the same as in this case. It was a case where the city of Decatur, Ga., had made a contract with the railroad for a 5-cent fare, and the railroad sought to increase the fare to 7 cents, exactly the same as in New York, and after a lengthy opinion the court said, Judge Sutherland writing the opinion—I can give the law in two lines—

> The contract being valid, we are not concerned with the question whether the stipulated rates are confiscatory.

And there are a number of such decisions. They cite in their opinion the cases of Southern Iowa Electric Co. *v.* Chariton (255 U. S. 539), Paducah *v.* Paducah Railway Co. (261 U. S. 267).

The question is not novel. The very conduct of the statutory court in face of the existing law raises a suspicion that the Federal court will never be able to remove.

The outrageous decision handed down by the so-called statutory court lays down a new principle of law which is un-American, inequitable, unconstitutional, and indecent. This decision says that a contract is valid when a corporation is making enormous profits and invalid at any time that its profits decrease according to the corporation's own view as to what is a reasonable return.

I challenge anyone to point out one decision in the Federal courts where a corporation was compelled to reduce its rates agreed upon in a contract with a municipality, county, or State because the corporation was making too much profit.

Did you ever hear of such a case? If this law is good, then I challenge anyone to show a case in point.

Now, gentlemen, get this:

The court either refused to examine the figures of the Interborough or else ignored them. In either event the court was not justified in granting an increase in fare.

Now get these figures:

The Interborough as a matter of fact is not losing money.

So even if the court had jurisdiction as a matter of law and the rate was confiscatory; but the court did not, because the rate was fixed in a contract. But even so, on the facts themselves it can not be shown that the rate of 5 cents is confiscatory, because the companies are not losing money, but making a profit.

During the first six months ended June 30, 1927, this same company that went before the Federal court and complained that it was losing money, paid $265,541.46 Federal income tax—net income on this figure would be $1,966,973.78. For the calendar year 1926 this same company paid $89,507.27—net income on this figure would be $292,646.44.

The courts stress the lease with the Manhattan Railway Co. This Manhattan Railway Co., whose rates are now to be increased because it claims that it must operate under a confiscatory rate of fare, made so much money that from January 1, 1918, to June 30, 1927, it paid $4,800,000 Federal income tax.

All through the decision you will find many references to the lease existing between the Interborough and the Manhattan Railway Co. This lease is for 999 years. What they did, gentlemen, was this: The same crowd that owned and controlled the Interborough got control of the Manhattan and leased the company to themselves.

The only difference between the men who negotiated the lease between the Manhattan Railway and the Interborough and Gerald Chapman is that Gerald Chapman was caught, convicted, and hanged. [Laughter.]

If the court was honestly sincere in seeking to bring about relief and if it claims the power to destroy the contract between the city of New York and the Interborough, it could destroy the dishonest and fraudulent contract between the Manhattan Railroad and the Interborough.

As a matter of fact, the Interborough can operate on 5 cents under the contract with the city of New York and make money. Everybody in New York knows it except the three judges who sat on the case.

Section 380 of the United States Code, or section 266 of the Judicial Code, was never intended to be used in a case where a contract was involved. The purpose of this provision of the law was to create a tribunal to immediately pass upon a State law which might bring irreparable injury if enforced, though unconstitutional. But, gentlemen, this law that is now brought before the Federal court is nothing new. It was first enacted

in 1891 and then amended in 1894. The original contracts with the city of New York for the construction of the subways were made on July 10, 1902, and August 10, 1905. These contracts were assigned to the Interborough Co. now operating.

Gentlemen, but a few days ago we had before our Judiciary Committee one of the ablest railroad lawyers of this country. He is not a radical and not even a progressive and does not come from New York City. He is a staid, conservative railroad corporation lawyer and makes no bones about the fact that he believes railroad corporations are sanctified, are always pure and holy, and have constitutional rights that no one can take away. In fact, he was before the Judicial Committee in opposition to one of my bills. After arguing for a long time on the powers of the Federal court, and, mark you, this lawyer, who, by the way, is Mr. Alfred P. Thom, general counsel of the Association of Railway Executives, took the position that Congress could not deprive the Federal courts of any of its powers. Of course, I do not agree with him on that, and I believe that very few Members of the House will agree with him on that. But I took the opportunity to question Mr. Thom on the subject of the interference by the Federal courts where a contract was involved. I will here read the colloquy between Mr. Thom and myself:

Mr. LAGUARDIA. You referred to the necessity of getting protection and used carriers as an illustration, seeking relief from orders of State commissions or State laws. Is it your belief that in purely intrastate matters a carrier, or a public utility corporation, may go to the Federal court in the first instance?

Mr. THOM. If what the State does is to confiscate its property.

Mr. LAGUARDIA. Suppose it is a matter of contract and not a law or order of the State commission, but a contract entered into between a company and a subdivision of the State or a municipality. In that instance, could there be a resort to the Federal courts to avoid the terms of that contract at the first instance?

Mr. THOM. If it is a valid contract, I do not think they could resort to the Federal court. I do not think any Federal question arises.

Mr. LAGUARDIA. There is another question I wanted to ask you. You agree with the decision of the United States Supreme Court in the Porto Rico tax case, do you not?

Mr. THOM. Yes.

Mr. LAGUARDIA. Fully?

Mr. THOM. Yes.

Mr. LAGUARDIA. But you distinguish that because it is a tax matter?

Mr. THOM. Yes.

Mr. MICHENER. Just one question there: On this question of going into the Federal court where a contract has been violated, as referred to by Mr. LAGUARDIA, assuming that that contract was a franchise given to a public utility, we will say a 30-year franchise, and that conditions changed during the 30 years, so that the utility could not survive financially under the franchise, which is a contract, do you not think that a stockholder who happened to reside in some other State, for instance, might go into a Federal court in a case of that type?

Mr. THOM. I did not, perhaps, understand Mr. LAGUARDIA'S question. I did not know he was putting a question of a violation or a breach of a contract by a State. Of course, a State has no right to make a breach of a contract without violating the Federal constitutional provision.

Mr. LAGUARDIA. Does that answer the question of the gentleman from Michigan?

Mr. THOM. What is that? I did not hear you.

Mr. LAGUARDIA. I agree with Colonel Thom.

Mr. THOM. What is that?

Mr. LAGUARDIA. You are absolutely right.

Mr. THOM. So far as that is concerned, as I understand the question that you put, it is that where there is a valid franchise granted on certain conditions, there is no question of violating that franchise, but the effect of it has become destructive——

Mr. MICHENER. That is it.

Mr. THOM (continuing). Of the entity to which it was granted. Well, the fact that that contract becomes destructive does not seem to me to violate any law; and it seems to me that nobody has a right to insist that the franchise should be different simply because it destroys the prosperity of the entity to which it was granted.

Take this case, for example: Take a railroad company, and it makes a contract which is valid that it will perform a service for a certain amount. Well, to enforce that is not confiscation. The evil that comes there is from the contract which it voluntarily entered into. If, however, there is no contract, and the State undertakes to prevent the proper use of the instrumentalities of the corporation in such a way as to deny it a proper return, then a Federal question does arise.

Mr. MICHENER. That is the answer to my question.

Mr. THOM. But any carrier would be prevented from complaining if what it complains of was the enforcement of the contract which it had made. There is no question of confiscation that could arise in that case.

Mr. LAGUARDIA. We agree on that, Colonel.

Mr. THOM. I am very glad of it. I am always delighted when I find that any of you gentlemen agree with me.

So here, gentlemen, you have it from a corporation lawyer, representing the executive association of railroads, who believes in the unlimited power of the Federal court admitting that where a rate is fixed in a contract the Federal court can not set aside the terms of such a contract. I contend that the decision handed down by the so-called statutory court consisting of these three judges in New York City was not only contrary to the facts, against the weight of evidence, but also contrary to law. The court had no jurisdiction, it should not have interfered, and it did only what the Interborough wanted it to do. In fact, the Interborough, it is known, has made arrangements for weeks to prepare for the collection of the extra 2 cents fare. I will have more to say about this as the case progresses. I will serve notice now to these Federal judges in New York and elsewhere that they will not be able to carry on in such a manner, and that the people will resent not only the usurpation of power, but establishing in this country one law for corporations and one law for the consumers, one contractual right when a corporation is making money and wants the contract continued and different rights when a corporation is tired of a contract. The Federal courts have reached the limit of their arrogance. They have invited resentment and loss of confidence. I again desire to express the hope that some day Congress will act on my bill which will take from the Federal courts jurisdiction in the first instance in these purely intrastate matters in which no Federal or constitutional right is involved.

The SPEAKER pro tempore. The time of the gentleman has expired.

NECESSARY APPROPRIATIONS FOR MATTERS BEFORE CONGRESS

Mr. SNELL. Mr. Speaker, I ask unanimous consent to proceed for three minutes.

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

There was no objection.

Mr. SNELL. Mr. Speaker and gentlemen of the House, I have asked for this time for the purpose of giving some information to the House and the country that I think may be of interest. Various Members are finding fault with the Rules Committee and specially with the Chair because they can not all get at once the legislation they are specially interested in. To show you that at present and for the immediate past that we have had some problems to deal with of importance and cost to the American people, I want to enumerate without comment some of the more pressing matters before us. Perhaps some of you may think as I do that it is about time to put up the stop-look-and-listen sign.

I presented this list to the President this morning:

Flood control	$325,000,000
Muscle Shoals ($60,000,000 to $75,000,000)	75,000,000
Boulder Dam	125,000,000
Mississippi barge line	10,000,000
Virginia road	4,500,000
Welch pay bill	18,000,000
Pink bollworm	5,000,000
Forestry research bill	3,625,000
Pay customs employees	1,635,000
Pay immigration employees	142,000
Vocational education bill	6,000,000
Retirement emergency officers	2,000,000
Retirement civil employees	30,000,000
Farm relief bill	400,000,000
Good roads bill ($75,000,000 to $85,000,000)	85,000,000
Vermont roads	1,600,000
Kentucky roads	1,800,000
New Hampshire roads	625,000
Rogers Clark memorial	1,000,000
	1,095,527,000

War-minerals relief, $5,000,000 to $10,000,000.

Gentlemen, if we pass all this legislation—and it is being earnestly urged at the present time—instead of spending your time passing tax-relief measures you better spend your time finding new revenues. [Applause.]

Mr. HASTINGS. What is the aggregate of those amounts?

Mr. SNELL. Something over $1,000,000,000. [Applause.]

LEGISLATIVE APPROPRIATION BILL

Mr. MURPHY, from the Committee on Appropriations, presented a conference report on the bill H. R. 12875, the legislative appropriation bill, for printing under the rule.

THE AMERICAN MERCHANT MARINE

Mr. WHITE of Maine. Mr. Speaker, I call up the bill S. 744, an act to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes, and ask unanimous consent that the House insist on its amendments and agree to the conference asked for.

The SPEAKER. The gentleman from Maine calls up the bill S. 744 and asks unanimous consent that the House insist on its amendments and agree to the conference asked for. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. WHITE of Maine, Mr. LEHLBACH, Mr. FREE, Mr. DAVIS, and Mr. BLAND.

CALENDAR WEDNESDAY BUSINESS

The SPEAKER. Under the order of the House, Calendar Wednesday is in order to-day. The Clerk will call the committees.

The Clerk called the Committee on the Merchant Marine and Fisheries.

CONSTRUCTION AND MAINTENANCE PROGRAM OF THE BUREAU OF FISHERIES

Mr. WHITE of Maine. Mr. Speaker, I call up the bill (H. R. 13383) to provide for a five-year construction and maintenance program for the United States Bureau of Fisheries.

The SPEAKER. This bill is on the Union Calendar. The House automatically resolves itself into Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. LEAVITT in the chair.

Mr. WHITE of Maine. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Maine asks unanimous consent that the first reading of the bill be dispensed with. Is there objection.

Mr. CRAMTON. I believe, Mr. Chairman, this bill is one that the House ought to hear read, and I object.

The Clerk read the bill, as follows:

Be it enacted, etc., That there are hereby authorized to be appropriated during the fiscal year beginning July 1, 1928, such amounts as may be necessary for—

(1) The establishment of a fish-cultural station in each of the following States, at a cost not to exceed the amount specified: New Mexico, $50,000; Idaho, $60,000.

(2) The establishment of a fish-cultural substation in each of the following States, at a cost not to exceed the amount specified: Wisconsin (in the southern part of the State), $50,000; Montana, $35,000.

(3) The establishment of fisheries laboratories in the State of Washington, at a cost not to exceed $100,000, and a laboratory in the Territory of Alaska, at a cost not to exceed $50,000.

(4) The establishment of experimental and bass and trout stations in the State of Maryland or West Virginia, at a cost not to exceed $60,000.

(5) The purchase and repair of the Rogue River substation, in the State of Oregon, at a cost not to exceed $35,000.

SEC. 2. There are hereby authorized to be appropriated during the fiscal year beginning July 1, 1929, such amounts as may be necessary for—

(1) The establishment of a fish-cultural station in each of the following States, at a cost not to exceed the amount specified: Alabama, $50,000; Indiana, $50,000; Louisiana, $50,000; Tennessee (in the central part of the State), $50,000; Pennsylvania, $100,000.

(2) The establishment of a fish-cultural substation in each of the following States, at a cost not to exceed the amount specified: New Hampshire (in the White Mountain Forest), $25,000; South Carolina, or the enlargement of Orangeburg station in said State, $35,000; Texas (in the western part of the State), $35,000; Colorado, $20,000.

(3) The purchase of Mill Creek station in the State of California, at a cost not to exceed $20,000.

(4) The enlargement of Cape Vincent station in the State of New York, at a cost not to exceed $25,000.

SEC. 3. There are hereby authorized to be appropriated during the fiscal year beginning July 1, 1930, such amounts as may be necessary for—

(1) The establishment of a fish-cultural station in the State of Florida, at a cost not to exceed $100,000.

(2) The establishment of a fish-cultural substation in each of the following States, at a cost not to exceed the amount specified: Maine, $35,000; Virginia (in the eastern part of the State), $75,000; North Carolina (in the eastern part of the State), $35,000; Mississippi, $35,000; Minnesota (in the Rainey Lake or Lake of the Woods region), $35,000; New York, $35,000.

(3) The establishment of a marine fish-cultural station in the State of Texas (on the Gulf coast of the eastern part of the State), at a cost not to exceed $100,000.

SEC. 4. There are hereby authorized to be appropriated during the fiscal year beginning July 1, 1931, such amounts as may be necessary for—

(1) The establishment of a fish-cultural station in the State of New Jersey at a cost not to exceed the amount of $75,000.

(2) The establishment of a fish-cultural substation in each of the following States at a cost not to exceed the amount specified: Illinois, $35,000; Nevada, $35,000.

SEC. 5. There are hereby authorized to be appropriated during the fiscal year beginning July 1, 1932, such amounts as may be necessary for—

(1) The establishment of a fish-cultural station in the State of Ohio at a cost not to exceed $75,000.

(2) The establishment of a fish-cultural substation in each of the following States at a cost not to exceed the amount specified: Kansas, $35,000; North Dakota, $35,000; Arkansas, $35,000.

(3) The purchase and repair of the Little White Salmon station in the State of Washington at a cost not to exceed $25,000.

(4) The establishment of a fish-cultural station in the State of Georgia for the propagation and hatching of shad and such species of fresh-water fish as may be feasible, desirable, and suitable, for food purposes, at a cost not to exceed $35,000.

SEC. 6. There is hereby authorized to be appropriated such amounts as may be necessary not to exceed $35,000 for the establishment of an experimental and bass and trout station in the Pisgah National Forest or in the Great Smoky National Park in the State of North Carolina upon the acquisition of said park by the United States.

SEC. 7. (a) The stations, substations, and laboratories authorized by sections 1, 2, 3, 4, 5, and 6 shall be located in the States and parts thereof and in the territory specified, at such suitable points as may be selected by the Secretary of Commerce.

(b) Any appropriation made under authority of sections 1, 2, 3, 4, 5, and 6 may be expended for the purchase of sites, the purchase of equipment, the construction of buildings and ponds, and for such other expenses as may be incidental to the cost of the establishment, purchase, or enlargement, as the case may be, of the station, substation, or laboratory in question.

(c) No part of an appropriation made under authority of sections 1, 2, 3, 4, 5, or 6 shall be expended in the construction, purchase, or enlargement of a station or substation until the State in which such station or substation is to be located shall have by legislative action accorded to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatching and fish culture and all operations connected therewith in any manner and at any time that may by the commissioner be considered necessary and proper, any laws of the State to the contrary notwithstanding. The operation of any station, substation, or laboratory established, purchased, or enlarged under authority of this act shall be discontinued whenever the State ceases to accord such right; and such operation may be suspended by the Secretary of Commerce whenever in his judgment State laws or regulations affecting fishes cultivated are allowed to remain so inadequate as to impair the efficiency of such station, substation, or laboratory.

SEC. 8. There are hereby authorized to be appropriated, in addition to all other amounts authorized by law to be appropriated, the following amounts during the fiscal years specified:

(1) For the purpose of providing adequate maintenance costs and personnel for the division of fish culture, Bureau of Fisheries: Fiscal year beginning July 1, 1928, $100,000; fiscal year beginning July 1, 1929, $200,000; fiscal year beginning July 1, 1930, $300,000; fiscal year beginning July 1, 1931, $400,000; fiscal year beginning July 1, 1932, $500,000. Of each amount authorized by this paragraph to be appropriated, 70 per cent shall be for miscellaneous expenses, division of fish culture, and 30 per cent for salaries at the seat of government and elsewhere.

(2) To meet the demand for fundamental knowledge regarding our great commercial fisheries and for developing the natural cultivation of oysters, mussels, and other mollusca, and the improvement of pond cultural and other operations of the division of inquiry, Bureau of Fisheries, respecting food fishes: Fiscal year beginning July 1, 1928, $50,000; fiscal year beginning July 1, 1929, $100,000; fiscal year beginning July 1, 1930, $150,000; fiscal year beginning July 1, 1931, $200,000; fiscal year beginning July 1, 1932, $250,000. Of each amount authorized by this paragraph to be appropriated, 60 per cent shall be for miscellaneous expenses, division of inquiry, and 40 per cent for salaries at the seat of government and elsewhere.

(3) To provide for the proper husbandry of our fisheries, improvements in methods of capture, merchandising, and distribution of our fishery harvest, including saving and utilization of waste products, and other operations of the division of fishery industries, Bureau of Fisheries: Fiscal year beginning July 1, 1928, $35,000; fiscal year beginning July 1, 1929, $70,000; fiscal year beginning July 1, 1930, $105,000; fiscal year beginning July 1, 1931, $140,000; fiscal year beginning July 1, 1932, $175,000. Of each amount authorized by this paragraph to be appropriated, 60 per cent shall be for miscellaneous expenses, division of fishery industries, and 40 per cent for salaries at the seat of government and elsewhere.

Mr. WHITE of Maine. Mr. Chairman and members of the committee, this is a bill which comes before the House with the unanimous approval of the Merchant Marine and Fisheries Committee of your body. It seems to me that it might well be entitled a bill to preserve and perpetuate the fisheries of the United States.

I do not in any degree minimize its importance. It contemplates a five-year program for the construction of fish hatcheries, substations, laboratories, and there goes with it the necessity for the authorization of appropriations to make effective the judgment of the committee as to the steps necessary to be taken, if we are to preserve for future years to the people the fisheries of the United States.

I think it proper that I should indicate in the first instance what is involved in this program as a matter of expenditure. The program carried out to its maximum would in the spread of five years call for an appropriation totaling $1,770,000 for the construction program.

It would call for a maximum increase in the annual maintenance costs of the Bureau of Fisheries at the end of the five years, assuming the entire program to be carried out, of approximately $915,000, raising that item from about $2,083,000 for this coming fiscal year to just under $2,998,000, or approximately that, at the end of the contemplated building and expansion program. That means in round numbers, and I speak only in round numbers, that at the end of a five-year program, assuming it to be carried out to the full extent contemplated and recommended by your committee, there will be an expenditure of approximately $3,000,000 in behalf of the fisheries of the United States.

Those of us charged with the immediate responsibility for considering the situation which obtains with respect to our fisheries, and of developing a ways and means for preserving those fisheries, give this proposal our unstinted and our unqualified approval. I often think that the people generally and the membership of this House fail to appreciate the magnitude of the fisheries industries, the tendencies in those industries, and what portends to the people of the United States unless we recognize the problem that confronts us and courageously and aggressively address ourselves to its solution. Roughly speaking, there are 120,000 men and women in the United States engaged in our fisheries. The catch totals annually almost 3,000,000,000 pounds of fish. The fishermen of the United States are paid something between $105,000,000 and $110,000,000 a year. Fish furnish to many people, to increasing numbers of people, a valuable article of diet. Every one recognizes its food value. It is becoming more and more a widely used food product, and its dietary qualities are becoming more and more recognized. Nature is prodigal, but I think the history of the years demonstrates to every one who will give heed that nature is not inexhaustible. What has been going on throughout this country of ours with respect to other natural resources points a moral and carries to us a solemn warning of what will come to us with respect to this great natural resource unless we give heed to the indications and unless we meet, as I conceive it, our obligations with respect thereto.

There has been a marked loss in our fishery products in certain kinds of fish. I shall allude in general terms to only a few of them, because they are illustrative and indicate clearly what we face. Take shad. That is one of the great fish of the Atlantic seaboard. In recent years it has become more or less prolific on the Pacific coast, but in a span of 30 years the catch of shad in the United States has dropped from about 51,000,000 pounds a year to barely 15,000,000 pounds a year, a loss of more than 66⅔ per cent. Sturgeon used to abound in the waters of the Atlantic seaboard, in the Great Lakes, and elsewhere. In a span of 30 or 35 years the catch of the sturgeon has dropped from 18,000,000 pounds a year to 1,200,000 pounds a year.

The catch of lobster on the New England coast in 30 years has dropped from 30,000,000 pounds to slightly over 10,000,000 pounds. There again is a loss of 66 per cent of the catch of this fish. Crab was abundant at one time in the waters of the Chesapeake Bay and elsewhere, but in the period of five years from 1915 to 1920 that catch dropped from 50,000,000 pounds to about 23,000,000 pounds. In later years it has slightly increased. I think the last figures indicate that the catch has risen to approximately 30,000,000. Next take the herring of the Great Lakes. In a span of seven years that catch fell from about 35,000,000 pounds to 3,000,000 pounds. In the Great Lakes and in the Lake of the Woods, those vast inland oceans, the catch of all kinds of fish dropped in seven years from about 149,500,000 pounds to approximately 100,000,000 pounds. Those waters have apparently been depleted in that short space of years by approximately 50 per cent. The catch of whitefish in the Great Lakes area in half a century has fallen from more than 21,000,000 pounds to approximately 4,000,000 pounds a year.

That, gentlemen, is what is taking place with respect to the fisheries of the United States. Unless we give heed to the scientific problems involved, unless we give heed to the question of pollution and propagation and conservation and to all of the other factors that make for perpetuation of the species, we are going to see in a few short years many of these valuable commercial foods unknown to the people of the United States.

What is our duty? I have said that nature is not inexhaustible. We have seen our forests go, we have seen the buffalo go, we have seen the fur-bearing animals disappear. I shall never get out of my mind the tragic story of the Atlantic sea salmon. I referred to it the other day. Within the memory of men on this floor the Atlantic sea salmon entered 28 streams between New York and the Canadian border. To-day that Atlantic sea salmon is seen in just 1 of those 28 streams. You have seen the situation on the Pacific coast. Not many years ago the Sacramento River was a great salmon river. You have seen the catch from that river disappear, and you have seen that same process going on up to the Columbia and on up through those rivers, reaching farther up to the north and up to the Territory of Alaska, represented by the gentleman from Alaska [Mr. SUTHERLAND]. It seems to your committee that we owe an obligation to the people of the United States, and we owe an obligation to those that are yet to come, to adopt every means of science and to make liberal expenditure to save this heritage to our people. This bill proposes what we believe to be a scientific, well-rounded program looking to those ends. The committee summoned before it the Commissioner of Fisheries, and I say to you that there is no project in this bill that does not have the approval of the scientific experts of the Government. After we have mapped out what we believe to be an essential program of construction, we have provided what we conceive to be a minimum of force to make useful and effective the physical aids we are giving in this bill.

I personally commend the bill to the membership of the House as a wise and necessary measure of conservation. It forces upon us, in my judgment, an obligation that we must now meet, or there will rest upon us in the years to come the onus of a clear failure to meet a manifest duty. [Applause.]

Mr. CRAMTON. Mr. Chairman, I ask recognition in opposition to the bill.

The CHAIRMAN. The gentleman is recognized for one hour.

Mr. CRAMTON. Mr. Chairman and gentlemen of the committee, my opposition to the bill is an opposition to the bill in its present form; not at all an opposition to the purposes of the bill, but because the bill as it stands if enacted into law is an encroachment upon the established Budget policy of our Government; an encroachment which, with this precedent established, would likely be followed by a multitude of similar measures and result in the destruction of the Budget system.

The bill in question has a widespread and comprehensive program of construction and maintenance of various activities that are deemed useful in promoting the ideas that the gentleman from Maine [Mr. WHITE] has urged. It involves an expenditure of several million dollars. The Committee on the Merchant Marine and Fisheries have not submitted the measure to the Budget to ascertain to what extent, if any, it would be in conflict with the President's financial program. Their bill provides that for each of certain years to come there shall be certain new buildings provided, or new establishments created; that in each of certain years there shall be a considerable sum of money spent in the development and maintenace of those institutions or establishments. In other words, if the bill becomes a law, so far as this subject is concerned the hands of the President are tied with reference to the expenditure of money for these purposes. The Congress will insist, the committee that reported the bill, and gentlemen who are interested in the items will insist that because this law was enacted the Budget has no discretion as to the recommendations it can make to the Congress on this subject, and when the items come to Congress from the Budget it will be insisted, first, that the Committee on Appropriations has no discretion as to such items, but must recommend them to the House because of the enactment of this legislation; and then that the House and the Congress have no discretion; that these appropriations have not only been authorized but they have been directed.

The gentleman from New York [Mr. SNELL] a few minutes ago called attention to the long program of bills pending before Congress that call for new expenditures of public funds. But that list was by no means complete. I did not notice this one among the list, and I know of others that were not included in the list. It is time to stop, look, and listen.

My position on this—and I hope it will be understood—is not caused by any fear or any personal feeling as to an encroachment on the jurisdiction intrusted to the committee of which I am a member; my fear as to the bill is aroused, however, because, growing out of my experience as a member of that committee and my contact with this subject I realize what this kind of legislation will do to the Budget program, and I say to you that this House can not afford to embark upon a policy that means a destruction of the Budget policy. The Budget policy in its importance is greater than the importance of any one committee or any set of committees. It is greater even than the importance of protecting the fisheries of the country.

But there is no need for any conflict. The fisheries of the country can be protected through a proper legislative policy without tying the hands of the Budget and the Congress for five years to come.

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

Mr. CRAMTON. Yes.

Mr. CROWTHER. According to the language of the bill these are authorizations, are they not? It will be in the discretion of the Committee on Appropriations as to whether that money shall be expended or not?

Mr. CRAMTON. Of course it would be theoretically in their discretion, but if this bill passes the gentleman from Maine [Mr. WHITE] and others interested in the item will say to the Budget and to the Committee on Appropriations and to this House that because this bill is a law there is nothing to be done but to make the appropriations. For instance, I will call to the attention of the gentleman from New York——

Mr. CROWTHER. Has that policy been general, does the gentleman think?

Mr. CRAMTON. I will say this, that there was a case. I will say to the gentleman there was a bill passed with reference to the payment of certain Indian claims in Nebraska. That bill permitted the payment of interest, a thing somewhat out of the ordinary. That bill did not attract much attention when it was considered in the House. The facts were not brought forcibly to the attention of the House. Afterwards the bill became a law authorizing the payment.

The Committee on Appropriations, under the leadership of that wonderful man whose services we have just lost, took the position that the claim was unconscionable as against the Government and that we ought not to pay the amount provided by that bill. There was no division of sentiment on that question in the committee, so the committee did not report the amount to the House. The gentlemen interested in it offered an amendment on the floor, and the gentleman, if he likes excitement, will find it refreshing to look back to the RECORD and see the castigation that was heaped upon the Committee of Appropriations for not having reported the item in accordance with the law. There was no doubt in my mind then that if the item had come to the attention of the House in the beginning the House would not have approved it; but it having come up as it did, this House voted to put it in the appropriation bill, because it was authorized by existing law.

The only time to safeguard these things is before a bill becomes a law. I was unable to see that there was any report on this bill from the Budget, so I brought the matter to the attention of the Budget.

Mr. QUIN. Did not the Bureau of Fisheries designate all these items?

Mr. CRAMTON. I assume it did. There is no bureau of the Government that will neglect the opportunity to designate a number of expenditures. The matter, I am advised, was considered by the Director of the Budget and by the President. I have a letter here from the Budget. It states the bill is in conflict with the President's financial program because of the stipulated cost for stipulated fiscal years:

BUREAU OF THE BUDGET,
Washington, May 8, 1928.

Hon. LOUIS C. CRAMTON,
Committee on Appropriations, House of Representatives.

MY DEAR MR. CRAMTON: This is in reply to your inquiry relative to the status of H. R. 13383, "to provide for a five-year construction and maintenance program for the United States Bureau of Fisheries." This measure has never been referred to this office for review. A study, however, has been made of its provisions, and it was presented to the President this morning to ascertain his attitude relative thereto. The President holds that this legislation would be in conflict with his financial program because of the stipulated cost for stipulated fiscal years.

Very truly yours,

H. M. LORD, *Director.*

Having that information, I made a study of the bill and I have sought to suggest an amendment that would give full force and effect to the desire of the committee to have Congress indicate their interest in this program, their desire to indicate a priority program of these improvements and still not to tie the hands of the Budget and of Congress for five years to come. I have suggested this amendment to the gentleman from Maine, but he has not as yet seen his way clear to accept it. I have much regretted that, and I have hoped that even yet he might see his way clear to accept it, because it does not destroy the work of his committee; it preserves the work of his committee, but it does not, with this amendment, tie the hands of the Budget and of Congress and would seem not to be in conflict with the financial program of the President.

The first five sections of the bill provide the construction program. Section 7 has various subdivisions having to do with this program and the appropriations authorized. I propose to add a new subdivision to be known as subdivision (d) and to read this way, leaving the first five sections as they are:

(d) That the authorizations herein given in sections 1, 2, 3, 4, and 5 with reference to appropriations for certain specified years are for the purpose of indicating priority proposed to be given the various projects enumerated therein, but shall not be held to require the appropriations therein enumerated to be made in the years specified, and the appropriations enumerated are likewise authorized in prior or subsequent years in annual or supplemental appropriation bills.

In other words, that amendment makes it clear that the first five sections are the indicated program, with certain priorities; that from year to year the estimates will be made; and that each year it shall be in order for the Budget and for Congress to either expedite the program or to slow it up, as the financial conditions of that year and the revenues of the Government may seem to indicate.

Under the bill as presented by the committee, following up the suggestion of the gentleman from New York [Mr. CROWTHER], let me emphasize to the committee and to the Committee of the Whole that there is an item authorized for the year 1932 for a fish-cultural station in the State of Ohio. It is true Congress is not obliged to make that appropriation in 1932, although it will be insisted that they are committed; but if Congress should not make the appropriation in 1932 there would be no authority of law to make it in 1931, in 1933, or any other year. It is only authorized to be made in one special year.

Apart from that proposition there may be great changes in conditions as to the relative importance of these several projects in five years to come; there may be changes, so that instead of Kansas, North Dakota, and Arkansas being left until 1932 they ought to come in in 1930 and that something in 1930 ought to be postponed. Under the committee bill it is a hard and fast program that can not be modified by the Budget or by Congress because of lack of authority, but under this amendment it becomes flexible and it can be modified and changed in accordance with conditions.

Mr. SCHNEIDER. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. SCHNEIDER. I was just wondering whether this legislation would be carried out if we must depend upon the Bureau of the Budget to recommend appropriations in accordance with the idea of the gentleman from Michigan.

Mr. CRAMTON. My observation has been—and I perhaps have watched these things as closely as anyone here, as I have been a member of that committee ever since the Budget system was inaugurated—that the President, acting through the Budget, has shown a great desire at all times to meet the wishes of the legislative branch just as far as was reasonably possible, and I am satisfied that the enactment of this bill into law with the amendment I have suggested does not destroy the legislation, but would have a great deal of weight with the Budget next winter and each year afterwards in the making up of the program. Here would be an expression from Congress, and if financial conditions permitted it would be followed. But suppose there should come a slump in the revenues of the Government and a retrenchment had to be made, why should not this question be open for consideration as well as other questions?

Mr. BUSBY. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. BUSBY. Is it the gentleman's idea that the designation of places and amounts are proper as contained in the bill? Is that satisfactory to the gentleman?

Mr. CRAMTON. I am speaking now of the first five sections, the construction program. I think the Budget takes the position that it would be helpful to have some knowledge as to the priority program desired by Congress, but that it is not desirable to tie their hands absolutely for five years to come.

Mr. BUSBY. There is no objection, however, as I understand, from the Budget to the different items being designated with the amounts.

Mr. CRAMTON. I do not know of any objection except the objection that the stipulated cost for stipulated fiscal years ties the hands of the President and ties the hands of Congress. The amendment I have suggested does not eliminate them from the bill but leaves it clearly to an expression of Congress as to what the Congress would like and provides that these items that are in the bill authorized for certain years are authorized for those years or for any preceding or subsequent year.

Mr. BUSBY. In view of the experience we have had with the public buildings bill which leaves to the Treasury the duty to designate places and amounts and in view of the fact that nothing particularly has been done during the two or three years it has been the law, does not the gentleman think it is proper——

Mr. CRAMTON. If the gentleman will permit, it is not to be said nothing has been done.

Mr. BUSBY. Outside of the District of Columbia, I will put it.

Mr. CRAMTON. The program for Federal buildings has progressed as rapidly as it could have progressed in any event.

Mr. BUSBY. Does not the gentleman think it would have progressed more rapidly and more certainly if we had designated the places and the amounts and had required those things to be done which ought to have been done and which would have given service to the country?

Mr. CRAMTON. The only delay there has been has been the necessary preliminary examination to ascertain what buildings were required and what activities ought to be housed in these buildings. If we wanted the money spent efficiently to meet the real need, it could not have advanced any further than it has.

Mr. BUSBY. Does not the gentleman think, in view of the small amount of money, relatively speaking, contained in this bill and the great urgency that we should put behind the proposition involved in the bill, it is entirely proper in this case for us to designate and require these things to be done?

Mr. CRAMTON. I do not, or I would not be making this speech. Now let me ask the gentleman a question——

Mr. BUSBY. I was trying to direct the gentleman's attention——

Mr. CRAMTON. I do not know whether the gentleman is on the committee or not.

Mr. BUSBY. No.

Mr. CRAMTON. All right; I will get a somewhat unbiased judgment.

Mr. BUSBY. The gentleman sees I have no "look in" except through the gentleman.

Mr. CRAMTON. Section 5 says there shall be a fish-cultural substation in North Dakota in 1932, and section 3 says there shall be one in Florida in 1930.

There is a section here with reference to contributions by the States, and so forth. Now, does not the gentleman conceive it is possible that in three years' time or five years' time there may be such a change in conditions affecting North Dakota and Florida that the Florida item might not be ready in 1930? I know that is a violent assumption. I think they would always be ready for $100,000 to be spent in Florida; but assuming they were not ready in 1930, and North Dakota was ready, Congress ought to have the authority, the Budget ought to have the authority, and the Appropriations Committee ought to have the authority to switch these items around, and under the committee bill this could not be done.

Mr. BUSBY. In answer to that I would suggest that the Congress would still have that power over these items when it became apparent they were not needed.

Mr. CRAMTON. But it would need legislation.

Mr. BUSBY. Yes; but we could still do those things just as we can protect the Treasury in the initiation of them.

Mr. CRAMTON. If it is so easy to get legislation, the Committee on the Merchant Marine and Fisheries could bring this bill in every year instead of having a five-year program in one bill.

Mr. BUSBY. But we have to plan and start our work before it can be carried out, and it seems to me that the planning of the expenditure provided in this bill is very fair and very reasonable, and gives a very fair and very reasonable allocation all along the line.

Mr. BLACK of New York. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. BLACK of New York. Is it the gentleman's theory that if the bill is passed without the amendment he suggests, in case the Appropriations Committee in the first year on the first item refuses to appropriate, the whole authorization falls down?

Mr. CRAMTON. Oh, no; not at all. For instance, for the first year there are authorized items for New Mexico and Idaho for fish-cultural stations. If Congress failed to make the appropriation authorized for these items in that year there would be no authority to make the appropriation the next year, but other items would not be affected thereby.

Mr. ASWELL. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. ASWELL. In case of the contingency which the gentleman mentioned between Florida and North Carolina in 1930, would not Congress be in session that year?

Mr. CRAMTON. Congress would be in session every year, as the gentleman and I both are quite aware from some experience, but the committee has indicated by reporting out a five-year program that it is not easy to report legislation year after year.

Mr. ASWELL. This is not the only bill that this Congress has passed providing a plan for three years or five years, and the committee has studied this question perhaps more than any gentleman in the House and the five-year program came from the Director of the Budget——

Mr. CRAMTON. If the gentleman has a question, all right. I can not yield for a speech. I am afraid the gentleman does not approve of the force of my speech.

Mr. ASWELL. I did not get the force of it.

Mr. CRAMTON. Does the gentleman wish to ask a question?

Mr. ASWELL. I do. I want to know if the gentleman knows that the five-year program was suggested by the Bureau of the Budget?

Mr. CRAMTON. Oh, it was not suggested by the Bureau of the Budget.

Mr. DAVIS. Oh, yes.

Mr. CRAMTON. I am advised by the Budget that this bill has never been submitted to them and they were never asked for a report on it until I made my request.

Mr. DAVIS. Will the gentleman yield?

Mr. CRAMTON. I yield, but I can not yield indefinitely.

Mr. DAVIS. I want to say that that statement is true, but the matter was discussed by the committee with the Director of the Budget last year and the Director of the Budget was the one that originally suggested a five-year program.

Mr. CRAMTON. All right; and General Lord states to me that in so far as an indication of priority is concerned, he likes the idea, and that is preserved in my amendment; but when you come to tie him down definitely for five years and provide that the appropriations must be made at a certain time no matter what is the condition of the Treasury, he does not approve it.

Mr. LINTHICUM, Mr. GREEN, and Mr. SMITH rose.

Mr. LINTHICUM. I merely want to say to the gentleman that I have no doubt he remembers some years ago we passed a bill authorizing an appropriation for parks to the extent of a cent for each inhabitant of the United States. The Committee on Appropriations has not made the appropriations in accordance with that bill.

Mr. CRAMTON. That bill said "not to exceed so much," and I expect to ask the committee to put the words "not to exceed" in a certain part of this bill.

Mr. LINTHICUM. Then it will be like the parks and we will not get the appropriation.

Mr. CRAMTON. Well, it leaves some discretion to Congress.

Mr. SMITH. In what way does the program laid out in this bill differ from the program laid out in regard to the building of roads? For instance, a few years ago we authorized an appropriation of $7,500,000 to be expended, one-third each year, for three years in the national parks. Is not this a similar program, providing for the expenditure of so much money each year for a period of five years?

Mr. CRAMTON. I am not sure that that was passed while the Budget system was in operation; it was some time ago, and I am not sure of the text of it.

Mr. GREEN. Will the gentleman yield?

Mr. CRAMTON. I will yield.

Mr. GREEN. I do not see anything to prevent our adding to this two years from now.

Mr. CRAMTON. I can only repeat what I said—legislation can be passed, but the Appropriations Committee would have no authority to recommend an appropriation.

Mr. GREEN. Does not the gentleman know that the industry is declining?

Mr. CRAMTON. I can not yield to go into that.

Mr. CROWTHER. Will the gentleman yield?

Mr. CRAMTON. I yield.

Mr. CROWTHER. Does the gentleman know whether the geographical allocation is equal—are all the States here except

those that now have fish hatcheries? It seems to me almost like a miniature river and harbor bill.

Mr. CRAMTON. As the gentleman from New York [Mr. LAGUARDIA] says, it suggests a pork bill. I assume that the committee has intended to satisfy all the different States that were interested in the subject.

Now, I am trying to emphasize that this bill as drawn, specifying a program of expenditure for certain years, several years to come, is intended to leave no discretion to the Budget, no discretion to the Appropriations Committee—and is intended to leave no discretion to the Congress in subsequent years. It is intended now to fix definitely the appropriations for five years to come.

If the Committee on the Merchant Marine and Fisheries can report a definite program that the President says is in opposition to his financial program, because it does fix stipulated cost, then the Committee on Military Affairs, the Committee on Naval Affairs, the Committee on Agriculture, and every other committee of the House likewise may do it, and are likely to do it. If we are to have a Budget system, this sort of thing can not exist; and if it does, you will destroy the Budget system.

Mr. GARRETT of Texas. Is not that just what the Committee on Military Affairs did do in a five-year program?

Mr. CRAMTON. The Committee on Military Affairs and other committees show a tendency that way, and my remarks are to sound a note of warning that if you want a Budget system, you have got to stand by the side of the executive branch in its defense.

I repeat what I said before, that I believe the Budget system was the salvation of the finances of the Government following the World War, and that the Budget system could not have accomplished what it has accomplished without the legislative and the executive branches of the Government working side by side in carrying it out. The President alone can not make a successful Budget system. The Congress alone can not make a successful Budget system. There must be a cooperation of both of the branches in order to make it successful.

A few years ago in a certain Western State they adopted a budget system. Then they elected a governor and a legislature on an economy platform. That winter the legislature passed and the governor signed appropriations totaling more than they ever had made before in any one year in that State. Why? Because when the legislature met there were a number of men who wanted certain bridges built, there were a number of men who wanted certain roads constructed, there were a number of men who wanted certain institutions built, and they joined together in a program which they sent to the governor and which he accepted and which abrogated the budget system they had created and made appropriations greater than they had ever passed before in any one year.

Congress up to this time has cooperated, and the Budget system has been successful. But if we are to adopt this policy because this program looks good, because this other thing looks good, and that expenditure seems desirable and this one seems to be needed—if we are to judge each one separately, we will have a total far beyond the revenues of the Government.

Mr. CRISP. Will the gentleman yield?

Mr. CRAMTON. I will.

Mr. CRISP. The gentleman is quite familiar with the activities of the Government. I supported this law, but I would like to ask my friend if he thinks it was the intention of Congress when the Budget law was enacted that Congress should abrogate its powers to the Budget Bureau as to the policy to be pursued by the Government in undertaking new propositions?

Mr. CRAMTON. Congress not only did not abdicate its functions, under the Constitution it could not abdicate its responsibility. It has not abdicated its functions, but that does not prevent this House taking the position that we recognize the importance of an orderly system of governmental expenditures, and that we are going to cooperate with the administration to bring that about. It is not a question of abdicating our functions, it is a question of performing those functions in the most efficient manner possible. When we pass a bill here which says that five years from now in a certain year we are to build a fish hatchery in the State of Florida and that three years from now we are to build a fish hatchery in the State of North Dakota, we are not abdicating our functions, but we are not maintaining them, and we are frittering away our opportunity and our responsibilities.

Mr. CRISP. I am not concerned about this bill. I know under the present administration if a bill is introduced in Congress providing a new undertaking or a new policy, even if the Secretary of the Department having charge of the matter feels favorably inclined to the legislation, yet when the committee of Congress submits the bill to the Budget and they are forced to do so, and the Budget makes an adverse report, then that particular department notifies the committee of the House that the legislation is in conflict with the President's economy policy, and therefore are against it.

Mr. CRAMTON. Certainly.

Mr. CRISP. Is not that pressing the Budget System far beyond what was intended? When we leave to the administration the question of whether Congress shall embark on a new policy, are we not going far beyond what we intended originally by the Budget?

Mr. CRAMTON. Not at all. That is not what is involved. The different departments are a part of the executive branch of the Government, and when the President starts out on a policy of economy, if he means business and really wants economy, there is only one thing that he can do and that is to say to the various parts of the executive branch of the Government, "You must cooperate with me; there must be some coordination." But from the very beginning of the Budget plan, Congress has insisted upon its right to have any information it asks for, and there is not a bill which comes before the Committee on Appropriations but that a request is made for information concerning items that are not in the Budget, or, if desirable, an increase is made in items that are in the Budget. When Congress asks for that information, it is the business of the executive branch of the Government to give the information. Then the prohibition is off, the information is given. Let me say to the gentleman from Georgia, that the way this thing has operated from the beginning emphasizes that an efficient and effective budget system must be bottomed upon cooperation of the executive and the legislative branches, and so, when the President sent in his first budget of estimates, the appropriation committee adopted a policy to govern all of its subcommittees and that policy was that we would not report to the House any appropriation bill that exceeded in its total the amount specified in the Budget. We were not obliged to adopt the policy. Congress was not obliged to approve the policy, but Congress, I think, has approved it. The result of that was that if we did not increase the total of any one of the appropriation bills above the total of the Budget, the total of all the bills would not exceed the total in the Budget, and the result of that has been that each year Congress has recommended an expenditure lower than the Budget recommended—in all many millions. But accompanying that, too, by reason of our constitutional authority, we have frequently recommended that this or that item be reduced, or that certain items be increased, and oftentimes that items be inserted which were not in the Budget at all, keeping only in mind that the totals should not be above the totals in the Budget. The great purpose of the Budget is to insure a comparison of the supposed expenditures with the anticipated revenues of the Government, and so long as we keep within the totals we are not disturbing that balance between the receipts and expenditures.

Mr. CRISP. Mr. Speaker, I am in perfect accord with the last statement of the gentleman that the Executive send the Congress estimates for appropriations for objects authorized by law.

Mr. CRAMTON. Yes.

Mr. CRISP. For the purpose of preventing competition between the various departments and cutting off unnecessary overhead charges. I think that was what was clearly intended when the Budget was adopted—that the administration should pass on the necessity for appropriations for objects already authorized by law, and how much should be appropriated for each of those objects; but I do not believe it was intended by Congress, nor do I believe it is right, that Congress would have to submit to the Bureau of the Budget and get its report upon a new project or new legislation, and that if the Budget is opposed to it that the Secretary of that department must muzzle his own views as to the legislation and report to Congress that the legislation is opposed to the President's policy of economy, and that is the case to-day. [Applause.]

Mr. CRAMTON. If the gentleman from Georgia were the Executive and administered the executive branch of the Government along the lines he has indicated he might cherish economy as a delightful program; but it would be only a dream. The actual realization of it would not occur, because there must be this coordination, and failing of coordination, if every head of a bureau is at liberty to run to Congress and make a personal appeal for additional expenditures without hindrance, you would not have much left in the way of a Budget system so far as practical results are concerned. I think perhaps I should say this to the gentleman from Georgia, so that I may not be misunderstood. I never have, and I do not intend now, to argue that Congress must slavishly follow the recommendations

of the Budget. The mere fact that the Budget disapproves of a proposed expenditure is not alone and of itself reason why I would vote against that expenditure. It may be a contributing cause; it ought to have consideration by the Congress; but need not necessarily be conclusive as to a particular expenditure. In this case, however, this bill goes far beyond a proposal that might be made as to a particular expenditure that is desirable to-day. Suppose this were a bill to establish a fish hatchery in the State of Florida. The gentleman from Florida [Mr. GREEN] would have his information, and even if there were a disapproval here from the Budget, it might be that with a presentation of facts as they now exist, for an expenditure now to be made, we might conclude to make it. But here comes a bill that proposes a program of expenditure for five years to come and which says that five years from now, without knowledge as to what the condition of the Treasury then will be, without knowledge as to what the conditions then will be in the State of Florida, we must make an appropriation for a fish-cultural station there at $75,000. Here is a program laid down that ties the hands of the Budget for five years to come.

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

Mr. CRAMTON. I will yield for a question.

Mr. GREEN. Would not the gentleman prefer to take what appears to be the unanimous recommendation of his fellow committeemen and colleagues rather than that of the Bureau of the Budget?

Mr. CRAMTON. Oh, the gentleman knows that if I did I would not be making this speech. I think the gentleman knows that I do not make speeches for the fun of making them. I hope to accomplish results, although I am not entirely certain at times. But I will say this: There has to be this cooperation between the Executive and the legislative branches to secure the success of the Budget system. If it were this bill alone, this one bill, I would not feel so concerned about it. But standing as a practice that is growing in this House and a practice that will grow more rapidly if this bill becomes a law, I felt it necessary to sound a note of warning. I say, if we are to have a successful cooperation, sooner or later if the President desires to protect the integrity of the Budget system he will find it necessary to veto such legislation as this, because this legislation, expanded through different committees of Congress, means destruction of the Budget.

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

Mr. CRAMTON. I yield.

Mr. BOYLAN. I would like to ask the gentleman if it is not far better to have a broad, comprehensive plan extending through the years than to go at things piecemeal?

Mr. CRAMTON. Oh, yes. It appears to me that the gentleman was not here in the earlier part of my remarks; and, therefore, I think it is desirable to close with this emphasis on what I am proposing. I am not suggesting any limitation of the program that the committee outlined. It is true that it is desirable to make up a comprehensive program, and it is desirable to make up a program for several years ahead, based on the best information we have now. That is true; but I am objecting to making it inflexible. I am objecting to tying the hands of the Budget five years or six years to come.

I have suggested an amendment which I will read again. It will not destroy the bill, but in my judgment it will make it more effective and more workable. I am suggesting that these items as to the construction program for five years remain as they are, to stand as an expression of the policy desired by Congress, to stand as the present view of Congress with reference to the desired priority, but to give some discretion to the Budget and to Congress as to the years following.

The amendment I suggest is this—

> That the authorization herein given in sections 1, 2, 3, 4, and 5 with reference to appropriations for certain specified years are for the purpose of indicating priority proposed to be given to the various projects enumerated therein, and shall not be held to require the appropriations therein enumerated to be made in the years specified, and the appropriations enumerated and likewise authorized in prior or subsequent years in annual or supplemental appropriation bills.

Then, as the years pass, in connection with the financial conditions of each year and the success in working out the proposed fisheries policies, the appropriations may be either expedited or retarded as Congress may desire.

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

Mr. CRAMTON. Yes.

Mr. DAVIS. If that amendment is adopted, it would give the Committee on Appropriations authority to defer for 5 or 10 years, or any number of years, the appropriations for the project.

Mr. CRAMTON. The Appropriations Committee is only the servant of the House.

I think I am performing my responsibility and my duty, and I shall accept the vote of the House in deciding this question, just as the House decides every question in an appropriation bill. The recommendations of the Committee on Appropriations have often been overridden and will be hereafter overridden. If the recommendations made by the Committee on Appropriations meet the approval of this House, they stay in the bill. If their recommendations do not meet the approval of the House, they do not stay in the bill.

I will say frankly that this amendment is not offered with the expectation or intention of slowing up or retarding a desirable program, but in order to have some flexibility, so that each year the thing can be taken care of in the light of the facts then existing. I think the chances are at least equal, if my amendment is adopted, that appropriations might be expedited instead of retarded, because I think that gentlemen who are down at the end of the priority list are all going to be interested in expedition. [Applause.]

Mr. WHITE of Maine. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. SHREVE].

The CHAIRMAN. The gentleman from Pennsylvania is recognized for five minutes.

Mr. SHREVE. Mr. Chairman and gentlemen of the House, first I want to congratulate the gentleman from Maine [Mr. WHITE] and his committee on bringing out this splendid bill. [Applause.]

It has been apparent for some time to those of us who are handling the appropriations for the Bureau of Fisheries that there should be a building program in the Bureau of Fisheries. Now, it seems to me that the Bureau of Fisheries is about the last Government activity that has not received the attention of Congress. We have taken care of almost everybody else. Appropriations have been provided for about all the other activities, and now we come to the Bureau of Fisheries. It stands about where it stood 10 years ago. There has been no expansion. Sometimes we went down into the flour barrel to get a little money to help the Commissioner of Fisheries to get a fish hatchery established in North Carolina or elsewhere, but it has not been sufficient for proper development, not sufficient to cover the demands coming from every State in the Union—and they come every year. It seems that in this last year we have had more demands upon us than we have ever had before.

So I am glad that the gentleman from Maine [Mr. WHITE] and his committee have at this time brought in this very meritorious measure. I hope to see it pass this House, and pass this afternoon. [Applause.]

There is much in it besides the recreational feature. There is another feature which refers to the commercial side and which refers to the scientific side. There is much in the bill. You have all read the bill, and I will not attempt to enumerate the things in it, but I want to say that many of us for years have been going across the boundary line into that splendid country to the north of us. Many of us spend much time up there every year, and many more would if they could. But, my friends, I want to bring good fishing right down to the man at home, to the man who stays at home, and to those who live so far away that they can not go across the Canadian border like some of the rest of us do. They are compelled to stay in the hot cities during the summer months, and possibly they can get away for a day or two at the week end and go to some stream or some lake where they can enjoy good fishing. I have been fishing all my life. I know what good fishing is, and I know I would like to have all my friends enjoy it as much as I do. [Applause.]

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

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. SHREVE. I know of no recreational pursuit, which would command a greater number of enthusiasts or do more in building up our bodies tired with the cares of to-day, than will good fishing. Therefore I am for good fishing.

I am also for good fishing as an auxiliary food supply to that produced by the land. I believe our water resources should be as carefully husbanded as our land resources. I believe they merit the same care and thought as to ways and means of increasing their productivity, by fertilization, by cultivation, and judicious management. I believe that with the development of proper methods it will be possible to make thousands of acres of our water areas productive of fish, of oysters, of clams, of fresh water mussels, and other valued aquatic products.

Members of this body remember when our waters were far more productive of fish life than they are to-day; when in nearly every body of water we could catch a mess of fish

within a reasonably short period of time. With these thoughts in mind let us consider present-day conditions in the cold light of fact.

This bill provides added facilities—new stations, larger and better stations, and it is only by such means that we can hope to satisfy this demand for fish. To foster and encourage the return of our people to the quiet places of nature and to see that they may enjoy good fishing and hunting, I believe to be a good investment and I am for it.

I am also greatly concerned about our great commercial fisheries and the falling off in the catch. In Lake Erie, which has been and should continue to be one of the greatest food-fish producing bodies of water in the world, the catch declined from over 76,000,000 pounds to 38,000,000 pounds during the period 1915 to 1925, a decline of 50 per cent, and the end of the decline appears to be not in sight.

A survey made the past summer indicates that the fishery experienced the worst slump in its history. The white fish and ciscoe are approaching extermination and the yellow perch and yellow pike appear to be growing scarce. Only the blue pike, the sauger, and sheepshead appear to be holding their own. While cultivated water areas are capable of producing from 150 to 300 pounds of fish per acre, the productivity of Lake Erie is only 10 pounds per acre.

Some of my colleagues may ask if this or that cause does not explain the decline. Frankly, I do not know. I do know that this bill is aimed to provide the Bureau of Fisheries with funds for finding the answers and I have the confidence to believe that given the funds they will be able to work out a satisfactory system of fish husbandry. Provisions for such work are contained in the sections for increasing the appropriations and personnel of the divisions of inquiry and fishery industries.

What I have said with respect to Lake Erie and the other Great Lakes applies to our other interior and coastal water fisheries. In the Hudson River, once famed for shad, the catch has fallen from about 4,400,000 to 125,000 pounds in 35 years, and a considerable percentage of the shad now consumed on the Atlantic seaboard is caught in the rivers of California, the progeny of earlier plantings from the Atlantic coast by the Bureau of Fisheries.

In 25 years the catch of the celebrated sockeye salmon in the three Pacific Coast States decreased from forty-two to less than seven million pounds, and only by heroic efforts on the part of the Bureau of Fisheries are the salmon fisheries of Alaska being maintained. Many illustrations of this character might be given, but these will serve to show the need for expanding the research program as provided for in this bill.

While the sea is far from being a limitless storehouse of food and other products, man can undoubtedly draw upon its resources to a much greater extent than at present. Recent advances in knowledge have disclosed the value of sea products as a feed for cattle, hogs, and poultry. From what has been learned, it appears by the use of this material some of the worst ills to which our domestic animals are subjected can be largely if not wholly eliminated, particularly goiter, tuberculosis, and so forth. While such foods will not be produced in sufficient quantities to replace present foods, effort should be made to develop satisfactory ways and means of recovery of such products and to render them available. While this may involve the development of technical processes, the results will justify the expenditure. I am told that we are far behind European countries in the development of such processes and uses. This bill contains provision for an expansion of technological research by the Bureau of Fisheries, which in the light of previous work of this character will pay for itself many times over in added wealth.

Under the provisions of this bill, instead of expanding the work of the Bureau of Fisheries in spots with the attendant weaknesses of such development, an effort has been made to develop a well-rounded program. I believe the Members of this body are thoroughly conversant with the need for more fish-cultural stations. The fullest efficiency of the stations depends upon the development of ways and means for controlling epidemics of fish diseases which may break out at these stations; also of improving the fertility and productivity of the ponds and by selective breeding to produce brood stocks which are disease resistant, are productive of a greater number of eggs, and of a stock of faster growing fish. This is but a single illustration to reveal the interdependence of the several divisions, provisions for which are contained in the bill. [Applause.]

The Clerk read as follows:

Be it enacted, etc., That there are hereby authorized to be appropriated during the fiscal year beginning July 1, 1928, such amounts as may be necessary for—

(1) The establishment of a fish-cultural station in each of the following States, at a cost not to exceed the amount specified: New Mexico, $50,000; Idaho, $60,000.

(2) The establishment of a fish-cultural substation in each of the following States, at a cost not to exceed the amount specified: Wisconsin (in the southern part of the State), $50,000; Montana, $35,000.

(3) The establishment of fisheries laboratories in the State of Washington, at a cost not to exceed $100,000, and a laboratory in the Territory of Alaska, at a cost not to exceed $50,000.

(4) The establishment of experimental and bass and trout stations in the State of Maryland or West Virginia at a cost not to exceed $60,000.

(5) The purchase and repair of the Rogue River substation in the State of Oregon, at a cost not to exceed $35,000.

Mr. CROWTHER. Mr. Chairman, I offer an amendment. In subdivision 5 of the first section, after the word "Oregon," add the words "and Oklahoma." I see Oklahoma is not in this bill and I think it ought to be in it.

Mr. HASTINGS. Mr. Chairman, I hope the committee can see its way clear to accept that amendment.

Mr. HOWARD of Nebraska. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from New York by adding "Nebraska." I can not find Nebraska in the bill.

Mr. CROWTHER. Mr. Chairman, I accept the amendment.

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

The Clerk read as follows:

Amendment offered by Mr. CROWTHER: On page 2, in line 11, after the word "Oregon," insert "and Oklahoma."

Mr. CRAMTON. I hope the gentleman from Oklahoma will not be too enthusiastic. It says "Rogue River substation."

Mr. HASTINGS. I would like to see Oklahoma in the picture, because I think it would help matters very materially.

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

Mr. HOWARD of Nebraska. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from New York by adding, after the word "Oklahoma," the words "and Nebraska."

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

The Clerk read as follows:

Amendment offered by Mr. HOWARD of Nebraska to the amendment offered by Mr. CROWTHER: After the word "Oklahoma" insert "and Nebraska."

Mr. HOWARD of Nebraska. Mr. Chairman, the righteousness of it is so apparent that I will not take up any time.

Mr. McKEOWN. Mr. Chairman, I will say to the gentleman that I am one of the members of this committee who has no fish hatchery in this bill, and we are not asking for one at this time. The gentleman from Nebraska has a fish hatchery.

Mr. HOWARD of Nebraska. Two or three of them.

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

The amendment was rejected.

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

The amendment was rejected.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. LAGUARDIA. Mr. Chairman, it is suggested and urged by the committee that the provisions of this bill will greatly increase the production of fish. Well, this bill looks more like pork than fish to me. A portion of the pork is handed to no less than 33 States involved, and the question here is, seemingly, whether or not, regardless of the budgetary program, Congress is to legislate and authorize the appropriation of funds years in advance.

There is no one who is more jealous of the rights of Congress than I am; in fact, I believe I am a source of annoyance both to my colleagues on the floor and in committee in standing for the prerogatives of Congress. Yes, I can not see any conflict between the Budget Bureau and Congress. The Budget Bureau is simply an adviser, and if we are to legislate intelligently, with the ever-increasing functions of the Federal Government, no body of men of 435 members can possibly go into the details of expenditures without the aid of a fact-finding bureau such as the Budget Bureau is for Congress.

Mr. McKEOWN. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. McKEOWN. Where is the fact-finding bureau for the Navy Department's five-year program?

Mr. LAGUARDIA. Well, that is entirely different, for the simple reason that there you have the construction of large vessels which require over a year to complete, and it would be impossible to appropriate each year or to authorize each year the amount for the installment construction of a ship during a specific fiscal year. But the gentleman knows I have always taken a stand against extravagant programs looking into the future.

A former distinguished Member of this House, the lamented Julius Kahn, of California, was fond of telling a story of an appropriation, such as we have before us, during the early days of his service in this House, some 25 or 30 years ago, when an appropriation was made for a fish station in some inland State, and under the authorization the Committee on Appropriations was compelled to make the appropriation. They had the money for the fish hatchery in an inland State, in an inland town, and in order to be able to use the money they had to go to the Committee on Rivers and Harbors and get an appropriation to build a canal, bringing some water from the river into the town. I do not know how much fish the State of Idaho produces, or the State of Montana or the State of Arkansas or the State of Indiana——

Mr. SMITH. I can tell the gentleman, so far as Idaho is concerned. We are endeavoring to take care of our fish industry there. We have 10 hatcheries that are kept up at the expense of the State, but our State is the only one in that northwestern country that has no Government fish hatchery.

Mr. LAGUARDIA. So the gentleman's State is included in the 33 States in this list.

The gentleman from Pennsylvania makes it a sporting proposition, the gentleman from Maine makes it a food proposition, and the gentleman from Idaho makes it an equitable proposition, because his State has no Federal hatchery to date.

Mr. SCHNEIDER. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. SCHNEIDER. Are they not all correct?

Mr. LAGUARDIA. Oh, I suppose so. At any rate, I want to say to the committee that the amendments suggested by the gentleman from Michigan [Mr. CRAMTON] limiting future appropriations are wholesome and should not be resisted. I shall vote for the amendments, and by the looks of things, with 33 States looked after in this bill, there will not be many votes for the amendments.

The pro forma amendment was withdrawn.

The Clerk read as follows:

SEC. 2. There are hereby authorized to be appropriated during the fiscal year beginning July 1, 1929, such amounts as may be necessary for—

(1) The establishment of a fish-cultural station in each of the following States, at a cost not to exceed the amount specified: Alabama, $50,000; Indiana, $50,000; Louisiana, $50,000; Tennessee (in the central part of the State), $50,000; Pennsylvania, $100,000.

(2) The establishment of a fish-cultural substation in each of the following States, at a cost not to exceed the amount specified: New Hampshire (in the White Mountain Forest), $25,000; South Carolina, or the enlargement of Orangeburg station in said State, $35,000; Texas (in the western part of the State), $35,000; Colorado, $20,000.

(3) The purchase of Mill Creek station in the State of California, at a cost not to exceed $20,000.

(4) The enlargement of Cape Vincent station in the State of New York, at a cost not to exceed $25,000.

Mr. HUDSON. Mr. Chairman, I move to strike out the last word for the purpose of asking a question. I notice in respect of several of these items, for instance, the one in Tennessee, you say "in the central part of the State," and in section 2, "in New Hampshire, in the White Mountain Forest," and "in Texas, in the western part of the State," and so on. Does this mean that later on you will ask for stations in other parts of these same States?

Mr. WHITE of Maine. Not at all.

Mr. SMITH. Why do you designate where they shall be in the particular States?

Mr. WHITE of Maine. As I said in my opening remarks, every single item in this bill has the specific approval of the experts of the Government and in statements filed before the committee the reasons for the recommendations are set forth. In this particular instance the bureau knows now where in the State of Tennessee it desires this particular hatchery to be put and where the bureau so designated, we follow the recommendation of the bureau and have indicated it in this general way. Where there is no specific designation, the location will hereafter be determined according to conditions.

Mr. PARKS. Will the gentleman yield?

Mr. WHITE of Maine. Yes.

Mr. PARKS. The Bureau of Fisheries will cooperate in the various States with the State bureau of fisheries, if that is their proper designation, in locating these fish hatcheries, in order to locate them in the most suitable and most convenient place possible.

Mr. WHITE of Maine. They will be located where they can carry on comparatively with the largest measure of success.

The pro forma amendment was withdrawn.

The Clerk read as follows:

SEC. 7. (a) The stations, substations, and laboratories authorized by sections 1, 2, 3, 4, 5, and 6 shall be located in the States and parts thereof and in the territory specified, at such suitable points as may be selected by the Secretary of Commerce.

(b) Any appropriation made under authority of sections 1, 2, 3, 4, 5, and 6 may be expended for the purchase of sites, the purchase of equipment, the construction of buildings and ponds, and for such other expenses as may be incidental to the cost of the establishment, purchase, or enlargement, as the case may be, of the station, substation, or laboratory in question.

(c) No part of an appropriation made under authority of section 1, 2, 3, 4, 5, or 6 shall be expended in the construction, purchase, or enlargement of a station or substation until the State in which such station or substation is to be located shall have by legislative action accorded to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatching and fish culture and all operations connected therewith in any manner and at any time that may by the commissioner be considered necessary and proper, any laws of the State to the contrary notwithstanding. The operation of any station, substation, or laboratory established, purchased, or enlarged under authority of this act shall be discontinued whenever the State ceases to accord such right; and such operation may be suspended by the Secretary of Commerce whenever in his judgment State laws or regulations affecting fishes cultivated are allowed to remain so inadequate as to impair the efficiency of such station, substation, or laboratory.

DISTINGUISHED VISITOR

Mr. FISH. Mr. Chairman, I ask unanimous consent to proceed out of order for two minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. FISH. Mr. Chairman and members of the committee, it is a great privilege and honor to present to the Members of the House, Mr. Nicola Sansanelli, the president of the F. I. D. A. C., which is the mother organization of all the associations of World War veterans. Mr. Sansanelli is a distinguished member of the Italian Chamber of Deputies. He was wounded six times while serving in the Italian Army during the World War. It is a great honor for me, as a veteran, to present him to the House of Representatives. [Applause, the Members rising.]

I am authorized to invite the veterans in the House to meet Mr. Sansanelli immediately in the Ways and Means Committee room.

CONSTRUCTION AND MAINTENANCE PROGRAM OF THE BUREAU OF FISHERIES

Mr. CRAMTON. Mr. Chairman, I offer the amendment which I send to the desk.

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

The Clerk read as follows:

Amendment by Mr. CRAMTON: Page 6, after line 9, insert a new paragraph as follows:

"(d) That the authorizations herein given in sections 1, 2, 3, 4, and 5 with reference to appropriations for certain specified years are for the purpose of indicating priority proposed to be given the various projects enumerated therein, but shall not be held to require the appropriations therein enumerated to be made in the years specified, and the appropriations enumerated are likewise authorized in prior or subsequent years in annual or supplemental appropriation bills."

Mr. CRAMTON. Mr. Chairman, this is the amendment that I have discussed.

Mr. GREEN. Mr. Chairman, I reserve a point of order.

Mr. CRAMTON. Mr. Chairman, I make the point of order that the gentleman's point of order comes too late.

Mr. GREEN. I spoke as soon as I could. I reserved the point of order as soon as the Clerk quit reading the amendment.

Mr. CRAMTON. No; I had started my remarks before the gentleman rose.

Mr. GREEN. Certainly, as soon as I could get recognition.

The CHAIRMAN. The gentleman from Michigan had started debate. The Chair therefore sustains the point of order of the gentleman from Michigan.

Mr. CRAMTON. Mr. Chairman, I do not want to take further time. I have expressed myself fully. I simply want to identify the amendment as being the one I discussed in my speech.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. CRAMTON].

The amendment was rejected.

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

The Clerk read as follows:

Page 6, line 12, after the word "appropriated," insert the words "not to exceed."

Mr. CRAMTON. Mr. Chairman, the purpose of this amendment is to permit the Congress to have some discretion to grant as much as needed each year.

Mr. WHITE of Maine. Mr. Chairman, this question was considered at great length by the committee. It is the judgment of the committee that this provision is necessary to properly respond to and meet the purposes of the bill.

Mr. STEVENSON. And I will call attention to the fact that if Congress did not think it needed that appropriation it would not spend it.

Mr. CRAMTON. If that is to be the understanding there is no need of my amendment. If the Appropriations Committee shall consider the needs that may then exist—if that is the understanding of the gentleman from Maine, I will withdraw my amendment.

The CHAIRMAN. The question is on the amendment of the gentleman from Michigan.

The question was taken, and the amendment was rejected.

Mr. CRAMTON. I have another amendment, and I think this will commend itself to the committee.

The Clerk read as follows:

Page 6, beginning in line 21, after the word "appropriated," strike out the remainder of line 21, all of line 22, and insert "not more than 30 per cent shall be."

Mr. CRAMTON. I will state the purpose of this amendment. As the bill stands it provides that exactly 70 per cent shall be used in the field and 30 per cent for salaries. The purpose of the committee is to limit the amount that can be spent for salaries. When you say exactly 70 per cent for this and 30 per cent for that you have a difficult proposition. I am suggesting that not more than 30 per cent shall be spent for salaries and let it go at that. I think that is the purpose of the committee.

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

The question was taken; and on a division (demanded by Mr. CRAMTON) there were 25 ayes and 59 noes.

So the amendment was rejected.

The Clerk completed the reading of the bill.

Mr. WHITE of Maine. Mr. Speaker, I move that the committee do now rise and report the bill to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEAVITT, 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. 13383 and had directed him to report the same back without amendment, with the recommendation that it do pass.

Mr. WHITE of Maine. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

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

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

On motion of Mr. WHITE of Maine, a motion to reconsider the vote whereby the bill was passed was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 797. An act granting the consent of Congress to the J. K. Mahone Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Wellsburg, W. Va.;

S. 1480. An act authorizing certain Indian tribes and bands, or any of them, residing in the State of Washington, to present their claims to the Court of Claims; and

S. 3862. An act authorizing J. T. Burnett, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Tiptonville, Tenn.

The message also announced that the Senate disagrees to the amendment of the House of Representatives to the joint resolution (S. J. Res. 23) entitled "Joint resolution providing for the participation of the United States in the celebration in 1929 and 1930 of the one hundred and fiftieth anniversary of the conquest of the Northwest Territory by Gen. George Rogers Clark and his army, and authorizing an appropriation for the construction of a permanent memorial of the Revolutionary War in the West, and of the accession of the Old Northwest to the United States on the site of Fort Sackville, which was captured by George Rogers Clark and his men February 25, 1779," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. FESS, Mr. HOWELL, and Mr. MCKELLAR to be the conferees on the part of the Senate.

The message further 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. 12875, entitled "An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1929, and for other purposes."

The message also announced that the Vice President had appointed Mr. REED of Pennsylvania and Mr. FLETCHER 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 War Department.

SENATE BILLS REFERRED

Bills of the following titles were taken from the Speaker's table and, under the rule, referred to the appropriate committees, as follows:

S. 444. An act for the relief of H. C. Magoon; to the Committee on Claims.

S. 1857. An act authorizing the Delaware & New Jersey Bridge Corporation, a corporation of the State of Delaware, domiciled at Wilmington, Del., its successors and assigns; George A. Casey, of Wilmington, Del.; Clifford R. Powell, of Mount Holly, N. J.; and Anthony J. Siracusa, of Atlantic City, N. J., their heirs, executors, administrators, or assigns, to construct, maintain, and operate a bridge across the Delaware River at or near Wilmington, Del.; to the Committee on Interstate and Foreign Commerce.

S. 3171. An act providing for a Presidents' plaza and memorial in the city of Nashville, State of Tennessee, to Andrew Jackson, James K. Polk, and Andrew Johnson, former Presidents of the United States; to the Committee on the Library.

ENROLLED BILLS SIGNED

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

H. R. 9481. An act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1929, and for other purposes; and

H. R. 10141. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 805. An act donating Revolutionary cannon to the New York State Conservation Department;

S. 1456. An act to authorize an appropriation for a road on the Zuni Indian Reservation, N. Mex.;

S. 3791. An act to aid the Grand Army of the Republic in its Memorial Day services, May 30, 1928; and

S. 3947. An act to provide for the times and places for holding court for the eastern district of North Carolina.

BILLS AND JOINT RESOLUTION 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, bills and joint resolution of the House of the following titles:

H. R. 4357. An act for the relief of William Childers;

H. R. 6492. An act to authorize the Secretary of War to donate to the city of Charleston, S. C., a certain bronze cannon; and

H. J. Res. 177. House joint resolution authorizing the erection of a flagstaff at Fort Sumter, Charleston, S. C., and for other purposes.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, I ask unanimous consent that when the business of the Committee on Merchant Marine and Fisheries is concluded this afternoon we may take up the Consent Calendar where we left off yesterday and continue to consider it until the usual hour of adjournment.

Mr. DAVIS. I do not think there will be any objection to the other two bills. They are navigation bills and will not consume much time.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that at the conclusion of the two other bills to be called up by the Committee on Merchant Marine and Fisheries that it may be in order to consider the Consent Calendar beginning where the House left off yesterday. Is there objection?

There was no objection.

PUBLIC-HEALTH ACTIVITIES

Mr. MAPES, from the Committee on Interstate and Foreign Commerce, presented a conference report on the bill H. R. 11026, for printing under the rule.

MASTERLY INACTIVITY OF THE REPUBLICAN PARTY ON COAL

Mr. BOYLAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address which I delivered relating to coal.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks on the subject of coal. Is there objection?

There was no objection.

Mr. BOYLAN. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

The Republican Party's failure to take any steps to solve the vital subject of a supply of cheap coal, with fair wages to the miners, is a neglect of national interests more serious than its bartering away of the Teapot Dome reserves to Harry Sinclair.

For four years a Congress controlled by the Republican Party has deliberately neglected the public interests and defied the repeated requests of its President, Calvin Coolidge, for legislation on this matter. He has again and again demanded action, but his suggestions have been ignored. His accusations against his own party and four Congresses have been more severe than any ever made by a Democrat.

In three separate messages President Coolidge called attention to the need for legislation creating governmental agencies to intervene in industrial disputes like that now raging in the bituminous industry and that which involved the hard-coal fields a few years ago, bringing suffering and economic losses to the people and business.

The President has also urged leaders of the industry to enter voluntary agreements for a more scientific production and distribution of coal. But the leaders of the coal industry, which include such men as Secretary Mellon and his relatives interested in the Pittsburgh Coal Co., have steadily declined to follow the President, though they are now demanding his renomination.

I do not believe the President's recommendations go far enough. I believe the Nation will have to take over the coal mines in times of emergencies sooner or later, and subject the industry to regulations like those imposed upon the railroads and other national necessities. Four years ago I introduced a bill to that effect, but it has been pigeonholed in committee. The coal barons seem to have more influence in this Congress than the people or their Representatives.

Not even the President can make any headway against the coal interests' strength on Capitol Hill.

Just to keep the record straight and place the blame where it belongs, here are the President's coal recommendations which the Republican-controlled Congresses have denied. In his 1923 message, on page 11, he said:

> The cost of coal has become unbearably high. It places a great burden on our domestic and industrial life. The public welfare requires a reduction in the price of fuel. With the enormous deposits in existence, failure of supply ought not to be tolerated. Those responsible for the conditions in this industry should undertake its reform and free it from the charge of profiteering.

Since 1923 the price of coal has gone up, both hard and soft. The bituminous producers are now refusing to let a Senate committee examine their production figures. Both the Congress and the coal industry must share the blame. They are the ones "responsible for the conditions in this industry."

The President was even more severe in his 1925 message. On page 16 he declared that—

> inability to control and manage this great resource for the benefit of all concerned is very close to a national economic failure.

He has never used words of condemnation for the oil scandals, which shows what he thinks of those inside the industry and inside Congress who have neglected this subject. He again demanded legislation permitting the Government to create commissions empowered to deal with an emergency. But nothing ever came of that.

In 1926 the President reported that—

> no progress appears to have been made within large areas of the bituminous coal industry toward creation of voluntary machinery by which greater assurance can be given to the public of peaceful adjustments of wage difficulties such as has been accomplished in the anthracite industry.

The President again emphasized the importance of legislation. But nothing was done by his Congress.

In his 1927 message the President once more asked for action. But long defiance of his requests seems to have disgusted him, for he confined his references to coal to one paragraph, even though the soft coal strike was under way at the time and emphasizing the need of quick action by Congress.

It is no wonder the President is disgusted. Certainly the country has a right to be.

REGULATING NAVIGATION ON THE GREAT LAKES

Mr. WHITE of Maine. Mr. Speaker, I call up the bill (H. R. 13037) to amend section 1, rule 2, rule 3, subdivision (e), and rule 9 of an act to regulate navigation on the Great Lakes and their connecting and tributary waters, enacted February 8, 1895 (ch. 64, 28 Stat. L., sec. 645), on the House Calendar, which I send to the desk and ask to have read.

The Clerk read the bill, as follows:

> *Be it enacted, etc.*, That rule 2, rule 3, subdivision (e), and rule 9 of section 1 of an act entitled "An act to regulate navigation on the Great Lakes and their connecting and tributary waters," enacted February 8, 1895, and being chapter 64, Twenty-eighth Statutes at Large, section 645, be, and the same are, respectively, hereby amended so as to read as follows:
>
> "Rule 2. The lights mentioned in the following rules, and no others which may be mistaken for the prescribed lights, shall be exhibited in all weathers from sunset to sunrise. The word 'visible' in these rules, when applied to lights, shall mean visible on a dark night with a clear atmosphere.
>
> "Rule 3, subdivision (e). A steamer of over 150 feet register length shall carry also, when under way, a bright white light so fixed as to throw the light all around the horizon, and of such character as to be visible at a distance of at least 3 miles. Such light shall be placed in line with the keel at least 15 feet higher from the deck and more than 75 feet abaft the light mentioned in subdivision (e); or in lieu thereof two such lights of the same character and height as herein described placed not over 30 inches apart horizontally, one on either side of the keel, and so arranged that one or the other or both shall be visible from any angle of approach.
>
> "Rule 9. A vessel under 150 feet register length, when at anchor, shall carry forward, where it can best be seen, but at a height not exceeding 20 feet above the hull, a white light constructed so as to show a clear, uniform, and unbroken light visible all around the horizon at a distance of at least 1 mile.
>
> "A vessel of 150 feet or upward in register length, when at anchor, shall carry in the forward part of the vessel two white lights at the same height of not less than 20 and not exceeding 40 feet above the hull and not less than 10 feet apart horizontally and athwartships, except that each need not be visible all around the horizon but so arranged that one or the other, or both, shall show a clear, uniform, and unbroken light and be visible from any angle of approach at a distance of at least 1 mile; and at or near the stern of the vessel two similar lights, similarly arranged and at such a height that they shall not be less than 15 feet lower than the forward lights. In addition the four anchor lights above specified, at least one white deck light shall be displayed in every interval of 100 feet along the deck measuring from the forward lights, said deck lights to be not less than 2 feet above the deck and arranged, so far as intervening structures will permit, so as to be visible from any angle of approach."

Mr. WHITE of Maine. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. CROSSER].

Mr. CROSSER. Mr. Speaker, the purpose of this bill is to make safe navigation on the Great Lakes. The present law regulating lights was passed in 1895 when the ships sailing on the Great Lakes were much smaller than the present-day Lake

steamers. In 1895 no ships on the Great Lakes exceeded in length 350 feet. To-day most of the ships on the Great Lakes are 600 feet or more in length. The present law, which was passed in 1895, provided that one light must be carried in the forward part of the ship and one near the stern at a certain height above the deck of the vessel. When ships were only 350 feet or less in length the two lights were sufficient. When, however, most of the steamers are 600 feet long, or more, the two lights now required are not sufficient, for the reason I shall now give. When a 600-foot steamer is anchored at night in some harbor and another ship sails toward the ship which is anchored, the navigator on the approaching vessel is in danger of mistaking the dark space between the two lights to be a channel and so steer his ship into the side of the standing ship, because the forward light and stern lights are about 600 feet apart. A mistake of this kind was made recently and a serious collision resulted.

This bill amends the law so as to require every ship to display at least one white light in every interval of 100 feet along the deck. This will enable the approaching navigator to determine easily that the space between lights is not an open channel, but a ship lying at anchor.

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

Mr. CROSSER. Yes.

Mr. SHREVE. I was not in the Chamber when the gentleman began his statement. Are the shipowners in favor of this bill?

Mr. CROSSER. Oh, yes; the Lake Carriers' Association is in favor of the bill. As a matter of fact, they have urged me to have the bill passed. This is undoubtedly in the interest of safe navigation. As I have already said, a very serious accident happened not long ago because of the fact that a ship lying at anchor in the harbor had but one light at each end of the ship and therefore about 600 feet apart. One can readily understand how the navigator of an approaching ship might think that the space between the lights constituted an open channel in the harbor. The bill also authorizes the exhibition of two lights on the after spar of a vessel in order to make possible with the law requiring that the rear light be visible from all points of the horizon. The law now permits a ship to carry one light only on the rear, and there is always an arc of invisibility caused by the spar and also by the smokestack.

Ships have become so much larger in every way, and they have so much larger houses fore and aft, and sometimes towering machinery, that the lights when placed as the law requires them are often hidden from the view of another ship. The bill provides that there shall be at least two lights, instead of one light, on the front mast so as to make it impossible to have any arc of invisibility to those looking from a ship at any point on the horizon. In other words, the bill provides that there will always be a light visible to the navigator of another ship. This provides that two lights shall be carried at the required height in the front part of the vessel and two lights at the required height about the deck at the rear. The two front lights must be at least 10 feet apart crosswise of the ship, so that there will be no possible way for an approaching navigator to make an excusable mistake. The whole purpose of the bill is to make safer navigation on the Great Lakes. The Steamboat Inspection Service has unqualifiedly indorsed the bill.

Mr. ABERNETHY. This applies only to the Great Lakes?

Mr. CROSSER. Yes.

Mr. WHITE of Maine. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. BLACK].

Mr. BLACK of New York. Mr. Speaker and gentlemen of the House, collisions at sea are such agonizing affairs that Congress should do everything it can to help prevent them. We have had a great number of very serious collisions at sea of late. Probably the most serious one which caught the attention of the American people was the collision in which the *S-4* was destroyed. It might be just as well at this time to have something to say in respect to the history of the investigation of the *S-4*. I charged on the floor of this House when the proposition was made that we should investigate into the accident that the administration wanted a whitewash, or that the collision would be blamed on the victims. That is just what has happened. Originally the court of special inquiry investigating the collision said that the Coast Guard was responsible. The Treasury Department protested against that, and with its powerful influence was able to change the decision of the naval court.

Then the naval court found fault with Admiral Brumby. The Navy Department realized that for Admiral Brumby it was responsible, and brought about a change again in the decision of the court, and Brumby was exonerated; and then, by a process of elimination, the very thing that I prophesied would happen has happened. The victims, the men of the *S-4*, are now charged before the court with being responsible for the situation.

This Congress failed flagrantly in its duty to the American people by not insisting on a careful investigation of the situation. Everybody knew who looked into the situation at all that the Navy Department was anxious to clear itself of criticism in the situation. Everybody knew that the Secretary of the Navy was responsible, as the head of the department, for not seeing to it that proper salvage and rescue processes were available for these men; he was responsible for not seeing to it that there were rafts, pontoons, and other equipment near by where the submarine was operating. He was responsible for the court in the situation. It was known that he wanted a whitewash, and the chairman of the Committee on Rules [Mr. SNELL] found fault with me for suggesting that there was any such thing in mind.

I say that the people of this country are not satisfied with the record of this special court. I say that this Congress has been derelict to the men in the service in not thoroughly looking into the situation. I believe the President of the United States is wrong when he thinks the people have forgotten this disaster. And I believe that he owes it to the people of the United States to bring the Secretary of the Navy on the carpet and to learn from him to what extent the Secretary of the Navy was responsible for the delay in the rescuing processes and in the salvage arrangements. [Applause.]

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

Mr. BLACK of New York. Yes.

Mr. BOYLAN. May I ask the gentleman whether or not any responsibility was placed upon the rum-force chasers?

Mr. BLACK of New York. The court originally held the Coast Guard responsible, but the Treasury used its influence on the court of inquiry, and the so-called court changed its report. The idea of such a court that can come in with new facts just because the Treasury Department wanted them to do it, and then because the Navy Department wanted them to change the facts they proceed to change them. It is not that kind of an investigation that the American people are used to. They want a straightforward and fair and nonpartisan investigation by an agency outside of the departmental influences, and it ought to be had. [Applause.]

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

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

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

REGULATION OF NAVIGATION ON THE GREAT LAKES

Mr. WHITE of Maine. Mr. Speaker, I call up the bill (H. R. 13032) on the House Calendar.

The SPEAKER. The gentleman from Maine calls up the bill H. R. 13032, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 13032) to amend the act of February 8, 1895, entitled "An act to regulate navigation on the Great Lakes and their connecting and tributary waters"

Be it enacted, etc., That rule 7 of the act of Congress approved February 8, 1895, entitled "An act to regulate navigation on the Great Lakes and their connecting and tributary waters," be amended so as to read as follows:

"RULE 7. The lights for tugs under 100 tons register (net), whose principal business is harbor towing, and for boats navigating only on the River St. Lawrence, also ferryboats, rafts, and canal boats, shall be regulated by rules which have been or may hereafter be prescribed by the Board of Supervising Inspectors of Steam Vessels."

SEC. 2. All laws, or parts of laws, inconsistent herewith are hereby repealed.

SEC. 3. This act shall take effect on and after its approval.

Mr. WHITE of Maine. Mr. Speaker, the report fully describes the bill. I have no desire to discuss it, and unless somebody desires time I move a vote on the bill.

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

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

A motion to reconsider the last vote was laid on the table.

THE AIR MAIL

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent to extend in the RECORD my remarks relative to the establishment of night air-mail service between New York and Atlanta, the establishment of the philatelic agency, special issues authorized by the Postmaster General, and to incorporate a statement by

Second Assistant Postmaster General Glover on the same subjects.

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

There was no objection.

Mr. ACKERMAN. Mr. Speaker, with the authorization by the Postmaster General of a special stamp commemorative of the one hundred and fiftieth anniversary of the encampment of Washington's army at Valley Forge, which will be issued on May 26 of this year, it seems fitting to bring to the attention of Congress the increasing interest of stamp collectors in issues of this character and to point out the valuable contribution made by these men, women, and children to the Post Office Department.

There is not a single move made by the department which fails to get its quota of scrutiny for some possible philatelic value. The most recent event next to the Valley Forge stamp, which was proposed by Representative WATSON, of Pennsylvania, was the inauguration of night air mail service between New York and Atlanta.

Thousands of pieces of mail carried on the first flight are either now cherished items in collections or in time will become so as the interesting and intricate system of "collecting" continues to operate. These covers can never be duplicated. There can never be another "first flight" of the night air mail between New York, Atlanta, and intermediate points. For this reason, envelopes and mail carried on the first flight have an especial significance and resultant value. The same is true of past first flights, and will hold good of all first flights to come in the future.

When the Lindbergh stamp was put on sale it was bought by the thousands in sheets and portions of sheets. Thousands of these stamps are now in collections in all parts of the world. They have never been used and never will be for mailing purposes. In this way the Government receives large sums in revenue for which it is not called upon to render any service, and the sums of money thus received helps the revenues materially.

What I have said about the Lindbergh stamp is true of all other special issues, although there was probably a more widely popular demand for that issue than some others.

Sensing this appeal, it was my privilege and pleasure to have suggested to Postmaster General New the issuance of a Lindbergh stamp soon after his epoch-making flight in 1927 had been made. The stamp was hurriedly gotten out and went on sale the day he arrived for his home-coming reception in St. Louis. From then on for several weeks the post offices of the country were unable to supply the demand for this commemorative stamp.

Since then it has been my pleasure to have met the "flying colonel" on several occasions, the most recent one being when I was a passenger in an airplane of which he was pilot. Having flown before the experience was new to me only in the complete mastery he had of every detail connected with the flight and the confidence his mastery inspired from start to finish.

PHILATELY AND HISTORY

It is but natural that stamps and stamp collecting should interest so many of our people. The history of our Nation is inseparably connected with an incident in Boston Harbor where stamps were a most important factor. You all recall the Boston tea party! It was held because the offending tax on the tea was levied by means of stamps. Congress was brought together in 1765 to remonstrate against the imposition of these new taxes.

Unfortunately, there were no stamp collectors—or philatelists, as we are called now—in those days. As a result, few of the priceless historic stamps were saved. Those saved are most highly valued and are within reach of only a few collectors.

One thing which contributes largely to the scarcity of the older stamps, not only of the United States but other countries, is the fact that until 1840 adhesive stamps did not exist.

Instead documents were stamped much as a notary's seal is impressed on papers sworn to before him.

In 1840 Great Britain, at the suggestion of Sir Rowland Hill, began the use of adhesive stamps. Brazil followed in 1843; and in 1847 the United States adopted the plan.

PHILATELY AND POLITICS

In a recent campaign in the district I have the honor to represent, the use was made of a powerful weapon which my knowledge of philately placed in my hands, and since the famous tea party in Boston Harbor more than a hundred and fifty years ago, it is doubtful if stamps have played such a conspicuous part in connection with American politics.

I had obtained an envelope which contained a letter written in Russia and sent to Philadelphia. The postage on the letter was paid by many sheets of Russian stamps, 100 in each sheet, which, when folded together, back to back, made a double strip of stamps 15½ feet in length, or, counting each side, a strip 6 inches wide and 31 feet long. As the strip was folded and refolded to conform to the size of the letter, the whole made a package which bears a striking resemblance to an accordion.

In all, the postage on this letter was paid by 1,625 stamps, each of the denomination of 250 rubles, making a total face value of 406,250 rubles. Before the World War this number of rubles would have equaled $207,137.50 in United States currency. However, at the time the letter was sent, they were only sufficient to pay the equivalent of 15 American cents worth of postage.

During the campaign I exhibited this Russian cover more than a score of times at various places in my district. No matter how large the room in which I was speaking, no one in the audience had any difficulty in seeing the "accordion" letter and visualizing the enormous depreciation in the value of the Russian ruble which it so graphically represented. I used the letter to illustrate what I believed might happen to the United States if ever the American people permitted bolshevism or unsound economic theories to obtain a foothold, my argument being that the great depreciation in the value of Russian money, as shown by the number of rubles required to carry a letter, followed the advent of a government which had assumed the absolutely erroneous idea that to start the printing presses turning out money would add to the country's wealth, despite the fact that there was no corresponding reserve in the Treasury to back up the paper money.

PHILATELY AND FOREIGN AFFAIRS

Stamps have also played an important part in the affairs of other nations. I recall one in Serbia which is said to have largely contributed to the events which brought on the World War.

To commemorate King Peter's coronation in Serbia in 1904, that government decided to issue a series of specially designed postage stamps of considerable artistic value and of large size, which were to bear side by side the profile of King Peter and his ancestor, Kara George.

The result was admired by all. But before the stamps had been in circulation many weeks the Government suddenly called in all that remained unsold, for when the stamp was held upside down there appeared clearly to everyone the death mask of the murdered King Alexander Obrenovitch.

The ghastly face of the dead sovereign was made to appear, by the engraver manipulating cleverly the eyebrows, eyes, and nose of the two Karageogevitch profiles.

The "death mask stamps," as they are now called, made a profound impression in the Serbian Army, and among the uneducated classes. The Government's attempt to recall all the stamps proved fruitless, as thousands have been used on letters, and a vast number are held by private individuals in Serbia.

ESTABLISHMENT OF PHILATELIC AGENCY

Recognizing the growing need of a clearing house or centralized agency for the accommodation of collectors where stamps of all issues, denominations, and so forth, could be kept and so be available for collectors—and, incidentally, bring in many thousands of dollars annually in additional revenue—the Post Office Department in 1921 established at the Washington City post office what is known as the philatelic agency.

An article dealing with the establishment of this agency and showing its work and value was recently published in Scott's Monthly Journal, a publication devoted to philately. The article is by Second Assistant Postmaster General Glover and is so interesting and illuminating that I asked leave and obtained permission to incorporate it as a part of my remarks. The article follows:

Well do I remember—

Says General Glover—

my first efforts to establish the philatelic agency in the Post Office Department. The straw that broke the camel's back was when an enthusiastic stamp collector addressed a letter to me saying that in his city the other day he asked for a block of four well-centered 2-cent stamps and the answer of the stamp clerk at the window was that he had no time to waste on "nuts," please step out of the line.

You can imagine the indignation of this enthusiast upon being classified with thousands of unfortunates who are temporary or permanent inmates of institutions which harbor those who have lost their minds.

This happened in the early part of 1921 while I was Third Assistant Postmaster General, and, shortly afterwards, at the weekly conference of the Postmaster General and his staff, I suggested the establishment of a philatelic bureau (the Stamp Division, of course, coming under the immediate supervision of the Third Assistant Postmaster General). After my suggestion the first assistant (who, I might say, was the genial Dr. Hubert Work, who later became Postmaster General and is now Secretary of the Interior) looked sidewise at me and said he had

been a doctor for many years (having formerly been president of the American Medical Association), but had never heard the word "philatelic" used as a medical term, and the Postmaster General (at that time the Hon. Will H. Hays) gave me a hearty laugh and said, "really believe, Glover, you are crazy."

My answer to this remark was the fact that many people had ofttimes used that title before and had become quite accustomed to it. In any event my suggestion was later turned down at this conference, and, during the month of August, 1921, I again brought up the matter that the Postmaster General allow the establishment of a philatelic agency, and at the same time made the proposition that, if the agency did not sell $5,000 worth of stamps to collectors during the first two months of its operation I would be willing to give up my ambition to establish it; so, under this condition, we established the philatelic agency of the Post Office Department in December, 1921.

During the first few months of its operation the sales at the agency, of course, far exceeded the stipulated amount of $5,000, and, during the past fiscal year, the sales to collectors at the agency amounted to $176,157.95, while the total sales from its establishment up to and including April 30, 1928, amounted to $800,918.55.

At the present time there are seven employees in the philatelic agency, consisting of the agent and six clerks, and they are busily engaged from the opening of the window in the morning until the close of business each day. Its success has proven beyond a doubt that there was a place in the philatelic world for the establishment of the same in the Post Office Department, and now, instead of the jokes and jibes and the promiscuous use of the word "philatelic" toward the then Third Assistant, the tide has been turned to one of comment and appreciation over the wonderful strides this agency has made in the short period of its existence.

There were some offices among our 52,000 post offices where a stamp collector could receive some consideration, but they were few and far between, and ofttimes the method was unsatisfactory to the purchaser, because no consideration was given for the examination and selection of the very best stock for the album. This condition, of course, has now been done away with, as the clerks at the agency are trained stamp clerks, and have very quickly learned what the philatelist is anxious to obtain for his collection.

The agency desires at all times to give equal opportunity to all of its patrons, and does not permit the granting of special favors, as the large collector, who may be a Congressman, receives but the same consideration that is accorded the young beginner with a small collection of several hundred stamps.

The Post Office Department does not claim that the agency is error proof, but we do try to do the very best we can, and think the thousands of letters of commendation that have been received from collectors are fitting testimonials to the fact that the department is filling a long-felt want and an important place in philately in America to-day.

PHILATELY AND THE AIR MAIL

At this point it is both fitting and proper for me to digress for the time being from the subject of philately in order that I might acquaint the many readers of Scott's Monthly Journal with a brief history of the department's air mail service and its cooperation with philately.

On May 15, 1918, the Congress having made appropriation, an air mail route was established to operate between New York and Washington, via Philadelphia, on a daily except Sunday schedule. Its establishment was undoubtedly aided by the prominence given to the airplane through its accomplishments in the World War as an offensive and defensive arm of the service. Convinced that the airplane could be made a useful means of transportation, the department determined to make the experiment and was successful in the consummation of an arrangement with the War Department whereby the Army would furnish the planes and pilots and the Post Office Department the ground personnel.

Coincidental with the inauguration of air mail service by the Post Office Department an airplane stamp of the 24-cent denomination was issued in red and blue colors on May 13, 1918. This stamp was intended primarily for air mail postage, but was valid for all purposes for which postage stamps of the regular issue are used. The stamp was rectangular in shape, about seven-eighths inch by three-fourths inch and in the central design consisted of a mail plane in flight. On July 11, 1918, the department issued a new airplane postage stamp of the 16-cent denomination, as the rate was changed to 16 cents, effective on July 15, 1918. This stamp was similar in design to the 24-cent stamp, and, effective December 15, 1918, when the rate of postage for airplane mail was again changed to 6 cents, a new airplane stamp of the 6-cent denomination was issued which was also similar in design to that of the 16-cent and 24-cent airplane stamps. This stamp was first issued on December 10, 1918.

On May 15, 1919, just one year after the establishment of the Washington-New York line and the opening day of the Chicago-Cleveland route, the two planes that were flown on the Washington-New York route were the same that carried the mail on the initial trip a year before and had been constantly in service.

The year's record for the Washington-New York route showed 92 per cent of performance representing 128,037 miles of service and 7,720,840 letters carried. On July 1, 1919, the New York-Cleveland route was inaugurated and soon the department saw the necessity for new routes and the need of spanning the continent with an air mail service.

In working toward this end, provisions had to be made for terminal fields and hangars between Chicago and San Francisco, and the generous response from municipalities along the proposed extension was one of the factors which aided in clearing the way for its accomplishment and, after careful preparation, service was inaugurated on May 15, 1920, between Chicago and Omaha, and on September 8 of the same year, between Omaha and San Francisco.

As first operated, the schedule on the air mail service across the continent did not provide an uninterrupted transportation of the mail but flew the mail during daylight to some point where it was trained through the night and taken off the following morning to be flown during the following day.

After it had been demonstrated that dependable service could be provided, the rapid transportation by through flights engaged attention, and, on February 22, 1921, a plane left San Francisco at 4.30 a. m. and landed at the New York terminus at 4.50 p. m. February 23. The total elapsed time for the trip, including all stops, was 33 hours and 21 minutes, but an actual flying time of 25 hours and 16 minutes, with an average speed of 104 miles over the distance of 2,629 miles.

NIGHT FLYING STARTED

This experimental flight stimulated the progress toward night flying and as an aid in securing weather reports on localities in our own service and prompt transmittal of instructions in emergencies radio stations were provided at 17 fields on the route. Later the fields between Chicago and Cheyenne were developed for night flying and plans were studied for the establishment of beacon lights for the guidance of pilots.

During the fiscal years 1923 and 1924 these preparations were completed and a through transcontinental service between New York and San Francisco was the result, which was accomplished in time to begin the through service on July 1, 1924.

Shortly before this time, or during August, 1923, the department issued a new series of air mail stamps in 8, 16, and 24 cent denominations for use in the new transcontinental air mail service. Three zones were established in connection with this service, the first from New York to Chicago, the second from Chicago to Cheyenne, and the third from Cheyenne to San Francisco, and the rate of postage was 8 cents an ounce, or fraction thereof, for each zone or part of zone in which mail was carried by plane. The 8-cent stamp was green, the 16-cent stamp blue, and the 24-cent stamp red in color; and the subjects on the stamps, in their respective order, consisted of a mail-airplane radiator with a propeller attached, official insignia of the air mail service and a mail airplane in flight.

The through transcontinental service had not been in operation long before its advantage to commercial firms was learned and patrons at New York and Chicago realized the value of an overnight service between their offices, and, as this part of the route was not lighted, preparation for night flying was begun and completed in time to start the overnight service between New York and Chicago on July 1, 1925.

During the entire period of operation of the Government-operated air mail routes the planes had been flown 15,853,242 miles, including trips from mail, ferry, and test flights, or 93 per cent of the distance scheduled to fly, and 301,855,840 letters were carried with only 0.00028 of the amount lost through fire or other agency. There were 32 pilots lost, or an average of 495,414 miles for each fatality, and, during the fiscal year of 1927, there was only one fatality in flights of 2,583,006 miles. This was a remarkable record and indicates a degree of safety in flight in all kinds of weather which would have been unbelievable just a few years ago.

AIR MAIL CONTRACTS

The accomplishment of the Post Office Department in the successful development of the air mail service to the point where private enterprise and agencies were able to take it over and operate it under Government contracts was a signal achievement. This had been done with the expenditure of a little over $16,000,000 from the beginning to the end of the Government's operation.

Acting upon legislation passed by Congress authorizing the Post Office Department to contract for the transportation of mail by aircraft, nine contract air mail routes were placed in operation during the fiscal year ended June 30, 1926, and, inasmuch as the act of Congress approved February 2, 1925, changed the rate of postage on air mail to not less than 10 cents for each ounce or fraction thereof, it became necessary to issue a new 10-cent air mail stamp for the use of the air mail service. This stamp was a horizontal rectangle, seventy-five one-hundredths by one and eighty-four one-hundredths inches in size, and was printed in blue ink. The central design represented a relief map of the United States, showing some of the rivers and mountain ranges. On each side was an airplane in flight, one traveling east and the other toward the west. This stamp was first placed on sale on February 13, 1926.

At this time the postage for the contract air mail service was 10 cents an ounce or fraction thereof, where the distance over the route was not

more than 1,000 miles; 15 cents an ounce up to and including 1,500 miles; and 20 cents an ounce where the distance was in excess of 1,500 miles, with an additional charge of 5 cents an ounce each zone the mail traveled over the Government-operated transcontinental route. In conforming with the law a new air mail stamp of 15-cent denomination was issued on September 18, 1926. This stamp was the same shape, size, and design as the current 10-cent air mail stamp issued in February and was printed in sepia.

Owing to the new rate of postage on air mail, effective on February 1, 1927, the department issued a new 20-cent air mail stamp, which was first placed on sale on January 25, 1927, at New York City and Washington, D. C. This stamp was the same shape, size, and design as the current 10 and 15 cent air mail stamps, except that the numerals "20" appeared in both lower corners of the stamp and it was printed in green.

The Post Office Department ceased to operate the Chicago-San Francisco portion of the transcontinental air mail route on June 30, 1927, and the Boeing Air Transport Co., of Seattle, Wash., began service under their contract over this portion of the route on July 1 of last year. That portion of the transcontinental air mail route from New York City to Chicago was readvertised and the bid of the National Air Transport of Chicago was accepted and service began under contract over that portion of the route on September 1, 1927. Thus the discontinuance of Government operation marked the close of a very satisfactory service which had its inception on May 15, 1918.

SPECIAL TRIBUTE TO COLONEL LINDBERGH

As a special tribute to Col. Charles A. Lindbergh, the intrepid airmail pilot who made the first nonstop flight from New York to Paris, the Post Office Department issued a new 10-cent air mail stamp which displaced the current 10-cent air mail stamp issue of 1926. The new stamp was the same shape and size as the current air mail stamps and was printed in blue. The central design represents Lindbergh's airplane, *The Spirit of St. Louis*, in flight. Across the top of the stamp, in white Roman letters, are the words, "United States postage," with the words "Lindbergh air mail" directly underneath. At the left of the central design appears the coast line of the North American Continent, with the words "New York" in small dark letters and to the right appears the coast line of Europe, showing Ireland, Great Britain, and France, with the word "Paris," also in small dark letters. A dotted line depicting the course of the flight to France connects the two cities. At the bottom of the stamp in shaded letters is the word "cents," and in both lower corners are the white numerals "10." It was first placed on sale on June 18, 1927, at the post offices at St. Louis, Mo.; Detroit, Mich.; Little Falls, Minn.; and Washington, D. C.

CONTRACT AIR MAIL ROUTES NOW OPERATING

It may be interesting to note that on May 5, 1928, the following commercial air mail routes were in operation under contract in the United States:

C. A. M. 1. Boston, via Hartford, to New York.

C. A. M. 2. Chicago, via Springfield and Peoria, to St. Louis.

C. A. M. 3. Chicago, via Moline, St. Joseph, Kansas City, Wichita, Ponca City, Oklahoma City, to Fort Worth and Dallas.

C. A. M. 4. Salt Lake City, via Las Vegas, to Los Angeles.

C. A. M. 5. Salt Lake City, via Boise, to Pasco.

C. A. M. 6. Detroit to Cleveland.

C. A. M. 7. Detroit to Chicago.

C. A. M. 8. Seattle, via Portland, Medford, San Francisco, Fresno, and Bakersfield, to Los Angeles.

C. A. M. 9. Chicago, via Milwaukee and La Crosse, to St. Paul and Minneapolis.

C. A. M. 11. Cleveland, via Youngstown and McKeesport, to Pittsburgh.

C. A. M. 12. Cheyenne, via Denver and Colorado Springs, to Pueblo.

C. A. M. 17. New York to Chicago (transcontinental and overnight service).

C. A. M. 18. Chicago, via Iowa City, Des Moines, Omaha, North Platte, Cheyenne, Rock Springs, Salt Lake City, Elko, Reno, and Sacramento, to San Francisco.

C. A. M. 19. New York, N. Y., via Philadelphia, Pa.; Washington, D. C.; Richmond, Va.; Greensboro, N. C., and Spartanburg, S. C., to Atlanta, Ga. (Service inaugurated on May 1, 1928.)

C. A. M. 20. Buffalo to Cleveland.

C. A. M. 21. Dallas, via Fort Worth and Houston, to Galveston.

C. A. M. 22. Dallas, via Fort Worth, Waco, and Austin, to San Antonio.

C. A. M. 23. Atlanta, via Birmingham and Mobile, to New Orleans, La.

C. A. M. 24. Chicago, via Indianapolis to Cincinnati.

F. M. 2. Seattle, Wash., to Victoria, British Columbia.

F. M. 3. New Orleans, La., to Pilottown, La.

F. M. 4. Key West, Fla., to Habana, Cuba.

When air mail service is inaugurated on a new contract route the department furnishes a special cancellation stamp depicting the event for the use of each office on the route, and the hundreds of thousands of first-day covers now in the possession of collectors all over the United States offer indisputable evidence of the fact that these first-day flights and special cancellations are of the utmost value and importance to the philatelic world.

The department has awarded contracts for air mail service on the following routes over which service has not yet been inaugurated:

C. A. M. 16. Cleveland, via Akron, Columbus, Dayton, and Cincinnati, to Louisville, Ky.

C. A. M. 25. Atlanta, via Jacksonville, to Miami, Fla.

C. A. M. 26. Great Falls, Mont., via Helena and Butte and Pocatello, Idaho, to Salt Lake City, Utah.

C. A. M. 27. Bay City, via Saginaw, Flint, and Lansing, to Kalamazoo, Mich.; Pontiac, via Detroit, Ann Arbor, Jackson, and Battle Creek, to Kalamazoo, Mich.; Muskegon, via Grand Rapids, to Kalamazoo, Mich.; and from Kalamazoo, Mich., via South Bend, Ind., to Chicago, Ill. (Contract awarded May 5, 1928.)

C. A. M. 28. St. Louis, Mo., via Kansas City, Mo., to Omaha, Nebr. (Contract awarded May 5, 1928.)

In the foregoing article by the Second Assistant Postmaster General it is apparent that the Post Office Department officially recognizes the science of stamp collecting. This recognition and the arrangements made for the accommodation of collectors has netted the Post Office Department many thousands of dollars it might otherwise not have received.

SESQUICENTENNIAL ANNIVERSARIES

The years 1926, 1927, 1928, and 1929 will be most fruitful to collectors, owing to the sesquicentennial anniversaries of so many important historic events in the life, progress, and development of the Nation, many of them marked with appropriate commemorative stamps. A number of other anniversaries are approaching and may be fittingly celebrated.

It is estimated that there are 1,000,000 collectors at the present time in the United States and between 2,500,000 and 3,000,000 collectors in the entire world. Practically every one of these is interested in issues made by the United States of America. Therefore, they will watch with interest for the issuance of the stamps mentioned in the bills as introduced by the various Members of the Congress, among which are Senate Joint Resolution 71 by Senator WAGNER and House Joint Resolution 133 by Representative HARCOURT J. PRATT, of the twenty-seventh district of New York. These resolutions are identic and provide for the issuance of a special postage stamp to commemorate the one hundred and fiftieth anniversary of the founding of the government of the State of New York, the great Empire State of the Union.

Representative DAVID HOGG, of the twelfth district of Indiana, introduced House Joint Resolution 158, providing for the issuance of a special series of postage stamps commemorating the George Rogers Clark expedition which won the Northwest 150 years ago. A million dollars has been authorized by Congress for a memorial to be constructed on the site of Fort Sackville, at Vincennes, Ind., which figured so prominently in Clark's enterprise.

Representative LOUIS T. MCFADDEN, of the fifteenth Pennsylvania district, is the author of House Joint Resolution 179. It provides for the issuance of a postage stamp in commemoration of the one hundred and fiftieth anniversary of the first run of a steam locomotive in America. History relates that the run was made on August 9, 1829, at Honesdale, Wayne County, Pa.

Hon. VICTOR K. HOUSTON, Delegate in Congress from the Territory of Hawaii, has introduced House Joint Resolution 248, providing for the issuance of a special stamp to commemorate the one hundred and fiftieth anniversary of the discovery of the Hawaiian Islands by Capt. James Cook.

Representative HAROLD G. HOFFMAN, my colleague from the third district of New Jersey, has presented House Joint Resolution 210. It provides for the issuance of a series of stamps to commemorate the Battle of Monmouth. This was the Revolutionary War engagement in which Mollie Pitcher won undying fame. Her heroism on that occasion brought to public notice the patriotic sacrifices and service being rendered by mothers, wives, and daughters in the cause of freedom and intensified the bravery of many of their little-noted but nevertheless brave and devoted deeds.

Senate Joint Resolution 101 and House Joint Resolution 205 are also identic resolutions. They are sponsored by Senator WALTER E. EDGE and myself, respectively. Unlike the foregoing, they are intended to perpetuate a very recent epochal event—the good-will flight of Colonel Lindbergh to the Republics to the south of us.

The resolution reads as follows:

Resolution authorizing the Postmaster General to issue a set of stamps relative to the good-will flight of Colonel Lindbergh

Whereas the Nation and the world have followed with close interest and admiration the good-will flight of Colonel Lindbergh to our South American and Central American sister Republics; and

Whereas the national understanding thus produced between the Government of the United States and the governments of the countries visited may be extended and made more complete and enduring: Therefore be it

Resolved, etc., That the Postmaster General be, and he is hereby, authorized to issue a set of 13 stamps, being the number of countries Colonel Lindbergh visited, as well as the number of the original States in the United States, the stamps to be issued in denominations from one-half cent to $1, from dies to be specially made, in appropriate designs suitable for perpetuating the benefits and recording in a permanent way this epochal flight and series of good-will visits.

I feel sure that if these commemorative issues just referred to were issued there would not only be the happiest of feelings created because of the recognition of profoundly important historic events, but in the case of the Lindbergh set the ties of friendship that would be fostered would be of increasing value and would enhance the cordiality created by the colonel's triumphant journey of "good will" which was so eminently successful and which was performed as an ambassador of good will without portfolio during the past winter. The sale of the stamps also would help to reduce the deficit now existing in the Post Office Department, and which will be of increasing size as time goes on because of the reduction of rates contemplated in bills that have recently been considered by the Congress.

CONSENT CALENDAR

The SPEAKER. Is it desired now that the House shall proceed to the consideration of the Consent Calendar? If so, the Clerk will report the first bill of those remaining on the Consent Calendar.

BRIDGE ACROSS THE MISSISSIPPI RIVER NEAR CARONDELET, MO.

The first business on the Consent Calendar was the bill (S. 3598) authorizing Dupo Bridge Co., a Missouri corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Carondelet, Mo.

The title of the bill was read.

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

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, can the gentleman give me the usual information on this bridge?

Mr. IRWIN. The terms of this franchise are the same as all other franchises.

Mr. LAGUARDIA. We are making certain inquiries, you know, as to grantees. Is the gentleman familiar with the Dupo Bridge Co.?

Mr. IRWIN. Yes. It is a corporation formed in good faith locally by people of St. Louis. It is to build this bridge across the Mississippi River, reaching over to my district on the Illinois side. It is a good proposition. I have made an investigation of it.

Mr. LAGUARDIA. It is not like some that we have been guarding against in these bills?

Mr. IRWIN. No. The franchise is asked in good faith. The bridge is very necessary, and I am very much interested in it, because the people of my district wish to use the bridge across that stream.

Mr. LAGUARDIA. Mr. Speaker, I have no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes, Dupo Bridge Co., its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River, at a point suitable to the interests of navigation, at or near Carondelet, Mo., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon Dupo Bridge Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said Dupo Bridge Co., its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Missouri or the State of Illinois, or any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 10 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall at any time be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 10 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so 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 maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 6. The Dupo Bridge Co., its successors and assigns, shall within 90 days after the completion of such bridge, file with the Secretary of War and with the highway department of the States of Missouri and Illinois, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said Dupo Bridge Co., its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Dupo Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

With a committee amendment, as follows:

Strike out all after the enacting clause and insert the following:

"That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, the Dupo Bridge Co., a Missouri corporation, its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River at a point suitable to the interests of navigation, at or near Carondelet, Mo., in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906, and subject to the conditions and limitations contained in this act.

"SEC. 2. The Dupo Bridge Co., its successors and assigns, is authorized to construct, maintain, and operate such bridge and the necessary

approaches thereto as a railroad bridge for the passage of railway trains or street cars, or both, or as a highway bridge for the passage of pedestrians, animals, and vehicles, adapted to travel on public highways, or as a combined railroad and highway bridge for all such purposes; and there is hereby conferred upon the said Dupo Bridge Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

"SEC. 3. After the completion of such bridge, as determined by the Secretary of War, if the same is constructed as a highway bridge only, either the State of Missouri or the State of Illinois, any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 10 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property, and (4) actual expenditures for necessary improvements.

"SEC. 4. If such bridge shall at any time be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, under the provisions of section 3 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 10 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so 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 maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

"SEC. 5. If such bridge is constructed as a combined railroad bridge for the passage of railway trains or street cars, and a highway bridge for the passage of pedestrians, animals, and vehicles, then the right of purchase and condemnation conferred by this act shall apply to a right of way thereover for the passage without cost of persons, animals, and vehicles adapted to travel on public highways; and if the right of purchase or condemnation shall be exercised as to such right of way over the bridge, then the measure of damages or compensation to be allowed or paid for such right of way shall be a sum equal to the difference between the actual fair cash value of such bridge determined in accordance with the provisions of section 3 of this act, and what its actual fair cash value so determined would have been if such bridge had been constructed as a railroad bridge only. If the right of purchase or condemnation conferred by this act shall be exercised as to the right of way over such bridge, then that part of the bridge which shall be purchased or condemned and shall be thereafter actually used for the passage of pedestrians, animals, or vehicles shall be maintained, operated, and kept in repair by the purchaser thereof.

"SEC. 6. The Dupo Bridge Co., its successors and assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War and with the highway departments of the States of Missouri and Illinois a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and at the request of the highway department of either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge. For the purpose of such investigation the said Dupo Bridge Co., its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 3 of this act, subject only to review in a court of equity for fraud or gross mistake.

"SEC. 7. The Dupo Bridge Co., its successors and assigns, is hereby authorized and empowered to fix and charge just and reasonable tolls for the passage of such bridge of pedestrians, animals, and vehicles adapted to travel on public highways, and the rates so fixed shall be the legal rates until the Secretary of War shall prescribe other rates of toll as provided in the act of March 23, 1906; and if said bridge is constructed as a railroad bridge, or a joint railroad and highway bridge, as provided in this act, the said Dupo Bridge Co., its successors and assigns, is hereby authorized to fix by contract with any person or corporation desiring the use of the same for the passage of railway trains, or street cars, or for placing water or gas pipe lines or telephone or telegraph or electric light or power lines, or for any other such purposes, the terms, conditions, and rates of toll for such use; but in the absence of such contract, the terms, conditions, and rates of toll for such use shall be determined by the Secretary of War as provided in said act of March 23, 1906.

"SEC. 8. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Dupo Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

"SEC. 9. The right to alter, amend, or repeal this act is hereby expressly reserved."

Amend the title so as to read: "A bill authorizing Dupo Bridge Co., a Missouri corporation, its successors and assigns, to construct, maintain, and operate a combined highway and railroad bridge across the Mississippi River at or near Carondelet, Mo."

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

The committee amendment was agreed to.

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

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

A motion to reconsider the last vote was laid on the table.

CAMP SHERMAN, OHIO

The next business on the Consent Calendar was the bill (H. R. 10649) providing for the transfer of a portion of the military reservation known as Camp Sherman, Ohio, to the Department of Justice.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to transfer to the jurisdiction of the Department of Justice, for use as a site for the industrial reformatory established under authority of the act of January 7, 1925, chapter 32, entitled "An act for the establishment of a United States Industrial Reformatory," all that portion of the United States military reservation known as Camp Sherman, Ohio, lying west of the Scioto River and south of a line beginning at a point in the center line of Portsmouth Street at the Scioto River and running thence southwesterly along the center line of Portsmouth Street to the center line of Columbus Avenue; thence southeasterly along the center line of Columbus Avenue to the center line of Moundsville Street; thence southwesterly along the center line of Moundsville Street to the center line of Egypt Pike; thence northwesterly along the center line of Egypt Pike to its intersection with the center line of Sandusky Boulevard; thence due west to the boundary line of the Government reservation.

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.

BRYCE CANYON NATIONAL PARK

The next business on the Consent Calendar was the bill (H. R. 12487) to correct the descriptions of land comprising the Bryce Canyon National Park as contained in the act approved June 7, 1924, entitled "An act to establish the Utah National Park in the State of Utah," and the act approved

February 25, 1928, entitled "An act to change the name of the Utah National Park, the establishment of which is provided for by the act of Congress approved June 7, 1924 (43 Stat. 593), to the 'Bryce Canyon National Park,' and for other purposes."

The Clerk read the title of the bill.

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

There was no objection.

Mr. COLTON. Mr. Speaker, I ask unanimous consent to substitute Senate bill 3824 and consider the same in lieu of the House bill, the Senate bill being identical with the House bill.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the tract of land described in section 1 of the act approved June 7, 1924, entitled "An act to establish the Utah National Park in the State of Utah," be, and the same is hereby, amended to read as follows:

"Unsurveyed sections 31 and 32, township 36 south, range 3 west; surveyed section 36, township 36 south, range 4 west; north half, southwest quarter and west half of the southeast quarter of partially surveyed section 5; unsurveyed sections 6 and 7, west half, west half of the northeast quarter, and west half of the southeast quarter of partially surveyed section 8, partially surveyed section 17, and unsurveyed section 18, township 37 south, range 3 west; and unsurveyed sections 1, 12, and 13, township 37 south, range 4, all west of the Salt Lake meridian in the State of Utah."

SEC. 2. That the tract of land described in section 2 of the act approved February 25, 1928, entitled "An act to change the name of the Utah National Park, the establishment of which is provided for by the act of Congress approved June 7, 1924 (43 Stat. 593), to the 'Bryce Canyon National Park,' and for other purposes," be, and the same is hereby, amended to read as follows:

"The east half east half section 25, township 36 south, range 4 west; the east half and southwest quarter section 20, and all of sections 21, 29, and 30, township 36 south, range 3 west; all of sections 24 and 25, township 37 south, range 4 west; and all of sections 19 and 30, township 37 south, range 3 west, Salt Lake meridian."

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 laid on the table.

CITY OF LEOMINSTER, MASS.

The next business on the Consent Calendar was the bill (H. R. 12354) to grant to the city of Leominster, Mass., an easement over certain Government property.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to grant to the city of Leominster, Mass., for the purpose of widening the street in front of the Federal building in such city, an easement over the tract of land situated at the northerly corner of Merriam Avenue and Main Street, bounded and described as follows: Beginning at the intersection of the northwesterly line of Main Street and the northeasterly line of Merriam Avenue; thence by the northwesterly line of said Main Street north 44° east 192.07 feet to granite monument at the land now or formerly of the heirs of Andrew Whitney; thence by land of said heirs of Andrew Whitney, making an included angle of 90° and bearing north 46° west 4.25 feet to land of grantee; thence by land of said grantee, making an included angle of 90° and bearing south 44° west 162.48 feet; thence tangent to the last-described line on a curve to the right with a radius of 33.07 feet a distance of 48.73 feet to a point in the northeasterly line of said Merriam Avenue; the tangent distance of this last-described curve is 30 feet and the central angle of the curve is 84° 26′; thence by said northeasterly line of Merriam Avenue, tangent to the last-described curve and bearing south 51° 34′ east 34.27 feet to the point of beginning. This last-described line makes an included angle with the first-described line of 95° 34′. Such easement shall continue so long as the land shall be used exclusively for street purposes.

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.

TERRITORY OF HAWAII

The next business on the Consent Calendar was the bill (S. 757) to extend the benefits of certain acts of Congress to the Territory of Hawaii.

The Clerk read the title of the bill.

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

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, perhaps the gentleman from Hawaii can explain the matter to me. I am inclined to ask that this bill go over. It is a rather important bill; it carries a lot of appropriations into 1941, and I do not think we should consider it now.

Mr. HOUSTON of Hawaii. If the gentleman will permit, I may be able to explain the matter. The bill in question is one which provides for eventual participation by the Territory of Hawaii in appropriations which are now being made to all the States. At the present time the Territory of Hawaii is in receipt of the usual $50,000 per year for the Federal colleges under the original grant, but it is not receiving the $80,000 a year which the other States are now receiving and which is increased to $90,000 in 1929. In accordance with this bill the Territory of Hawaii will receive only $15,000 for the year 1930, which is increased by gradual increments so that in the year 1941 it will be receiving the same as the States are now receiving. The bill carries the approval of the Secretary of Agriculture and of the Director of the Budget.

Mr. CRAMTON. If the gentleman will yield, the acts authorizing these appropriations in some cases would seem to include the Territory of Hawaii, but the Attorney General has held that the appropriations were not authorized for Hawaii, and so they have been without them. This bill, instead of overturning the thing abruptly and putting them in at 100 per cent, starts them in at a lower figure and it would be 1941 before they will be receiving full participation.

Mr. LAGUARDIA. Then, all this bill does is to correct existing law and to carry out what the gentleman from Michigan believes was the intent of Congress.

Mr. CRAMTON. I made some study of it even before the Delegate from Hawaii came to Washington, and it seemed to me it had been the intention of Congress that Hawaii should share, and it seems logical that they should share in it.

Mr. LAGUARDIA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That beginning with the fiscal year ending June 30, 1929, the Territory of Hawaii shall be entitled to share in the benefits of the act entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto," approved March 2, 1887, as amended and supplemented, and of the act entitled "An act to provide for cooperative agricultural-extension work between the agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto, and the United States Department of Agriculture," approved May 8, 1914, and of acts supplementary thereto: *Provided*, That the experiment station so established shall be conducted jointly and in collaboration with the existing Federal experiment station in Hawaii in enlarging and expanding the work of the said Federal station on cooperative plans approved by the Secretary of agriculture; and the Secretary of Agriculture shall coordinate the work of the Territorial station with that of the Federal station and of the United States Department of Agriculture in the islands: *Provided further*, That the Territory of Hawaii shall make provision for such additional buildings and permanent equipment as may be necessary for the development of the work.

SEC. 2. To carry into effect the above provisions for extending to Hawaii the benefits of the act of March 2, 1887, and supplementary acts in the order and amounts designated by these acts, the following sums are hereby authorized to be appropriated in addition to the amounts appropriated to the Department of Agriculture for use in Hawaii: $15,000 for the fiscal year ending June 30, 1929; $20,000 for the fiscal year ending June 30, 1930; $22,000 for the fiscal year ending June 30, 1931; $24,000 for the fiscal year ending June 30, 1932; $26,000 for the fiscal year ending June 30, 1933; $28,000 for the fiscal year ending June 30, 1934; $30,000 for the fiscal year ending June 30, 1935; $50,000 for the fiscal year ending June 30, 1936; $60,000 for the fiscal year ending June 30, 1937; $70,000 for the fiscal year ending June 30, 1938; $80,000 for the fiscal year ending June 30, 1939; and $90,000 for the fiscal year ending June 30, 1940, and thereafter a sum equal to that provided for each State and Territory for agricultural experiment stations established under the act of March 2, 1887.

SEC. 3. The permanent annual appropriations provided for in section 3 of said act of May 8, 1914, and of acts supplementary thereto are hereby authorized to be increased by an amount necessary to carry out the provisions of this act but without diminishing or increasing the amount which any State is entitled to under the provisions of said act of May 8, 1914, and of acts supplementary thereto.

Mr. CRAMTON (during the reading of the bill). Mr. Speaker, I do not want to cut off anyone who may be interested, I withdraw the request I was about to make.

Mr. BANKHEAD. I renew it, Mr. Speaker. I ask unanimous consent that the further reading of the bill be dispensed with.

Mr. LAGUARDIA. It is a very interesting bill.

Mr. BANKHEAD. Yes; but the gentleman must have some ulterior motive in making that statement.

Mr. LAGUARDIA. If the gentleman wants to know, the gentleman from New York does not want to work all night again. We had unanimous-consent day yesterday and I think you should give us a chance to catch up with our work. I know the gentleman wants to be reasonable about it.

Mr. BANKHEAD. I want to be entirely reasonable, but the gentleman's leader asked unanimous consent that we go on with the calendar this afternoon.

Mr. LAGUARDIA. We have one hour until 5 o'clock and we can pass a good many bills in that time, but we can not keep up with this calendar if we are going to pass the bills like "rolling the bones."

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

Mr. LAGUARDIA. I object, Mr. Speaker. Let us read the bill.

The Clerk concluded the reading of the bill.

With the following committee amendments:

On page 2, line 23, strike out the figures "1929" and insert "1930."
On page 2, line 24, strike out the figures "1930" and insert "1931."
On page 2, line 25, strike out the figures "1931" and insert "1932."
On page 3, line 1, strike out the figures "1932" and insert "1933."
On page 3, line 2, strike out the figures "1933" and insert "1934."
On page 3, line 3, strike out the figures "1934" and insert "1935."
On page 3, line 4, strike out the figures "1935" and insert "1936."
On page 3, line 5, strike out the figures "1936" and insert "1937."
On page 3, line 5, strike out the figures "1937" and insert "1938."
On page 3, line 6, strike out the figures "1938" and insert "1939."
On page 3, line 7, strike out the figures "1939" and insert "1940."
On page 3, line 8, strike out the figures "1940" and insert "1941."

The committee amendments were agreed to.

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

A motion to reconsider was laid on the table.

SILVER BELL OF THE BATTLESHIP "NEW ORLEANS"

The next business on the Consent Calendar was the bill (H. R. 5826) authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Louisiana State Museum, of the city of New Orleans, La., the silver bell in use on the battleship *New Orleans*.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy is authorized, in his discretion, to deliver to the custody of the Louisiana State Museum, of the city of New Orleans, La., for preservation and exhibition the silver bell which was in use on the battleship *New Orleans: Provided*, That no expenses shall be incurred by the United States for the delivery of such silver bell.

With the following committee amendment:

Page 1, line 6, strike out the word "battleship" and insert the word "cruiser."

The committee amendment was agreed to.

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

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

The title was amended.

AMENDMENT OF THE NATIONAL DEFENSE ACT—BANDMASTERS

The next business on the Consent Calendar was the bill (H. R. 9373) to amend the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended, and for other purposes.

The Clerk read the title of the bill.

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

Mr. LAGUARDIA. Mr. Speaker, I have one or two minor amendments, which I would like to offer. Page 2, line 21, after the word "commissioned," insert the word "warrant," and on page 3, line 1, after the word "physically," insert the words "and professionally."

Mr. REECE. Those amendments will be quite acceptable.

Mr. LAGUARDIA. With that understanding, I shall not object.

Mr. BANKHEAD. Reserving the right to object, I call the attention of the gentleman from Michigan [Mr. CRAMTON] to this bill, inasmuch as the gentleman is usually rather solicitous about matters involving additional appropriations.

Mr. CRAMTON. I will say to the gentleman from Alabama, frankly, that that fact, strange as it may seem, has not depressed me. I think there is ample justification for the increased appropriations. I am somewhat disturbed about the idea of giving commissions to bandmasters. I do not believe it is going to work out in a military organization.

Mr. BANKHEAD. I want also to call the attention of the gentleman from New York, who is rather zealous in these matters, to the fact that this bill is directly in the teeth of the opinion of the Secretary of War with reference to the matter suggested by the gentleman from Michigan [Mr. CRAMTON].

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. LAGUARDIA. Perhaps I should explain that my attitude on this bill is based purely on sentimental reasons. My father was a bandmaster in the Army 40 years ago, and even in those days they were seeking to obtain the passage of a bill of this kind; and that was at least 40 years ago.

I want to say, gentlemen, that in most of the armies the bandmasters are commissioned officers. It is nothing new. It has been under consideration and under study for the last 40 years. I have personal knowledge of it, and I am sure it is not going to disrupt the Treasury. Unfortunately, no one of my family now derives any benefit from it, but for sentimental reasons I would like to do all that I can for the passage of the bill.

Mr. CHINDBLOM. Will the gentleman from Alabama yield?

Mr. BANKHEAD. I yield.

Mr. CHINDBLOM. "Music hath charms to soothe the savage breast." I think it is important to have competent men in charge of the music in the various arms of the military and naval service by reason of the fact——

Mr. BANKHEAD. Does the gentleman think the quotation, which is a delightful one, meets the practicable objection urged by the Secretary of War, when he says?—

In the case where band leaders are concerned. Here there is no field of activity extending beyond that of leading the band. It is a circumscribed and definite duty such as that of a warrant officer who is master of an Army mine planter. To place one who performs this definite and specific character in the category of commissioned personnel is to put him in an illogical and unfortunate position unless it is intended to promote him along with other commissioned personnel. If this were done, we might expect to have a colonel leading a regimental band who was senior to the colonel commanding the regiment of which the band is but one of the integral parts.

Mr. CHINDBLOM. Let me say that it requires ability and training of a different order and to some degree of higher order to fill the position of bandmaster than that of some officers.

Mr. LAGUARDIA. Not only that, but one of the functions is to train men and make musicians of them, arrange the music, and all that, besides leading the band.

Mr. REECE. Let me state that the objection which seems to be in the gentleman's mind——

Mr. BANKHEAD. Not in my mind, but the mind of the Secretary of War.

Mr. REECE. The objections of the Secretary of War have been met. This bill does not give the men it creates a new rank. He is not a commissioned officer. So the objection which the gentleman has read in the letter does not obtain as far as the bill before the House is concerned. We purposely rewrote the bill to meet the objections.

Mr. TILSON. What about section 2, which says?—

SEC. 2. The limitations now prescribed by law upon the number of commissioned officers of the Army, and the number of commissioned officers in the various grades, are hereby increased to, and only to, the extent necessary to give effect to the provisions of this act. The number of warrant officers authorized by law shall be decreased by the number of warrant officers receiving commissions in pursuance of the provisions of this act.

Mr. REECE. They are bandmasters with the rank and allowance of commissioned officers in a certain grade, but as specified in the second section there shall be created a new rank of bandmaster in lieu of the present warrant officer as band leader. By the enactment of this legislation they will become known as bandmasters of the United States Army.

Mr. TILSON. They will not be subtracted from the sum total of officers allowed under the law?

Mr. REECE. No.

Mr. BANKHEAD. I will ask the gentleman if this is a unanimous report of the committee?

Mr. MORIN. I do not recall any objection to it.

Mr. REECE. It was unanimous.

Mr. BANKHEAD. I do not care to press the objection. I wanted to call attention to the fact that the Secretary of War objected.

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

There was no objection.

Mr. REECE. Mr. Speaker, I ask unanimous consent to substitute an identical Senate bill (S. 750), and I ask that it be considered in lieu of the House bill, with the amendment to be offered by the gentleman from New York.

The SPEAKER. The gentleman asks unanimous consent to substitute the Senate bill. Is there objection?

There was no objection.

The Clerk read the bill (S. 750), as follows:

Be it enacted, etc., That section 6 of the national defense act of June 3, 1916, as amended, is amended by adding to the end thereof the following:

"In addition there shall be created a new rank of bandmaster in the United States Army in lieu of the present warrant-officer band leaders, who shall be appointed and commissioned bandmasters by the President, by and with the advice and consent of the Senate.

"SEC. 6a. Chief bandmaster: A chief bandmaster shall be selected from among experienced Army bandmasters of the service by the Secretary of War, to serve until relieved by the Secretary of War, and shall have the assimilated rank, pay, and allowances of a major, fourth pay period, while so serving. He is charged with the duty for the uniform administration of the Army Music School and all authorized Army bands, and shall advise The Adjutant General on all matters relating to the musical organizations in the Army.

"SEC. 6b. Bandmasters: Bandmasters hereafter commissioned under the above section shall be entitled to the same benefits in respect to pay, allowances, and retirements as are applicable to commissioned officers of the various grades to which they are assimilated with, as follows: Less than 3 years, first pay period, to rank with second lieutenants; 3 to 10 years, second pay period, to rank with first lieutenants; over 10 years, third pay period, to rank with captains. All prior active band-leader service, commissioned and enlisted, shall be credited toward computing the pay period present band leaders shall receive on first appointment. There shall be one bandmaster for each authorized band of the Army and eight additional bandmasters for duty with the Army Music School as instructors. Appointment as bandmasters shall be made, first, from band leaders now in the service who are found to be physically qualified; second, subject to such examination as the President may prescribe from noncommissioned officers and other enlisted musicians who have had at least 10 years' service in Army bands, with preference to such appointments to qualified graduates of the Army Music School."

SEC. 2. The limitations now prescribed by law upon the number of commissioned officers of the Army, and the number of commissioned officers in the various grades, are hereby increased to, and only to, the extent necessary to give effect to the provisions of this act. The number of warrant officers authorized by law shall be decreased by the number of warrant officers receiving commissions in pursuance of the provisions of this act.

SEC. 3. This act shall take effect on the first day of the third month next following its enactment.

SEC. 4. This act may be cited as the "Army bands act."

Mr. LAGUARDIA. Mr. Speaker, I offer the following amendment: Page 2, line 20, after the word "commission," insert a comma and the word "warrant."

The Clerk read as follows:

Page 2, line 20, after the word "commission," insert a comma and the word "warrant."

The amendment was agreed to.

Mr. LAGUARDIA. I offer another amendment.

The Clerk read as follows:

Page 3, line 1, after the word "physician," insert the word "professional."

The amendment was agreed to.

The Clerk read the following committee amendments:

Page 2, line 6, after the word "is," insert the words "shall be."

Page 2, line 7, after the word "of," strike out the words "the Army Music School."

Page 2, line 23, after the word "Army," strike out "and eight additional bandmasters for duty with the Army Music School as instructors."

The committee amendments were agreed to.

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

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

RETIREMENT, OFFICERS OF MEDICAL CORPS

The next business on the Consent Calendar was the bill (H. R. 11981) to authorize officers of the Medical Corps to account certain services in computing their right for retirement, and for other purposes.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in computing length of service for purposes of retirement in the case of an officer of the Medical Corps of the Army, active duty performed as a member of the Medical Reserve Corps or as a contract surgeon, acting assistant surgeon, or contract physician, under a general contract obligating him to serve full time and to take station and change station as ordered, shall be credited to the same extent as service under a Regular Army commission.

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.

PAVING OF RINGGOLD ROAD, STATE OF GEORGIA

The next business on the Consent Calendar was the bill (H. R. 11724) to provide for the paving of the Government road, known as the Ringgold Road, extending from Chickamauga and Chattanooga National Military Park, in the State of Georgia, to the town of Ringgold, Ga., constituting an approach road to the Chickamauga and Chattanooga National Military Park.

The Clerk read the title of the bill.

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

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I have certain amendments the gentleman from Georgia [Mr. TARVER] I understand is agreeable to, and with those I have no objection to the bill.

Mr. TARVER. Mr. Speaker, I have not examined the amendments, but I understand they are the same as those proposed in a bill passed not long ago.

Mr. CRAMTON. Yes; on the Lafayette Road bill.

Mr. TARVER. I have no objection.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is authorized to improve and pave the Government road, known as the Ringgold Road, commencing at the Chickamauga and Chattanooga National Military Park and extending to Ringgold, Ga., in the length of approximately 7.8 miles, for which an appropriation of not to exceed $117,000 is hereby authorized out of any money in the Treasury not otherwise appropriated: *Provided*, That should local interests desire that said road be improved and paved in such manner as would involve an expenditure of more than $117,000 the Secretary of War is hereby authorized to expend such sum as may be contributed by said local interests concurrently with the appropriation herein authorized in the imrovement and pavement of said road: *Provided further*, That no part of the funds herein authorized to be appropriated shall be expended prior to such time as agreements have been made for the conveyance of the Federal jurisdiction over said road, as provided in the act of March 3, 1925 (43 Stat. L. 1104), immediately upon the completion of such improvements as may be made hereunder.

With the following committee amendments:

Page 2, line 8, strike out the words "local interests" and insert in lieu thereof the following: "the State of Georgia or any county or municipality or legal subdivision thereof, or any State or county or municipal highway commission, or equivalent public authority."

Mr. CRAMTON. Mr. Speaker, I offer the following amendment to the committee amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON as a substitute for the committee amendment: Page 2, strike out lines 8 to 13, inclusive, and insert in lieu thereof the following:

"That no part of the appropriation herein authorized shall be available until the State of Georgia or any county or municipality, or local subdivision thereof, or any State or county or municipal highway commission or equivalent public authority, shall contribute at least an equal amount for the same purpose, and the Secretary of War is hereby."

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

The committee amendment as amended was agreed to.

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, line 17, after the word "road," strike out the rest of line 17 down to and including the word "hereunder," in line 23, and insert in lieu thereof the following: "*Provided further*, That should the State of Georgia or any county or municipality or legal subdivision thereof, or any State or county or municipal highway commission, or equivalent public authority desire that the position of said road be changed in any particular from the present Government-owned right of way, and should such local authorities acquire title to the land necessary to effect such changes, the Secretary of War may expend the funds herein authorized for the improvement and pavement of such road as changed: *And provided further*, That no part of this appropriation shall be expended until the State of Georgia, or the counties or municipalities thereof concerned, have obligated themselves in writing to the satisfaction of the Secretary of War that they will accept title to the present Government-owned road, known as the Ringgold Road, and will maintain said road as built under the provisions of the act approved March 3, 1925 (43d Stat. L. 1104), immediately upon the completion of such improvements as may be made under this appropriation."

Mr. CRAMTON. Mr. Speaker, I offer the following amendment to that amendment which I send to the Clerk's desk.

The Clerk read as follows:

Mr. CRAMTON offers the following amendment to the second committee amendment: Page 3, strike out lines 8 to 13, inclusive, of the committee amendment and insert in lieu thereof the following: "*And provided further*, That no part of the appropriation herein authorized shall be expended until the State of Georgia or the counties or municipalities thereof concerned have accepted title to the present Government-owned road, known as the Ringgold Road, and have obligated themselves in writing to the satisfaction of the Secretary of War that they will maintain the same.

The SPEAKER. The question is on the amendment of the gentleman from Michigan.

The amendment was agreed to.

The committee amendment as amended was agreed to.

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.

SALE OF COLUMBIA ARSENAL PROPERTY, TENNESSEE

The next business on the Consent Calendar was the bill H. R. 12479, authorizing the sale of all of the interest and rights of the United States of America in the Columbia Arsenal property, situated in the ninth civil district of Maury County, Tenn., and providing that the net fund be deposited in the military post construction fund.

The Clerk read the title of the bill.

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

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, is there any urgency for the passage of this bill to-day?

Mr. ESLICK. Yes. It is an urgent matter with the people, because the life of this school is depending upon it.

Mr. LAGUARDIA. What was the idea of the long recital in the whereases in the bill?

Mr. ESLICK. To set out the whole history of the matter.

Mr. LAGUARDIA. But that goes out.

Mr. ESLICK. Yes.

Mr. LAGUARDIA. This land was originally given to the Columbia Academy to be used for the purpose specified in the grant.

Mr. ESLICK. No; the citizens of Columbia bought the land and deeded it to the United States Government, and it was used as arsenal property.

Mr. LAGUARDIA. That was in 1888?

Mr. ESLICK. In 1888, and in 1894 the Government by special act of Congress authorized the conveyance of this property to this school corporation, and in the deed there is a reservation that if it should cease to be used for school purposes, then the title shall revert. Then there is the right of visitation by the Secretary of War and the right to prescribe the curriculum. These people have spent more than a hundred thousand dollars in improvements on this property. They have pupils from 38 different States in the Union.

Mr. LAGUARDIA. And what do they want to do now?

Mr. ESLICK. They have to go forward with new improvements and buildings, and with this limitation on that title they can not borrow any money.

Mr. LAGUARDIA. So they are going to appraise this land and get rid of that limitation?

Mr. ESLICK. Yes.

Mr. McSWAIN. This is so that they can mortgage the land and borrow some money.

Mr. LAGUARDIA. I withdraw my objection and ask unanimous consent to dispense with the reading of the whereas clauses which are very long.

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

There was no objection.

The SPEAKER. Without objection, the Clerk will omit the whereases.

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to sell upon such terms and conditions as he considers advisable and to make proper deed of conveyance to the Columbia Military Academy, a corporation organized under the laws of the State of Tennessee, all of the title, interest, limitations, conditions, restrictions, reservations, and rights owned and held by the United States of America as defined in Public Act No. 152 of the second session of the Fifty-eighth Congress and in the deed of the United States of America to the lands conveyed therein to the Columbia Military Academy of record in book 105, volume 4, page 495 in the register's office of Maury County, Tenn. Said limitations, conditions, restrictions, reservations, and rights are defined in said public act and deed, as follows:

That the Secretary of War shall be a visitor to said school and have and exercise full rights of visitation, and he shall have the right and authority in his discretion, as the public interest requires, to prescribe the military curriculum of said school and to enforce compliance therewith, and upon refusal or failure of the authorities of said school to comply with the rules and regulations so prescribed by the Secretary of War or the terms of the act he is authorized to declare that the estate of the grantee has terminated and the property shall revert to the United States, and the Secretary of War is authorized thereupon to take possession of said property in behalf of the United States, and shall further reserve to the United States the right to use such lands for military purposes at any time upon demand of the President of the United States.

Said lands to which said limitations, conditions, restrictions, reservations, and rights attach are described as situated in the ninth civil district of Maury County, Tenn., and were formerly used as an arsenal and known as the Columbia Arsenal property, the same comprising about 67 acres, more or less, and generally bounded by the Hampshire Pike, the Louisville & Nashville Railroad, the Mount Pleasant Pike, and a public road connecting the two pikes above named.

All of said limitations, conditions, restrictions, reservations, and rights of the United States of America, whether legal or equitable, vested or contingent, in and to said lands as specified and defined in said public law and deed and belonging to the United States of America will pass to the purchaser under the sale herein authorized.

SEC. 2. The Secretary of War shall have said tract of land appraised, the appraisal being of the land alone and without regard to the buildings thereon; and the Secretary of War shall not sell the rights and interests of the Government herein above defined in said Columbia Arsenal property for a less consideration than the appraised value herein provided for.

SEC. 3. That the proceeds of said sale shall be deposited in the Treasury to the fund known as the military post construction fund after first paying the expenses of and incident to the sale including appraisal fees, but no appraiser shall be paid in excess of $100 for such services as he may render under the terms of this act.

The SPEAKER. Without objection, the whereases will be stricken out.

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.

PAY OF THE ARMY, NAVY, MARINE CORPS, COAST GUARD, COAST AND GEODETIC SURVEY, AND PUBLIC HEALTH SERVICE

The next business on the Consent Calendar was the bill (H. R. 12624) to amend section 17 of the act of June 10, 1922, entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," as amended.

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

Mr. CRAMTON. Reserving the right to object, Mr. Speaker, I am not familiar with the merits of the bill. I have not studied that. The form of it is very undesirable. I have pre-

pared an amendment that will set up the complete section as amended. I will offer it when the proper time comes.

Mr. COLLINS. I object.

Mr. HOFFMAN. Mr. Speaker, I hope the gentleman will withhold his objection and let this bill pass. Otherwise 150 retired officers on active duty will be deprived of their regular annual leave this summer. I believe the bill is meritorious.

Mr. COLLINS. Does it apply simply to annual leave?

Mr. HOFFMAN. To annual leave and to longevity pay. It confirms rights already established by law, but not granted by reason of the ruling of the Attorney General.

Mr. COLLINS. I object.

The SPEAKER. Objection is heard.

DONATION OF BUILDINGS TO THE CITY OF TUCSON, ARIZ.

The next business on the Consent Calendar was the bill (S. 2978) authorizing the Secretary of War to donate certain buildings to the city of Tucson, Ariz.

The title of the bill was read.

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

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized to donate to the city of Tucson, State of Arizona, without cost to the said city, for public use, all of buildings Nos. 1, 3, and 4 now located on the old Army aviation field in said city of Tucson, including heating and plumbing fixtures and excluding water heater and hot-water tank, which said buildings are now located on property of the said city of Tucson formerly leased to the United States.

The SPEAKER. The question is on the third reading of the Senate bill.

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

A motion to reconsider the last vote was laid on the table.

AMENDMENT OF SECTION 127A, NATIONAL DEFENSE ACT

The next business on the Consent Calendar was the bill (H. R. 11273) to amend section 127a, national defense act, as amended and approved June 4, 1920.

The title of the bill was read.

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

There was no objection.

The SPEAKER. The Clerk will report the bill.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that the bill be considered as read.

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

There was no objection.

The bill reads as follows:

Be it enacted, etc., That the first paragraph of section 127a of the national defense act, as amended and approved June 4, 1920, is hereby amended to read as follows:

"SEC. 127a. Miscellaneous provisions: Hereafter no detail, rating, or assignment of an officer shall carry advanced rank, except as otherwise specifically provided herein: *Provided*, That in lieu of the 50 per cent increase of pay provided for in this act any officer who has heretofore been announced in the War Department orders as having qualified on or before December 31, 1913, as a military aviator or any officer upon whom the rating of military aviator has heretofore been conferred for having specially distinguished himself in time of war in active operations against the enemy, shall while on duty which requires him to participate regularly and frequently in aerial flights, receive the pay, allowances, and additional pay as provided by the act of June 3, 1916, and the act of July 24, 1917, for the rating of military aviator. At any time after the passage of this act any officer who has heretofore been announced in War Department orders as having qualified as a military aviator on or before December 31, 1913, shall, if he make application therefore to the President, be retired from active service and be placed upon the retired list. The retired pay of any officer who has heretofore been announced in War Department orders as having qualified as a military aviator on or before December 31, 1913, shall be 75 per cent of all the pay and allowances, including flying pay, of the grade in which he is retired. No extra pay or allowances shall accrue under the provisions of this section for services rendered prior to the passage thereof."

Mr. McSWAIN. Mr. Speaker, I offer two amendments.

The SPEAKER. The gentleman from South Carolina offers two amendments, which the Clerk will report.

The Clerk read as follows:

Amendments offered by Mr. McSWAIN: Page 2, line 5, after the word "enemy," add the following: "or any officer who is officially credited on the records of the War Department with the destruction in aerial combat during the World War of five or more enemy aircraft."

Page 2, lines 18, 19, and 20, strike out remainder of sentence after "1913" and substitute therefor the following: "or any officer upon whom the rating of military aviator has heretofore been conferred for having specially distinguished himself in time of war in active operations against the enemy or any officer who is officially credited on the records of the War Department with the destruction in aerial combat during the World War of five or more enemy aircraft, shall be 75 per cent of all the active pay and allowances, including flying pay, of his grade on the retired list."

Mr. LaGUARDIA. Mr. Speaker, will the gentleman from South Carolina yield?

Mr. McSWAIN. Yes.

Mr. LaGUARDIA. The gentleman flashes two amendments on us which, on their face, may be all right. This bill as it comes before us is to provide for proper legislation concerning seven military aviators. Seven of them have retired; 10 of them have been killed or died. The gentleman comes in with these two amendments. We do not know just how far-reaching they are. We do not know why pursuit pilots have been picked out, and not bomb pilots. I hope the bill may be passed over without prejudice so that it may be considered at the proper time.

Mr. McSWAIN. I did not want to take anyone by surprise. These men should come in on their merits.

Mr. CRAMTON. Mr. Speaker, the gentleman's amendments have been offered and might stand for the information of the House. I suggest that he let the bill be passed over to-day. The bill will come up later and then possibly the amendments will be agreed to.

Mr. McSWAIN. Objection can be made the next time by one Member. I will withdraw my amendments at the present time.

The SPEAKER. The amendments of the gentleman from South Carolina are withdrawn. The question is on the engrossment and third reading of the bill.

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

A motion to reconsider the last vote was laid on the table.

ROAD OR CAUSEWAY ACROSS LAKE SABINE, PORT ARTHUR, TEX.

The next business on the Consent Calendar was the bill (H. R. 10951) authorizing the construction of a toll road or causeway across Lake Sabine at or near Port Arthur, Tex.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That, in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, H. L. McKee, his heirs, legal representatives, and assigns, be, and is hereby, authorized to construct, maintain, and operate a road or causeway with a bridge therein and approaches thereto, across Lake Sabine, at a point suitable to the interests of navigation, between a point at or near Port Arthur, Tex., and a point opposite in Cameron Parish, La., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon H. L. McKee, his heirs, legal representatives, 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 road, causeway, or bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said H. L. McKee, his heirs, legal representatives, and assigns, is hereby authorized to fix and charge tolls for transit over such road, causeway, and bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such road, causeway, and bridge, as determined by the Secretary of War, either the State of Texas, the State of Louisiana, any public agency or political subdivision of either of such States, within or adjoining which any part of such road, causeway, and bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such road, causeway, and bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing

the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 10 years after the completion of such road, causeway, and bridge, the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such road, causeway, and bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the road, causeway, and bridge and its approaches and acquiring such interests in real property, and (4) actual expenditures for necessary improvements.

SEC. 5. If such road, causeway, and bridge shall at any time be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the road, causeway, and bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 15 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such road, causeway, and bridge shall thereafter be maintained and operated free of tolls, or rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the road, causeway, and bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the road, causeway, and bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 6. The said H. L. McKee, his heirs, legal representatives, and assigns, shall within 90 days after the completion of such road, causeway, and bridge, file with the Secretary of War and with the Highway Departments of the States of Texas and Louisiana, a sworn itemized statement showing the actual original cost of constructing the road, causeway, and bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such road, causeway, and bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of cost so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such road, causeway, and bridge; for the purpose of such investigation the said H. L. McKee, his heirs, legal representatives, and assigns, shall make available all of his records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the road, causeway, and bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to H. L. McKee, his heirs, legal representatives, and assigns, and any corporation to which any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. There is hereby granted to H. L. McKee, his heirs, legal representatives, and assigns, a right of way not to exceed 500 feet in width across the spoil bank of the intracoastal canal at such location, to be approved by the Chief of Engineers, as will provide a highway connection or connections between the road or causeway authorized by this act and any bridge or bridges that are or may hereafter be constructed across the intracoastal canal. The duration of such right of way shall terminate with the termination of the franchise granted by this act for the construction of the road or causeway and shall attach to and become a part of such road or causeway, and shall pass with the same in any transfer thereof.

SEC. 9. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 7, after the word "a," strike out the words "road or causeway with a," and in the same line, after the word "bridge" strike out the word "therein."

Page 2, line 12, after the word "such," strike out the words "road, causeway, or."

Page 2, line 20, after the word "State," insert a colon and add the following: "*Provided,* That no part of the present Pleasure Pier on the east side of the Sabine-Neches Canal belonging to the city of Port Arthur and/or leased to the Port Arthur Chamber of Commerce and Shipping shall be condemned, nor shall the same be acquired or occupied by the said H. L. McKee, his heirs, legal representatives, or assigns, except upon terms and conditions to be stipulated by said city of Port Arthur and the Port Arthur Chamber of Commerce and Shipping."

Page 3, line 5, after the word "such," strike out the words "road, causeway, and."

Page 3, line 9, after the word "such," strike out the words "road, causeway, and."

Page 3, line 13, after the word "such," strike out the words "road, causeway, and."

Page 3, line 15, after the word "such," strike out the words "road, causeway, and."

Page 3, line 22, after the word "such," strike out the words "road, causeway, and."

Page 4, line 2, after the word "such," strike out the words "road, causeway, and."

Page 4, line 7, after the word "the," strike out the words "road, causeway, and."

Page 4, line 10, after the word "such," strike out the words "road, causeway, and," and after the word "bridge" insert the words "and its approaches."

Page 4, line 17, after the word "the," strike out the words "road, causeway, and."

Page 4, line 25, after the word "such," strike out the words "road, causeway, and."

Page 5, line 4, after the word "the," strike out the words "road, causeway, and."

Page 5, line 6, after the word "the," strike out the words "road, causeway, and."

Page 5, line 13, after the word "such," strike out the words "road, causeway, and."

Page 5, line 16, after the word "the," strike out the words "road, causeway, and."

Page 5, line 22, after the word "such," strike out the words "road, causeway, and."

Page 5, line 25, after the word "shall," strike out the word "made" and insert the word "make."

Page 6, line 2, after the word "such," strike out the words "road, causeway, and."

Page 6, line 8, after the word "the," strike out the words "road, causeway, and."

Page 6, line 23, after the word "exceed," strike out the word "five" and insert the word "one."

Page 6, line 24, after the word "the," strike out the word "intracoastal" and insert the word "ship."

Page 7, line 1, after the word "the," strike out the words "road or causeway" and insert the word "bridge."

Page 7, line 3, after the word "the," strike out the words "intracoastal canal" and insert the words "ship canal, the United States to retain such free use of the right of way as does not interfere with the bridge approach: *Provided,* That no toll shall be charged for use of the approach to be built on United States property."

Page 7, line 9, after the word "the," strike out the words "road or causeway" and insert the word "bridge."

Page 7, line 11, after the word "such," strike out the words "road or causeway" and insert the word "bridge."

The committee amendments were agreed to.

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

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

BRIDGE ACROSS EMORY RIVER

The next business on the Consent Calendar was the bill (H. R. 12664) granting the consent of Congress to the County Court of Roane County, Tenn., to construct a bridge across the Emory River at Suddaths Ferry, in Roane County, Tenn.

The Clerk read the title of the bill.

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

There was no objection.

Mr. DENISON. Mr. Speaker, there is a Senate bill substantially similar, and I ask unanimous consent to consider the Senate bill in lieu of the House bill, and I shall offer an amendment to correct the text.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the County Court of Roane County, Tenn., to construct, maintain, and operate a bridge and approaches thereto across the Emory River, at a point suitable to the interests of navigation, at or near Suddaths Ferry, in Roane County, Tenn., in accordance with the provisions of

the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

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

Mr. DENISON. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DENISON: Page 1, line 6, strike out "Emory" and insert "Emery."

The amendment was agreed to.

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

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

The title was amended.

A similar House bill was laid on the table.

CHIPPEWA INDIANS IN THE STATE OF MINNESOTA

The next business on the Consent Calendar was the bill (H. R. 12067) to set aside certain lands for the Chippewa Indians in the State of Minnesota.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioner of Indian Affairs having recommended to the Secretary of the Interior on February 8, 1899, that certain Chippewa Indian lands be withheld from entry and settlement, described as follows: The southwest quarter and the south half of the southeast quarter section 21, township 145, range 26 west of the fifth principal meridian, in Minnesota, consisting of 240 acres, and reserved as a village site made to the Indians residing on the reservation of the Mississippi Chippewa, known as the Chippewa Reservation, and approved by the Secretary of the Interior on February 8, 1899, are hereby permanently reserved for said village site for said Indians.

With the following committee amendment:

Page 2, line 3, strike out the figure "8" and insert in lieu thereof the figure "9."

The committee amendment was agreed to.

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

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

SUPERINTENDENTS OF NATIONAL CEMETERIES AND NATIONAL MILITARY PARKS

The next business on the Consent Calendar was the bill (H. R. 10809) to provide qualifications for the superintendents of national cemeteries and national military parks.

The Clerk read the title of the bill.

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

Mr. BROWNING. Mr. Speaker, I object.

FORT PECK INDIAN RESERVATION, MONT.

The next business on the Consent Calendar was the bill (H. R. 11580) to authorize the leasing or sale of land reserved for administrative purposes on the Fort Peck Indian Reservation, Mont.

The Clerk read the title of the bill.

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

Mr. LEAVITT. Mr. Speaker, I give notice that I intend to offer an amendment to this bill.

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, what is the purpose of selling this land, at all?

Mr. LEAVITT. It is land that has been withdrawn for agency school use, and so on, and is not now being used for that purpose. I intend to offer an amendment which will restrict the authorization of sale to a small area needed for a landing field, which adjoins the town of Wolf Point.

Mr. LAGUARDIA. For a public landing field?

Mr. LEAVITT. Yes.

Mr. LAGUARDIA. Are you going to give it to the town?

Mr. LEAVITT. The town will purchase or lease it, and if purchased it will carry the provision that any discovery of oil, gas, and minerals shall remain to the benefit of the Indians.

Mr. LAGUARDIA. Does the gentleman's amendment provide for the conveyance of the land to the town for an aviation field?

Mr. LEAVITT. Yes; with the consent of the tribal council. The bill would do that as it is, since it would apply to all such lands as now written. But in the last day or two I have received word that there is some disagreement among the Indians as to some features. But they have all seemingly agreed on this one proposition of a landing field, and it is my intention to confine the present bill to that one purpose and possibly take care of the general situation later.

Mr. LAGUARDIA. The land will be sold to the town for a public aviation field?

Mr. LEAVITT. Yes; or leased.

Mr. LAGUARDIA. Do you use the word "public"?

Mr. LEAVITT. I will be glad to have that go in.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That, with the approval of the Secretary of the Interior and upon such terms and conditions as he may prescribe, the council of the Fort Peck Indians in the State of Montana is hereby authorized to lease or sell any of the tribal land reserved for agency, school, and other administrative purposes on said reservation: *Provided*, That no part of said land shall be sold until no longer required for such purposes or for allotment to individual Indians, and in case of sale the mineral rights, including oil and gas, shall be reserved to the tribe: *Provided further*, That the proceeds derived from the sale or lease of said land shall be deposited in the Treasury of the United States to the credit of the Fort Peck Tribe subject to disposition under the act of May 30, 1908. (35 Stat. L. 558.)

Mr. LEAVITT. Mr. Speaker, I desire to offer an amendment.

The SPEAKER. The gentleman from Montana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. LEAVITT: Page 1, line 6, after the word "sell," strike out the language "any of the tribal lands reserved for agency school or for other administrative purposes on said reservation" and insert in lieu thereof the following:

"Lot 6 and the southeast quarter of the southeast quarter of section 16, township 28, north of range 47 east, Montana principal meridian, for a public aviation field."

Page 1, line 8, after the word "that," strike out the language "no part of said land shall be sold until no longer required for such purposes or for allotment to individual Indians and."

The amendment was agreed to.

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

A motion to reconsider was laid on the table.

SENECA OIL SPRINGS RESERVATION, N. Y.

The next business on the Consent Calendar was the bill (H. R. 12446) to approve a deed of conveyance of certain land in the Seneca Oil Spring Reservation, N. Y.

The Clerk read the title of the bill.

Mr. LAGUARDIA. Mr. Speaker, I have an amendment which simply provides that the land shall revert to the Seneca Nation of Indians if it is ever placed to any other use following the text of the original grant.

Mr. LEAVITT. I am sure there will be no objection to that on the part of the committee.

Mr. HOOPER. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Montana a question. I notice the report says that the Indians have already received what seems to be a just compensation for the land. Does the gentleman know that it was just compensation?

Mr. LEAVITT. I have been so informed by the gentleman from New York [Mr. REED].

Mr. HOOPER. And the gentleman is entirely satisfied there is no question about the compensation?

Mr. LEAVITT. Not to my mind; and in any event, it is only for the erection of a monument.

Mr. HASTINGS. Mr. Speaker, I would like to have the bill read.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That a certain instrument of conveyance dated December 30, 1927, from the Seneca Nation of Indians to the Seneca Oil Spring Association (Inc.), granting by quitclaim title a tract of land having a radius of 75 feet from the center of the oil spring located on the Oil Spring Reservation, N. Y., and a right of way 3 rods wide to such spring from the public highway now passing through the reservation, is hereby confirmed and the approval of the Assistant Secretary of the Interior Department of February 28, 1928, thereof is hereby validated: *Provided*, That the purpose for which the land is hereby conveyed shall be for the preserving of the spring as a historical monument only.

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

There was no objection.

Mr. LAGUARDIA. Mr. Speaker, I offer an amendment.

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

The Clerk read as follows:

Amendment by Mr. LAGUARDIA: Page 2, line 3, strike out the period and insert the following: "And title to said land shall revert to the Seneca Nation of Indians if said land is ever placed to any other use."

The amendment was agreed to.

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

A motion to reconsider was laid on the table.

BRIDGES ACROSS THE TENNESSEE RIVER

Mr. DENISON. Mr. Speaker, just before we adjourn, and out of order, I ask unanimous consent to take up the bill (H. R. 13481) authorizing an Alabama State corporation, or, in fact, the State of Alabama, to build 15 State bridges. There is an emergency on account of the fact that these bridges are to be constructed under a State law, and the time is very important.

The Clerk read the title of the bill, as follows:

A bill (H. R. 13481) granting the consent of Congress to the Alabama State Bridge Corporation to construct bridges across the Tennessee, Tombigbee, Warrior, Alabama, and Coosa Rivers, within the State of Alabama.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Alabama State Bridge Corporation, a body corporate organized and existing under an act of the Legislature of Alabama approved August 31, 1927, to construct, maintain, and operate toll bridges at or near the following points within the State of Alabama, to wit:

One across the Tennessee River at or near Whitesburg Ferry on the Huntsville-Cullman Road, between Madison and Morgan Counties; one across the Tennessee River at or near Guntersville on Huntsville-Guntersville Road, in Marshall County; one across the Tennessee River at or near Scottsboro on the Scottsboro-Fort Payne Road, in Jackson County; one across the Tombigbee River near Butler on the Butler-Linden Road, between Choctaw and Marengo Counties; one across the Tombigbee River at or near Epes on the Eutaw-Livingston Road, between Sumter and Greene Counties; one across the Tombigbee River at or near Gainesville, on the Gainesville-Eutaw Road, between Sumter and Greene Counties; one across the Tombigbee River at or near Cochrane on the Aliceville-Cochrane Road, in Pickens County; one across the Warrior River, between Eutaw and Linden, at or near Demopolis, Ala., between Greene and Marengo Counties or between Greene and Hale Counties; one across the Warrior River at or near Eutaw on the Eutaw-Greensboro Road, between Greene and Hale Counties; one across the Alabama River at or near Claiborne on the Monroeville-Grove Hill Road, between Monroe and Clarke Counties; one across the Alabama River near Camden on the Camden-Linden Road, in Wilcox County; one across the Coosa River at or near Childersburg on the Columbiana-Talladega Road, between Shelby and Talladega Counties; one across the Coosa River at or near Riverside on the Anniston-Birmingham Road, between St. Clair and Talladega Counties; one across the Coosa River at or near Cedar Bluff on the Center to Georgia State-Line Road, in Cherokee County; one across the Tombigbee River at or near Jackson, between Clarke and Washington Counties; all of said bridges shall be located at points suitable to the interests of navigation and shall be constructed in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. If tolls are charged for the use of such bridges, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridges under economical management, and to provide a sinking fund sufficient to amortize the costs of the bridges, including reasonable interest on bonds issued to provide funds for constructing the same, as soon as possible, under reasonable charges, but within a period of not to exceed 18 years from the date of approval of this act. After a sinking fund sufficient for such amortization shall have been so provided, and in any event after such period of 18 years, all of said bridges shall thereafter be maintained and operated free of tolls. All tolls collected for the use of said bridges shall be kept in a separate fund by the proper authorities of the State of Alabama, according to the law of said State, and no part of said funds shall be used for any purpose except for paying for the reasonable cost of maintaining, repairing, and operating the bridges and amortizing the costs of constructing the same, including interest, as provided in this act. The tolls charged by the Alabama State Bridge Corporation, its successors or assigns, shall be uniform as between persons, and as between vehicles of the same type, using each of such bridges, and the corporation shall not authorize or permit any discrimination between persons or between vehicles of the same type transiting any particular bridge constructed under the provisions of this act: *Provided*, That nothing herein shall be construed to prevent different tolls being charged at different bridges, but in fixing the rate of tolls there shall be no discrimination as between persons and none as between vehicles of the same type. An accurate record of the cost of the bridges, the amount of notes or bonds issued for the construction of the same, and the expenditures for maintaining, repairing, and operating the same, the daily tolls collected, and the sinking fund on hand shall be kept and shall be available for the information of all persons interested.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

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

The title was amended to read as follows: "A bill granting the consent of Congress to the Alabama State Bridge Corporation to construct, maintain, and operate bridges across the Tennessee, Tombigbee, Warrior, Alabama, and Coosa Rivers, within the State of Alabama."

A motion to reconsider was laid on the table.

ANNIVERSARY OF THE CONQUEST OF THE NORTHWEST TERRITORY

Mr. LUCE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the resolution (S. J. Res. 23) providing for the participation of the United States in the celebration in 1929 and 1930 of the one hundred and fiftieth anniversary of the conquest of the Northwest Territory by Gen. George Rogers Clark and his army, and authorizing an appropriation for the construction of a permanent memorial of the Revolutionary War in the West, and of the accession of the old Northwest to the United States on the site of Fort Sackville, which was captured by George Rogers Clark and his men February 25, 1779, with House amendments, insist upon the House amendments and agree to the conference asked.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. LUCE, ALLEN, DAVENPORT, GILBERT, and BULWINKLE.

VETERANS OF FOREIGN WARS

Mr. BEERS. Mr. Speaker, I offer the following privileged resolution from the Committee on Printing.

The Clerk read as follows:

House Resolution 113

Resolved, That there shall be printed as a House document the proceedings of the Twenty-ninth National Encampment of the Veterans of Foreign Wars of the United States for the year 1928, with accompanying illustrations.

The resolution was agreed to.

STATUE OF ANDREW JACKSON

Mr. BEERS. Mr. Speaker, I present another privileged resolution from the Committee on Printing.

The Clerk read as follows:

House Concurrent Resolution 33

Resolved by the House of Representative (the Senate concurring), That there be printed and bound, with illustrations, the proceedings in Congress, together with the proceedings at the unveiling in Statuary Hall, upon the acceptance of the statue of Andrew Jackson, the seventh President of the United States, presented by the State of Tennessee, 10,000 copies, of which 2,000 shall be for the use of the Senate and 5,000 for the use of the House of Representatives, and the remaining 3,000 copies shall be for the use and distribution of the Senators and Representatives in Congress from the State of Tennessee.

The Joint Committee on Printing is hereby authorized to have the copy prepared for the Public Printer, who shall provide suitable illustrations to be bound with these proceedings.

Mr. KINCHELOE. Will the gentleman state whether these documents are to be distributed through the folding room or the document room?

Mr. BEERS. Through the folding room.

The resolution was agreed to.

CAPITAL PUNSHMENT IN THE DISTRICT OF COLUMBIA

Mr. BEERS. Mr. Speaker, I offer another resolution.

The Clerk read as follows:

House Concurrent Resolution 30

Resolved by the House of Representatives (the Senate concurring), That, in accordance with paragraph 3 of section 2 of the printing act approved March 1, 1907, the Committee on the District of Columbia of the House of Representatives be, and is hereby, empowered to have

printed for its use 1,000 additional copies of the hearings held before the committee during the Sixty-ninth Congress, first session, on the bills (H. R. 349 and H. R. 4498) to abolish capital punishment in the District of Columbia.

With the following committee amendment:

Page 1, line 6, strike out the word "one" and insert the word "two."

The committee amendment was agreed to.

The resolution as amended was agreed to.

SOME OUTSTANDING HEROES OF THE WORLD WAR

Mr. ROY G. FITZGERALD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill (S. 777) and include citations for medals of honor which have been granted and citations for gallantry in action and the names of some of the beneficiaries.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks. Is there objection?

There was no objection.

Mr. ROY G. FITZGERALD. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following: Senate bill 777 is to come before the House on Thursday. Of the great army which our country contributed to the conflict, there are a host of examples of noble and patriotic men among both enlisted men and officers. I call attention at this time to some of the latter, whose records make us proud we are Americans and whose heroic conduct inspire us with the highest ideals of patriotism and love of country. These names should be engraved in our memories. They deserve the honor of a grateful Nation.

DECORATIONS AND CITATIONS OF DISABLED EMERGENCY ARMY OFFICERS AWARDED FOR GALLANTRY IN ACTION DURING THE WORLD WAR

CONGRESSIONAL MEDAL OF HONOR (3)

George H. Mallon: In the Boise-de-Forges, France, September 26, 1918. Residence, Minneapolis, Minn.; born, Ogden, Kans.; General Orders, No. 16, War Department, 1919. Captain, One hundred and thirty-second Infantry, Thirty-third Division. Becoming separated from the balance of his company because of a fog, Captain Mallon, with nine soldiers, pushed forward and attacked nine active hostile machine guns, capturing all of them without the loss of a man. Continuing on through the woods, he led his men in attacking a battery of four 155-millimeter howitzers, which were in action, rushing the position and capturing the battery and its crew. In this encounter Captain Mallon personally attacked one of the enemy with his fists. Later, when the party came upon two more machine guns, this officer sent men to the flanks while he rushed forward directly in the face of the fire and silenced the guns, being the first one of the party to reach the nest. The exceptional gallantry and determination displayed by Captain Mallon resulted in the capture of 100 prisoners, 11 machine guns, four 155-millimeter howitzers, and one antiaircraft gun.

L. Wardlaw Miles: Near Revillon, France, September 14, 1918. Residence, Princeton, N. J.; born, Baltimore, Md.; General Orders, No. 44, War Department, 1919. Captain, Three hundred and eighth Infantry, Seventy-seventh Division. Volunteered to lead his company in a hazardous attack on a commanding trench position near the Aisne Canal which other troops had previously attempted to take without success. His company immediately met with intense machine-gun fire, against which it had no artillery assistance, but Captain Miles preceded the first wave and assisted in cutting a passage through the enemy's wire entanglements. In so doing he was wounded five times by machine-gun bullets, both legs and one arm being fractured, whereupon he ordered himself placed on a stretcher and had himself carried forward to the enemy trench in order that he might encourage and direct his company, which by this time had suffered numerous casualties. Under the inspiration of this officer's indomitable spirit his men held the hostile position and consolidated the front line after an action lasting two hours, at the conclusion of which Captain Miles was carried to the aid station against his will.

Joseph H. Thompson: Near Apremont, France, October 1, 1918. Residence, Beaver Falls, Pa.; born, Ireland; General Orders, No. 21, War Department, 1925. Major, One hundred and tenth Infantry, Twenty-eighth Division. Counterattacked by two regiments of the enemy, Major Thompson encouraged his battalion in the front line by constantly braving the hazardous fire of machine guns and artillery. His courage was mainly responsible for the heavy repulse of the enemy. Later in the action, when the advance of his assaulting companies was held up by fire from a hostile machine-gun nest and all but one of the six assaulting tanks were disabled, Major Thompson, with great gallantry and coolness, rushed forward on foot three separate times in advance of the assaulting line, under heavy machine-gun and antitank-gun fire, and led the one remaining tank to within a few yards of the enemy machine-gun nest, which succeeded in reducing it, thereby making it possible for the infantry to advance.

DISTINGUISHED SERVICE CROSS (82)

Charles V. Abernathy:—Near Thiaucourt, France, September 14, 1918. Residence, Palatka, Fla.; born, Shelby, N. C.; General Orders, No. 70, War Department, 1919. Second lieutenant, Sixth Infantry, Fifth Division. Commanding the regimental pioneer platoon, he led it and the Stokes mortar platoon as infantry, and overcame a machine-gun nest, capturing several machine guns and disposing of the crew. He continued to advance under heavy shell and machine-gun fire until he fell wounded in the head, hip, and leg.

John H. Ale: North of Flirey, France, September 12, 1918. Residence, Muncie, Ind.; born, Benton County, Ind.; General Orders, No. 128, War Department, 1918. First lieutenant, Three hundred fifty-fifth Infantry, Eighty-ninth Division. After having been badly wounded early in the action, losing his right hand and being wounded in both legs and chest, he returned to his platoon and addressed the men, telling them he was unable to go with them, but that he had confidence in their ability to go ahead without him and urged them to sustain the high reputation of the platoon, company, and battalion, thereby inspiring his men with his own personal courage to advance.

Alfred M. Barlow: Near Heurne, Belgium, November 3, 1918. Residence, Gallipolis, Ohio; born, Gallipolis, Ohio; General Orders, No. 37, War Department, 1919. First lieutenant, One hundred and forty-eighth Infantry, Thirty-seventh Division. Although suffering from a painful shrapnel wound in the leg, he led his company, with excellent leadership and command, over the river, and not until he had received wounds in both legs would he give his consent to be taken to a dressing station.

Jesse B. Barton: Near Becquigny, France, October 17, 1918. Residence, Barton, Ohio; born, Barton, Ohio; General Orders, No. 68, War Department, 1920. Second lieutenant, One hundred and eighteenth Infantry, Thirtieth Division. After his superior officer had been wounded, he assumed command of and personally led the advance of his unit until he was struck by an enemy shell and severely wounded. Although suffering intense pain and almost unconscious, he refused to be evacuated until after he had given instructions to the platoon sergeant to continue the advance. His gallant conduct was an inspiring example to the men of his platoon.

Alfred M. Bergstein: Near Exermont, France, October 8, 1918. Residence, Pottsville, Pa.; born, Philadelphia, Pa.; General Orders, No. 46, War Department, 1919. First Lieutenant, Medical Corps, attached to Eighteenth Infantry, First Division. Under heavy shell fire, Lieutenant Bergstein cared for the wounded, although he had been severely wounded and was suffering great pain. He refused to be evacuated until all the wounded had been treated.

Theodore E. Boyd: Near Conflans, France, September 14, 1918. Residence, Carthage, Tenn.; born, Ashland City, Tenn.; General Orders, No. 20, War Department, 1919. Second lieutenant, Seventh Field Artillery, observer, attached to Eighty-eighth Aero Squadron, Air Service. This officer, being detailed for the protection of a photographic mission with five other planes, proceeded on his mission, when three of the escorting planes failed to join the formation. While flying near Conflans the formation engaged in combat with five enemy pursuit planes. Wounded in both legs, the left foot and the right elbow, he displayed exceptional tenacity and courage by continuing to fire his guns until the enemy were put to flight.

Vincent C. Breen: In the Bois Belleau north of Verdun, France, October 27, 1918. Residence, Boston, Mass.; born, Boston, Mass.; General Orders, No. 39, War Department, 1920. Captain, One hundred and first Infantry, Twenty-sixth Division. During the attack made to retake the woods lost by the retirement of our units Captain Breen was severely wounded in the arm. After receiving first aid he again led his company forward through heavy fire until wounded a second time, this time in the shoulder. It was largely due to his courage and initiative that his company was able to advance to its objective.

Robert C. Bunge: Near Montfaucon, France, September 26, 1918. Residence, Cincinnati, Ohio; born, New York, N. Y.; General Orders, No. 43, War Department, 1922. Captain, One hundred and forty-eighth Infantry, Thirty-seventh Division. While in command of a combat liaison group operating between the Thirty-seventh and Ninety-first Divisions and under heavy hostile artillery fire Captain Bunge, although painfully wounded by a shell fragment and burned with gas, courageously remained in command of his company, maintained contact with the enemy, and directed the company movements. When the attack was continued on September 27 and his company was acting in the same capacity, while passing through a terrible hostile artillery barrage he received a serious fracture of the skull from enemy shell fragments, and refusing to be evacuated he tenaciously continued with his group. Later, on the same day, while leading his company, he was again seriously wounded by shell fire, which necessitated his evacuation.

Lawrence Donald Butler: Near Romanovka, Siberia, June 25, 1919. Residence, San Francisco, Calif.; born, Plano, Tex.; General Orders, No. 133, War Department, 1919. Second lieutenant, Thirty-first Infantry. Although twice wounded, once severely early in the action, and after over 50 per cent of the detachment were casualties and the detachment completely surrounded by the enemy, he continued courage-

ously to direct the men, and by his heroism, bearing, and skill so inspired the few survivors that they were enabled to completely repulse greatly superior numbers of the enemy.

Robert B. Cable: (1309715) Near Monthrehain and Busigny, France, October 7–17, 1918. Residence, Tellico Plains, Tenn.; born, Carter County, Tenn.; General Orders, No. 46, War Department, 1919. First lieutenant, Company M, One hundred and seventeenth Infantry, Thirtieth Division. For repeated acts of extraordinary heroism near Monthrehain and Busigny, France. Leading two platoons of his company, after the officers had become casualties, Sergeant (First Lieutenant) Cable effectively cleared the ground on the right flank of the company of machine-gun nests, capturing two guns. Later in the day he took command of the company, when no officers remained with it, and continued to be in charge for a week, in which time he lead his men in six attacks, inspiring them by his fearlessness. On October 9 he led an attack on the town of Busigny, charging across an open field in the face of heavy machine-gun fire from the houses of the village, and clearing the town of the enemy. This gallant soldier was later wounded while leading two platoons against an enemy machine-gun nest.

Daniel B. Carroll: Near Bois-de-Cheppy, France, September 26–28, 1918. Residence, Santa Cruz, Calif.; born, Australia; General Orders, No. 39, War Department, 1920. First lieutenant, Three hundred and sixty-fourth Infantry, Ninety-first Division. Although wounded in the arm in the attack of September 26, Lieutenant Carroll gallantly led his platoon forward, under heavy artillery and machine-gun fire, through the Bois-de-Cheppy. Later, while leading his platoon in an attack near the Neuve Grange Farm, he continued on until severely wounded a second time.

Charles E. Chenoweth: In the forest of Argonne, France, September 29–30, 1918. Residence, Lima, Ohio; born, St. Johns, Ohio; General Orders, No. 20, War Department, 1919. Captain, Three hundred and sixty-third Infantry, Ninety-first Division. At the time when troops on the left had retired, Captain Chenoweth, with his company, covered the left flank of his division and thus prevented an attack by the enemy upon its flank. After being severely wounded he remained at his post until he had issued the necessary orders for holding the position he had seized.

John T. Comerford: Near Bois-de-Belleu, north of Verdun, France, October 28, 1918. Residence, Brookline, Mass.; born, Brookline, Mass.; General Orders, No. 56, War Department, 1922. Captain Machine Gun Company, One hundred and first Infantry, Twenty-sixth Division. Following five days' combat, during which his company made three attacks and repulsed four counterattacks in which his company was well-nigh exhausted by uninterrupted fighting, the enemy placed a barrage of minenwerfer, machine-gun, and artillery fire on a slightly entrenched front line, causing the Infantry to fall back, leaving a gap in the line. Captain Comerford volunteered to reestablish the line, gathered a group of 10 men, organized them, and led them into the gap, encountered an enemy patrol coming through, charged and drove them out, reestablished the line, and held it under a heavy machine-gun fire until reinforcements arrived. During this action he and a majority of his men were wounded, and some of the latter killed, but their heroic action prevented the enemy from inflicting heavy losses by flanking fire.

Charles C. Conaty: Near Crezancy, France, July 16, 1918. Residence, Taunton, Mass.; born, Taunton, Mass.; General Orders, No. 99, War Department, 1918. First lieutenant, chaplain, Eleventh Infantry, Twenty-eighth Division. Without regard for his personal safety, Chaplain Conaty, under intense shell fire following the attack of his troops from Crezancy to the Marne River, attended the wounded and throughout the night searched and assisted in carrying wounded to the dressing station.

John W. Cousins: Near Conflans, France, November 2, 1918. Residence, New Haven, Conn.; born, New Haven, Conn.; General Orders, No. 15, War Department, 1919. First lieutenant, Infantry, observer, Ninety-first Aero Squadron, Air Service. In the course of a photographic mission of a particularly dangerous character he and his pilot were attacked by a superior number of enemy pursuit planes. During the combat that ensued, with remarkable coolness and excellent shooting, he destroyed one of the attacking machines. Notwithstanding that the enemy aircraft continued to attack and harass them, Lieutenant Cousins and his pilot reached all their objectives and returned to our lines with photographs of great military importance.

George S. Crabbe: Near Cierges, France, July 31, 1918. Residence, Saginaw, Mich.; born, Saginaw, Mich.; General Orders, No. 64, War Department, 1919. First lieutenant, One hundred and twenty-fifth Infantry, Thirty-second Division. While advancing with his company he wrenched his leg severely in the crossing of the Ourcq River, but continued in the advance. Later he was severely wounded by machine-gun bullets in the left thigh, but again refused evacuation, and continued in command of his company until the objective had been reached and the position consolidated, remaining nine hours with his company after having been wounded.

James Cross: Near St. Souplet, France, October 15, 1918. Residence, Helenwood, Tenn.; born, Huntsville, Tenn.; General Orders, No. 74, War Department, 1919. Second lieutenant, One hundred and eighth Infantry, Twenty-seventh Division. Accompanied by four soldiers, Lieutenant Cross made a reconnaissance of the River La Salle, the journey being under constant heavy machine-gun fire. To secure the desired information it was necessary to wade the stream for the entire distance. On the following evening Lieutenant Cross tapped the line from which his regiment would launch their attack, and in the battle that followed he was severely wounded.

Howard Hubber Davis: In Templeux Quarries, France, January 8, 1918. Residence, Cleveland, Ohio; born, Cleveland, Ohio; General Orders, No. 138, War Department, 1918. First lieutenant, Medical Corps, attached to Twelfth Sherwood Foresters, British Army. He entered a dugout which had been caved in by enemy shell fire and ministered to the wounded. Although the dugout was under heavy shell fire, he performed an operation for amputation of a leg and thereby saved a soldier's life.

Charles W. Drew: Near Flirey, France, August 15, 1918. Residence, Philadelphia, Pa.; born, Rochester, N. Y.; General Orders, No. 15, War Department, 1926. First lieutenant, Thirteenth Aero Squadron, Air Service. Lieutenant Drew operated one of a patrol of four machines which attacked four enemy battleplanes. In the fight which followed he attacked in succession three of the enemy airships, driving one of them out of the battle. He then engaged another machine at close range and received 10 bullets in his own plane, one of which penetrated his radiator, while another pierced his helmet. In spite of this he followed the German plane to a low altitude within the enemy's lines and shot it down in flames. During the latter part of the combat he courageously refused to abandon the fight, although he had become separated from his companions, and his engine had become so hot, because of the leak in his radiator, that there was imminent danger of its failing him at any moment.

Luther E. Ellis: In Bois-d'Ormont, France, October 23, 1918. Residence, Montpelier, Ind.; born, Butler, Ky.; General Orders, No. 133, War Department, 1919. Captain, One hundred and second Infantry, Twenty-sixth Division. He personally led his company against a strongly held enemy machine-gun position. During the advance he was shot through the lung. When wounded, his men halted to render first aid, but he ordered them forward. His example of gallantry contributed greatly to the success of the attack.

Nathaniel Watson Ellis: Near Montbrehain, France, October 7, 1918. Residence, Tellico Plains, Tenn.; born, Elizabeth, Tenn.; General Orders, No. 46, War Department, 1919. First lieutenant, One hundred and seventeenth Infantry, Thirtieth Division. When his company was held up by sweeping machine-gun fire Lieutenant Ellis rushed forward alone, in the face of direct machine-gun fire, to an enemy machine-gun nest 60 yards in advance of his platoon, and by the effective use of his pistol killed five of the enemy and captured 26 prisoners, together with the machine gun. Although he had been seriously wounded in two places while advancing, he held the position until his platoon came up.

William J. Farrell: At Seicheprey, France, April 20, 1918. Residence, Dorchester, Mass.; born, Boston, Mass.; General Orders, No. 49, War Department, 1922. First lieutenant, chaplain, One hundred and fourth Infantry, Twenty-sixth Division. With great gallantry and with utter disregard for his own danger, he personally conducted an ambulance from the battalion command post to the position of a supporting battery, where he assisted in the evacuation of the wounded. At Villedevant, Chaumont, France, November 9, 1918, when informed that one of the men of his battalion had been mortally wounded, Chaplain Farrell, in spite of extremely heavy artillery and flanking machine-gun fire, made his way by running and crawling from shell hole to shell hole until he reached the dying soldier to whom he gave the last rites of his church and with whom he remained until the soldier died.

John Vincent Flood: Near Badonvillers, France, June 24, 1918. Residence, New York, N. Y.; born New York, N. Y. General Orders, No. 24, War Department, 1920. Second lieutenant, Three hundred and eighth Infantry, Seventy-seventh Division. After being severely wounded he continued to direct his platoon with great courage and determination.

Charles M. Fox: Near Bantheville, France, October 26, 1918. Residence, Chicago, Ill.; born, Stinesville, Ill.; General Orders, No. 66, War Department, 1919. Captain, Medical Corps, attached to Three hundred and fifty-third Infantry, Eighty-ninth Division. Although he was suffering from the effects of gas, Captain Fox maintained his battalion dressing station under a terrific bombardment of gas and high explosive shells, which had almost demolished his station, continuing to care for the wounded and refusing to be evacuated until blindness rendered him unable to work.

Joseph W. Gray: In Romagne, France, October 18, 1918. Residence, Titusville, Pa.; born, Titusville, Pa.; General Orders, No. 37, War Department, 1919. First lieutenant, Seventh Engineers, Fifth Division. Although wounded, he personally supervised the construction of a bridge under severe artillery and direct machine-gun fire, thereby making it possible for the Infantry and Artillery to advance to more advantageous positions.

Reuben G. Hamilton: Near Marcheville, France, September 25 and 26, 1918. Residence, Carlisle, S. C.; born, Herbert, S. C.; General Orders, No. 138, War Department, 1918. Major, Medical Corps, head-

quarters ambulance section, One hundred and first Sanitary Train, Twenty-sixth Division. He established and maintained an ambulance dressing station in an advanced and hazardous position, where he labored unceasingly treating and evacuating the wounded throughout the day, in full view of the enemy and under heavy bombardment. Knowing that our troops were withdrawing and the enemy was about to enter the town, he continued his aid to the wounded, even after permission to withdraw had been given him by his commanding officer.

James W. Hanbery: At Chateau-Thierry, France, July 19, 1918. Residence, Pittsburg, Kans.; born, Hopkinsville, Ky.; General Orders, No. 31, War Department, 1922. First lieutenant, Fifty-ninth Infantry, Fourth Division. For extraordinary heroism in action at Chateau-Thierry, France, July 19, 1918, in command of the attacking unit of the assault company of his battalion. After gaining his objective, in an advance through heavy machine-gun and artillery fire, the battalion on his left having been held up by enemy machine-gun nests, his company and battalion became exposed to a grazing and flanking fire, which threatened the destruction of the entire battalion. Lieutenant Hanbery reorganized the attacking line and, although wounded, led a brilliant and successful attack against the enemy machine-gun nests until again wounded and rendered helpless, when he refused succor in order not to endanger the lives of his men.

Carl T. Hatch: Near Nantillois, France, October 4, 1918. Residence, Baltimore, Md.; born, St. Albans, Vt.; General Orders, No. 37, War Department, 1919. Second lieutenant, Three hundred and seventeenth Infantry, Eightieth Division. Seriously wounded in both knees while leading his platoon against German machine-gun nests, Lieutenant Hatch declined to be evacuated, but remained in command of his platoon for nine hours until it was relieved.

Courtney S. Henley: North of the Sommerance-St. Juvin Road, France, October 11, 1918. Residence, Birmingham, Ala.; born, Birmingham, Ala.; General Orders, No. 105, War Department, 1919. Captain, Three hundred and twenty-seventh Infantry, Eighty-second Division. Captain Henley led a party of three enlisted men in an attack on an enemy machine-gun position which was doing considerable damage to our forces. Under intense hostile fire his attack drove the enemy gunners from the machine-gun nest.

William Harris Howard: South of Soissons, France, July 18–19, 1918. Residence, Lockport, Ill.; born, Lockport, Ill.; General Orders, No. 139, War Department, 1918. First lieutenant, Ninth Infantry, Second Division. He conspicuously distinguished himself by his gallant actions in leading his platoon through two fierce attacks. By his splendid example in facing enemy fire, his platoon fought with the same qualities and succeeded in routing the enemy until the final objective was reached. His personal disregard of life consequence to himself under terrific shell fire was noted at all times by his men along the line. He was wounded just before his objective was reached.

Lee S. Hultzen: Near Vieville-en-Haye, France, September 26, 1918. Residence, Norwich, N. Y.; born, Burlington Flats, N. Y.; General Orders, No. 26, War Department, 1919. First lieutenant, Three hundred and eleventh Infantry, Seventy-eighth Division. After reaching his objective with a platoon of about 15 men, Lieutenant Hultzen organized his platoon and held it with three captured German machine guns. He cleaned out a "pill box" and attacked a dozen of the enemy with practically no assistance.

Horatio N. Jackson: Near Montfaucon, France, September 26–29, 1918. Residence, Burlington, Vt.; born, Canada; General Orders, No. 37, War Department, 1919. Major, Medical Corps, attached to Three hundred and thirteenth Infantry, Seventy-ninth Division. Constantly working in the face of heavy machine-gun and shell fire, he was most devoted in his attention to the wounded, always present in the line of advance, directing the administering of first aid, and guiding the work of litter bearers. He remained on duty until severely wounded by high-explosive shells, when he was obliged to evacuate.

Lamar Jeffers: Near St. Juvin, France, October 11, 1918. Residence, Anniston, Ala.; born, Anniston, Ala; General Orders, No. 46, War Department, 1919. Captain, Three hundred and twenty-sixth Infantry, Eighty-second Division. On the night of October 10 Captain Jeffers reconnoitered a badly damaged bridge, and early in the morning of the 11th he supervised its repair, being continuously under an intense machine-gun fire. He later led the leading company of the battalion over this bridge and across an open level terrain, where all of his officers and almost two-thirds of his men became casualties and he himself was seriously wounded. He continued to lead his company forward, however, until he fell, shot through the jaw with a machine-gun bullet.

Frank Johnstone Jervey: Near Les Franquettes Farm, France, July 23, 1918. Residence, Charleston, S. C.; born, Summerville, S. C.; General Orders, No. 32, War Department, 1919. Captain, Fourth Infantry, Third Division. Although wounded five times when his company was suddenly fired upon by machine guns while crossing an open field, Captain Jervey remained in command of his company until he became unconscious.

Howard C. Knotts: Near Arieux, France, September 17, 1918. Residence, Carlinville, Ill.; born, Guard, Ill.; General Orders, No. 19, War Department, 1921. Second lieutenant, Seventeenth Aero Squadron, Air Service. During a patrol flight 5 American planes were attacked by 20 enemy Fokkers. During the combat, when Lieutenant Knotts saw one of his comrades attacked by seven enemy planes and in imminent danger of being shot down, he, although himself engaged with the enemy, went to the assistance of his comrade and attacked two of his immediate pursuers. In the fight which ensued he shot one of the enemy down in flames and forced the other out of control. His prompt act enabled his comrade to escape destruction, although his comrade's plane was so disabled that he made the Allied lines with difficulty, crashing as he landed.

Fred Kochli: Near Montfaucon, France, September 27, 1918. Residence, Alliance, Ohio; born, Alliance, Ohio; General Orders, No. 68, War Department, 1920. First lieutenant, One hundred and forty-sixth Infantry, Thirty-seventh Division. Lieutenant Kochli, with 2 noncommissioned officers, advanced 200 yards beyond the objective of the patrol in the face of heavy machine-gun fire and captured three 77-millimeter field pieces and 2 light machine guns.

Wilbur F. Leitzell: Near Apremont, France, October 1, 1918. Residence, State College, Pa.; born, Scottdale, Pa.; General Orders, No. 72, War Department, 1920. Captain, One hundred and seventh Machine Gun Battalion, Twenty-eighth Division. Captain Leitzell exposed himself to heavy fire in order to place his machine guns in action against an enemy counterattack. Due to his initiative and gallantry the enemy attack was repulsed without the aid of supporting Infantry. Later, the commander of arriving Infantry support being wounded, Captain Leitzell took command of the Infantry and led them to their positions. While in the performance of this act he was seriously wounded.

Reuben M. Levy (2263302): Near Very, France, September 26, 1918. Residence, Placerville, Calif.; born, Vallejo, Calif.; General Orders, No. 72, War Department, 1920. Second lieutenant, Company B, Three hundred and sixty-third Infantry, Ninety-first division. After the advance of his platoon had been held up by machine-gun fire, Sergeant (Second Lieutenant) Levy, with one other man, attacked one machine gun and put it out of action. This act resulted in the enemy abandoning two other machine guns and permitted the advance of his platoon.

Harry B. Liggett: Near Bois-de-Chaume, France, October 10, 1918. Residence, Freeport, Ill.; born, Broadhead, Wis.; General Orders, No. 44, War Department, 1919. Second lieutenant, One hundred and twenty-second Machine Gun Battalion, Thirty-third Division. Leading his platoon, under heavy shell and machine-gun fire, Lieutenant Liggett launched an attack on two enemy machine-gun nests. Accompanied by one soldier, he silenced the fire from one nest with rifle fire, and directed the fire of his platoon so that the other nest was destroyed. He was severely wounded in this action.

David W. Lillard: Near Ponchaux, France, October 7, 1918. Residence, Etowah, Tenn.; born, Decatur, Tenn.; General Orders, No. 81, War Department, 1919. Captain, One hundred and seventeenth Infantry, Thirtieth Division. Severely wounded in the side when an enemy machine-gun bullet struck and exploded two clips of shells in his magazine pouch, Captain Lillard struggled to his feet and directed the further advance of his company. For six hours he remained in command of his company, issuing orders from a shell hole under the most intense fire. During part of this period he was practically unconscious and was suffering severe pain, but he nevertheless successfully accomplished the organization of his company's position.

Arthur F. McKeogh: Near Binarville, France, September 29, 1918. Residence, New York, N. Y.; born, Troy, N. Y.; General Orders, No. 15, War Department, 1921. First lieutenant, Three hundred and eighth Infantry, Seventy-seventh Division. In order to obtain ammunition and rations Lieutenant McKeogh, accompanied by two enlisted men, attempted to reestablish communication between battalion and regiment headquarters. When night came they lay over three hours undetected. Finally discovered, they made a dash to escape, and Lieutenant McKeogh, in order to protect his men, deliberately drew the enemy fire upon himself. He succeeded, however, in getting through the enemy lines, delivered his message, and effected the reestablishment of communication.

Norbert W. Markus: Near Soissons, France, July 19, 1918. Residence, Quincy, Ill.; born, Quincy, Ill.; General Orders, No. 126, War Department, 1918. Second Lieutenant, Third Machine Gun Battalion, First Division. After the entire personnel of the machine-gun squad under his command had been killed or disabled and when he himself was severely wounded near Soissons, France, July 19, 1918, he kept up the operation of his gun and refused to be taken to the rear when relieved until he had been carried to his company commander and had given the latter valuable information.

Marvin James Menefee: At Molleville Farm, France, October 12, 1918. Residence, Luray, Va.; born, Covington, Va.; General Orders, No. 44, War Department, 1919. First lieutenant, One hundred and sixteenth Infantry, Twenty-ninth Division. While in charge of a 37-millimeter gun section in advance of the assaulting troops Lieutenant Menefee displayed unusual courage by operating the gun himself after his gunners had been killed, thereby reducing a machine-gun nest which had been holding up the line.

William D. Meyering: Near Riga, France, April 6, 1928. Residence, Chicago, Ill.; born, Chicago, Ill.; General Orders, No. 59, War Department, 1918. First lieutenant, Twenty-third Infantry, second division. While commanding a platoon of Infantry it was attacked by the enemy on the morning of April 6, 1918. He took effective measures before and during the attack to defeat the enemy and handled his men well, under fire, until he was seriously wounded. Forced to attend to his wound, he refused assistance and walked through the enemy's barrage to a dressing station. He objected to being taken to the rear till he knew the outcome of the attack. His brave example inspired his men to drive off the enemy, who did not reach our trenches. He lost his right hand by amputation as the result of the wound.

John E. Morphew (2216646): In the offensive against the St. Mihiel salient, France, September 12, 1918. Residence, Trousdale, Okla.; born, Gillham, Ark.; General Orders, No. 128, War Department, 1918. Second lieutenant, Company C, Three hundred and fifty-seventh Infantry, Ninetieth Division. This soldier showed utter fearlessness and bravery of a high order throughout the drive. He took two machine-gun nests single handed, in both cases killing the gunners and taking the other members of the crews prisoners. He took 35 prisoners during the first day, entering dugouts alone and disarming the occupants.

Alexander L. Nicol: Near Juvigny, north of Soissons, France, August 30, 1918. Residence, Sparta, Wis.; born, Sparta, Wis.; General Orders, No. 116, War Department, 1919. First lieutenant, One hundred and twenty-eighth Infantry, Thirty-second Division. After being severely wounded, Lieutenant Nicol directed the orderly retirement of his company and organized it under heavy fire of artillery and machine guns. At great personal risk he made several trips forward to bring in wounded men. Throughout the entire action he fearlessly exposed himself to fire in order to encourage and cheer his men. His energetic and faithful work furnished an example of calmness and courage to the men under his command.

William T. Nimmo (60828): Near Bois-de-St. Remy, France, September 12, 1918. Residence, Waltham, Mass.; born, St. Albans, Vt.; General Orders, No. 46, War Department, 1919. Second lieutenant (sergeant) Company G, One hundred and first Infantry, Twenty-sixth Division. During the drive across the St. Mihiel salient he led a group of 25 men through a severe machine-gun fire and into the woods occupied by the enemy. There he charged a machine-gun nest single handed and captured the gun. The gun crew attempted to escape by entering a nearby dugout, but Sergeant (Lieutenant) Nimmo followed them into the dugout alone and captured the entire crew.

Frederick W. McL. Patterson: Near Nantillois, France, October 28–29, 1918. Residence, Pittsburgh, Pa.; born, England; General Orders, No. 15, War Department, 1921. Major, Three hundred and fifteenth Infantry, Seventy-ninth Division. After being severely wounded in the left leg, he continued throughout the night to exercise command of his battalion at a critical time. He refused medical aid until the morning of the 29th and was evacuated by order of the regimental commander.

Jim Quinn: Near Soissons, France, July 18, 1918. Residence, Memphis ,Tenn.; born Mayfield, Ky.; General Orders, No. 100, War Department, 1918. Second lieutenant, Twenty-eighth Infantry, First Division. With a small platoon he attacked and captured a fortified French farmhouse in an open field. He so courageously and skillfully handled his men that this German strong point, held by 100 men and 5 machine guns, was promptly captured.

Brazilla Carroll Reece: In the Bois d' Ormont, France, October 23–28, 1918. Residence, Butler, Tenn.; born, Butler, Tenn. General Orders, No. 46, War Department, 1919. Distinguished service medal also awarded. First lieutenant, One hundred and second Infantry, Twenty-sixth Division. In leading his company through four successful actions he was twice thrown violently to the ground and rendered unconscious by bursting shells, but upon recovering consciousness he immediately reorganized his scattered command and consolidated his position. On several occasions, under heavy enemy machine-gun fire, he crawled far in advance of his front line and rescued wounded men who had taken refuge in shell holes.

William G. Reynolds: Near St. Etienne, France, October 4, 1918. Residence, Berryville, Va.; born, Kingston, Pa. General Orders, No. 46, War Department, 1919. Captain, Twenty-third Infantry, Second Division. After Captain Reynolds had been severely wounded by a shell he managed by a supreme effort to regain sufficient consciousness to acquaint his successor with the necessary information for the continuance of the struggle. His courage, under such great agony, set a most wonderful example for his men.

Walter A. Richards: Near St. Juvin, France, October 11, 1918. Residence, Clifton Station, Va.; born, Washington, D. C. General Orders, No. 46, War Department, 1919. First lieutenant, Three hundred and twenty-sixth Infantry, Eighty-second Division. Leading his platoon in attack, Lieutenant Richards was subjected to fierce and devastating fire of enemy artillery and machine guns. Although he, himself, was wounded and 90 per cent of his platoon made casualties, he continued to press forward until he was felled by machine-gun fire after reaching the foremost position of the entire action.

Alan Rogers: Near La Palletta Pavillon, France, October 4, 1918. Residence, New York, N. Y.; born, New York, N. Y.; General Orders, No. 81, War Department, 1919. Second lieutenant, Three hundred and seventh Infantry, Seventy-seventh Division. Having taken command of his company after the company commander and second in command had been wounded, Lieutenant Rogers personally undertook a reconnaissance of the front line. Crawling forward alone under intense rifle and machine-gun fire for 200 yards to within 30 yards of an enemy machine-gun nest, he was seriously wounded in the knee, but applying a tourniquet to his leg he succeeded in crawling back to his company. Here he resumed command, and though suffering intense pain, gave instructions for repelling an expected counterattack, directing that no man be taken from the firing line to carry him to the rear. For seven hours after being wounded he remained with his command, inspiring his men by his fortitude and courage.

Theodore Rosen: In the Grande Montagne sector, north of Verdun, November 4, 1918. Residence, Philadelphia, Pa.; born, Carmel, N. J.; General Orders, No. 19, War Department, 1920. First lieutenant, Three hundred and fifteenth Infantry, Seventy-ninth Division. While on a reconnaissance with two other officers, Lieutenant Rosen drew fire from a machine-gun nest in order to allow the other two officers to escape. A few minutes later he and two runners were sent into the Bois d'Etraye in order to locate the left flank. Lieutenant Rosen again came under close-range fire of the enemy. The runner, who was some yards in rear, escaped, but Lieutenant Rosen, who had been terribly wounded by a hand grenade, unable to move or resist by further fighting, was taken prisoner.

Clarence C. Schide: Near Bois d'Ormont, France, October 12, 1918. Residence, Mason City, Iowa; born, Charles City, Iowa; General Orders, No. 26, War Department, 1919. Second lieutenant, One hundred and fourteenth Infantry, Twenty-ninth Division. Although severely wounded, Lieutenant Schide continued to lead his platoon over open ground and subjected to heavy artillery and machine-gun fire until he received a second wound, which necessitated his removal from the field in a critical condition.

Harry Hodges Semmes: Near Xivray, France, September 12, 1918. Residence, Washington, D. C.; born, Washington, D. C.; General Orders, No. 35, War Department, 1919. Captain, Tank Corps. During the operations along the Rupt de Mad, Captain Semmes's tank fell into the water and was completely submerged. Upon escaping through the turret door and finding that his driver was still in the tank, he returned and rescued the driver under machine-gun fire. Oak-leaf cluster. For the following act of extraordinary heroism in action near Vauquois, France, September 26, 1918, Captain Semmes is awarded an oak-leaf cluster to be worn with the Distinguished Service Cross: He left his tank under severe rifle fire and personally reconnoitered a passage for his tank across the German trenches, remaining dismounted until the last tank had passed. While so engaged, he was severely wounded.

James J. Sheeran: Near Chateau-Thierry, France, June 6, 1918. Residence, Chicago, Ill.; born, Chicago, Ill.; General Orders, No. 99, War Department, 1918. First lieutenant, Twenty-third Infantry, Second Division. After being severely wounded, near Chateau-Thierry, France, June 6, 1918, he displayed remarkable fortitude and exemplary poise by continuing to direct the operation of his platoon under violent machine-gun fire.

Grant Shepherd: At Soissons and Chateau-Thierry, France, June and July, 1918. Residence, Washington, D. C.; born, Washington, D. C.; General Orders, No. 89, War Department, 1919. Captain, Twenty-third Infantry, Second Division. After being so seriously gassed as to be rendered temporarily so blind that he had to be led by hand through his trenches, he refused to be evacuated, nevertheless, visiting all portions of his trenches to encourage his troops to hold at a most critical stage in the operations. Commanding his company in the Soissons-Reims offensive, he advanced over the top in front of his company, personally engaging machine-gun nests with his men until he was so severely wounded by the explosion of a shell as to render him a cripple for the rest of his life.

Charles L. Sheridan: On Hill 230, near Cierges, France, July 31 and August 1, 1918. Residence, Bozeman, Mont.; born, Marshalltown, Iowa; General Orders, No. 124, War Department, 1918. Captain, One hundred and twenty-eighth Infantry, Thirty-second Division. He demonstrated noble courage and leadership by taking command of the remnants of two companies and leading them up the hill and into the woods against violent fire from the enemy. His grit and leadership inspired his men to force the enemy back. He personally shot and killed three of the enemy, and under his direction six machines were put out of action and the hill captured.

Roy F. Shupp: Near Gland, France, July 21, 1918. Residence, New Bern, N. C.; born, Kresgeville, Pa.; General Orders, No. 35, War Department, 1919. First lieutenant, Fourth Infantry, Third Division. After crossing the Marne, with the leading platoon of his company, Lieutenant Shupp, with two companions, made a surprise attack on an enemy machine-gun emplacement and succeeded in taking one gun and eight prisoners.

Charles N. Sissons: Near Cornay, France, October 9, 1918. Residence, Jacksonville, Ala.; born, Jacksonville, Ala.; General Orders, No. 15, War Department, 1919. Captain, Three hundred and twenty-eighth Infantry, Eighty-second Division. When the advance was checked on

the outskirts of Cornay because of the exhaustion of the troops and the machine-gun fire from the town, Captain Sisson, who had been in action several hours, took charge without orders, and started two patrols into the town. One was driven back by the machine-gun fire, but this gallant officer personally led the other and succeeded in capturing 2 machine guns and their crews, and 112 prisoners, completely cleaning out the town. Throughout this operation he displayed great bravery and coolness under the most trying circumstances.

Howard G. Smith: In Bois-de-Romagne, France, October 15, 1918. Residence, East Lansing, Mich.; born, Cleveland, Ohio; General Orders, No. 15, War Department, 1919. First lieutenant, One hundred and sixty-eighth Infantry, Forty-second Division. He was wounded early in the engagement, but he declined to be evacuated, although he was suffering much pain. He brilliantly led his platoon in a charge on four machine guns, which he captured, together with many prisoners, and was instrumental in clearing the Bois-de-Romagne of the enemy under terrific machine-gun fire. Throughout the action his leadership, courage, and determination inspired the greatest confidence. When he was partly overcome by the loss of blood he volunteered to guide 60 prisoners back over a shell-swept area, and refused medical treatment until the prisoners were delivered at battalion headquarters.

Lorillard Spencer: In the Champagne sector, France, September 26, 1918. Residence, New York, N. Y.; born, New York, N. Y.; General Orders, No. 37, War Department, 1919. Major, Three hundred and sixty-ninth Infantry, Ninety-third Division. Commanding a battalion which was in action for the first time, Major Spencer inspired his men by his own coolness and courage under intense machine-gun fire. He continually exposed himself without regard for personal safety until he was wounded six times.

Edward J. Stackpole, jr.: Near Baslieux, France, August 24, 1918. Residence, Harrisburg, Pa.; born, Harrisburg, Pa.; General Orders, No. 71, War Department, 1919. Captain, One hundred and tenth Infantry, Twenty-eighth Division. Directed to advance to a new position, he led his men forward with great gallantry. Although painfully wounded in the back and leg by shell fragments, he remained on duty with his men, inspiring them by his courage and coolness to hold a difficult position against repeated attacks by the enemy in force for a period of 24 hours.

Edwin R. Stavrum: West of Chateau-Thierry, France, June 6, 1918. Residence, La Crosse, Wis.; born, La Crosse, Wis.; General Orders, No. 27, War Department, 1920. First lieutenant, Twenty-third Infantry, Second Division. Lieutenant Stavrum was severely wounded in the left shoulder during the first phase of the attack. In spite of his wound he conducted his platoon to its objective and exposed himself to heavy fire in order to organize his position for defense.

Maurice S. Stevenson: Near Exermont, France, October 9, 1918. Residence, Kansas City, Mo.; born, Milwaukee, Wis.; General Orders, No. 128, War Department, 1918. Second lieutenant, Sixteenth Infantry, First Division. He displayed splendid devotion to duty by twice passing through a terrific artillery and machine-gun barrage in order to transmit important orders from his brigade commander to the assaulting battalion, and while in the performance of such duty was seriously wounded, but refused to be evacuated before he had made his report.

Ralph N. Summerton (1248643): Near Chatel-Chehery, France, October 6, 1918. Residence, Tidioute, Pa.; born, Tidioute, Pa.; General Orders, No. 130, War Department, 1918. Second lieutenant (sergeant), Company L, One hundred and twelfth Infantry, Twenty-eighth Division. Sergeant Summerton, having on his body several aggravated wounds from an enemy grenade and being tagged for evacuation for these, as well as for grippe, when assured that his company was about to attack Chatel-Chehery and that it had lost all its officers, went back to his company and courageously and skillfully led it as the first wave, and while so doing was again wounded.

Charles K. Templeton: Near Nouart, France, November 5, 1918. Residence, Chicago, Ill.; born, Superior, Nebr.; General Orders, No. 37, War Department, 1919. Second lieutenant, One hundred and twenty-second Field Artillery, Thirty-third Division. After telephone communications had been destroyed and his runners scattered on other missions Lieutenant Templeton started on his mission of extreme importance from the Infantry to the Artillery. His path lay through a heavy machine-gun and shell fire, and before he reached his destination he was seriously wounded. He succeeded, however, in relaying his message to its destination.

Alexander W. Terrell: Near Pexonne, France, March 5, 1918. Residence, Forth Worth, Tex.; born, Boonville, Mo.; General Orders, No. 139, War Department, 1918. Second lieutenant, One hundred and fifty-first Field Artillery, Forty-second Division. He showed unusual courage in assisting to direct the operations of Battery C, One hundred and fifty-first Field Artillery, near Pexonne, France, on March 5, 1918, when that organization was under particularly accurate artillery bombardment. Although wounded himself he refused first aid and continued on duty until all of the wounded soldiers of the command had been treated.

Zebulon B. Thornburg: Near Montbrehain, France, October 8–16, 1918. Residence, Concord, N. C.; born, Cabarrus County, N. C.; General Orders, No. 37, War Department, 1919. First lieutenant, One hundred and eighteenth Infantry, Thirtieth Division. Although he was severely wounded on October 8 to such an extent that eating was impossible he remained as second in command until the night of October 16, when he was again wounded during an advance by his company.

Charles H. Tilghman: Near Nantillois, France, September 28, 1918. Residence, Easton, Md.; born, Baltimore, Md.; General Orders, No. 81, War Department, 1919. Captain, Three hundred and fifteenth Infantry, Seventy-ninth Division. After having been wounded in the head by a piece of high-explosive shell, which slightly fractured his skull and rendered one eye useless, Captain Tilghman insisted on remaining with his command. Throughout the night of constant rain and continual gas attacks he encouraged his demoralized troops, remaining with them until evacuated on the following morning.

William H. Vail: At Stenay, France, November 6, 1918. Residence, Chicago, Ill.; born, Chicago, Ill.; General Orders, No. 37, War Department, 1919. First lieutenant, pilot, Ninety-fifth Aero Squadron, Air Service. Lieutenant Vail, while on patrol, engaged four hostile pursuit planes which were about to attack an accompanying plane. Almost immediately he was attacked by five more enemy planes, all of which he continued to fight until he was severely wounded and his plane disabled. He glided to the ground, abandoning the fight only when his machine fell to pieces near the ground.

James A. Vincent: Near Eclisfontaine, France, September 27, 1918. Residence, Berkeley, Calif.; born, Davenport, Iowa; General Orders, No. 37, War Department, 1919. First lieutenant, Six hundred and thirty-sixth Infantry, Ninety-first Division. Returning to the company after being treated for a very severe wound in the neck he commanded his platoon, which had been ordered to fall back because of a violent barrage. He volunteered and went forward to the aid of two enlisted men of his platoon who had been seriously wounded. While performing this duty he was again wounded in the knee, but worked his way back to the dressing station and from there walked a distance of 4 kilometers to the field hospital.

Richard J. Walsh: Near Marg, France, October 18, 1918. Residence, Philadelphia, Pa., born, New York, N. Y.; General Orders, No. 44, War Department, 1919. First lieutenant, Dental Corps, attached to Three hundred and third Engineers, Seventy-eighth Division. Voluntarily acting as battalion medical officer, Lieutenant Walsh, although severely gassed, administered first aid to injured men under heavy shell fire. He worked constantly until all the wounded were removed to places of safety.

Edward R. Warren: Near Fey-en-Haye, France, September 12, 1918. Residence, El Paso, Tex.; born, San Antonio, Tex.; General Orders, No. 128, War Department, 1918. First lieutenant, Three hundred and fifteenth Engineers, Ninetieth Division. He was in command of a platoon of engineers and went over the top with the second wave of the Infantry. When the first wave was halted by severe machine-gun and shell fire early in the action and all its officers killed or disabled, he led his men up to the first wave, reorganized the remaining effectives, and led them across a valley and up a hill through severe flanking fire from German machine guns. He was knocked down by the explosion of a shell, but, undaunted by murderous fire from the front and both flanks, he continued to lead his men on toward their objectives until he was shot down by a machine gun.

Herbert W. Whisenant: Near Soissons, France, July 18, 1918. Residence, Austin, Tex.; born, Kyle, Tex.; General Orders, No. 44, War Department, 1919. Second lieutenant, Sixteenth Infantry, First Division. While advancing with this platoon, Lieutenant Whisenant, after he was so severely wounded that he was unable to continue, so encouraged and inspired his men that they won a decided victory and captured many men and guns. His wound resulted in the loss of a leg.

Richard G. White: Near Soissons, France, July 18, 1918. Residence, Charleston, S. C.; born, Marion, S. C.; General Orders, No. 15, War Department, 1919. First lieutenant, Sixteenth Infantry, First Division. He led his platoon through intense machine-gun and artillery fire, destroying machine guns that were causing heavy losses on an exposed flank and remaining in command of his platoon until twice severely wounded.

Merritt B. Wilson: Near Reddy Farm, France, August 2, 1918. Residence, Menominee, Mich; born, Menominee, Mich.; General Orders, No. 64, War Department, 1919. First lieutenant, One hundred and twenty-fifth Infantry, Thirty-second Division. With a party of 30 men he led the advance on the Bois Chenet, where a full company of Germans, supported by machine guns, were encountered. Due to his splendid leadership and example this resistance was overcome and the woods were taken. Although suffering great pain from a broken eardrum, caused by the explosion of a shell, Lieutenant Wilson immediately led his party to the flank of the battalion, where numerous attempts of the enemy to retake the woods were repulsed. He refused to leave his company for first aid until darkness had brought an end to the advance.

Alan F. Winslow: In the Toul sector, France, June 6, 1918. Residence, River Forest, Ill.; born, River Forest, Ill.; General Orders, No. 121, War Department, 1918. Second lieutenant, Ninety-fourth Aero

Squadron, Air Service. While on a patrol, consisting of himself and two other pilots, he encountered an enemy biplane at an altitude of 4,000 meters near St. Mihiel, France. He promptly and vigorously attacked, and, after a running fight extending far beyond the German lines, shot his foe down in flames near Thiacourt.

David J. Winton (9604): Near Exermont, France, October 4, 1918. Residence, Minneapolis, Minn.; born, Warsaw, Wis.; General Orders, No. 59, War Department, 1919. Second lieutenant (sergeant) Company C, Three hundred and forty-fifth Battalion, Tank Corps. Sergeant Winton ran his tank into the woods to reduce a machine-gun nest, but it was hit and set on fire. He and the driver were wounded as they left the tank, but advanced on the nest and were both wounded the second time. While attempting to reach his companion, who had been hit the third time, Sergeant Winton was again wounded, but reached the driver. They then took cover and remained until darkness, when Sergeant Winton made his way back to our lines, being hit three more times while returning.

Jesse Walton Wooldridge: East of Chateau-Thierry, France, July 15, 1918. Residence, San Francisco, Calif.; born, Hopkinsville, Ky.; General Orders, No. 99, War Department, 1918. Distinguished-service medal also awarded. Captain, Thirty-eighth Infantry, Third Division. With rare courage and conspicuous gallantry he led a counterattack against an enemy of five times his own numbers on July 15, 1918, east of Chateau-Thierry, France; 189 men entered this counterattack and 51 emerged untouched. More than 1,000 of the enemy were killed, wounded or taken prisoners.

John F. Woolshlager: Northwest of Grand Pre, France, October 18, 1918. Residence, Castorland, N. Y.; born, Beaver Falls, N. Y.; General Orders, No. 16, War Department, 1920. First lieutenant, Three hundred and twelfth Infantry, Seventy-eighth Division. In the attack of morning of October 18, Lieutenant Woolshlager was severely wounded, both legs being broken. He nevertheless retained command of his platoon and that of an adjoining platoon. Throughout the day, exposed to heavy machine-gun and artillery fire, he encouraged and directed his men. Due to his efforts the position, gained at great cost, was held against enemy attacks.

OLD-AGE PENSIONS

Mr. O'CONNOR of Louisiana. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on House Joint Resolution 278.

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

There was no objection.

Mr. O'CONNOR of Louisiana. Mr. Speaker and Members of the House, I wish to say a few words in regard to H. R. 6511, a bill to protect labor in its old age, and H. J. Res. 278, a joint resolution appointing a committee of 15 to inquire into the subject of old age dependency in the United States and proper methods of its relief, and to report back its finding within two years.

I am deeply interested in the subject. If I could eradicate poverty and its accompanying misery from the lives of men I would not exchange the proud satisfaction which I should enjoy for all of the triumphs ever decreed to the most successful conqueror. In that I am no different, I suppose, from the most of men. It is upon that assumption that I believe H. R. 6511 should be considered by the Committee on Labor at the next session of Congress and the entire subject matter of that bill canvassed, examined, analyzed, and published, as the first great step in ultimately securing congressional legislation upon the most important subject of human existence. Old-age pensions, in my judgment, is the act which, when performed, will completely justify the present civilization. "What profit a man if he gain the whole world and lose his own soul," and of what value is a civilization that is rich, powerful, and opulent in spots, with degredation, poverty, misery, hopelessness, and the haunting fear the specter of want dogging the footsteps of many men and women in their old age, who, with advancing years, become more and more terrified at the thought that they will not have food, raiment, and shelter in the wintry days before death closes all.

I frankly admit that a good part of my education and experience, which are almost synonymous terms from my standpoint, were gained as a result of my membership in a number of fraternal organizations. As soon as I attained the age of 21 I joined the Knights of Pythias. That order is based upon the inspiring story of the friendship that existed between Damon and Pythias and will last as long as the English language has power to enthrall the ear and command the attention of man. For its ritual, written in the purest and loftiest English, is yet as simple as the language of the Bible, and makes for an indelible impression upon the coldest hearts and the dullest imaginations. That fraternal order has made for the betterment of mankind. Its wonderful story has made men do noble things, not dream them all the day long, and so made death and that vast forever one grand sweet song, if I may be permitted to slightly alter Kingsley's immortal words so as to fit them into this sentence. The fundamentals that are its mudsills and its foundations, friendship, charity, and benevolence are really the support on which rests all of the other great fraternal orders of which I have any knowledge, such as the Elks, Moose, the Woodmen of the World, the Eagles, and the Knights of Columbus, each of which has a ritual which is a liberal education and a declaration of patriotism that attest an unfaltering devotion to American institutions and ideals. These fundamental principles, call them by what name you will, go back into the very twilight of man's existence and were the basis on which rested fraternal organizations in the dawn of the history of the world.

In Egypt's celebrated Book of the Dead, written long before Joseph was sold into captivity, and thousands of years before the dawn of Judaism had yet begun, there appear these words:

> He hath given bread to the hungry and clothes to the naked; he hath given a boat to the shipwrecked; he hath befriended the widow and the orphan; he hath offered due rights to the gods and honored the dead.

Those lofty sentiments and those ideals would justify the existence of any church in the history of the world and make appealing any religious formula, by whatever name it might pass through the ages. All men are deeply moved, I am sure, by words that convey such a meaning and such a throb as are found in these two stanzas:

> Open my eyes to visions girt
> With beauty and with wonder lit
> But never let me forget the dirt
> And all that spawn and die in it.
>
> Open my ears to music; let
> Me thrill with spring's first flutes and drums—
> But never let me dare forget
> The bitter ballads of the slums.

Some of the finest men I know I met through these great, powerful American organizations that are, as it were, in each case an imperium in imperio, and which round out and harmonize, as far as present legal, social, and governmental conditions will permit, the human relations that exist even in our great Republic. In other words, benevolent organizations do for their members that which government can not do in view of the restrictions and restraints placed upon its operations. Governments have not yet reached the point, except in a few instances, where they are willing to take care of the people upon a broad and unlimited scale and guarantee them against want and the terrible fears that go with it, and make for so many specters in the shape of old men and old women who totter and dodder in dread to their graves.

But it must be admitted that we have done many things and created many institutions to help the afflicted. Hospitals, insane asylums, deaf and dumb asylums, institutes for the blind, homes for incurables, and many other similar institutions show that humanity is on the march, and that it is crowning itself with a greater glory than that which could ever be achieved through the construction of great subways, tunnels, wonderful bridges, inspiring skyscrapers, vast cathedrals, universities, and the solemn temples which adorn our educational structure, the great libraries and art galleries that are the outstanding public buildings in every municipality in America. But much remains yet to be done. We are on the march, and men like SIROVICH, torchbearers, are preparing for the great day that still lies ahead, when no man need fear that he and his companions will be without bread to eat or a roof to cover their heads when the storms blow across their lives, for "into each life some rain must fall, some days must be dark and dreary." There are, however, many of the advanced thinkers of this country along fraternal and benevolent lines, such as Frank Herring, of the Fraternal Order of Eagles, a hero in every strife for the uplift of the race, and James J. Davis, present Secretary of Labor, and intrenched in the affections of every member of the Moose order over this country, who believe that we should not attempt to hurry the great movement in behalf of benevolence lest we make the advance a disorderly instead of an orderly one. These really great spirits believe that nothing can happen permanently until the appropriate time arrives for its birth and development, and they both feel, I think, while impressed with the boldness and the vision and the courage of the advance guard, that perhaps it is well to observe and ponder over the wisdom of the maxim, "festina lente," "make haste slowly," and therefore mark time occasionally and then go forward again.

There are many, I think, who believe that H. J. Res. 278 would not accomplish as much as H. R. 6511, under which the

Committee on Labor could hold hearings and give to the world the facts that have already been accumulated and which could be restated in such a manner that the great newspapers of the country which mold and crystalize public opinion, the mighty law that rules the land, would find it attractive and stimulating enough to make for numberless news stories which would pave the way for a fruition of the hopes of those who have through nights of sorrow foreseen the glories of the coming days.

As I understand it from a letter that I have received from a very dear friend who has investigated the subject, a wealth of information is awaiting the committee whenever it undertakes the investigation. I am informed that—

At least two very exhaustive State investigations have been made in regard to old-age pensions, Massachusetts and Pennsylvania. Three nation-wide organizations are studying and issuing propaganda material constantly on the subject of old-age pensions. In this group is the American Association for Old Age Security, whose headquarters address is Room 2004, 104 Fifth Avenue, New York City. One of the activities of the American Association for Labor Legislation, 131 East Twenty-third Street, New York City, is the furtherance of old-age-pension legislation. The Independent Order of Eagles has been studying this subject and advocating old-age pensions for a number of years.

A very informative article is in the issue of the American Labor Legislation Review for June, 1927. In 1927 two additional States passed old-age pension laws, Colorado and Maryland, which makes a total of six—Colorado, Maryland, Montana, Nevada, Wisconsin, and Kentucky, and the Territory of Alaska. In Wyoming a bill passed both houses and was vetoed by the governor. In six States—Idaho, Indiana, Nebraska, Texas, Utah, and Washington—such bills succeeded in passing one or the other of the houses. In Washington it was a question of repassing a bill over the governor's veto in 1926. Four States—Arkansas, California, Iowa, and New York—made provisions for an investigation of old-age dependency with a view to such legislation.

The Bureau of Labor Statistics of this department has in its reports and in its files all the information that any such a commission as H. J. Res. 278 proposes could obtain. They have and have published information relative to the pension systems of private corporations. They have all the information in regard to the unions that have established old-age pension systems, such as the bricklayers and masons, bridge and structural iron workers, electrical workers, granite cutters, locomotive engineers, and others.

On the question of old-age retirement I think the following material which has been published in the Monthly Labor Review of the Bureau of Labor Statistics would prove exceedingly valuable to the Committee on Labor should they ever conclude to hold hearings on the subject or publish investigations they may make of their own motion in newspapers where it will prove efficacious, instead of dry reports which are sepulchered on the shelves of rooms that really are vaults for dead books:

January, 1926: Industrial pensions for old age and disability. (Separate).

June, 1926: Public pensions for aged dependents. (Pp. 1–9.) Bibliograph. Public old age pensions in the United States. (Pp. 238–246.)

August, 1927: Public service retirement systems: Pennsylvania. (Pp. 10–24.)

December, 1927: Public service retirement systems: State employees. (Pp. 30–46.)

January, 1928: Trade-union provision for sick, aged, and disabled members, and for dependents. (Pp. 1–16.)

Public service retirement systems in Great Britain and France. (Pp. 33–42.)

February, 1928: Trade-union old age pensions and homes for the aged and tubercular. (Pp. 1–29.)

Federal employees' retirement act. (Pp. 37–47.)

Public service retirement systems in foreign countries. (Pp. 47–73.)

March, 1928: Public service retirement system of Belgium—a supplementary note. (P. 26.)

April, 1928: Retirement systems for municipal employees. (Pp. 38–43.)

I would also call your attention to an article by Secretary Davis in this month's issue of the North American Review on "Old age at fifty." The National Civic Federation has made two separate investigations of old-age pensions the results of which it has already published.

Let me close by saying that I believe that we should be liberal in meeting the request of the Department of Labor for funds for which to make investigations along the lines of the subject matter of H. J. Res. 278 and H. R. 6511. We want all the light we can get and all the information we can secure upon this tremendous possibility that has to be faced by so many men and women in moving across the stage of life—the fear of want. In the grand drama of life each any every one must play a part and our colleague Doctor SIROVICH is one of the principal actors of his generation in carrying to the hearts and minds of his countrymen the truth that civilization must justify itself by a finer fruit than mere material grandeur. "Ye shall know the truth and the truth shall make ye free" will always be upon the lips of the real reformer who desires to promote the interest of his country along benevolent roads. A civilization that can boast of having exercised the demon and evil spirit, poverty and dread, from the household of those whose only fear is that they will suffer want in their old age will endure. No other can survive the constant and steady stroke of remorseless time. All the kingdoms and empires that are buried beneath the sands of centuries were tried in the balance and found wanting. We too shall pass away, perish as a people if we have not the vision to see.

BRIDGE ACROSS THE MISSISSIPPI

Mr. DENISON. Mr. Speaker, I ask unanimous consent to take up Calendar No. 682, a bridge bill that I am informed is a matter of emergency.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows (H. R. 12235):

H. R. 12235. Seventieth Congress, first session

A bill authorizing B. F. Peek, G. A. Shallberg, and C. I. Josephson, of Moline, Ill.; J. W. Bettendorf, A. J. Russell, and J. L. Hecht, of Bettendorf and Davenport, Iowa, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Bettendorf, Iowa, and Moline, Ill.

Be it enacted, etc., That, in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes, B. F. Peek, G. A. Shallberg, and C. I. Josephson, of Moline, Ill.; J. W. Bettendorf, A. J. Russell, and J. L. Hecht, of Bettendorf and Davenport, Iowa, their heirs, legal representatives, and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River, at a point suitable to the interests of navigation, at or near Twenty-third Street in Moline, State of Illinois, and at or near Tenth Street in Bettendorf, State of Iowa, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon B. F. Peek, G. A. Shallberg, and C. I. Josephson, of Moline, Ill.; J. W. Bettendorf, A. J. Russell, and J. L. Hecht, of Bettendorf and Davenport, Iowa, their heirs, legal representatives, and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said B. F. Peek, G. A. Shallberg, and C. I. Josephson, of Moline, Ill.; J. W. Bettendorf, A. J. Russell, and J. L. Hecht, of Bettendorf and Davenport, Iowa, their heirs, legal representatives, 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. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Illinois, the State of Iowa, any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall at any time be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so 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 maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 6. The said B. F. Peek, G. A. Shallberg, and C. I. Josephson, of Moline, Ill.; J. W. Bettendorf, A. J. Russell, and J. L. Hecht, of Bettendorf and Davenport, Iowa, their heirs, legal representatives, and assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War and with the Highway Departments of the States of Illinois and Iowa a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said B. F. Peek, G. A. Shallberg, and C. I. Josephson, of Moline, Ill.; and J. W. Bettendorf, A. J. Russell, and J. L. Hecht, of Bettendorf and Davenport, Iowa, their heirs, legal representatives, and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to B. F. Peek, G. A. Shallberg, and C. I. Josephson, of Moline, Ill.; J. W. Bettendorf, A. J. Russell, and J. L. Hecht, of Bettendorf and Davenport, Iowa, their heirs, legal representatives, and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

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

Amend the title so as to read: "A bill authorizing B. F. Peek, G. A. Shallberg, and C. I. Josephson, of Moline, Ill.; J. W. Bettendorf, A. J. Russell, and J. L. Hecht, of Bettendorf and Davenport, Iowa, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River, at or near Tenth Street in Bettendorf, State of Iowa."

A motion to reconsider was laid on the table.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 5 o'clock and 1 minute p. m.) the House adjourned until to-morrow, Wednesday, May 9, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, May 9, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

(10 a. m.)

To consider various bills on the committee calendar.

COMMITTEE ON THE JUDICIARY

(10 a. m.)

To amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity (H. R. 7759).

COMMITTEE ON AGRICULTURE

(10 a. m.)

To amend the packers and stockyards act, 1921 (H. R. 13596).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To amend the act approved December 23, 1913, known as the Federal reserve act; to define certain policies toward which the powers of the Federal reserve system shall be directed; to further promote the maintenance of a stable gold standard; to promote the stability of commerce, industry, agriculture, and employment; to assist in realizing a more stable purchasing power of the dollar (H. R. 11806).

COMMITTEE ON RIVERS AND HARBORS

(10 a. m.)

To consider a report from the Chief of the Army Engineers on the proposal to deepen the Great Lakes channel.

COMMITTEE ON THE LIBRARY

(10.30 a. m.)

To provide a medal of honor and awards to Government employees for distinguished work in science (H. R. 424).

To authorize the Board of Regents of the Smithsonian Institution to make recommendations regarding conspicuous service (H. R. 13036).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

489. A letter from the Secretary of War, transmitting lists of certain records in the offices of the Secretary of War, Quartermaster General, Surgeon General, and director of civilian marksmanship, which the department wishes to destroy under the terms of the Executive order of March 16, 1912 (No. 1499); to the Committee on the Disposition of Useless Executive Papers.

490. A communication from the President of the United States, transmitting deficiency estimate of appropriation for the Post Office Department for the fiscal year 1927, for the payment of personal or property damage claims in accordance with the act approved June 16, 1921, $1,000 (H. Doc. No. 266); to the Committee on Appropriations and ordered to be printed.

491. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the War Department for the fiscal years ending June 30, 1928 and 1929, amounting in all to $215,878; also a draft of proposed legislation affecting an existing appropriation of the War Department (H. Doc. No. 267); to the Committee on Appropriations and ordered to be printed.

492. A letter from the chairman of the Federal Power Commission, transmitting, in accordance with the provisions of the act (Public, No. 100, 70th Cong.), information that the commission has investigated the proposed development of hydroelectric power at the Coolidge Dam and the compensation that is to be paid to the Apache Indians of the San Carlos Reservation for the use of their lands in connection with the Coolidge Dam project; to the Committee on Indian Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. GRAHAM: Committee on the Judiciary. H. R. 9054. A bill to amend section 118 of the Judicial Code to provide for the appointment of law clerks to the United States circuit judges; without amendment (Rept. No. 1561). Referred to the Committee of the Whole House on the state of the Union.

Mr. KELLY: Committee on the Post Office and Post Roads. H. R. 56. A bill to authorize the Postmaster General to issue receipts to senders for ordinary mail of any character, domestic or international, and to fix the fees chargeable therefor; with amendment (Rept. No. 1563). Referred to the Committee of the Whole House on the state of the Union.

Mr. KELLY: Committee on the Post Office and Post Roads. H. R. 5837. A bill to increase the salaries of certain postmasters of the first class; without amendment (Rept. No. 1564). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. R. 9343. A bill to provide for dispensing with oath or affirmation as a method of verifying certain written instruments; with amendment (Rept. No. 1566). Referred to the House Calendar.

Mr. LEA: Committee on Interstate and Foreign Commerce. H. R. 13071. A bill to amend section 8 of the food and drugs act, approved June 30, 1906, as amended; without amendment (Rept. No. 1570). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. GRAHAM: Committee on the Judiciary. H. R. 11859. A bill for the relief of B. C. Miller; with amendment (Rept. No. 1562). Referred to the Committee of the Whole House.

Mr. COCHRAN of Pennsylvania: Committee on Claims. H. R. 7236. A bill for the relief of James M Long; without amendment (Rept. No. 1568). Referred to the Committee of the Whole House.

Mr. STEELE: Committee on Claims. H. R. 12117. A bill for the relief of Samuel F. Tait; with amendment (Rept. No. 1569). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII the Committee on Pensions was discharged from the consideration of the bill (H. R. 13551) granting a pension to Myzella Rowe, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. HALE: A bill (H. R. 13614) to equalize the pay and allowances of officers of the Navy and Marine Corps on sea duty; to the Committee on Naval Affairs.

By Mr. HAUGEN: A bill (H. R. 13615) to authorize arrests in certain cases and to protect employees of the Department of Agriculture in the execution of their duties; to the Committee on Agriculture.

By Mr. McKEOWN: A bill (H. R. 13616) authorizing an appropriation for cooperating with States granting old age and disabled persons pensions, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH: A bill (H. R. 13617) to amend section 177 of the Judicial Code; to the Committee on the Judiciary.

By Mr. WILLIAMSON: A bill (H. R. 13618) to establish the Teton National Park in the State of South Dakota, and for other purposes; to the Committee on the Public Lands.

By Mr. DOUGLAS of Arizona: A bill (H. R. 13619) authorizing the Secretary of the Interior to dispose of two bridges on the San Carlos Indian Reservation in Arizona, and for other purposes; to the Committee on Indian Affairs.

By Mr. COLE of Maryland: A bill (H. R. 13620) authorizing Elmer J. Cook, his heirs, legal representatives, and assigns, to construct, maintain and operate a bridge across Bear Creek at or near Lovel Point, Baltimore County, Md., and a point opposite in Baltimore County, Md.; to the Committee on Interstate and Foreign Commerce.

By Mr. ROY G. FITZGERALD: A bill (H. R. 13621) to authorize preparation and publication of supplements to the Code of Laws of the United States with perfecting amendments; printing of bills to codify the laws relating to the District of Columbia and of such code and of supplements thereto, and for distribution; to the Committee on Revision of the Laws.

Also, a bill (H. R. 13622) to amend and supplement the Code of the Laws of the United States of America; to the Committee on Revision of the Laws.

By Mr. SMITH: A bill (H. R. 13623) to authorize the improvement of the Ice Caves near Shoshone, Idaho; to the Committee on the Public Lands.

Also, a bill (H. R. 13624) to authorize the building of roads and making improvements in the craters of the Moon National Monument in Idaho; to the Committee on the Public Lands.

By Mrs. ROGERS: A bill (H. R. 13625) to amend the act (Public, No. 135, 68th Cong.) approved May 24, 1924, entitled "An act for the reorganization and improvement of the Foreign Service of the United States, and for other purposes"; to the Committee on Foreign Affairs.

Also, joint resolution (H. J. Res. 299) to provide for the printing of the names of and other information relating to members of the military and naval forces who died during the World War; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BEERS: A bill (H. R. 13626) granting an increase of pension to Catherine J. Shindledecker; to the Committee on Invalid Pensions.

By Mr. BELL: A bill (H. R. 13627) for the relief of Anthony Stewart; to the Committee on Military Affairs.

By Mr. CANNON: A bill (H. R. 13628) granting a pension to Daniel B. Fitzpatrick; to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 13629) granting an increase of pension to Catherine D. Hyland; to the Committee on Invalid Pensions.

By Mr. FISH: A bill (H. R. 13630) authorizing the President to order Clive A. Wray before a retiring board for a hearing of his case and upon the findings of such board determine whether or not he be placed on the retired list with the rank and pay held by him at the time of his discharge; to the Committee on Military Affairs.

By Mr. FREE: A bill (H. R. 13631) granting an increase of pension to Gertrude Williams; to the Committee on Invalid Pensions.

By Mr. FROTHINGHAM: A bill (H. R. 13632) for the relief of Ruth B. Lincoln; to the Committee on Claims.

By Mr. GREEN: A bill (H. R. 13633) for the relief of Martin G. Schenck, alias Martin G. Schanck; to the Committee on Military Affairs.

By Mr. MILLIGAN: A bill (H. R. 13634) granting an increase of pension to Sylfinia Bryan; to the Committee on Invalid Pensions.

By Mr. QUAYLE: A bill (H. R. 13635) for the relief of E. A. McCormack; to the Committee on Claims.

By Mr. SABATH: A bill (H. R. 13636) for the relief of William Chinsky; to the Committee on Claims.

Also, a bill (H. R. 13637) for the relief of the John F. Lalla Co.; to the Committee on Claims.

Also, a bill (H. R. 13638) for the relief of Weymouth Kirkland and Robert N. Golding; to the Committee on Claims.

Also, a bill (H. R. 13639) for the relief of Habel, Armbruster & Larsen Co.; to the Committee on Claims.

Also, a bill (H. R. 13640) for the relief of Olaf Nelson; to the Committee on Claims.

By Mr. SPEAKS: A bill (H. R. 13641) granting an increase of pension to Helen McCartney; to the Committee on Invalid Pensions.

By Mr. THURSTON: A bill (H. R. 13642) granting an increase of pension to Sarah A. Cole; 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:

7459. By Mr. BOYLAN: Resolution adopted by executive council of the American Federation of Labor, favoring better housing conditions for the Army; to the Committee on Military Affairs.

7460. By Mr. CHINDBLOM: Memorial of the city council of the city of Chicago, in the matter of a proposed amendment to subdivision (d) of section 116 of House bill 1, "An act to reduce and equalize taxation, provide revenue, and for other purposes," relative to the tax on incomes of public utilities, resulting in the diminution of returns or profits to any State, Territory, the District of Columbia, or any political subdivision of a State or Territory; to the Committee on Ways and Means.

7461. By Mr. COCHRAN of Pennsylvania: Petition of Mrs. Ted Jones, of Clarendon, and other residents of Warren County, Pa., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

7462. Also, petition of Mrs. M. L. Nollinger, rural route 2, Warren, and other residents of Warren County, Pa., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

7463. By Mr. CRAIL: Petition of approximately 1,000 citizens of Los Angeles County, Calif., favoring the national flood control bill; to the Committee on Flood Control.

7464. By Mr. ESTEP: Resolutions of the Engineers' Council of the Pittsburgh Chamber of Commerce, through their secretary, A. V. Snell, offering resolutions concerning Senate bills 3434 and 3740; to the Committee on Flood Control.

7465. By Mr. GARBER: Petition of Soldiers Tubercular Sanatorium, Sulphur, Okla., in support of Senate bill 777, without amendment; to the Committee on World War Veterans' Legislation.

7466. Also, petition of Rev. George N. Carlson, Oklahoma City, Okla., in support of Senate bill 777, without amendment; to the Committee on World War Veterans' Legislation.

7467. Also, petition of residents of Major County, Ringwood, Okla., in support of the Sproul bill (H. R. 11410) to amend the national prohibition act; to the Committee on the Judiciary.

7468. Also, petition of Eugene Whittington & Co., of Oklahoma City, Okla., in opposition to the bill amending the law of subdivision 1, section 41, title 28, of the Judicial Code; to the Committee on the Judiciary.

7469. Also, petition of Ed S. Roberts, Avard, Okla., in opposition to Oddie bill (S. 1752); to the Committee on the Post Office and Post Roads.

7470. Also, petition of Hubert R. Pentecost, American National Red Cross, United States Veterans' Hospital No. 80, Fort Lyon, Colo., in support of Senate bill 777, without amendment; to the Committee on World War Veterans' Legislation.

7471. Also, petition of Brady P. Gentry, Fitzsimons General Hospital, Denver, Colo., in support of House bill 500 and Senate bill 777; to the Committee on World War Veterans' Legislation.

7472. Also, petition of George McAneny, president National Civil Service Reform League of New York City, N. Y., in opposition to House bill 393; to the Committee on the Census.

7473. By Mr. GRAHAM: Petition of sundry citizens of Philadelphia, Pa., favoring the passage of House bill 13143; to the Committee on Ways and Means.

7474. By Mr. GREGORY: Petition of Kittie G. Sunderland and others, urging that immediate steps be taken to bring to a vote a Civil War pension bill for veterans and widows of veterans; to the Committee on Invalid Pensions.

7475. Also, petition of Carrie Palmer and others, urging that immediate steps be taken to bring to a vote a Civil War pension bill for veterans and widows of veterans; to the Committee on Invalid Pensions.

7476. Also, petition of Ozzie Vandergriff and other citizens of Paducah, Ky., protesting against the passage of House bill 78 and other Sunday legislation; to the Committee on the District of Columbia.

7477. By Mr. HAWLEY: Petition of residents of Marion County, Oreg., to increase the pensions of Civil War veterans and their dependents; to the Committee on Invalid Pensions.

7478. By Mr. HICKEY: Petition of Frances C. Hedger and other residents of South Bend, Ind., urging passage of the MacGregor resolution (H. J. Res. 234); to the Committee on Immigration and Naturalization.

7479. Also, petition of Jennie H. Bhymer, of Westville, Ind., urging passage of a bill increasing the pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7480. By Mr. HUDSON: Petition of citizens of Oakland County, Mich., urging the enactment of House bill 11, known as the fair trade act; to the Committee on Interstate and Foreign Commerce.

7481. By Mr. IRWIN: Memorial of the city council of the city of Chicago, Ill., urging Congress to amend subdivision (d) of section 116 of the pending tax bill of 1928 (H. R. 1) to exempt from payment of the income tax those portions of the revenue of public utilities which the utility companies are, or in the future may be, under contract to pay to the municipalities in which they operate; to the Committee on Ways and Means.

7482. By Mr. KINDRED: Petition of the Rainbow Division, Veterans of New York, indorsing the Tyson-Fitzgerald bill for the retirement of disabled emergency officers, and urging Congress for early and favorable enactment of this bill without amendment; to the Committee on World War Veterans' Legislation.

7483. By Mr. McREYNOLDS: Petition from the voters of Hamilton County, Tenn., urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

7484. By Mr. McSWEENEY: Evidence in support of House bill 13607, granting a pension to Regina W. Smith; to the Committee on Invalid Pensions.

7485. By Mr. MILLER: Petition of citizens of Seattle, Wash., opposing the District of Columbia Sunday observance bill; to the Committee on the District of Columbia.

7486. Also, petition of citizens of Kitsap County, Wash., indorsing legislation for Civil War veterans' and widows' increases in pensions; to the Committee on Invalid Pensions.

7487. By Mr. O'CONNELL: Petition of Hon. William M. Calder, former Senator of New York, favoring the passage of the Wainwright-McSwain bill (H. R. 13509), for the revision of promotion list and promotion on length of service; to the Committee on Military Affairs.

7488. Also, petition of the Aviators Post No. 743, American Legion, New York City, favoring the passage of the Tyson bill (S. 777) without amendments; to the Committee on World War Veterans' Legislation.

7489. Also, petition of V. F. Owens, inspector of customs; John Rowan; and Vincent Kane, of New York City, favoring the passage of the Bacharach bill (H. R. 13143); to the Committee on Ways and Means.

7490. Also, petition of Powers & Mayer (Inc.), New York City, favoring the passage of the Boulder Dam legislation; to the Committee on Irrigation and Reclamation.

7491. Also, petition of the National Civil Service Reform League, New York City, opposing the passage of House bill 393, to provide for the fifteenth and subsequent decennial censuses; to the Committee on the Census.

7492. Also, petition of the Chamber of Commerce of the United States of America, opposing certain provisions of the pending legislation in regard to Muscle Shoals; to the Committee on Military Affairs.

7493. By Mr. QUAYLE: Petition of the Disabled American Veterans of the World War, Department of California (Inc.), favoring the passage of the Tyson bill (S. 777); to the Committee on World War Veterans' Legislation.

7494. Also, petition of the American Legion, Department of New York, New York City, favoring the passage of House bill 12023, for the relief of chief warrant officers; to the Committee on Naval Affairs.

7495. Also, petition of Aviators Post, No. 743, American Legion, of New York, favoring the passage of the Tyson bill (S. 777); to the Committee on World War Veterans' Legislation.

7496. Also, petition of National Civil Service Reform League, of New York City, opposing the passage of House bill 393, to provide for the fifteenth and subsequent decennial censuses; the blanket exemption from the provisions of the civil service law for all special agents, supervisors, supervisor's clerks, enumerators, and interpreters which appear in lines 16 and 17 on page 3 of this bill should be stricken out; to the Committee on the Census.

7497. Also, petition of the Colorado River Commission of Arizona, Phoenix, Ariz., with reference to the Boulder Dam bill (H. R. 5773); to the Committee on Irrigation and Reclamation.

7498. Also, petition of Powers & Mayer (Inc.), of New York City, favoring the passage of the Boulder Dam bill; to the Committee on Irrigation and Reclamation.

7499. Also, petition of the National Fertilizer Association, Washington, D. C., opposing the pending House substitute for the Norris Muscle Shoals resolution (S. J. Res. 46), particularly paragraph C of section 20, for which a special rule is now being sought; to the Committee on Foreign Affairs.

7500. Also, petition of the Ithaca Gun Factory, Ithaca, N. Y., favoring the passage of the Tyson-Fitzgerald bill (S. 777) without amendment; to the Committee on World War Veterans' Legislation.

7501. By Mr. SMITH: Petition by the Central Baptist Association of South-Central Idaho, for the enactment of House bill 11410, to amend the national prohibition act; to the Committee on the Judiciary.

7502. By Mr. SPEARING: Petition of Charles O. Chalmers and other citizens of New Orleans, for the passage of the Sproul bill (H. R. 11410); to the Committee on the Judiciary.

7503. By Mr. TILSON: Petition of Antoinette M. Reiman and other residents of Meriden, Conn., urging the passage of legislation providing increased pensions for Civil War soldiers and their dependents; to the Committee on Invalid Pensions.

7504. Also, petition of Antoinette M. Reiman and other residents of Meriden, Conn., urging the passage of legislation providing increased pensions for Civil War soldiers and their dependents; to the Committee on Invalid Pensions.

SENATE

WEDNESDAY, *May 9, 1928*

(Legislative day of Thursday, May 3, 1928)

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

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

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Dale	Hawes	Norris
Barkley	Deneen	Hayden	Nye
Bayard	Dill	Heflin	Oddie
Bingham	Edge	Howell	Overman
Black	Fess	Johnson	Phipps
Blaine	Fletcher	Jones	Pine
Blease	Frazier	Kendrick	Pittman
Borah	George	Keyes	Ransdell
Bratton	Gerry	King	Reed, Mo.
Brookhart	Gillett	La Follette	Reed, Pa.
Broussard	Glass	McLean	Sackett
Bruce	Goff	McMaster	Schall
Capper	Gooding	McNary	Sheppard
Caraway	Gould	Mayfield	Shipstead
Copeland	Greene	Metcalf	Shortridge
Couzens	Hale	Moses	Simmons
Curtis	Harris	Neely	Smith
Cutting	Harrison	Norbeck	Smoot