6355. Also, petition of C. E. Barington, 332 South Michigan Avenue, Chicago, Ill., protesting against the 10 per cent Federal tax on dues and initiation fees for golf clubs; to the Committee on Ways and Means.

6356. Also, petition of R. D. Smith, 2132 Lawrence Avenue, Chicago, Ill., protesting against the 10 per cent tax on dues and initiation fees paid to athletic and sporting clubs; to the Committee on Ways and Means.

6357. Also, petition of Roscoe L. Roberts, 33 South Clark Street, Chicago, Ill., protesting against the 10 per cent tax on club dues and initiation fees; to the Committee on Ways and Means.

6358. Also, petition of J. M. Roberts, 325 South Seventh Street, La Grange, Ill., protesting against the unjust tax on members of golf clubs; to the Committee on Ways and Means.

6359. Also, petition of R. M. Cunningham, Skokie Country Club, Glencoe, Ill., protesting against the 10 per cent Federal tax on dues and initiation fees paid to athletic and sporting clubs; to the Committee on Ways and Means.

6360. Also, petition of J. N. Raymond, Big Foot Country Club, Chicago, Ill., protesting against the 10 per cent Federal tax on golf-club dues and initiation fees; to the Committee on Ways and Means.

6361. Also, petition of J. G. Wray, Glencoe, Ill. (Skokie Country Club), protesting against the 10 per cent tax on dues and initiation fees of athletic and sporting clubs; to the Committee on Ways and Means.

6362. Also, petition of N. R. Clark, 320 South Waiola Avenue, La Grange, Ill., protesting against the 10 per cent tax on golf club dues, memberships, and transfer fees; to the Committee on Ways and Means.

6363. Also, petition of F. D. Cossitt, 8 North Fifth Avenue, La Grange, Ill., protesting against the 10 per cent Federal tax on club dues and initiation; to the Committee on Ways and Means.

6364. Also, petition of Was. Mulligan, First National Bank Building, Chicago, Ill., protesting against the Federal tax on club dues and initiation fees; to the Committee on Ways and Means.

6365. Also, petition of La Grange Country Club, La Grange, Ill., protesting against the 10 per cent Federal tax on club dues and initiation fees; to the Committee on Ways and Means.

6366. Also, petition of J. A. Franwen, room 1088, 208 South La Salle Street, Chicago, Ill., protesting against a 10 per cent tax on dues and initiation fees paid to athletic and sporting clubs; to the Committee on Ways and Means.

6367. Also, petition of Amos Richardson, Springfield Chapter, Springfield, Ill., protesting against the establishment of a separate bureau in the War Department for the reserve corps; to the Committee on Ways and Means.

6368. Also, petition of G. Van Dyke, Illinois Merchants Bank Building, Chicago, Ill., protesting against the 10 per cent Government tax on club dues and initiation fees; to the Committee on Ways and Means.

6369. Also, petition of A. H. Taylor, 28 North Clinton Street, Chicago, Ill., protesting against the 10 per cent Federal tax on golf-club dues; to the Committee on Ways and Means.

6370. Also, petition of R. L. Laphaw, 438 South Sixth Avenue, LaGrange, Ill., protesting against the 10 per cent tax on club dues; to the Committee on Ways and Means.

6371. Also, petition of C. H. Harlan, 236 South Spring Avenue, LaGrange, Ill., protesting against the 10 per cent Federal tax on club dues and initiation fees; to the Committee on Ways and Means.

6372. Also, petition of William E. Hill, Chicago, Ill., protesting against the Federal tax of 10 per cent on club dues and initiation fees; to the Committee on Ways and Means.

6373. Also, petition of L. G. Elliott, Michigan Avenue at Forty-first, Chicago, Ill., protesting against the 10 per cent tax on club dues; to the Committee on Ways and Means.

6374. Also, petition of Dr. J. A. Burrill, 1833 Marshall Field & Co. Annex, Chicago, Ill., protesting against the 10 per cent tax on club dues; to the Committee on Ways and Means.

SENATE

MONDAY, *April 7, 1930*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty God, Father of all mercies, we, Thine unworthy servants, do give Thee most humble and hearty thanks for all Thy goodness and loving-kindness to us and to all men. Open our eyes anew, in these annointing moments of worship, to the beauty of the world that lies about us, to the glory of the common life, to the clear meaning of the duties of this day.

Keep us, we beseech Thee, both outwardly in our bodies and inwardly in our souls, that we may be defended from all adversities which may happen to the body and from all evil thoughts which may assault and hurt the soul. Through Jesus Christ our Lord. Amen.

THE JOURNAL

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Wednesday, April 2, when, on request of Mr. FESS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had passed the bill (S. 2657) granting a renewal of patent No. 21053, relating to the badge of the Daughters of the American Revolution.

The message also announced that the House agreed to the amendment of the Senate to the bill (H. R. 6153) authorizing the President to appoint a commission to study and report on the conservation and administration of the public domain.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 334. An act for the relief of Samuel Gettinger and Harry Pomerantz;

H. R. 340. An act for the relief of William P. Brady;

H. R. 396. An act for the relief of J. H. Muus;

H. R. 494. An act for the relief of Catherine White;

H. R. 567. An act for the relief of Rolla Duncan;

H. R. 609. An act authorizing the Secretary of the Treasury to pay certain moneys to James McCann;

H. R. 636. An act for the relief of certain persons of Schenley, Pa., who suffered damage to their property as a result of erosion of a dam on the Allegheny River;

H. R. 649. An act for the relief of Albert E. Edwards;

H. R. 668. An act for the relief of A. J. Morgan;

H. R. 833. An act for the relief of Verl L. Amsbaugh;

H. R. 937. An act for the relief of Nellie Hickey;

H. R. 1066. An act for the relief of Evelyn Harris;

H. R. 1088. An act for the relief of James Luther Hammon;

H. R. 1092. An act for the relief of C. F. Beach;

H. R. 1159. An act for the relief of the Delaware & Hudson Co., of New York City;

H. R. 1306. An act for the relief of Charles W. Byers;

H. R. 1428. An act for the relief of Thomas Murphy;

H. R. 1429. An act for the relief of Thomas Barrett;

H. R. 1444. An act for the relief of Marmaduke H. Floyd;

H. R. 1500. An act for the relief of Gaston M. Janson;

H. R. 1509. An act for the relief of Maude L. Duborg;

H. R. 1739. An act for the relief of J. A. Miller;

H. R. 1793. An act for the relief of Albert L. Loban;

H. R. 1837. An act for the relief of Kurt Falb;

H. R. 1840. An act for the relief of Gertrude Lustig;

H. R. 1891. An act for the relief of Vincent Baranasies;

H. R. 1954. An act for the relief of A. O. Gibbens;

H. R. 2166. An act for the relief of Mrs. W. M. Kittle;

H. R. 2167. An act for the relief of Sarah E. Edge;

H. R. 2466. An act for the relief of William L. Bruhn;

H. R. 2584. An act for the relief of Thomas F. Sutton;

H. R. 2604. An act for the relief of Don A. Spencer;

H. R. 2630. An act for the relief of Mrs. G. A. Brennan;

H. R. 2646. An act for the relief of Alfred Harris;

H. R. 2694. An act conferring the rank, pay, and allowances of a major of Infantry to date from March 24, 1928, upon Robert Graham Moss, late captain, Infantry, United States Army, deceased;

H. R. 3257. An act for the relief of Ellen B. Monahan;

H. R. 3368. An act for the relief of Joseph Marko;

H. R. 3428. An act for the relief of Rebecca E. Olmsted;

H. R. 3527. An act to authorize credit in the disbursing accounts of certain officers of the Army of the United States for the settlement of individual claims approved by the War Department;

H. R. 3553. An act for the relief of the heirs of I. L. Kleinman;

H. R. 3789. An act for the relief of Joseph M. McAleer;

H. R. 3939. An act for the relief of Lucius Bell;

H. R. 5045. An act for the relief of John J. Corcoran;

H. R. 5726. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the city of Salem, Mass., and to the Salem Marine Society, of Salem, Mass., the silver service set and bronze clock, respectively, which have been in use on the cruiser *Salem;*

H. R. 6119. An act for the relief of the Gray Artesian Well Co.;

H. R. 6645. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the president of the Lions Club, of

Shelbyville, Tenn., a bell of any naval vessel that is now, or may be, in his custody; and to the president of the Rotary Club, of Shelbyville, Tenn., a steering wheel of any naval vessel that is now, or may be, in his custody;

H. R. 6718. An act for the relief of Michael J. Bauman;

H. R. 6719. An act for the relief of John Heinzenberger;

H. R. 6720. An act for the relief of George Evans;

H. R. 8855. An act for the relief of John W. Bates;

H. R. 8930. An act for the relief of Dennis H. Sullivan;

H. R. 8958. An act for the relief of certain employees of the Alaska Railroad;

H. R. 8973. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Charleston Museum, of Charleston, S. C., the ship's bell, plaque, war record, and silver service of the cruiser *Charleston* that is now, or may be in his custody;

H. R. 8996. An act for the relief of Don C. Fees;

H. R. 9129. An act for the relief of John J. O'Connor;

H. R. 9138. An act for the relief of Israel Brown; and

H. R. 9819. An act for the relief of Estle David.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 2657. An act granting a renewal of patent No. 21053 relating to the badge of the Daughters of the American Revolution;

S. 3621. An act granting a right of way across the land of the United States for bridge purposes over the Louisiana and Texas Intracoastal Waterway;

H. R. 6153. An act authorizing the President to appoint a commission to study and report on the conservation and administration of the public domain; and

H. R. 7968. An act granting the consent of Congress to agreements or compacts between the States of Oklahoma and Texas for the purchase, construction, and maintenance of highway bridges over the Red River, and for other purposes.

CALL OF THE ROLL

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

The VICE PRESIDENT. The clerk will call the roll.

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

Allen	Glass	Keyes	Smoot
Ashurst	Glenn	McCulloch	Steck
Barkley	Goff	McKellar	Steiwer
Bingham	Goldsborough	McNary	Stephens
Black	Gould	Metcalf	Sullivan
Borah	Greene	Norbeck	Swanson
Bratton	Hale	Norris	Thomas, Idaho
Brookhart	Harris	Nye	Thomas, Okla.
Capper	Harrison	Oddie	Townsend
Caraway	Hastings	Overman	Trammell
Connally	Hatfield	Phipps	Tydings
Copeland	Hayden	Pine	Vandenberg
Couzens	Hebert	Robinson, Ind.	Wagner
Dale	Heflin	Robsion, Ky.	Walcott
Dill	Howell	Schall	Walsh, Mass.
Fess	Johnson	Sheppard	Walsh, Mont.
Frazier	Jones	Shipstead	Watson
George	Kean	Shortridge	Wheeler
Gillett	Kendrick	Simmons	

Mr. NORRIS. I desire to announce the unavoidable absence from the city of the senior Senator from Wisconsin [Mr. LA FOLLETTE] and the junior Senator from Wisconsin [Mr. BLAINE].

Mr. SHEPPARD. I wish to announce that the Senator from Missouri [Mr. HAWES], the Senator from Florida [Mr. FLETCHER], the Senator from Utah [Mr. KING], and the Senator from South Carolina [Mr. SMITH] are all detained from the Senate by illness.

I also wish to announce that the junior Senator from Tennessee [Mr. BROCK] and the junior Senator from South Carolina [Mr. BLEASE] are absent because of illness in their families.

I also desire to announce that the junior Senator from Louisiana [Mr. BROUSSARD] is necessarily absent.

I also desire to announce that the Senator from Arkansas [Mr. ROBINSON] and the Senator from Pennsylvania [Mr. REED] are in London attending the naval conference.

Mr. NORBECK. I wish to announce that my colleague [Mr. MCMASTER] is unavoidably absent from the city. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Seventy-five Senators have answered to their names. A quorum is present.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a resolution adopted by the executive committee of the United Rumanian Jews of America, at New York City, N. Y., opposing the passage of legislation providing for the registration of aliens, whether voluntary or compulsory, which was referred to the Committee on Immigration.

Mr. COUZENS presented a petition numerously signed by ex-service men of the World War, praying for the passage of the bill (S. 1222) to provide for the immediate payment to veterans of the face value of their adjusted-service certificates, which was referred to the Committee on Finance.

Mr. JONES presented a petition of sundry citizens of Gold Bar, Wash., praying for the passage of legislation granting increased pensions to veterans of the war with Spain, which was ordered to lie on the table.

Mr. COPELAND presented petitions numerously signed by sundry citizens of the State of New York, praying for the passage of legislation granting increased pensions to veterans of the war with Spain, which were ordered to lie on the table.

Mr. GREENE presented a petition of sundry citizens of Montpelier, Vt., praying for the passage of legislation granting increased pensions to veterans of the war with Spain, which was ordered to lie on the table.

Mr. NORBECK presented petitions of sundry citizens of Clay and Yankton Counties, S. Dak., praying for the passage of the so-called Capper educational bill, which were referred to the Committee on Education and Labor.

Mr. VANDENBERG presented a resolution adopted by the Wayne County Council of Veterans of Foreign Wars of the United States, at Detroit, Mich., favoring the passage of the bill (S. 1222) to provide for the immediate payment to veterans of the face value of their adjusted-service certificates, which was referred to the Committee on Finance.

He also presented a resolution adopted by the Common Council of the City of Royal Oak, Mich., favoring the passage of legislation dedicating October 11 of each year as General Pulaski's memorial day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski, Revolutionary War hero, which was referred to the Committee on the Library.

Mr. GOLDSBOROUGH presented a resolution adopted by the common council of the city of Annapolis, Md., favoring the passage of legislation dedicating October 11 of each year as General Pulaski's memorial day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski, Revolutionary War hero, which was referred to the Committee on the Library.

He also presented a resolution adopted by the Baltimore (Md.) Zionist District, opposing any plan for the simplification of the calendar which would include a blank day or any other device by which the existing and immemorially fixed periodicity of the Sabbath would be destroyed, which was referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Baltimore and Westminster, Md., praying for the passage of legislation granting increased pensions to veterans of the war with Spain, which were ordered to lie on the table.

REPORTS OF COMMITTEES

Mr. HALE, from the Committee on Naval Affairs, to which was referred the bill (S. 548) for the relief of retired and transferred members of the Naval Reserve Force, Naval Reserve, and Marine Corps Reserve, reported it without amendment and submitted a report (No. 350) thereon.

Mr. DALE, from the committee on Commerce, to which had been recommitted the bill (H. R. 9806) to authorize the construction of certain bridges and to extend the times for commencing and completing the construction of other bridges over the navigable waters of the United States, reported it with amendments.

Mr. WALSH of Montana, from the Committee on the Judiciary, to which was referred the bill (H. R. 980) to permit the United States to be made a party defendant in certain cases, reported it with an amendment and submitted a report (No. 351) thereon.

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

A bill (S. 1955) for the relief of the Maddux Air Lines (Inc.) (Rept. No. 352); and

A bill (S. 2465) for the relief of C. A. Chitwood (Rept. No. 353).

Mr. BLACK, also from the Committee on Claims, to which was referred the bill (S. 1696) for the relief of Frank B. Lindley, reported it with amendments and submitted a report (No. 354) thereon.

Mr. HOWELL, from the Committee on Claims, to which was referred the bill (H. R. 1251) for the relief of C. L. Beardsley, reported it with an amendment and submitted a report (No. 355) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 670) for the relief of Charles E. Anderson (Rept. No. 356);

A bill (S. 2788) for the relief of A. R. Johnston (Rept. No. 357);

A bill (S. 3301) for the relief of Hunter P. Mulford (Rept. No. 358);

A bill (S. 3664) for the relief of T. B. Cowper (Rept. No. 359);

A bill (S. 3665) for the relief of Vida T. Layman (Rept. No. 360); and

A bill (S. 3666) for the relief of the Oregon Short Line Railroad Co., Salt Lake City, Utah (Rept. No. 361).

Mr. NORBECK, from the Committee on Banking and Currency, to which was referred the bill (S. 4079) to amend section 4 of the Federal reserve act, reported it without amendment and submitted a report (No. 362) thereon.

Mr. JOHNSON, from the Committee on Immigration, to which was referred the bill (S. 202) to provide for the deportation of certain alien seamen, and for other purposes, reported it without amendment.

REPORTS OF NOMINATIONS

As in open executive session,

Mr. DILL, from the Committee on the Judiciary, reported sundry judicial nominations, which were placed on the Executive Calendar.

Mr. CAPPER. Mr. President, as in open executive session, from the Committee on the District of Columbia, I report favorably the nomination of Gen. Herbert B. Crosby to be a commissioner of the District of Columbia. I ask that the nomination may be placed on the Executive Calendar.

The VICE PRESIDENT. It will be placed on the Executive Calendar.

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, reported sundry post-office nominations, which were placed on the Executive Calendar.

Mr. WATSON, from the Committee on Finance, reported the nominations of sundry officers of the Public Health Service, which were placed on the Executive Calendar.

ENROLLED BILLS PRESENTED

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

S. 2657. An act granting a renewal of patent No. 21053, relating to the badge of the Daughters of the American Revolution; and

S. 3621. An act granting a right of way across the land of the United States for bridge purposes over the Louisiana and Texas Intracoastal Waterway.

THE ILLINOIS WATERWAY (S. DOC. NO. 126)

On motion of Mr. GLENN, the report of the Chief of Engineers of the Army, dated April 3, 1930, with accompanying reports of the Board of Engineers for Rivers and Harbors and the district engineer, and related data, in reference to the Illinois waterway, were ordered printed and referred to the Committee on Commerce.

ROYALTY OIL FROM SALT CREEK LEASES

Mr. WALSH of Montana. Mr. President, it will be recalled, perhaps, that in 1922 the then Secretary of the Interior, Albert B. Fall, entered into a contract by which he sold to the Sinclair Crude Oil Purchasing Co. for a period of five years the royalty oil issuing from the Government leases in the Salt Creek field. The contract carried a provision authorizing the Secretary to renew the lease at the end of that period. The lease was renewed. In the fall of 1928 attention was called to the fact that the renewal was without authorization of law. That conclusion was arrived at and the lease was canceled and the royalty oil then advertised for sale, and was sold to the White Eagle Refining Co. at an advance of 21¾ cents per barrel over the price in the Sinclair Crude Oil Purchasing Co.'s contract.

Proceedings were then instituted to recover from the Sinclair Crude Oil Purchasing Co. the difference between the contract price and the price which was afterwards paid by the White Eagle Co. for the period during which it operated under the renewed contract. A settlement has been effected by the Attorney General of the litigation resulting in the recovery of a judgment, presently to be satisfied, amounting to $375,081.64. A letter concerning the matter has been addressed to me by the Assistant to the Attorney General, which I ask to have read at the desk.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read, as requested.

The Chief Clerk read as follows:

DEPARTMENT OF JUSTICE,
OFFICE OF THE ASSISTANT TO THE ATTORNEY GENERAL,
Washington, April 5, 1930.

Re: United States *v.* Sinclair Crude Oil Purchasing Co. and Mammoth Oil Co.

Hon. THOMAS J. WALSH,
United States Senate, Washington, D. C.

DEAR SENATOR WALSH: I beg to inform you that a settlement of the above litigation has been arrived at on the following basis:

After considerable negotiation the defendants have met the Government's demand and agreed to pay for all of the Salt Creek royalty oil delivered to them during the so-called extension or renewal period January 1, 1928, to October 21, 1928, at 21¾ cents per barrel, together with interest. This 21¾ cents per barrel represents the difference between the price under the original 5-year contract which was actually paid for this oil, and the new price paid by the White Eagle and Texas companies under their contract of December 27, 1928. As you will recall, the White Eagle bid was accepted by the Government as the fair market price of the royalty oil at that time, and after careful investigation the department is convinced that no higher price could be recovered in this suit.

In computing the amount due the total number of barrels of oil included in each monthly settlement has been multiplied by 21¾ cents and interest has been computed upon each monthly total so arrived at on the theory that the additional sums became legally due at the date of each monthly settlement. The total amount of oil taken by defendants during the extension period was 1,537,765.35 barrels. The additional sum due the Government on the basis of the White Eagle price is $334,463.97; the total interest due is $40,617.67—making a total of $375,081.64. A decree will be entered in the District Court of Delaware on April 7, terminating the contract and awarding the Government this last-mentioned sum, together with costs.

This settlement is exactly in line with the statement which I made to you some weeks ago at the time that the question of price was being rechecked. The department has consented to this settlement because it is satisfied that the amount of this judgment represents the maximum amount which the Government could have recovered in the pending suit.

Yours very truly,

JOHN LORD O'BRIAN,
The Assistant to the Attorney General.

I am sending a similar letter to Senator NYE.

Mr. WALSH of Montana. Mr. President, this report, if it may be so termed, calls for no action by the Senate. I believe the statement made by the Attorney General represents all that could be recovered, and that it ought, in general, to be approved.

BILLS INTRODUCED

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

By Mr. HALE:

A bill (S. 4088) granting an increase of pension to Chastena H. Haskell (with accompanying papers); to the Committee on Pensions.

By Mr. STEIWER:

A bill (S. 4089) authorizing the Secretary of War to extend the services and operations of the Inland Waterways Corporation to certain inland waterways and water routes; to the Committee on Military Affairs.

By Mr. COPELAND:

A bill (S. 4090) for the relief of George B. Pfeiffer; to the Committee on Claims.

A bill (S. 4091) granting the consent of Congress to the State of New York to construct, maintain, and operate a free highway bridge across the Hudson River at or near Catskill, Greene County, N. Y.; to the Committee on Commerce.

By Mr. BRATTON:

A bill (S. 4092) to provide for payments to certain property owners in New Mexico for losses caused by the floods in the Rio Grande Valley during 1929; to the Committee on Irrigation and Reclamation.

By Mr. BROOKHART:

A bill (S. 4093) granting an increase of pension to Nellie E. Smith (with accompanying papers); to the Committee on Pensions.

A bill (S. 4094) authorizing W. L. Eichendorf, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near the town of McGregor, Iowa; to the Committee on Commerce.

By Mr. CAPPER:

A bill (S. 4095) for the relief of Tracy Lee Phillips; to the Committee on Naval Affairs.

By Mr. WALCOTT:

A bill (S. 4096) to amend section 4 of the Federal reserve act; to the Committee on Banking and Currency.

By Mr. McNARY:

A bill (S. 4097) authorizing the Secretary of War to extend the services and operations of the Inland Waterways Corporation to certain inland waterways and water routes; to the Committee on Commerce.

By Mr. WHEELER:

A bill (S. 4098) to provide funds for cooperation with the school board at Browning, Mont., in the extension of the high-school building to be available to Indian children of the Blackfeet Indian Reservation; to the Committee on Indian Affairs.

By Mr. ROBINSON of Indiana:

A bill (S. 4099) granting a pension to Earl Seneff (with accompanying papers); and

A bill (S. 4100) granting an increase of pension to Kate F. Thorn (with accompanying papers); to the Committee on Pensions.

By Mr. NORBECK:

A bill (S. 4101) granting a pension to Charles Face (with accompanying papers); to the Committee on Pensions.

A bill (S. 4102) providing for the carriage of the mail by aircraft on certain star routes; to the Committee on Post Offices and Post Roads.

By Mr. GEORGE:

A bill (S. 4103) to amend section 3 of an act to authorize the disposition of lands no longer needed for naval purposes, approved June 7, 1926, by authorizing the transfer of Blythe Island, Ga., to the War Department at any time prior to July 1, 1930, and for other purposes; to the Committee on Naval Affairs.

By Mr. BORAH:

A bill (S. 4104) authorizing an appropriation for expenses of delegates to attend the International Conference on Load Lines at London, England; to the Committee on Foreign Relations.

JUDGMENT AGAINST SINCLAIR CRUDE OIL PURCHASING CO.

Mr. WALSH of Montana. I desire to introduce a joint resolution, but preliminary to doing so I wish to make a brief statement.

The oil extracted by the Mammoth Oil Co. from the so-called Teapot Dome was by it sold to the Sinclair Crude Oil Purchasing Co. Upon rendition of the judgment canceling the lease to the Mammoth Oil Co. it was found to be insolvent and no recovery could be had against it for the value of the oil which it extracted from the ground in question. Suit, however, was instituted in the District Court of the United States for the District of Delaware against the Sinclair Crude Oil Purchasing Co. to recover the value of the oil transferred to it. Arrangement has been made with the Department of Justice for the entry of a judgment in that case and the amount of the judgment to be rendered has been deposited in cash for its satisfaction. The settlement thus to be entered into represents the actual payment by the Sinclair Crude Oil Purchasing Co. for the oil together with interest computed on the monthly deliveries. However, the Mammoth Co. put upon the ground 17 oil tanks, the scrap value of which is estimated at $10,000 apiece, and in the adjustment which has been arrived at the Sinclair Crude Oil Purchasing Co. has been allowed a credit for those tanks at that rate, aggregating $170,000, and judgment is to be entered against it, to be satisfied by the cash deposited, in the amount of $2,906,484.32, in accordance with the letter sent by the special counsel for the Government, which I send to the desk and ask to have read.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read, as requested.

The Chief Clerk read as follows:

SPECIAL COUNSEL FOR UNITED STATES,
Washington, D. C., April 3, 1930.

In re: United States *v.* Sinclair Crude Oil Purchasing Co.

Hon. THOMAS J. WALSH,
United States Senate, Washington, D. C.

DEAR SENATOR: In the case of the United States *v.* The Mammoth Oil Co., in the United States District Court for the District of Wyoming, the final account was approved on August 17, 1928. At or about the date of the filing of this account we learned that the Mammoth Oil Co. was insolvent, having assets of the appraised value of $68,598.31 and liabilities amounting to $1,874,217.88.

After we learned of the insolvency of the Mammoth Oil Co. we brought suit against the Sinclair Crude Oil Purchasing Co., which company had bought most of the oil produced on the lease by the Mammoth Oil Co. This suit was for the conversion of the oil by the Sinclair Crude Oil Purchasing Co. based upon the theory that as the Mammoth Oil Co. had never acquired a valid title to the leasehold it could not give good title to the oil taken therefrom.

The Sinclair Crude Oil Purchasing Co. filed certain pleas to our declaration which was filed in the district court of Delaware.

Shortly thereafter we were advised that the Sinclair Crude Oil Purchasing Co. might pay the value of the oil received by it, together with interest, rather than stand trial. This matter was brought to a head about six months ago by an offer of the defendant to pay the value of the oil received by it plus interest at the rate of 7 per cent per annum on monthly balances—that is, interest calculated on the oil taken by it in each month based on the total amount of that oil from the last day of the month in which delivery was made.

We then took this matter up with yourself and Senator NYE, and perhaps other members of the Public Lands Committee of the Senate, and obtained your views. As the proposition was substantially for the full amount which the Government could recover, it was thought wise to accept it and close the litigation. We then advised counsel for the Sinclair Crude Oil Purchasing Co. of our disposition in the matter, but the actual consummation of the settlement has been delayed due in part to a difference of opinion among those interested in the defendant company and in part to the fact that the Department of Justice had a pending suit against the same defendant arising out of the Salt Creek royalty contract, and we thought it would be of assistance to the Department of Justice if we were to insist that both cases be settled at the same time.

The Department of Justice has now ascertained the correct amount which should be paid the Government in the Salt Creek royalty suit and are about to close it. There is therefore no reason why the settlement of our suit should be longer delayed.

You will also remember that the Sinclair Crude Oil Purchasing Co. erected some 17 storage tanks of the capacity of 55,000 barrels per tank on the reserve for the storage of oil. These have now only a secondhand or scrap value, and this value is estimated at about $10,000 per tank, or $170,000 in all. The Navy has leased some of these tanks for storage of oil and it is thought that they may be of use in the future. The suggestion is that the Government give credit to the defendant for the present value of these tanks, namely, $170,000, with interest on said amount, thereby counterbalancing to that extent the interest that the Government is collecting on the principal sum due it.

The Sinclair Crude Oil Purchasing Co. we think properly takes the position that we as special counsel have no authority to settle this case or to satisfy any judgment which may be taken by agreement in the case without a resolution of Congress authorizing us so to do. We have hesitated to ask Congress to adopt any resolution declaring its policy with respect to the settlement until we were absolutely certain that it would be carried out. In order to make this certain we have made an arrangement with the Sinclair Crude Oil Purchasing Co. under which it is to deposit with the Chase National Bank in New York in escrow the entire amount, principal and accruing interest to the date of such deposit. Under the agreement made this deposit is to be paid to the Treasury of the United States immediately upon the passage and approval of the joint resolution authorizing the settlement. If such resolution is not passed and approved within 60 days, the money is to be returned to the Sinclair Crude Oil Purchasing Co. A judgment for the amount of the settlement as agreed upon will be then entered and satisfaction of the judgment signed by counsel for the United States, thus closing the record in the suit.

As we have heretofore advised, we consider this a very advantageous settlement to the Government. The legal rate of interest in Wyoming is 7 per cent. Under the terms of the settlement the defendant pays this rate of interest. While we believe that we could recover interest at the rate of 7 per cent were we to try the case, still there is a question whether the Delaware court would award interest at that rate since the legal rate in Delaware is 6 per cent.

Under the proposed arrangement the Government is, we think, getting as favorable a result as it could get by pursuing the litigation to judgment and execution.

We should add that the defendant under the terms of the settlement must pay the costs of the litigation.

We inclose herewith a form of resolution which is approved by the attorneys representing the defendant as well as by ourselves, and if adopted will enable the escrow bank at once to forward the funds to the Treasury of the United States and authorize us to enter judgment for the amount of the settlement and the satisfaction thereof on the record.

If the resolution meets your approval, will you kindly introduce it and explain to the Committee on Public Lands and Surveys, to which the resolution will no doubt be referred, the matters herein set forth with respect to the proposed settlement.

Inasmuch as the fund deposited will bear no interest after the date of the deposit it will be of advantage to the Government if the resolution can be promptly adopted and the money paid into the Treasury at once.

Should you or the committee desire any further information we shall be glad to give it.

Very sincerely,

OWEN J. ROBERTS,
ATLEE POMERENE,
Special Counsel.

P. S.—The amount deposited to-day (April 4) is $2,906,484.32.—O. J. R.

Mr. WALSH of Montana. I introduce the joint resolution which I send to the desk, and ask that it be referred to the Committee on Public Lands and Surveys.

The joint resolution (S. J. Res. 165) authorizing the settlement of the case of the United States against the Sinclair Crude Oil Purchasing Co., pending in the United States District Court in and for the District of Delaware, was read twice by its title and referred to the Committee on Public Lands and Surveys.

SENATORIAL EXPENSES IN 1930 CAMPAIGN

Mr. NORRIS. Mr. President, I rise for the purpose of making a privileged motion that under the rules of the Senate will have to lie over for one day.

I move that the Committee on Privileges and Elections be discharged from the further consideration of Senate Resolution No. 215, a resolution providing for the appointment of a committee by the Vice President to investigate campaign expenditures of the various candidates for the United States Senate in the coming campaign.

The VICE PRESIDENT. The motion will lie over under the rule.

RESTRICTION OF IMMIGRATION

Mr. KENDRICK submitted an amendment intended to be proposed by him to the bill (S. 51) to subject certain immigrants born in countries of the Western Hemisphere to the quota under the immigration laws, which was ordered to lie on the table and to be printed.

HOUSE BILLS REFERRED

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

H. R. 334. An act for the relief of Samuel Gettinger and Harry Pomerantz;
H. R. 396. An act for the relief of J. H. Muus;
H. R. 494. An act for the relief of Catherine White;
H. R. 567. An act for the relief of Rolla Duncan;
H. R. 609. An act authorizing the Secretary of the Treasury to pay certain moneys to James McCann;
H. R. 636. An act for the relief of certain persons of Schenley, Pa., who suffered damage to their property as a result of erosion of a dam on the Allegheny River;
H. R. 649. An act for the relief of Albert E. Edwards;
H. R. 668. An act for the relief of A. J. Morgan;
H. R. 833. An act for the relief of Verl L. Amsbaugh;
H. R. 937. An act for the relief of Nellie Hickey;
H. R. 1066. An act for the relief of Evelyn Harris;
H. R. 1092. An act for the relief of C. F. Beach;
H. R. 1159. An act for the relief of the Delaware & Hudson Co., of New York City;
H. R. 1306. An act for the relief of Charles W. Byers;
H. R. 1509. An act for the relief of Maude L. Duborg;
H. R. 1739. An act for the relief of J. A. Miller;
H. R. 1793. An act for the relief of Albert L. Loban;
H. R. 1837. An act for the relief of Kurt Falb;
H. R. 1840. An act for the relief of Gertrude Lustig;
H. R. 1891. An act for the relief of Vincent Baranasies;
H. R. 1954. An act for the relief of A. O. Gibbens;
H. R. 2166. An act for the relief of Mrs. W. M. Kittle;
H. R. 2167. An act for the relief of Sarah E. Edge;
H. R. 2604. An act for the relief of Don A. Spencer;
H. R. 2630. An act for the relief of Mrs. G. A. Brennan;
H. R. 2646. An act for the relief of Alfred Harris;
H. R. 3257. An act for the relief of Ellen B. Monahan;
H. R. 3527. An act to authorize credit in the disbursing accounts of certain officers of the Army of the United States for the settlement of individual claims approved by the War Department;
H. R. 3553. An act for the relief of the heirs of I. L. Kleinman;
H. R. 5045. An act for the relief of John J. Corcoran;
H. R. 6718. An act for the relief of Michael J. Bauman; and
H. R. 8996. An act for the relief of Don C. Fees; to the Committee on Claims.

H. R. 340. An act for the relief of William P. Brady;
H. R. 1088. An act for the relief of James Luther Hammon;
H. R. 1428. An act for the relief of Thomas Murphy;
H. R. 1429. An act for the relief of Thomas Barrett;
H. R. 1444. An act for the relief of Marmaduke H. Floyd;
H. R. 1500. An act for the relief of Gaston M. Janson;
H. R. 2466. An act for the relief of William L. Bruhn;
H. R. 2584. An act for the relief of Thomas F. Sutton;
H. R. 2694. An act conferring the rank, pay, and allowances of a major of Infantry to date from March 24, 1928, upon Robert Graham Moss, late captain, Infantry, United States Army, deceased;
H. R. 3368. An act for the relief of Joseph Marko;
H. R. 3428. An act for the relief of Rebecca E. Olmsted;
H. R. 3789. An act for the relief of Joseph M. McAleer;
H. R. 3939. An act for the relief of Lucius Bell;
H. R. 6719. An act for the relief of John Heinzenberger;
H. R. 6720. An act for the relief of George Evans;
H. R. 8855. An act for the relief of John W. Bates;
H. R. 8930. An act for the relief of Dennis H. Sullivan;
H. R. 9129. An act for the relief of John J. O'Connor;
H. R. 9138. An act for the relief of Israel Brown; and
H. R. 9819. An act for the relief of Estle David; to the Committee on Military Affairs.

H. R. 5726. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the city of Salem, Mass., and to the Salem Marine Society, of Salem, Mass., the silver service set and bronze clock, respectively, which have been in use on the cruiser *Salem;*

H. R. 6645. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the president of the Lions Club of Shelbyville, Tenn., a bell of any naval vessel that is now or may be in his custody; and to the president of the Rotary Club of Shelbyville, Tenn., a steering wheel of any naval vessel that is now or made be in his custody; and

H. R. 8973. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Charleston Museum, of Charleston, S. C., the ship's bell, plaque, war record, and silver service of the cruiser *Charleston* that is now or may be in his custody; to the Committee on Naval Affairs.

H. R. 8958. An act for the relief of certain employees of the Alaska Railroad; to the Committee on Territories and Insular Affairs.

PENSIONS AND INCREASE OF PENSIONS

Mr. ROBINSON of Indiana 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. 7960) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war" having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 13.

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, 14, and 15, and agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows:

On page 2 of the engrossed amendments strike out the following language: "The name of Frank L. Smith, alias John H. Burden, late of Troop G, First Regiment Alabama Volunteer Cavalry, and pay him a pension at the rate of $50 per month."

On page 7 of the engrossed amendments, line 12, strike out the numerals "50" and insert in lieu thereof the numerals "40."

On page 11 of the engrossed amendments, line 2, strike out the numerals "50" and insert in lieu thereof the numerals "40."

On page 13 of the engrossed amendments, line 2, strike out the numerals "50" and insert in lieu thereof the numerals "40."

On page 13 of the engrossed amendments, line 23, strike out the numerals "50" and insert in lieu thereof the numerals "40."

On pages 15 and 16 of the engrossed amendments strike out the following language: "The name of Annie Young, widow of Jacob Young, late of Company H, Thirty-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving."

On page 17 of the engrossed amendments strike out the following language: "The name of William M. Atchison, late of Capt. George R. Barber's Fleming County Company Kentucky State Troops, and pay her a pension at the rate of $50 per month."

On page 29 of the engrossed amendments strike out the following language: "The name of Laura E. Todd, former widow of William A. Todd, late of Troop C, First Regiment Arkansas Volunteer Cavalry, and pay her a pension at the rate of $30 per month."

On page 31 of the engrossed amendments strike out the following language: "The name of Christianna Kunz, widow of August Kunz, late of Company G, Thirty-ninth Enrolled Missouri Militia, and pay her a pension at the rate of $30 per month."

On page 32 of the engrossed amendments strike out the following language: "The name of Emma F. Branagan, widow of John Branagan, late of Troop A, Second Pennsylvania Cavalry, and pay her a pension at the rate of $30 per month."

On page 34 of the engrossed amendments strike out the following language: "The name of Josephine Simpson, widow of Edmond Simpson, late of Independent Battery H, West Virginia

Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving."

On page 36 of the engrossed amendments, line 10, strike out the numerals "50" and insert in lieu thereof the numerals "40."

On page 36 of the engrossed amendments, line 14, strike out the numerals "50" and insert in lieu thereof the numerals "40."

On pages 44 and 45 of the engrossed amendments strike out the following language: "The name of Laura Belle Winter, helpless daughter of John A. Thomas, late of Company E, Twenty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month."

On page 46 of the engrossed amendments, line 24, strike out the numerals "50" and insert in lieu thereof the numerals "40."

On page 48 of the engrossed amendments, line 8, strike out the numerals "50" and insert in lieu thereof the numerals "40."

On page 52 of the engrossed amendments strike out the following language: "The name of Isaac Pierce, late of Company B, Fourth Regiment Kentucky Mounted Infantry, and pay him a pension at the rate of $50 per month."

On page 57 of the engrossed amendments strike out the following language: "The name of Peter B. Coleman, late of Company F, Sixty-third Regiment Enrolled Missouri Militia, and pay him a pension at the rate of $50 per month."

On page 60 of the engrossed amendments strike out the following language: "The name of Henry Hagens, late of Company L, Eighth Regiment United States Colored Volunteer Heavy Artillery, and pay him a pension at the rate of $50 per month."

And the Senate agree to the same.

ARTHUR R. ROBINSON,
B. K. WHEELER,
THOS. D. SCHALL,
SAM G. BRATTON,
PETER NORBECK,
Managers on the part of the Senate.

JOHN M. NELSON,
RICHARD N. ELLIOTT,
RALPH F. LOZIER,
E. M. BEERS,
MELL G. UNDERWOOD,
Managers on the part of the House.

The report was agreed to.

MUSCLE SHOALS

Mr. BLACK. Mr. President, I desire to have inserted in the RECORD an editorial printed in to-day's New York World. It is very short, and I ask to have it read by the clerk.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read, as requested.

The legislative clerk read as follows:

[From the New York World, April 7, 1930]

THE SENATE ADOPTS THE NORRIS PLAN

By a vote of 45 to 23 the Senate has approved the Norris bill for Muscle Shoals and sent this measure to the House. Since the House is on record as having adopted the same bill in 1928, it is generally predicted that the bill will be readopted in the present instance. It is also predicted in most of the dispatches that if and when the measure reaches Mr. Hoover it will receive a veto.

We regard this outcome as altogether likely but by no means certain. It is true that Mr. Hoover is on record as being a determined opponent of Government operation of water-power plants. But it is also true that he has talked of exceptional cases in which the expedient of Government operation might be justified, and there is no great obstacle in his statements specifically on the question of Muscle Shoals to prevent him from approving the Norris plan if he should choose to do so.

Certainly Mr. Hoover will accept a very large responsibility if he should veto the Norris bill. He will block for the second time the only bill for Muscle Shoals ever to be adopted by both Houses of Congress. He will reject a bill which is sound in theory and which offers far more promise than the highly unsatisfactory bids which have come from private sources. He will inform Congress that he is opposed to a bill to which there is no real opposition save that admittedly furnished by a lobby presided over by Mr. Hoover's own party major domo, Mr. Claudius H. Huston.

Rejection of the Norris bill in these circumstances would be a direct challenge to Congress to adopt the measure over his veto.

POSTAL RATES AND FINANCES—ADDRESS BY POSTMASTER GENERAL BROWN

Mr. PHIPPS. Mr. President, on April 3 Postmaster General Brown delivered an address at New York City relating to postal matters, a portion of which I think will be very interesting. I ask that it may be printed in the RECORD.

There being no objection, the portion of the address referred to was ordered to be printed in the RECORD, as follows:

POSTAL RATES AND POSTAL FINANCES

(Part of an address on Postal Problems delivered by the Postmaster General at the annual dinner of the Bronx Board of Trade, Hotel Astor, New York, April 3, 1930)

I wish now to invite your attention to a problem of nation-wide scope—the problem of postal finances. The Postal Service began operations under the Federal Government in April, 1789. For the remainder of the fiscal year postal revenues amounted to $7,510. The postal expenditures were $7,560. Thus the first postal deficit was $50, incurred in the last three months of the fiscal year 1789.

It was the idea of the founders, when the Federal Constitution was adopted, that the Postal Service should be self-sustaining. They believed that the transportation of letters, newspapers, and pamphlets for their fellow citizens was a personal and private service, just as would be the transportation of their persons or their merchandise, and that the users of the mails in the aggregate should pay for the service. The act of February 20, 1792, establishing the post office and post roads, provided that the Postmaster General should defray the expense of carrying the mails from the postal revenues, no other fund being placed at his disposal.

For the first 60 years of our country's life the Postal Service was entirely self-supporting, although in some years the expenditures exceeded the revenues by nominal amounts. With the discovery of gold in California and the migrations of population to the Far West, Congress began to encourage the establishment of transportation routes to the new frontiers as a stimulus to colonization. The cost of maintaining these routes was very large and the revenues from operating them at first were small. Large sums were expended also in this period for railway and ocean mail contracts, the purpose being not so much to facilitate the movement of the mails as to subsidize the struggling railroad and steamship companies. Although the wisdom of this policy from a national viewpoint can not be questioned, it resulted in loading the postal revenues with a huge burden, which was not a proper charge against postal funds. In my judgment the cardinal mistake was made 80 years ago in not distinguishing between expenditures for Postal Service and the expenditures for nonpostal services which Congress required the Post Office Department to inaugurate and supervise.

There is, of course, no objection to the placing upon the Post Office Department the responsibility of carrying on activities which are essentially nonpostal if Congress in its wisdom sees fit so to do. The point I am making is that these nonpostal services performed for the benefit of the public generally should not be charged against postal revenues, but should be charged to and paid from the general revenue funds of the Government.

The practice suggested has not been followed heretofore, as you know, so that from 1852 to the present time there have been but eight years in which the postal revenues have exceeded the expenditures, a considerable portion of which time being in the period of the World War when emergency postal rates were in effect.

For the fiscal year 1928 the audited excess of expenditures over postal receipts was $32,000,000; for the fiscal year 1929 it was $85,000,000. Deducting from this sum $35,000,000 which was expended at the direction of Congress for nonpostal services and services for which no compensation was received, leaves a strictly postal deficit of approximately $50,000,000, which was made good by taxpayers generally without regard to the extent to which they used postal facilities, or, indeed, whether they used them at all.

As I stated at the outset, the business of the Post Office Department is essentially that of a public utility. Like any other properly managed public utility, it should conduct its operations without financial loss; that is to say, its rates of charge to the public should be adjusted so as to provide an income sufficient in the aggregate to pay the cost of all of its services. There is no more logic and justification in asking the Government to transport your private mail for less than cost than there would be in asking an electric-light company to light your house, or a telephone company to furnish you with long-distance service for less than cost.

As far as we can, we are endeavoring to cut down operating costs. We are surveying the organization and administration of all the larger post offices with a view to introducing labor-saving machinery and eliminating unnecessary operations and personnel, but the progress which can be made toward wiping out the postal deficit by cutting operating costs is definitely limited. Congress fixes the wage rates of postal employees; it fixes their hours of labor and their leave privileges. It provides against the dismissal of employees except in cases of gross misconduct. It reviews with great jealousy such details of operation as the consolidation of rural routes for the purpose of reducing the number of rural carriers, with the result that the department is not permitted to bring about these consolidations except as rural carriers die or retire.

The Postal Service carries letter mail, newspapers, magazines, circular matter, and parcel post, all at different rates. It gives money-order service, C. O. D. service, special-delivery service, registry service, for which it charges specified fees. Obviously some of these rates and fees are inadequate and must be increased if the service as a whole is to be made self-sustaining.

There are wide and sometimes violent differences of opinion as to which rates should be increased. Some say that second-class rates are too low, others say that parcel-post rates should be increased. In considering this question it must be remembered that the Post Office Department, with respect to all of its services except the carrying of sealed-letter mail, has the keenest competition. The railroads, express companies, trucking companies, steamships, and other common carriers compete with it in the carrying of magazines, circulars, printed advertising matter, and merchandise of every kind. The banks, express companies and telegraph companies compete with the department in the transportation and transfer of funds. The savings banks, of course, compete with the department in postal-savings activities. A horizontal increase in all postal rates would unquestionably drive much of our present business out of the mails altogether, leaving the postal establishment with substantially the same organization, the same plant facilities, and same overhead, but with a greatly diminished volume of business. Such a solution would undoubtedly tend rather to increase than to decrease the deficit.

From the experiences of public utilities which perform mixed or varied services has developed a rule for determining rates, the soundness of which is generally conceded. It is this: That each class of service should pay the entire cost directly attributable to that service; that is to say, the amount which would not be expended if that service were not rendered; and that in addition each class of service should be charged with so much of the residual costs, that is, the costs which would be incurred whether that particular class of service were rendered or not, as the traffic will bear. Care must be taken of course to see to it that the application of this formula does not result in rates for particular classes or particular services which would either create a disproportionate demand for some services or would wholly divert the performance of some services to competitors.

This probably sounds somewhat abstruse. Perhaps an illustration will made the point clearer. The entire structure of the Postal Service has been built about the transportation of sealed mail, which was the first and is still the primary function of the Postal Service. In order that the sealed communications of representatives of our Government, as well as of its citizens, might be assured of absolute security and privacy at the beginning of our history the Government itself was given a monopoly of the transportation of sealed letter mail. It is conceded that private enterprise can properly and successfully perform all postal functions except those pertaining to sealed letter mail. Thus, from the outset the rule has obtained that first-class mail determines not only the means of transportation to be used, but the frequency of dispatch by railway, star route, motor vehicle, aircraft, and carrier services. It is the first-class mail also which determines the location of post offices and substations. First-class mail is given preferential treatment throughout the entire postal establishment. At every stage it is handled with the maximum speed and security. It bears special privileges and immunities of privacy. All other mail matter must give way to mail of the first class, and, necessarily, all other mail matter receives incidental and deferred treatment. The facilities of the Postal Service have been brought into being basically because of the requirements for collecting, moving, and for delivering the first-class mail.

The cost of moving mail matter of other classes and of performing special services is therefore proportionately very much less than it would be if it were necessary to create particular facilities for them. There is ample justification for low rates on mail of the second class, third class, and parcel post if we accept the principle that these classes should be charged only with that portion of the aggregate cost of the postal service which results directly from their having been introduced in the mails, plus an amount which in the aggregate will not operate to drive business to competitors. It is a fact that the railroad companies in many instances make a lower rate to the public generally for transporting some of the commodities which constitute second, third, and fourth class matter than they require the Government to pay them for carrying such matter in the mails. It is obvious, therefore, that the Post Office Department can carry such commodities only by making a rate which will be lower than its costs. It will be appreciated, I am sure, that in weighing any proposal for an increase in rates the Post Office Department must give consideration to competitive conditions. Expert opinion agrees that but small headway can be made toward balancing the post office budget by increasing rates on subordinate classes of mail or on the special services.

The postal-rate problem is not essentially different from the problem of rate making for rail transportation. Manifestly freight rates are not based directly upon the cost of service. They bear a much closer relationship to the character and value of the commodity and the value of the service to the shipper. Thus the shipper pays higher rates on silk than he does on cement and lumber. Similar illustrations can be supplied from other industries. In the petroleum business, for instance, if selling prices were fixed on the basis of an arithmetical division of production costs, the highest grade of gasoline would be sold for substantially the same price as the lowest grade of fuel oil.

In the commercial world the market value of commodities is commonly fixed with much less regard to direct costs of production than to the logical effect of the law of supply and demand.

We are of the opinion that the present postage rate on first-class mail is too low, taking into consideration the value of the first-class mail service to postal patrons. The present rate has been in effect since 1885, except during a brief period during the war with Germany when emergency rates were in force. Since 1916 there has been an increase of 82 per cent in the second-class rate, an increase of 21 per cent in the third-class rate, and an average increase of 10 per cent in the parcel-post rate. But in a period of greatly increased commodity prices and steadily mounting labor and service costs the Post Office Department has maintained unchanged for 45 years the selling price of its basic commodity—first-class mail. If we take into account the reduced purchasing power of the dollar in the period to which reference is made, the 2-cent postage rate of 1885 is equivalent to 3½ cents at the present time. If we take into account the relative wage to labor generally, the 2-cent rate in 1885 is equivalent to 7 cents at the present time. This means that if postage rates had been increased to the average level of commodities, the first-class rate to-day would be 3½ cents an ounce; and if postage rates had been increased in the same ratio as wages and services, the letter rate to-day would be 7 cents an ounce. We are getting from two to three times more for our postal dollar in the sending of letters than for any other dollar which we spend.

While the Post Office Department has not yet completed its study of this problem, from the data on hand there seems to be no doubt but that an increase in the first-class mail rate is justified, both on theoretical and practical grounds. We believe that a 2½-cent rate for the present would balance our budget, and it is not unlikely that this increase will soon be recommended to Congress.

You will note, I said the increase proposed would balance the Post Office Department budget for the present. It is my duty to call your attention to the fact that more than 30 different proposals, inspired by organized groups of postal workers are now pending in Congress providing for special benefits to such postal workers, the aggregate additional cost of which, if these proposals should be approved by Congress, would be more than $150,000,000 per year. Most of these measures would provide further increases in the compensation of various groups of postal workers. Some would add to the existing leave privileges, others would provide for increases of compensation based on longevity. Still others would provide additional pay for overtime work at special rates.

One of the proposals most urgently pressed at the present time would provide for the adoption of a 44-hour week throughout the entire Postal Service, in lieu of the present 48-hour week. This measure is sometimes referred to as the Saturday half holiday bill. If this bill should become a law and the postal establishment should continue the present facilities for the collection, movement, and distribution of the mails on Saturday afternoon, about $13,500,000 a year would be added to the postal deficit. In the event the 44-hour week bill should become a law the administration will be disposed to regard it as a declaration of policy on the part of Congress that the postal establishment should close its doors, suspend its regular service at mid-day on Saturday, and give to its patrons between Saturday noon and Monday morning only the very meager service which is now given on Sundays and holidays. In other words, it is our judgment that the benefits accruing from such a measure to postal workers should be paid for by a curtailment of the service to postal patrons rather than by imposing an additional burden of more than $13,000,000 upon the general taxpayers.

Another bill that is deserving of special mention would increase the vacation period of postal workers from 15 to 30 days a year, exclusive of Sundays and holidays, and the authorized sick leave from 10 to 30 days a year. This bill, if it should become a law, would add approximately $21,000,000 a year to our operating expenses.

There have been two general increases in the salaries of postal workers since the World War, one in 1920 and one in 1925. Each time it was supposed that the wage rates had been adjusted to correspond with comparable wages of employees in private industry. By these two adjustments the average of postal salaries was increased 84.8 per cent over the pre-war wage level. At the same time, we believe that postal employees have been dealt with more than fairly in the matter of leave privileges. They are allowed 15 days' vacation, exclusive of Sundays and holidays, with pay each year. They are also allowed 10 days' sick leave with pay each year. This sick leave is cumulative; that is to say, an employee who takes no sick leave for any one year is entitled to 20 days in the succeeding year. If he passes two years without illness, he may take 30 days sick leave in the third year, and so on to a maximum of six months.

Postal employees also have the benefit of the retirement system, being eligible to retire on an annuity at ages varying from 62 to 65 years. While theoretically employees are supposed to bear a share of the cost of this pension system by a deduction from their monthly pay, as a matter of fact salary schedules have been adjusted with a view to absorbing this deduction, so that virtually the Government is defraying the entire cost of the retirement system. There are, of course, many other benefits that are peculiar to Government employment which differentiate it from employment in competitive industry. Government work is continuous; there are no slack periods. There is no shutting down

for inventory. Salary raises generally are automatic, based upon length of service rather than upon efficiency. The worker under the civil service laws and regulations owns his job. He can be separated from it only for manifest misconduct. I can not refrain from believing that the average citizen who is compelled to scratch for a living, perhaps at times to walk the streets in search of employment, and who nevertheless is called upon directly or indirectly, to pay taxes to support the essential activities of his Government must believe that the postal worker is well compensated at the present time.

I do not wish to be understood to say that the present laws pertaining to the compensation and conditions of employment of postal workers are perfect—that they can not be improved. I believe that the Government should be a model employer and should treat the men and women in its service not merely justly, but generously. However, our paramount obligation is to the public; above everything else we must be just to the taxpayer who supports our Government, and we should grant no special benefits or privileges to Government workers that are not available to the great body of our citizens. Paradoxical as it may seem, the unjust burdens which not infrequently are placed upon taxpayers are due in a large measure to their own neglect of essential duties of citizenship. Members of our legislative bodies hear too much from the small organized groups and too little from taxpayers as a whole.

All of our financial troubles in the Post Office Department seem to me to result from the disregard by Congress of the fundamental fact that in its strictly postal activities the department is a Government owned and operated public utility, performing without profit a number of different services for its citizens as individuals; that as such it should be reimbursed by its patrons for the sum of its necessary expenditures. If Congress would adhere to the rule laid down by the founders of our Government, that adequate postal revenues must be provided by law before additional charges against the service may be incurred, at once would disappear the progressively increasing postal deficit and with it the pressure for unwarranted special legislation in favor of organized postal workers.

COMPLETION OF OHIO RIVER PROJECT—ADDRESS BY THE PRESIDENT

Mr. SHIPSTEAD. Mr. President, I ask to have printed in the RECORD an address delivered by the President of the United States at Louisville, Ky., on October 23, 1929, on the completion of the Ohio River 9-foot canalization project.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

To my fellow citizens: I am sure it is a great disappointment that this meeting could not have been held upon the water front, as planned. It seemed to me that the plan of your committee for me to address you upon the policies of this administration in waterway development from the pilot house of the steamer upon which we arrived at Louisville this evening had a peculiar fitness.

I was greatly relieved, however, when you changed that plan. The enthusiasm of the citizens of Louisville for waterway development was well shown by the thousands who met us upon our arrival, and I fear that their earnestness for that cause would have led them to brave the cold rain and sleet, even at the risk of health.

During the day we have completed the journey from Cincinnati to Louisville as part of the celebration of the Ohio Valley upon the completion of the improvement of the Ohio River into a modern waterway.

The river has now been formally opened to traffic from above Pittsburgh, 1,000 miles to Cairo, on the Mississippi, from which point another 1,000 miles of modernized waterway leads to the sea at New Orleans. By dams and locks, by dredging and revetments, we have transformed the Ohio River from a stream of shallows, ofttimes dangerous even to rafts, into a canalized waterway of an assured 9 feet of depth at all seasons. This transformation will not revive the romantic steamboatin' days of Mark Twain, but it will move more goods.

The picturesque floating palaces of Mark Twain's day drew 2 or 3 feet of water and, even then, found their way precariously around the bends among the snags and over sand bars. In time they were unable to compete with the spreading railroads, and river navigation passed into its Dark Ages. But now is its day of renaissance. Upon deep and regular channels unromantic Diesel tugs now tow long trains of steel barges. What the river has lost in romance it has gained in tonnage, for in steamboatin' days 500 tons was a great cargo, while to-day 10,000 tons is moved with less men and less fuel. It is thus by deeper channels and new inventions that our rivers come back as great arteries of commerce after half a century of paralysis. And the new waterways are not competitive but complementary to our great and efficient railways. It is the history of transportation that an increase of facilities and a cheapening of transportation increase the volume of traffic.

In the steamboatin' days the rivers were the great arteries for travel. Those who must hurry will have little inclination to journey by river steamers, but those who wish recreation may well return to this magnificent and powerful river. The majesty of the Ohio was born of the Ice Age, half a million years ago. Its beauty remains to-day undisturbed by our improvements, and will remain long after our Nation and race have been replaced with some other civilization. And those who love the glories of "Ole Man River" may now again find rest and food for the soul in travel on its currents.

The Ohio has a large place in the history of our race. On this route 250 years ago birch canoes carried La Salle and his first party of white men into the wilderness of the Middle West. He was the first to visit the falls of Louisville, whose roar is this moment in my ears. Down this valley through succeeding centuries poured the great human tide that pioneered the greatest agricultural migration in history. In turn came the explorer, the trapper, the early settler, the sweep of farmers ever pressing back the frontier in search of virgin land and independent home, the merchant, the manufacturer, the city builder, until this great valley is to-day one of the rich places of the earth. It is rich not alone in the sense of property but in the sense of happy and independent homes of virile men and women. From forefathers schooled of courage, adventure, and independence, of a spirit tempered by hardships, have sprung a race of men and women who have oft given leadership to the building of our Republic.

The improvement of this great water route has been ever present in the vision of our statesmen. George Washington first voiced its potentiality to our new-born Nation. In reporting on one of his early journeys he said:

"Prompted by these actual observations, I could not help taking a more extensive view of the vast inland navigation possibilities of the United States, both from maps and the observations of others as well as myself, and could not but be struck with the immense extent and importance of it and with the goodness of that Providence which has dealt its forces to us in so profuse a hand. Would to God that we may have the wisdom and courage to improve them."

To-day, after this 160 years, Washington's prayer is come true in a greater sense than even he dreamed. Other Presidents in succession over our history have striven for its development, from Jefferson on down. Lincoln's first political speech was a plea for its improvement. Our Nation sometimes moves slowly, but its will is not to be thwarted. It has been a gigantic task, this transformation of the Ohio. It represents an expenditure and a labor half as great as the construction of the Panama Canal. Like many current problems, the development of our rivers is never a finished accomplishment; it must march with the progress of life and invention.

While I am proud to be the President who witnesses the apparent completion of its improvement, I have the belief that some day new inventions and new pressures of population will require its further development. In some generation to come they will, perhaps, look back at our triumph in building a channel 9 feet in depth in the same way that we look at the triumph of our forefathers when, having cleared the snags and bars, they announced that a boat drawing 2 feet of water could pass safely from Pittsburgh to New Orleans. Yet for their times and means they, too, accomplished a great task. It is the river that is permanent; it is one of God's gifts to man, and with each succeeding generation we will advance in our appreciation and our use of it. And with each generation it will grow in the history and tradition of our Nation.

And while we celebrate the completion and connection of a great waterway 2,000 miles, from Pittsburgh to New Orleans, we have still unfinished tasks in improvement of our other great waterways up to the standards we have established upon the Ohio.

Some have doubted the wisdom of these improvements. I have discussed the subject many times and in many places before now, and I shall not repeat the masses of facts and figures. The American people, I believe, are convinced. What they desire is action, not argument. I may, however, mention that as the improvement of the Ohio and its tributaries has marched section by section during this past 12 years the traffic has grown from 25,000,000 tons to over 50,000,000 tons annually. Yet it is only to-day this great branch line is connected with the main trunk of this transportation system, the Mississippi. It is only now that the full movement of goods can take place between the great cities of Pittsburgh, Cincinnati, Louisville, on one hand, and St. Louis, Memphis, New Orleans, and the wide ocean on the other.

With the completion of our national job on the Ohio, with the celebration of this day, we can well turn our minds toward the other great jobs in waterway improvement which lie before us. The Ohio is but one segment of the natural inland waterways with which Providence has blessed us. We have completed the modernization of but one other of the great segments of this system—that of the lower Mississippi.

Five or six years ago I had opportunity to join with those many representatives of the mid-West in council as to the method by which we could strengthen national interest in the energetic development of the other parts of this great system. At that time I suggested that all these tributaries of the Mississippi and the Great Lakes comprised a single great transportation system. That it must be developed in vision of the whole and not in parts.

Without delaying to traverse the detailed ramifications of these great natural waterways, I may well summarize their present condition and enunciate the policies of my administration in respect to them:

First. As a general and broad policy I favor modernizing of every part of our waterways which will show economic justification in aid of our farmers and industries.

Second. The Mississippi system comprises over 9,000 miles of navigable streams. I find that about 2,200 miles have now been modernized to 9 feet in depth, and about 1,400 miles have been modernized to at least 6 feet in depth. Therefore some 5,000 miles are yet to be connected or completed so as to be of purpose to modern commerce. We should establish a 9-foot depth in the trunk system. While it is desirable that some of the tributaries be made accessible to traffic at 6 or 7 feet, yet we should in the long view look forward to increasing this latter depth as fast as traffic justifies it.

This administration will insist upon building these waterways as we would build any other transportation system—that is, by extending its ramifications solidly outward from the main trunk lines. Substantial traffic or public service can not be developed upon a patchwork of disconnected local improvements and intermediate segments. Such patchwork has in past years been the sink of hundreds of millions of public money.

Third. We must design our policies so as to establish private enterprise in substitution for Government operation of the barges and craft upon these waterways. We must continue Government barge lines through the pioneering stages, but we must look forward to private initiative not only as the cheapest method of operation but as the only way to assured and adequate public service.

Fourth. We should complete the entire Mississippi system within the next five years. We shall then have built a great north and south trunk waterway entirely across our country from the Gulf to the northern boundaries, and a great east and west route, halfway across the United States. Through the tributaries we shall have created a network of transportation. We shall then have brought a dozen great cities into direct communication by water; we shall have opened cheaper transportation of primary goods to the farmers and manufacturers of over a score of States.

Fifth. At the present time we have completed 746 miles of intracoastal canals. We still have approximately 1,000 miles to build. We should complete this program over a period of less than 10 years.

Sixth. We should continue improvement of the channels in the Great Lakes; we should determine and construct those works necessary for stabilizing the lake levels.

Seventh. One of the most vital improvements to transportation on the North American Continent is the removal of the obstacles in the St. Lawrence River to ocean-going vessels inward to the Great Lakes. Our Nation should undertake to do its part whenever our Canadian friends have overcome those difficulties which lie in the path of their making similar undertakings. I may say that I have seen a statement published lately that this improvement would cost such a huge sum as to make it entirely uneconomical and prohibitive. To that I may answer that after we have disposed of the electrical power we could contract the entire construction for less than $200,000,000, divided between the two Governments and spread over a period of 10 years.

Eighth. We shall expedite the work of flood control on the lower Mississippi in every manner possible. In the working out of plans we find it necessary to reconsider one portion of the project—that is, the flood way below the Arkansas—but work in other directions will proceed in such fashion that there will be no delay of its completion under the 10-year program assigned to it.

Ninth. With the increasing size of ocean-going vessels and the constantly expanding volume of our commerce, we must maintain unceasing development of our harbors and the littoral waterways which extend inland from them.

Tenth. The total construction of these works which I have mentioned amounts to projects three and four times as great as the Panama Canal. In order that there may be no failure in administration, and as an indication of our determination to pursue these works with resolution, we have in the past month entirely recast the organization of this executive staff in the Government. With the approval of the Secretary of War, and under the newly appointed Chief of Engineers, we have assigned to each of these major projects a single responsible engineer. We thus secure a modern business organization, direct responsibility, and continuous administration. We wish to see these projects completed with all the expedition which sound engineering will permit. We shall be able by this means to place responsibility without question in failure and to give credit without question to the men who bring these great projects to successful completion.

At the present time we are expending approximately $85,000,000 per annum on new construction and maintenance of these works. To complete these programs within the periods I have mentioned will require an increase in the Government outlay by about $10,000,000 per annum, not including the St. Lawrence; at most, including that item, an increase in our expenditures of, say, $20,000,000 a year. A considerable proportion of this will end in five years' time. It is of the nature of a capital investment.

This annual increase is equal to the cost of one-half of one battleship. If we are so fortunate as to save this annual outlay on naval construction as the result of the forthcoming naval conference in London, nothing could be a finer or more vivid conversion of swords to plowshares.

To carry forward all these great works is not a dream of the visionaries—it is the march of the Nation. We are reopening the great trade routes upon which our continent developed. This development is but an interpretation of the needs and pressures of population, of industry, and civilization. They are threads in that invisible web which knits our national life. They are not local in their benefits. They are universal in promoting the prosperity of the Nation. It is our duty as statesmen to respond to these needs, to direct them with intelligence, with skill, with economy, with courage.

A nation makes no loss by devotion of some of its current income to the improvement of its estate. That is an obligation we owe to our children and grandchildren. I do not measure the future of Amercia in terms of our lifetime. God has truly blessed us with great resources. It is our duty to make them available to our people.

PURPOSES AND AIMS OF MISSISSIPPI VALLEY ASSOCIATION

Mr. SHIPSTEAD. Mr. President, following the address by the President, which I have asked to have printed in the RECORD, I ask that there may be printed in the RECORD a statement of the purposes and resolutions passed at the Eleventh Annual Convention of the Mississippi Valley Association held at St. Louis, Mo., November 11 and 12, 1929.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF PURPOSES AND RESOLUTIONS

PREAMBLE

It is one of the privileges of the citizens of a free Government that voluntary organizations can be formed to freely and fully give voice to the sentiments of the people. Such expressions serve to guide those who are in public office and bring to the attention of our Senators and Congressmen the needs and wishes of their constituents. Therefore, we, the delegates to the eleventh annual meeting of the Mississippi Valley Association, held in St. Louis, Mo., November 11 and 12, 1929, hereby state and approve the following declarations representing as we do the commercial, industrial, and agricultural interests of 26 States located between the Rocky Mountains and the Alleghenies.

GENERAL PURPOSES

This association since its organization has been devoted to the development, completion, and use of a great Mississippi Valley system of inland waterways supplementing our railways and connecting at Gulf ports with our American flag overseas steamship lines, all to serve the vast empire which we represent. We feel, therefore, the utmost pride and satisfaction in the fact that a program looking to the accomplishment of our purpose has the approval of the administration, and that we can now look forward with renewed confidence to the completion of our plans.

PANAMA CANAL AND THE OHIO RIVER

We glory in the triumph of American engineering as evidenced by the Panama Canal, which has greatly added to the agricultural, industrial, and commercial welfare of the seaboard States. We feel that economic justice demands similar opportunities for the States of the interior, and especially for the benefit of the great agricultural sections of our country. We congratulate the Board of Army Engineers on the successful completion of the great project on the Ohio River, with its 50 locks and dams now ready to serve the shippers of that territory.

FIVE-YEAR COMPLETION PROGRAM

But no system of transportation can be deemed finished and capable of rendering its full service until it has been completed as a whole, and we feel most strongly that the necessary funds should be made available for that purpose. We urge that all Government projects on these rivers should be completed within a period of five years. The economic loss occasioned by delay amounts to a much greater sum than can be saved by slow, piecemeal methods. For this reason we urge that the authorized projects should be pushed with all the energy that sound engineering can suggest, and that work on all sections of this great system should be carried on concurrently so that the people of the great empire to be served will receive the benefits within the shortest possible time.

STANDARD-GAGE 9-FOOT CHANNELS

The system should be standardized on a basis of a channel depth of not less than 9 feet, and locks, bridges, terminals, and floating equipment should be harmonized with this view in mind and should conform to an adopted standard. The connection between this system and the Great Lakes system, which is the most successful inland waterway in the world, should be made by the adoption and improvement of the Illinois and Des Plaines Rivers and the Sanitary Canal from Chicago to the Mississippi River as a Federal project and an essential link in the unification of our inland waterways. To this end, diversion of water from the Great Lakes is essential and compensating works to provide maximum depths in the interlake channels should be provided.

The main lines north and south on the Mississippi River from Minneapolis to New Orleans and connecting waterways and east and west from the upper reaches of the Ohio and its tributaries, such as the Ohio and Lake Erie Canal and the great Kanawha and the Tennessee and Cumberland, up the Missouri to Sioux City and to a point as far north as a satisfactory channel can be secured, the Intracoastal Canal from New Orleans to Corpus Christi, Tex., the Alabama-Coosa, the Arkansas River, and Red River are vital parts and main arteries of this system and should be improved with the least possible delay.

THE MISSOURI RIVER

We urge that the surveys authorized by Congress should be completed at an early date, the limitation of $12,000,000 in the upper Missouri be eliminated, and all work be prosecuted with the utmost dispatch. We also urge that a survey of the upper Missouri River be made from Sioux City to Fort Benton, Mont., with a view of obtaining a navigable channel as far northwest as practicable.

NEW PROJECTS

We recommend to Congress further improvement of the Warrior River, the adoption of a 9-foot project on the Chattahoochee River, and the development of the Intracoastal Canal from the present terminus of the approved project in Pensacola Bay to its connection with the Apalachicola River and the extension of this waterway through the adoption of the Trans-Florida Canal across north Florida and south Georgia to its connection with the Intracoastal Canal of the Atlantic Deeper Waterways.

Essential to inland navigation, and to the agricultural and industrial welfare of the Mississippi River system, is the control, conservation, and utilization for beneficial purposes of the now wasted and destructive flood waters of the valley, and sites for such conservation should be widely distributed so as to accomplish the greatest possible economic benefit to the upper basin area.

It is obvious that under these conditions the appropriations should be sufficiently increased to insure the completion of the whole system within five years.

JOINT RAIL AND BARGE RATES

We wish to express our approval and appreciation of the legislation enacted by Congress known as the Denison bill, which extends the operations of the Inland Waterways Corporation, increases its capital, and provides for joint routes, rates, and divisions of revenue with the rail carriers. While we believe in the principle of private ownership and operation of transportation facilities we feel that the Inland Waterways Corporation should be owned by the Government until common carriers under private ownership can be made secure in their operation.

WATER TERMINALS

We most emphatically urge all municipalities to arrange proper terminals suitable and adequate for the handling of business in connection with the movement of freight on the rivers and the transfer of this freight to other carriers. We urge the need for riverside locations for storage elevators, and we call the attention of the Federal Farm Board to this need and request that they investigate the economic benefits to be derived from the installation of such facilities. We stand ready to cooperate with any municipality or State in the passage of the necessary legislation to obtain the funds for these purposes.

MERCHANT MARINE

Our inland waterways, with the rail lines, connect with the steamship services established by the United States Shipping Board out of our Gulf ports, thus giving our vast territory an efficient means of access of the markets of the world. Every link in this chain is a vital one, and the services rendered are of inestimable value to the agricultural and manufacturing interests of the entire valley. We favor the private ownership and operation of these lines under the provisions of section 7 of the merchant marine act, 1920. The wise provisions of this law are for the purpose of preventing outside domination and to insure competitive service and rates, and we believe and urge as a vital necessity for the success of the entire inland waterway program that these steamship lines when sold be sold to local private companies who are interested in the success of the business originating on our waterways.

We urge the Government to continue its policy of awarding mail contracts to the local private companies who have purchased these lines in accordance with the clear intent of Congress and the understanding of the people who urge the enactment of these laws. We urge the administration to carry out the assurances given when these lines were purchased in good faith, and we feel that the success of our entire waterway program is dependent upon ownership and operation of the shipping facilities friendly to the regions served.

SUPPORT OF ADMINISTRATION

We take pride in the statesmanlike public utterances of our great President, Herbert Hoover, who has been the leader in the movement for the development of our waterways. We congratulate him on the far-sighted judgment which he has shown in urging these projects. We believe that the American people are most fortunate in having his leadership at this time. We urge upon Congress the cooperation necessary for the passage of legislation to carry out his plans. We feel that the development of the inland-waterways system will extend to the agricultural interests of this country a necessary relief; that it will place the Middle West on a parity with the parts of the United States which are close to water transportation. We believe that the railroads, which are operating in that section of the country, will be greatly benefited by the industrial and commercial expansion which will follow the advent of water transportation.

FARM RELIEF

We believe that by the reduction of transportation costs the producers of agricultural products will receive a higher return without penalizing consumers in other sections of the country. We ask for no advantage but make our plea for economic justice.

When the great program that we have outlined has been completed we believe that there will be many other streams which can be improved and areas which can be developed to add to the wealth of the Nation and the carrying out of the policies herein outlined will undoubtedly enormously benefit the Nation as a whole and will greatly enlarge the buying power of the Mississippi Valley.

THANKS TO ST. LOUIS

We wish to express our deep thanks to the people of St. Louis for the entertainment they have furnished us and the courtesies they have extended to us, and also to the press and to the radio broadcasting station KMOX for the cooperation they have shown us in giving publicity to the proceedings of this convention, and we urge the editors of every newspaper in the entire Mississippi Valley to publish the declarations which we have adopted so that our people will know the purposes and aims of our organization, and we recommend that the board of directors instruct the secretary to place these declarations in the hands of each and every publisher in the Mississippi Valley.

Resolutions committee: Stewart Gilman, chairman, Sioux City, Iowa; Walter Parker, secretary, Fenner & Beane, New Orleans, La.; C. W. Ashcraft, Florence, Ala.; Capt. W. L. Berry, Ayer & Lord Tie Co., Paducah, Ky.; E. E. Blake, chairman of flood control, Chamber of Commerce, Oklahoma City, Okla.; R. A. Brown, president R. A. Brown & Co., Birmingham, Ala.; Andrew P. Calhoun, American Barge Line Co., Louisville, Ky.; J. Ralston Cargill, secretary-treasurer Chamber of Commerce, Columbus, Ga.; J. B. Carter, secretary Associated Industries of Arkansas, Pine Bluff, Ark.; F. B. Chamberlain, president F. B. Chamberlain Co., St. Louis, Mo.; W. Y. Dow, Morton Salt Co., Chicago, Ill.; J. P. Edgar, president Happy Feed Mills, Memphis, Tenn.; C. H. Entsminger, president C. H. Entsminger Lumber Co., Chamberlain, S. Dak.; W. B. Estes, Chamber of Commerce, Oklahoma City, Okla.; C. C. Gilbert, secretary Tennessee Manufacturers' Association, Nashville, Tenn.; F. P. Glass, publisher Montgomery Advertiser, Montgomery, Ala.; Gov. Bibb Graves, Montgomery, Ala.; S. A. Greene, mayor Council Bluffs, Iowa; A. T. Griffith, president Boating Publishing Co., Peoria, Ill.; G. S. Hensley, vice president Whitney National Bank, New Orleans, La.; William Holden, secretary Chamber of Commerce, Tulsa, Okla.; W. K. Kavanaugh, president Southern Coal, Coke & Mining Co., St. Louis, Mo.; John H. Kelly, editor Sioux City Tribune, Sioux City, Iowa; J. A. Kerper, secretary dock commission, Dubuque, Iowa; C. F. Keyes, president board of estimates and taxation, Minneapolis, Minn.; Arthur W. Kleinschnitz, traffic manager Minnesota State Prison, Stillwater, Minn.; Louis Kranitz, St. Joseph, Mo.; George C. Lambert, chairman River Improvement Commission of Minnesota, St. Paul, Minn.; A. W. Mackie, Combustion Equipment Co., Kansas City, Mo.; Roy Miller, active vice president Intracoastal Canal Association, Corpus Christi, Tex.; W. F. Mulvihill, supervisor Illinois waterway construction, State of Illinois, Chicago, Ill.; Judge A. K. Nippert, Cincinnati, Ohio; N. O. Pedrick, Mississippi Shipping Co., New Orleans, La.; B. F. Peek, vice president Deere & Co., Moline, Ill.; Robert Isham Randolph, Randolph-Perkins Co., Chicago, Ill.; Mercer Reynolds, Chattanooga, Tenn.; W. L. Richeson, president New Orleans Board of Trade, New Orleans, La.; T. D. Rowan, Chamber of Commerce, Little Rock, Ark.; W. H. Sammons, editor Sioux City Journal, Sioux City, Iowa; J. P. Schuh, Schuh Drug Co., Cairo, Ill.; A. B. Shepherd, president Interstate Steamship Co., Pittsburgh, Pa.; W. G. Strohm, St. Louis Gas & Coke Corporation, Granite City, Ill.; George E. Sutherland, vice president Great Kanawha Valley Improvement Association, Charleston, W. Va.; Judge W. P. Warner, Dakota City, Nebr.; W. R. Watson, Omaha World Herald, Omaha, Nebr.; W. E. Weir, mayor Gadsden, Ala.; Alex Wilson, city commissioner, Cairo, Ill.; Mark W. Woods, president Woods Bros. Corporation, Lincoln, Nebr.; F. P. Zimmermann, Western Cartridge Co., Alton, Ill.

Executive committee of resolutions committee: C. W. Ashcraft, Florence, Ala.; R. A. Brown, president R. A. Brown & Co., Birmingham, Ala.; Andrew P. Calhoun, American Barge Line Co., Louisville, Ky.; F. B. Chamberlain, president F. B. Chamberlain Co., St. Louis; William Holden, secretary Chamber of Commerce, Tulsa, Okla.; George C. Lambert, chairman River Improvement Commission of Minnesota, St. Paul, Minn.; Roy Miller, active vice president Intracoastal Canal Association, Houston, Tex.; N. O. Pedrick, Mississippi Shipping Co., New Orleans, La.; Robert Isham Randolph, Randolph-Perkins Co., Chicago, Ill.; Judge W. P. Warner, Dakota City, Nebr.; W. R. Watson, Omaha World-Herald, Omaha, Nebr.

NOMINATION OF JOHN J. PARKER FOR SUPREME COURT JUDGE

Mr. WAGNER. Mr. President, for the convenience of Senators in the consideration of the nomination of John G. Parker, I ask unanimous consent that there may be printed in the RECORD:

First. Opinion of the circuit court of appeals in the case of United Mine Workers against Consolidated Coal & Coke Co.;

Second. Opinion of the Court of Appeals of New York in the case of Interborough Rapid Transit Co. against Lavin; and

Third. Opinion of the Supreme Court of New York in the case of Interborough Rapid Transit Co. against Green et al.

There being no objection, the opinions referred to were ordered to be printed in the RECORD, as follows:

INTERNATIONAL ORGANIZATION, UNITED MINE WORKERS OF AMERICA, ET AL. v. RED JACKET CONSOLIDATED COAL & COKE CO., AND 11 OTHER CASES

Circuit Court of Appeals, Fourth Circuit, April 18, 1927

Nos. 2492-2503

1. Monopolies, key No. 12(1)—International Organization, United Mine Workers of America, is not of itself unlawful "conspiracy in restraint of interstate commerce." (Clayton Act, sec. 6 [Comp. St. sec. 8835f].)

The International Organization, United Mine Workers of America, is not of itself an unlawful conspiracy in restraint of interstate trade and commerce, in violation of Clayton Act, section 6 (Comp. St. sec. 8835f), merely because of its extent and purpose to embrace all mine workers of the continent.

[Ed. Note.—For other definitions, see Words and Phrases, First and Second Series, Conspiracy.]

2. Monopolies, key No. 12(1)—Labor union, turning from legitimate objects and engaging in conspiracy in restraint of trade, is accountable as any other organization.

When a labor union, lawful in itself, turns aside from its normal and legitimate objects and purposes and engages in actual combination or conspiracy in restraint of trade, it is accountable therefor in the same manner as any other organization.

3. Monopolies, key No. 24(2)—Evidence held to warrant finding that International Organization, United Mine Workers of America, and others had engaged in actual conspiracy to restrain interstate trade by interfering with business of nonunion mines (Sherman Act [Comp. St. sec. 8820 et seq.]).

In consolidated actions by operators of nonunion coal mines against the International Organization, United Mine Workers of America, and others, to restrain interference with complainants' businesses, evidence held to warrant finding that defendants had engaged in an actual combination in restraint of interstate trade, in violation of Sherman Act (Comp. St. sec. 8820 et seq.).

4. Appeal and error, key No. 1009 (4): Findings of judge in equity case should not be disturbed unless clearly against weight of evidence.

In injunction suit, findings of trial judge should not be disturbed unless it clearly appears either that he has misapprehended the evidence or has gone beyond the clear weight thereof.

5. Monopolies, key No. 13: Conspiracy to interfere with business of nonunion coal mines held conspiracy to interfere with interstate commerce. (Sherman Act (Comp. St. sec. 8820 et seq.).)

Conspiracy of international organization, United Mine Workers of America, and others, to interfere with the business of West Virginia nonunion coal mines producing more than 40,000,000 tons of coal per year, more than 90 per cent of which was shipped in interstate commerce, held a conspiracy to restrain or interfere with interstate commerce, in violation of Sherman Act (Comp. St. sec. 8820 et seq.), particularly in view of purpose of defendants to stop shipments.

6. Monopolies, key No. 12 (1): Conspiracy is violative of Sherman Act, where there is intent to restrain interstate trade and appropriate scheme, though it does not operate directly on instrumentalities of commerce. (Comp. St. sec. 8820 et seq.)

A conspiracy is in violation of Sherman Act (Comp. St. sec. 8820 et seq.) where there exists an intent to restrain interstate trade and commerce and a scheme appropriate for that purpose, even though it does not act directly on the instrumentalities of commerce.

7. Monopolies, key No. 12 (1): Intent to restrain interstate trade is presumed where it is necessary result of things done or contemplated.

Where the necessary result of things done pursuant to or contemplated by a conspiracy is to restrain trade between the States, an intent to so restrain trade is presumed.

8. Monopolies, key No. 24 (2): Coal-mine operators held properly joined as plaintiffs in consolidated suits to enjoin labor union's interference with their business. (Sherman Act (Comp. St. sec. 8820 et seq.) Clayton Act, sec. 16 (Comp. St. sec. 8835o); new equity rule 26.)

Numerous nonunion coal-mine operators in West Virginia held properly joined as parties plaintiff in consolidated suits against the international organization, United Mine Workers of America, and others to enjoin interference with complainants' business as in violation of Sherman Act (Comp. St. sec. 8820 et seq.), in view of Clayton Act, section 16 (Comp. St. sec. 8835o), and new equity rule 26.

9. Equity, key No. 51(1)—Separate claims of numerous persons against same defendant, arising from common cause involving same law, may be determined in single action.

To prevent a multiplicity of suits, a court of equity will determine rights in a single suit by numerous persons having separate and individual claims against the same party, where such claims arising from some common cause are governed by the same legal rule and involve similar facts.

10. Equity, key No. 149—Equity rule relating to uniting of causes of action held not inapplicable where there is more than one plaintiff (new equity rule 26).

New equity rule 26, providing that causes of action on behalf of more than one plaintiff must be joint, "* * * or sufficient grounds must appear for uniting the causes of action in order to promote the convenient administration of justice," as to quoted language, is not applicable only to uniting of causes against defendants, but applies also to uniting of causes on behalf of several plaintiffs.

11. Equity, key No. 370—Coal operators' suits to enjoin labor union's interference with business held properly consolidated (U. S. C. title 28, sec. 734 (Comp. Stats. sec. 1547)).

Suits by owners and operators of nonunion coal mines to enjoin labor union's interference with their business held properly consolidated under Revised Statutes, section 921 (U. S. C. title 28, sec. 734 (Comp. Stats. sec. 1547)).

12. Injunction, key No. 63—Injunction restraining labor unions from inciting, inducing, or persuading employees of nonunion coal mine operators to break employment contract held not too broad (Clayton Act, sec. 20 (Comp. Stats. sec. 1243d)).

Decree restraining labor union and others "from inciting, inducing, or persuading the employees of plaintiffs (nonunion coal mine owners and operators) to break their contract of employment with the plaintiffs," held not objectionable (Clayton Act, section 20 (Comp. Stats. sec. 1243d), prohibiting injunction against peaceful persuasion being inapplicable).

13. Injunction, key No. 101(2)—Statute prohibiting injunction against peaceful persuasion held inapplicable to action between employer and persons neither seeking employment nor ex-employees (Clayton Act, sec. 20 (Comp. Stats. sec. 1243d)).

Clayton Act, section 20 (Comp. Stats. sec. 1243d), prohibiting injunction against peaceful persuasion, held inapplicable in case between employers and persons who were neither ex-employees nor seeking employment.

14. Injunction, key No. 49: Decree enjoining labor unions aiding or abetting persons withholding employees' houses of nonunion coal-mine operators held proper.

Decree enjoining labor unions from aiding or abetting any person or persons to occupy or hold, without right, any house or other property of plaintiffs, West Virginia nonunion coal-mine owners and operators, held not improper; persons so withholding houses intended for employees of plaintiff being trespassers under law of West Virginia.

15. Landlord and tenant, key No. 144: Coal-mine employees, refusing to surrender houses after quitting work, are "trespassers" under law of West Virginia.

Under law of West Virginia, coal-mine employees quitting work and refusing to surrender houses occupied by them become "trespassers."

[Editor's note: For other definitions see Words and Phrases, First and Second Series, Trespasser.]

16. Equity, key No. 65 (2): Nonunion coal-mine operators held not in pari delicto with labor union in action to restrain interference with business.

Nonunion coal-mine operators, who had for a time operated on a union basis and paid the "check-off" to the union, held not in pari delicto with labor union and others engaged in unlawful conspiracy to restrain interstate trade, so as to preclude relief in injunction suit.

Appeals from the District Court of the United States for the Southern District of West Virginia, at Charleston, George W. McClintic, judge.

Action by the Red Jacket Consolidated Coal & Coke Co. against the international organization, United Mine Workers of America, and others, heard with 11 other consolidated cases. Decree in each case for plaintiffs, and defendants' appeal. Affirmed.

These are 12 suits instituted by various owners and operators of coal mines in West Virginia, against the international organization, United Mine Workers of America, the district and local unions of that organization in West Virginia, and various of its international, district, and local officers and members, who are named as defendants in the several suits. Complainants are 316 in number, embracing most of the coal companies operating on a nonunion basis in what is known as the southern West Virginia field. The suits are instituted to restrain interference with business of complainants by the union and its members, on the ground that such interference constitutes a restraint of interstate trade and commerce in violation of the Sherman Act (Comp. St., sec. 8820, et seq.).

The international organization, United Mine Workers of America, is an unincorporated labor organization of the United States and Canada, having a membership of 475,000, or approximately 75 per cent of all persons working in or around coal mines, coal washeries, and coke ovens on the American continent. It is recognized by a

large percentage of the mines of the United States, which are known as union mines and are operated on the "closed union shop" basis; that is to say, no laborers are employed in or about such mines who are not members of the union. Complainants operate their mines nonunion on the "closed nonunion shop" basis; that is, their employees are notified that the company will not employ union men and accept employment with that understanding, and in the case of most of them the employees have entered into contracts that they will not join the union while remaining in the service of the employer. Complainants operate in what is probably the most important nonunion coal field of the United States. Their combined annual tonnage amounts to over 40,000,000 tons, 90 per cent or more of which is shipped out of West Virginia in interstate commerce. The controversy involved in the several suits is not a controversy between complainants and their employees over wages, hours of labor, or other cause, but is a controversy between them as nonunion operators and the international union, which is seeking to unionize their mines.

The suit of the Red Jacket Coal Co. was instituted September 30, 1920. That company operates in Mingo County, W. Va., in the Williamson-Thacker field, which is and has always been nonunion territory. A strike was declared by the union in this field about July 1, 1920, in an attempt to unionize it, and the suit was instituted to enjoin the union and its officers and members from interfering with the company's employees by violence, threats, intimidation, picketing, and the like, or by procuring them to breach their contracts with plaintiff in the manner enjoined in Hitchman Coal Co. *v.* Mitchell, 245 U. S. 229, 38 S. Ct. 65, 62 L. ed. 260, L. R. A. 1918C, 497, Ann. Cas. 1918B, 461. The suit of the Borderland Coal Co. was instituted September 26, 1921.

This company also operated in Mingo County, and it asks injunctive relief, not only in behalf of itself but also in behalf of 62 other companies operating in the same territory, who were actually made parties to the suit on April 8, 1922. Shortly prior to the institution of the Borderland suit, armed union miners to a number variously estimated at between 5,000 and 7,000 had congregated at Marmet, W. Va., had announced their intention of marching across Logan County and into Mingo County with the avowed purpose of unionizing that field, and had actually engaged in a pitched battle with State officers, as a result whereof martial law had been declared and Federal troops had been sent into the territory to preserve the peace. In this suit practically the same relief is sought as in the Red Jacket suit.

On April 1, 1922, while the strike order of July 1, 1920, in the Williamson-Thacker field was still outstanding and the efforts of the union in that field were being continued, the union called a nation-wide strike because of its failure to reach a basic wage agreement with the union operators of the central competitive field (Illinois, Indiana, Ohio, and western Pennsylvania). This strike was declared to apply to nonunion as well as to union miners, and measures were taken to make it effective throughout the Williamson-Thacker, Winding Gulf, and Greenbrier fields of West Virginia, which had always been nonunion, as well as in the Kanawha and New River fields, where the union had for a time been recognized, but where operation had been commenced on the "closed nonunion shop" basis under contracts between the operators and their employees. Violence, threats, intimidation, and interference with contract were resorted to, and nine suits were instituted by the nonunion operators to enjoin the union, its officers and members, from interfering with their employees and the operation of their mines, and asking the same relief as was asked in the Red Jacket and Borderland suits. In each of these suits a number of companies operating in the same general neighborhood joined as complainants, and, as heretofore stated, 62 companies operating in the Williamson-Thacker field joined as complainants in the Borderland suit which had been instituted some time prior thereto.

Temporary injunctions were obtained in all of these suits. In a number of them appeals were taken to this court, and the injunctive orders of the district court were modified. Keeney et al. *v.* Borderland Coal Corporation et al. (282 F. 269); Dwyer *v.* Alpha Pocahontas Coal Co. et al. and four other cases (282 F. 270); International Organization, United Mine Workers of America et al. *v.* Leevale Coal Co. et al. (285 F. 32).

The general strike of 1922 was settled by the Cleveland wage agreement of August of that year, but the strike was continued against the nonunion operators of West Virginia. Upon the making of the wage agreement, certain companies, which had joined as complainants in some of the bills, entered into wage agreements recognizing the union, and withdrew as complainants. On September 18, 1922, a bill was filed in behalf of the Carbon Fuel Co. and a number of others against the defendants in the other cases and the companies who had withdrawn from the suits as complainants, asking not only that the same relief be awarded as was asked in the other suits but also that these companies be enjoined from paying to the United Mine Workers the "check-off" provided for in their contract; that is, a certain sum from the wages of each miner employed which the contract provided should be paid to the union. A preliminary injunction was granted, which, on appeal, was modified by this court. International Organization, United Mine Workers of America *v.* Carbon Fuel Co. et al. (288 F. 1020).

On May 21, 1923, the district court entered an order consolidating all 12 of the cases pending; and the defendants, having already moved to dismiss in the various cases for misjoinder of parties plaintiff, objected to the consolidation, and excepted to the order directing same. A great mass of evidence was then taken, which, with the pleadings and affidavits, covers 5,000 pages of the printed record. The district judge, on October 16, 1925, made an extended finding of facts, which was filed as a part of the record in each case, and in each case entered the same final decree, from which the defendants have appealed.

The district judge found, among other things, that defendants had conspired to restrain interstate trade and commerce in coal, and that at the time these suits were instituted the United Mine Workers of America, its officers, agents, representatives, and members were attempting "(a) unlawfully, maliciously, and unreasonably to induce, incite, and cause the employees of the plaintiffs in said suits, respectively, to violate their said contracts of employment with said plaintiffs; (b) to compel said employees of said plaintiffs by use of force, intimidation, threats, violence, vile epithets, abusive language, and false and fraudulent statements, to cease working for said plaintiffs and to become members of said union; (c) to compel the plaintiffs to recognize said international organization, United Mine Workers of America, and to deal with it and operate their mines under closed-shop contracts with it, including the 'check-off' provisions, or to close down their mines." He further found that it was a part of the policy and plan of the union to have members thereof obtain, keep, and hold possession of dwelling houses belonging to complainants, which were constructed and maintained by them for the use of their employees as incidental to such employment, and were absolutely necessary to the operation of their mines, and that the union was maintaining persons in the wrongful occupation of such houses for the purpose of preventing the houses being used by persons who were willing to work, and for the purpose of harassing complainants' nonunion employees.

Upon these findings a final decree was entered in each case, the effective provisions of which are those approved by this court in the Carbon Fuel case, 288 F. 1020. By this decree defendants are restrained and enjoined:

"(1) From interfering with the employees of the plaintiffs or with men seeking employment at their mines by menaces, threats, violence, or injury to them, their persons, families, or property, or abusing them, or their families, or by doing them violence in any way or manner whatsoever, or by doing any other act or thing that will interfere with the right of such employees and those seeking employment to work upon such terms as to them seem proper, unmolested, and from in any manner injuring or destroying the properties of the plaintiffs, or either of them, or from counseling or advising that these plaintiffs should in any way or manner be injured in the conduct and management of their business and in the enjoyment of their property and property rights.

"(2) From trespassing upon the properties of the plaintiffs, or either of them, or by themselves, or in cooperation with others, from inciting, inducing, or persuading the employees of the plaintiffs to break their contract of employment with the plaintiffs.

"(3) From aiding or assisting any other person or persons to commit or attempt to commit any of the acts herein enjoined.

"(4) From aiding or abetting any person or persons to occupy or hold without right, any house or houses or other property of the plaintiffs, or any of them, by sending money or other assistance to be used by such persons in furtherance of such unlawful occupancy or holding."

The defendants filed 28 assignments of error, which present 5 principal contentions for consideration by this court: (1) That the evidence does not establish a conspiracy in restraint of interstate trade and commerce in violation of the Sherman Act; (2) that there was misjoinder of parties plaintiff in the several suits and error in the order of consolidation; (3) that the injunctive decree is too broad, in that it forbids peaceful persuasion as well as violence and intimidation: (4) that the court should not have enjoined defendants from rendering assistance to persons to enable them to occupy or hold without right houses belonging to complainants; and (5) that those of complainants who had had wage agreements with the union were in pari delicto with defendants and therefore not entitled to relief. The point was made also that the court had no jurisdiction to award an injunction against defendants Lewis, Green, and Murray on the ground that they were not residents of the district, but this point seems to have been properly raised in no case except that of the Leevale Coal Co., and in that case the injunction did not run against these defendants. No direct question is raised by the appeal as to the legality of the "check-off"; for, while this matter is referred to in the findings of fact, the payment of the "check-off" is not enjoined by the decree.

William A. Glasgow, jr., of Philadelphia, Pa. (Henry Warrum, of Indianapolis, Ind., and T. C. Townsend, of Charleston, W. Va., on the brief), for appellants.

R. S. Spilliman and A. M. Belcher, both of Charleston, W. Va. (Edgar L. Greever, of Tazewell, Va.; George S. Couch, of Charleston, W. Va.; and Samuel M. Austin, of Lewisburg, W. Va., on the brief), for appellees.

Before Waddill, Rose, and Parker, circuit judges.

Parker, circuit judge (after stating the facts above). The first question for our consideration is whether the evidence establishes a con-

spiracy in restraint of interstate trade and commerce, in violation of the Sherman Act. This inquiry goes not merely to the propriety of the granting of the injunction, but to the very existence of the power to grant it; for, except in the case of the Red Jacket Coal Co., the jurisdiction of the court in all of the cases rests, not upon diversity of citizenship, but upon the fact that they arise under the laws of the United States. Complainants ask an injunction under the Clayton Act (38 Stat. 730) to prevent injuries threatened in the carrying out of a conspiracy violative of the Sherman Act. Unless, therefore, there is shown a conspiracy violative of the Sherman Act, no case is shown arising under the laws of the United States, and the jurisdiction of the court is at an end. [1] With the importance of the question in mind, we have given the most careful consideration to the evidence bearing thereon, and we should say in the outset that we do not think that the evidence sustains some of the conclusions which counsel for complainants seek to draw therefrom, or the interpretation they would have us place upon certain of the findings of the learned district judge with regard to this matter. In the first place, we do not think that the international organization, United Mine Workers of America, constitutes of itself an unlawful conspiracy in restraint of interstate trade and commerce because it embraces a large percentage of the mine workers of this country or because its purpose is to extend its membership so as to embrace all of the workers in the mines of the continent.

It may be conceded that the purposes of the union, if realized, would affect wages, hours of labor, and living conditions, and that the power of its organization would be used in furtherance of collective bargaining, and that these things would incidentally affect the production and price of coal sold in interstate commerce. And it may be conceded further that by such an extension of membership the union would acquire a great measure of control over the labor involved in coal production. But this does not mean that the organization is unlawful. Section 6 of the Clayton Act (38 Stat. 731; Comp. St. sec. 8835f), provides:

"That the labor of a human being is not a commodity or article of commerce. Nothing contained in the antitrust laws shall be construed to forbid the existence and operation of labor, agricultural, or horticultural organizations, instituted for the purposes of mutual help, and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate objects thereof; nor shall such organizations, or the members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade under the antitrust laws."

[2, 3] As pointed out in Duplex Printing Press Co. *v.* Deering et al. (254 U. S. 443, 41 S. Ct. 172, 65 L. ed. 349, 16 A. L. R. 196) this section does not exempt a labor union or its members from accountability where it or they depart from its normal and legitimate objects and engage in an actual combination or conspiracy in restraint of trade, as, in that case, the carrying on of a secondary boycott; but the section does declare the normal objects of labor unions to be legitimate, and forbids their being held to be combinations or conspiracies in restraint of trade because they are organized or because of the normal effect of such organization on interstate commerce. As said by the Supreme Court in the case just cited (254 U. S. at 469 (41 S. Ct. 177)):

"The section assumes the normal objects of a labor organization to be legitimate, and declares that nothing in the antitrust laws shall be construed to forbid the existence and operation of such organizations or to forbid their members from lawfully carrying out their legitimate objects; and that such an organization shall not be held in itself—merely because of its existence and operation—to be an illegal combination or conspiracy in restraint of trade."

And speaking to the same point in the later case of American Foundries *v.* Tri-City Council (257 U. S. 184, 209, 42 S. Ct. 72, 78, 66 L. Ed. 189, 27 A. L. R. 360) the court said:

"Labor unions are recognized by the Clayton Act as legal when instituted for mutual help and lawfully carrying out their legitimate objects. They have long been thus recognized by the courts. They were organized out of the necessities of the situation. A single employee was helpless in dealing with an employer. He was dependent ordinarily on his daily wage for the maintenance of himself and family. If the employer refused to pay him the wages that he thought fair, he was nevertheless unable to leave the employ and to resist arbitrary and unfair treatment. Union was essential to give laborers opportunity to deal on equality with their employer. They united to exert influence upon him and to leave him in a body in order by this inconvenience to induce him to make better terms with them. They were withholding their labor of economic value to make him pay what they thought it was worth. The right to combine for such a lawful purpose has in many years not been denied by any court. The strike became a lawful instrument in a lawful economic struggle or competition between employer and employees as to the share of division between them of the joint product of labor and capital. To render this combination at all effective, employees must make their combination extend beyond one shop. It is helpful to have as many as may be in the same trade in the same community united, because in the competition between employers they are bound to be affected by the standard of wages of their trade in the neighborhood."

What is said in this case as to the effect of the standard of wages on competition between employers applies in the coal industry, not to a restricted neighborhood but to the industry as a whole; for in that industry the rate of wages is one of the largest factors in the cost of production, and affects not only competition in the immediate neighborhood but that with producers throughout the same trade territory. The union, therefore, is not to be condemned because it seeks to extend its membership throughout the industry. As a matter of fact, it has been before the Supreme Court in a number of cases, and its organization has been recognized by that court as a lawful one. (United Mine Workers *v.* Coronado Coal Co., 259 U. S. 344, 385, 42 Sup. Ct. 570, 66 L. Ed. 975, 27 A. L. R. 762.) We have no hesitation, therefore, in holding that the defendants are not guilty of a conspiracy in restraint of trade merely because of the extent and general purpose of their organization.

As pointed out in the case of the Duplex Printing Press Co. *v.* Deering, supra, however, when the union turns aside from its normal and legitimate objects and purposes and engages in an actual combination or conspiracy in restraint of trade, it is accountable therefor in the same manner as any other organization; and we think that the evidence adduced in this case justifies the conclusion that the defendants have engaged in an actual combination and conspiracy in restraint of trade in a manner quite foreign to the normal and legitimate objects of the union. In this connection it is not necessary that we consider whether complainants have established a conspiracy between the United Mine Workers and the operators of the central competitive field, or whether the acts of which complaint is made were done in furtherance of such conspiracy, for we think that the evidence sustains the finding of the district judge that a combination or conspiracy existed among the defendants themselves, without regard to participation by the central operators, to restrain and interfere with the interstate business of complainants. By this we do not mean, of course, that the union was unlawful of itself, but that defendants as officers of the union had combined and conspired to interfere with the production and shipment of coal by the nonunion operators of West Virginia in order to force the unionization of the West Virginia mines and to make effective the strikes declared pursuant to the policy of the union. The presence of this nonunion field in West Virginia has been a hindrance to the union in its every contest with the operators.

It has furnished arguments to the operators in wage negotiations, and in time of strike has furnished coal which has supplied in part the needs of the country and weakened the effect of the strike. Since 1898 the union officials have recognized the importance of unionizing this field, and, with the exception of an interim during the World War, have been engaged in an almost continuous struggle to force its unionization through interference with the business of the nonunion operators. They have called strikes from time to time for this express purpose, and have spent hundreds of thousands of dollars in interfering with their business.

[4] And there can be no question that the strikes called by the union in the nonunion fields of West Virginia in 1920 and 1922, and the campaign of violence and intimidation incident thereto, were merely the carrying out of the plan and policy upon which the defendants had been engaged for a number of years. In May, 1920, at a time when there was no general strike, union organizers were sent into the nonunion Williamson-Thacker field, and in July following a strike was called for the avowed purpose of organizing the field. The armed march of the succeeding year was made by union miners for the purpose, among other things, of organizing nonunion territory. The nation-wide strike of 1922 was made applicable to the nonunion field of West Virginia by proclamation of union officials, and representatives of the union began interfering with the employees of nonunion operators for the purpose of forcing the closing down of nonunion mines. When the strike of 1922 was settled by the Cleveland wage agreement the interference with these nonunion operators was continued. The district judge has found that the conspiracy existed, and that the acts complained of were done pursuant thereto. We think that these findings are sustained by the evidence, and the rule is well settled that the findings of the trial judge should not be disturbed unless it clearly appears either that he misapprehended the evidence or has gone against the clear weight thereof, or, in other words, unless we are satisfied that his findings were clearly wrong. Wolf Mineral Process Corporation *v.* Minerals Separation North American Corporation (C. C. A. 4), decided this term; McKeithan Lumber Co. *v.* Fidelity Trust Co (C. C. A. 4, 223 F. 773); U. S. *v.* U. S. Shoe Machinery Co. (247 U. S. 32, 41, 38, S. Ct. 473, 62 L. Ed. 968); Adamson *v.* Gilliland (242 U. S. 350, 37 S. Ct. 169, 61 L. Ed. 356).

[5] Defendants say, however, and this seems to be their chief contention on this point, that the mining of coal is not interstate commerce, and that a conspiracy to interfere with the operation of coal mines is not a conspiracy to restrain or interfere with interstate commerce. In this connection they rely chiefly upon the decisions of the Supreme Court in the first Coronado case (259 U. S. 344, 42 S. Ct. 570, 66 L. Ed. 975, 27 A. L. R. 762), and in United Leather Workers *v.* Herkert (265 U. S. 457, 44 S. Ct. 623, 68 L. Ed. 1104, 33 A. L. R. 566). But we do not think that either of these decisions is in point. The Leather Workers' case involved a strike by laborers in trunk factories, and it was held that the fact that the trunks, when manufactured, were to be shipped or sold in interstate commerce did not make their production a part thereof. The Coronado case, it is true, involved the mining of coal; but the court, being under the impression that the

coal produced by plaintiff amounted to only 5,000 tons a week, held that a conspiracy directed against production of so small an amount could not be said to be a conspiracy to restrain interstate commerce, even though the coal was intended, if produced, for shipment in such commerce. When the Coronado case went to the Supreme Court the second time, however (268 U. S. 295, 45 S. Ct. 551, 69 L. Ed. 963), the court adverted to this basis of its former decision and stated that upon the second trial it had been shown that the capacity of plaintiff's mines was substantially more than 5,000 tons per day. It held that this, with other evidence as to intent, made a case for the jury as to conspiracy to restrain interstate commerce. The court then proceeded to lay down the rule which we think is applicable here, as follows:

"The mere reduction in the supply of an article to be shipped in interstate commerce by the illegal or tortious prevention of its manufacture or production is ordinarily an indirect and remote obstruction to that commerce. But when the intent of those unlawfully preventing the manufacture or production is shown to be to restrain or control the supply entering and moving in interstate commerce, or the price of it in interstate markets, their action is a direct violation of the antitrust act. (United Mine Workers *v.* Coronado Co., 259 U. S. 344, 408, 409, 42 S. Ct. 570, 66 L. Ed. 975, 27 A. L. R. 762; United Leather Workers *v.* Herkert, 265 U. S. 457, 471, 44 S. Ct. 623, 68 L. Ed. 1104, 33 A. L. R. 566; Industrial Association *v.* United States, 268 U. S. 64, 45 S. Ct. 403, 69 L. Ed. 849.) We think there was substantial evidence at the second trial in this case tending to show that the purpose of the destruction of the mines was to stop the production of nonunion coal and prevent its shipment to markets of other States than Arkansas, where it would by competition tend to reduce the price of the commodity and affect injuriously the maintenance of wages for union labor in competing mines."

[6, 7] We think there can be no question that the case at bar falls within the rule just quoted from the second Coronado decision. Here it appears that the total production of the mines of complainants is in excess of 40,000,000 tons per year, more than 90 per cent of which is shipped in interstate commerce. Interference with the production of these mines as contemplated by defendants would necessarily interfere with interstate commerce in coal to a substantial degree. Moreover, it is perfectly clear that the purpose of defendants in interfering with production was to stop the shipments in interstate commerce. It was only as the coal entered into interstate commerce that it became a factor in the price and affected defendants in their wage negotiations with the union operators. And, in time of strike, it was only as it moved in interstate commerce that it relieved the coal scarcity and interfered with the strike. A conspiracy is in violation of the statute where there exist an intent to restrain interstate trade and commerce and a scheme appropriate for that purpose, even though it does not act directly upon the instrumentalities of commerce. (Loewe *v.* Lawlor, 208 U. S. 274, 28 S. Ct. 301, 52 L. Ed. 488, 13 Ann. Cas. 815; U. S. *v.* Reading Co., 226 U. S. 324, 33 S. Ct. 90, 57 L. Ed. 243; Duplex Printing Press Co. *v.* Deering, 254 U. S. 443, 41 S. Ct. 172, 65 L. Ed. 349, 16 A. L. R. 196; United States *v.* Brims, 47 S. Ct. 169, 71 L. Ed. —.) And where the necessary result of the things done pursuant to or contemplated by the conspiracy is to restrain trade between the States, the intent is presumed. (United States *v.* Reading Co., supra, at p. 370.) Defendants must be held "to have intended the necessary and direct consequences of their acts and can not be heard to say the contrary. In other words, by purposely engaging in a conspiracy which necessarily and directly produces the result which the statute is designed to prevent, they are, in legal contemplation, chargeable with intending that result." (U. S. *v.* Patten, 226 U. S. 525, 543, 33 S. Ct. 141, 145 (57 L. Ed. 333, 44 L. R. A. [N. S.] 325); Addyston Pipe & Steel Co. *v.* United States, 175 U. S. 211, 243, 20 S. Ct. 96, 44 L. Ed. 136.)

In the very recent case of United States *v.* Brims, cited above, the Supreme Court dealt with an indictment for a conspiracy between manufacturers, contractors, and laborers, pursuant to which the manufacturers and contractors agreed to employ only union carpenters, and these, in turn, agreed not to install nonunion-made millwork. The Circuit Court of Appeals reversed a conviction in the case, saying: "The restriction was not against the shipment of millwork into Illinois. It was against nonunion-made millwork produced in or out of Illinois." This decision, however, was reversed, in turn, by the Supreme Court, and the conviction was sustained on the ground that all parties intended that the outside competition should be cut down and interstate commerce thereby impeded. The court said:

"They wished to eliminate the competition of Wisconsin and other nonunion mills, which were paying lower wages and consequently could undersell them. Obviously, it would tend to bring about the desired result if a general combination could be secured under which the manufacturers and contractors would employ only union carpenters with the understanding that the latter would refuse to install nonunion-made millwork. And we think there is evidence reasonably tending to show that such a combination was brought about and that, as intended by all the parties, the so-called outside competition was cut down, and thereby interstate commerce directly and materially impeded."

The Brims case is directly in point. There the conspiracy affected interstate commerce by its effect upon consumption, here by its effect upon production; but in both cases the conspiracy was intended to operate upon matters not directly connected with transportation or sale in interstate commerce, and in both cases interstate commerce was intended to be affected and was necessarily affected by what was done. We think, therefore, that in the light of this recent decision there can be no doubt that the conspiracy established by the testimony was one in restraint of interstate trade and commerce in violation of the Sherman Act. (See also Bedford Cut Stone Co. et al. *v.* Journeymen Stone Cutters' Association of North America et al., 47 S. Ct. 522, 71 L. Ed. —, decided by the Supreme Court April 11, 1927.)

[8] The next question is whether there was a misjoinder of parties plaintiff in the several suits or error in the order of consolidation. We think not. The contention of defendants is that under the Sherman Act a private individual has no right to injunctive relief to restrain violations thereof; that section 16 of the Clayton Act (Comp. Stats., sec. 8835o) merely authorizes suits by private parties against threatened loss or damage; that the right thus conferred is the right to protect the private business of the individual complainant; that in the cases at bar, therefore, each of the complainants is seeking to protect his individual business; and that there is no common right whose protection is sought by the suits. But while it is true that the protection sought by the various complainants is the protection of the individual business of each, it by no means follows that there is lacking that common interest in the subject matter of the litigation which justifies joinder under the practice in equity.

There is but one conspiracy on the part of defendants, and that conspiracy is directed against the business of complainants as a class, not because of any of the individual characteristics of the various businesses, but because they are operating on the nonunion basis within a certain territory. The acts of interference shown are not sporadic or occasional, but show clearly an organized attempt to interfere with the business of all nonunion operators within that territory. Acts of interference, done pursuant to the conspiracy not only hinder the individual operator against whom they are directed, but, because done pursuant to the conspiracy, constitute a threat and menace to all other nonunion operators in the territory. The questions involved in all of the cases, therefore, are the same, and the evidence is practically the same. That bearing on the existence of the conspiracy is identical in all of the cases, and that which deals with acts done in carrying out the conspiracy is of the same general character, and is admissible in all of the cases as showing, if not injury, the reasonableness of the apprehension of injury. It would be most unjust for complainants, being the objects of this joint attack made against them jointly, to be denied the right of seeking jointly the protection of the courts; and it would be absurd for the courts to require that there be presented in 316 different cases against the same parties a question which could be determined in a single case.

"Courts of equity have always exercised a sound discretion in determining whether parties are properly joined in a suit. Their object has been to adopt a course which will best promote the due administration of justice without multiplying unnecessary litigation on the one hand or drawing suitors into needless and oppressive expenses, and confusing the courts with many issues on the other." Rowbotham *v.* Jones (47 N. J. Eq. 337, 20 A. 731, 19 L. R. A. 663).

As said by Mr. Justice McLean, in dealing with the same subject in Fitch *v.* Creighton (24 How. 159, 164, 16 L. Ed. 596):

"Every case must be governed by its circumstances; and, as these are as diversified as the names of the parties, the court must exercise a sound discretion on the subject. Whilst parties should not be subjected to expense and inconvenience in litigating matters in which they have no interest, multiplicity of suits should be avoided by uniting in one bill all who have an interest in the principal matter in controversy, though the interests may have arisen under distinct contracts."

[9] In disposing of such an objection to five bills filed by 62 fire-insurance companies against the insurance commissioner of the State of California to restrain acts alleged to be illegal, Judge Morrow, in Liverpool & London & Globe Ins. Co. *v.* Clunie (circuit court), 88 F. 160, 167, laid down what we conceive to be the correct rule applicable in such cases. He said:

"A court of equity will, in a single suit, take cognizance of a controversy, determine the rights of all the parties, and grant the relief requisite to meet the ends of justice in order to prevent a multiplicity of suits, where a number of persons have separate and individual claims and rights of action against the same party, but all arise from some common cause, are governed by the same legal rule, and involve similar facts, and the whole matter may be settled in one action brought by all these persons uniting as coplaintiffs."

Professor Pomeroy, after an exhaustive discussion of the question and of the cases in which it has been considered, says:

"Under the greatest diversity of circumstances, and the greatest variety of claims arising from unauthorized public acts, private tortious acts, invasion of property rights, violation of contract obligations, and notwithstanding the positive denials by some American courts, the weight of authority is simply overwhelming that the jurisdiction may and should be exercised, either on behalf of a numerous body of separate claimants against a single party, or on behalf of a single party against

such a numerous body, although there is no 'common title,' nor 'community of right' or of 'interest in the subject matter,' among these individuals, but where there is and because there is merely a community of interest among them in the questions of law and fact involved in the general controversy, or in the kind and form of relief demanded and obtained by or against each individual member of the numerous body.

"In a majority of the decided cases, this community of interest in the questions at issue and in the kind of relief sought has originated from the fact that the separate claims of all the individuals composing the body arose by means of the same unauthorized, unlawful, or illegal act or proceeding. Even this external feature of unity, however, has not always existed, and is not deemed essential. Courts of the highest standing and ability have repeatedly interfered and exercised this jurisdiction, where the individual claims were not only legally separate, but were separate in time, and each arose from an entirely separate and distinct transaction, simply because there was a community of interest among all the claimants in the question at issue and in the remedy." Pomeroy's Equity Jurisprudence (4th ed.) section 269.

See also, Tate *v.* Ohio & Mississippi Railroad Co. (10 Ind. 174, 71 Am. Dec. 309); Turner *v.* Hart (71 Mich. 128, 38 N. W. 890, 15 Am. St. Rep. 243); First National Bank of Mount Vernon *v.* Sarlls (129 Ind. 201, 28 N. E. 434, 13 L. R. A. 481, 28 Am. St. Rep. 185, 188); Strobel *v.* Kerr Salt Co. (164 N. Y. 303, 58 N. E. 142, 51 L. R. A. 687, 79 Am. St. Rep. 643, 654); Pillsbury-Washburn Flour Mills Co. *v.* Eagle (C. C. A. 7th), (86 F. 608, 41 L. R. A. 162); R. R. Kitchen & Co. *v.* Local Union (91 W. Va. 65, 112 S. E. 198); Goldfield Consolidated Mines Co. *v.* Richardson et al. (C. C.), (194 F. 198, 206); American Smelting & Refining Co. *v.* Godfrey (C. C. A. 8th), (158 F. 225, 14 Ann. Cas. 8); Osborne *v.* Wisconsin Central Railway Co. (C. C., opinion by Justice Harlan) (43 F. 824; 20 R. C. L. 676; note 71 Am. Dec. p. 311 et seq.).

Of the cases cited, Kitchen *v.* Local Union, supra, is directly in point. In that case 59 different employers of labor joined in a suit as complainants against 90 defendants embracing 10 labor organizations and their officials, alleging conspiracy on the part of defendants and asking an injunction to restrain them from threatened interference with business of complainants. Defendants demurred to the bill on the ground of misjoinder and multifariousness. In sustaining the bill, the Supreme Court of Appeals of West Virginia said:

"In view of the common interest each unit of each group has in the prosecution of his or its business, opposed and affected in common with all the others, by an organized and plenary effort conducted on the part of the defendants, if the allegations are true, by unlawful means, all may unite in one bill to restrain and prevent the use of the unlawful means and methods so employed. If, by the use of such methods, directed and applied to the business of each of the plaintiffs, all are prevented from prosecution of their respective enterprises, they are all similarly affected by the same illegal cause, wherefore they may unite in resisting it, and there is no misjoinder of parties plaintiff."

The whole question, we think, is settled, so far as the Federal courts are concerned, by rule of the new equity rules, which provides:

"The plaintiff may join in one bill as many causes of action, cognizable in equity, as he may have against the defendant. But when there are more than one plaintiff, the causes of action joined must be joint, and if there be more than one defendant the liability must be one asserted against all of the material defendants, *or sufficient grounds must appear for uniting the causes of action in order to promote the convenient administration of justice.* If it appear that any such causes of action can not be conveniently disposed of together, the court may order separate trials." (Italics ours.)

[10] It is earnestly contended by defendants, however, that the portion of the rule which we have italicized applies only to the uniting of causes against defendants where there are more than one defendant, and has no application to cases where there are more than one plaintiff, and that in the case of plaintiffs the rule requires that the causes of action joined must be joint. We can not accept this interpretation. The purposes of the equity rules was to liberalize and not restrict the practice in equity, and it certainly could not have been intended to forbid joinder in cases where, although the causes of action were not joint, the convenient administration of justice would be promoted and where for years the propriety of such joinder to prevent a multiplicity of suits had been recognized. The clause "or sufficient grounds must appear for uniting the causes of action in order to promote the convenient administration of justice" must, we think, be construed as alternative to the specific provision allowing joinder in the case of more than one plaintiff, as well as to the specific provision allowing joinder in the case of more than one defendant. Rule 26 is not to be construed as prohibitive of anything which was permissible before its adoption. (Low *v.* McMaster (D. C.), 255 F. 235.)

[11] What we have said as to joinder virtually disposes of the exceptions to the order of consolidation. By the act of July 22, 1813 (R. S., sec. 921, U. S. C., title 28, sec. 734 (Comp. St., sec. 1547)), it is provided:

"When causes of a like nature or relative to the same question are pending before a court of the United States, or of any Territory, the court may make such orders and rules concerning proceedings therein as may be conformable to the usages of courts for avoiding unnecessary costs or delay in the administration of justice, and may consolidate said causes when it appears reasonable to do so."

Under this statute there can be no question that the consolidation was a matter resting in the sound discretion of the trial judge, and that under the circumstances of the case the order of consolidation was proper. (Mutual Life Ins. Co. *v.* Hillmon, 145 U. S. 285, 12 S. Ct. 909, 36 L. Ed. 706; American Window Glass Co. *v.* Noe (C. C. A. 7th), 158 F. 777; Toledo, etc., R. Co. *v.* Continental Trust Co. (C. C. A. 6th), 95 F. 497.)

In their criticism of the scope of the injunction, defendants make complaint of the restraints contained in paragraphs 2 and 4. As the language criticized is that approved by this court in International Organization, United Mine Workers of America et al. *v.* Carbon Fuel Co. et al. (288 F. 1020), we might content ourselves with referring to that decision as the law of the case in the Carbon Fuel case now before us and as binding authority in the other cases; but we shall go further and say that in the light of the decisions of the Supreme Court we have no doubt as to the correctness of the paragraphs criticized.

[12] With respect to the second paragraph, complaint is made that it restrains defendants "from inciting, inducing, or persuading the employees of the plaintiffs to break their contract of employment with the plaintiffs." This language is certainly not so broad as that of the decree approved by the Supreme Court in Hitchman Coal & Coke Co. *v.* Mitchell (245 U. S. 229, 261, 38 S. Ct. 65, 62 L. Ed. 260, L. R. A. 1918C, 497, Ann. Cas. 1918B, 461), which also enjoined interference with the contract by means of peaceful persuasion. The doctrine of that case has been approved by the Supreme Court in the later cases of American Steel Foundries *v.* Tri-City Central Trades Council (257 U. S. 184, 42 S. Ct. 72, 66 L. Ed. 189, 27 A. L. R. 360) and United Mine Workers *v.* Coronado Coal Co. (259 U. S. 344, 42 S. Ct. 570, 66 L. Ed. 975, 27 A. L. R. 762) and applied by this court in Bittner *v.* West Virginia-Pittsburgh Coal Co. (15 F. (2d) 652), by the Circuit Court of Appeals of the Eighth Circuit in Kinloch Telephone Co. *v.* Local Union (275 F. 241) and by the Circuit Court of Appeals of the Ninth Circuit in Montgomery *v.* Pacific Electric Ry. Co. (293 F. 680).

It is said, however, that the effect of the decree, which of course operates indefinitely in futuro, is to restrain defendants from attempting to extend their membership among the employees of complainants who are under contract not to join the union while remaining in complainants' service, and to forbid the publishing and circulating of lawful arguments and the making of lawful and proper speeches advocating such union membership. They say that the effect of the decree, therefore, is that because complainants' employees have agreed to work on the nonunion basis defendants are forbidden for an indefinite time in the future to lay before them any lawful and proper argument in favor of union membership.

If we so understood the decree, we would not hesitate to modify it. As we said in the Bittner case, there can be no doubt of the right of defendants to use all lawful propaganda to increase their membership. On the other hand, however, this right must be exercised with due regard to the rights of complainants. To make a speech or to circulate an argument under ordinary circumstances dwelling upon the advantages of union membership is one thing. To approach a company's employees, working under a contract not to join the union while remaining in the company's service, and induce them, in violation of their contracts, to join the union and go on a strike for the purpose of forcing the company to recognize the union or of impairing its power of production, is another and very different thing. What the decree forbids is this "inciting, inducing, or persuading the employees of plaintiff to break their contracts of employment"; and what was said in the Hitchman case with respect to this matter is conclusive of the point involved here. The court there said:

"But the facts render it plain that what the defendants were endeavoring to do at the Hitchman mine and neighboring mines can not be treated as a bona fide effort to enlarge the membership of the union. There is no evidence to show, nor can it be inferred, that defendants intended or desired to have the men at these mines join the union, unless they could organize the mines. Without this the new members would be added to the number of men competing for jobs in the organized districts, while nonunion men would take their places in the Panhandle mines. Except as a means to the end of compelling the owners of these mines to change their method of operation the defendants were not seeking to enlarge the union membership. * * * Another fundamental error in defendants' position consists in the assumption that all measures that may be resorted to are lawful if they are 'peaceable'—that is, if they stop short of physical violence or coercion through fear of it. In our opinion, any violation of plaintiff's legal rights contrived by defendants for the purpose of inflicting damage, or having that as its necessary effect, is as plainly inhibited by the law as if it involved a breach of the peace. A combination to procure concerted breaches of contract by plaintiff's employees constitutes such a violation."

[13] The inhibition of section 20 of the Clayton Act (Comp. Stat. sec. 1243d) against enjoining peaceful persuasion does not apply, as this is not a case growing out of a dispute concerning terms or conditions of employment, between an employer and employee, between employers and employees, or between employees, or between persons employed and persons seeking employment; but is a case growing out of a dispute between employers and persons who are neither ex-employees nor seeking employment. In such cases, section 20 of the Clayton Act has no application. American Foundries *v.* Tri-City Council (257 U. S. 184, 202, 42 S. Ct. 72, 66 L. Ed. 189, 27 A. L. R. 360); Duplex Printing Press Co. *v.* Deering (254 U. S. 443, 471, 41 S. Ct. 172, 65 L. Ed. 349, 16 A. L. R. 196); Bittner *v.* West Virginia-Pittsburgh Coal Co. (C. C. A. 4th, 15 F. (2d) 652, 658).

[14, 15] The principal criticism of paragraph 4 of the decree is that it violates paragraph 20 of the Clayton Act, but, as we have seen above, that section has no application to a case such as this. We see no other reason why paragraph 4 of the decree is not proper. Under the law of West Virginia, when the employees of complainants quit work and refuse to surrender the houses of complainants occupied by them, they become trespassers on complainants' property. Angel *v.* Black Band Consolidated Coal Co. (96 W. Va. 47, 122 S. E. 274, 35 A. L. R. 568). The effect of the fourth paragraph of the decree is to enjoin defendants from aiding and abetting such persons in occupying or holding without right houses belonging to complainants, or in other words, from aiding and abetting in trespasses committed on complainants' property in furtherance of the design of the conspiracy. It is clear that no more effective way of shutting down the mines could be devised than to get the houses of the mine villages in possession of persons who refuse to work in the mines and withhold possession of the houses from persons who are willing to work.

[16] The basis of the contention that certain of the complainants are in pari delicto with the defendants and therefore not entitled to relief, as we understand the contention, is that those complainants operated on the union basis for a number of years and paid the "check-off" to the union. This contention assumes two propositions: (1) That the "check-off" is illegal and in furtherance of the conspiracy; and (2) that, once having been parties to the conspiracy, complainants can not withdraw therefrom and be protected against it when it is directed against them. Without following this argument into all of its ramifications, it is sufficient to say that we see nothing to connect these complainants with the conspiracy except their payment of the "check-off," and we see nothing of itself illegal in the "check-off," nor do we think that, by agreeing to the "check-off," they became parties to the conspiracy of defendants. As said in Gasaway *v.* Borderland Coal Co. (C. C. A. 7th, 278 F. 56, 65):

"So far as the contracts themselves and this record disclose, the check off is the voluntary assignment by the employee of so much of his wages as may be necessary to meet his union dues and his direction to his employer to pay the amount to the treasurer of his union. In that aspect the contract provision is legal, and quite evidently there are many lawful purposes for which dues may be used."

It follows that, while we do not approve of all of the findings of fact made by the district court, we think that the decree entered in the several cases was sustained by the evidence, and same is accordingly affirmed.

Affirmed.

These cases were heard by the three circuit judges. The late Judge Rose concurred in the decision that the decrees of the district court should be affirmed. He expressed a desire, however, to examine the record with a view of satisfying himself whether jurisdiction existed as to the defendants Lewis, Green, and Murray. He died before the opinion could be submitted to him.

INTERBOROUGH RAPID TRANSIT CO., RESPONDENT, *v.* EDWARD P. LAVIN, INDIVIDUALLY AND AS PRESIDENT OF THE CONSOLIDATED RAILROAD WORKERS' UNION OF GREATER NEW YORK, ET AL., APPELLANTS

INJUNCTION—LABOR UNIONS—CONTRACT—BASIS OF PERMISSIBLE ACTION BY COURTS IN LABOR DISPUTES—RIGHT OF MEMBERS OF LABOR UNION TO PERSUADE WORKERS TO LEAVE EMPLOYMENT—AGREEMENT BY MEMBERS OF BROTHERHOOD OF WORKERS OF A PUBLIC SERVICE CORPORATION NOT TO JOIN ANOTHER LABOR UNION WHILE SO EMPLOYED NOT A CONTRACT BETWEEN CORPORATION AND EMPLOYEES—UNDERSTANDING THAT ALL EMPLOYEES MUST JOIN BROTHERHOOD AND ABIDE BY ITS RULES TO RETAIN EMPLOYMENT—MEMBERS OF OTHER UNIONS MAY NOT BE ENJOINED FROM ATTEMPTING TO INDUCE EMPLOYEES TO JOIN THEIR UNIONS—INJUNCTION PROHIBITING SAME TOO BROAD

1. The basis of permissible action by courts in labor disputes is the probability of threatened and unjustified interference with rights of the plaintiff and that basis must be shown even where the public has an interest in the outcome. (Exchange Bakery & Restaurant (Inc.) *v.* Rifkin, 245 N. Y. 260, followed.)

2. Wrong may not be imputed to members of a labor union if they seek to further their own lawful interests and purposes by argument and persuasion intended to induce workers to quit their employment or to join a union or association of other workers and through such union make collective demand for other terms of employment. Wrong begins, if at all, if they use unlawful means to carry out their purpose or perhaps if they attempt to induce the workers to conceal facts where concealment constitutes in effect deception, or to do other acts which contravene express or implied obligations to their employer upon which the employer has legal and equitable right to insist.

3. Upon a motion for an injunction pendente lite prohibiting defendants from inducing employees of plaintiff, a public-service corporation, from leaving its employ, a claim that its workmen have agreed collectively that they will not join or become identified in any manner with an association with which defendants are identified and that defendants may not lawfully induce plaintiff's workmen to break this contract, is not justified by the facts that the plaintiff's employees had organized a brotherhood, the constitution of which provides that each newly employed person "shall upon appointment and as a condition of employment agree to join the brotherhood" and take an obligation to remain a member thereof during the time of employment and not become identified in any manner with any other labor organization. The clearly expressed contractual obligation is between the brotherhood and each of its members and is not in terms or effect a contract between the plaintiff and the brotherhood or its members.

4. Where, therefore, the record does not show that the plaintiff exacted any express promise from any worker at the time he entered its employ to join the brotherhood and no other combination of labor, though it was understood that all workers must join the brotherhood and abide by the constitution to remain in plaintiff's employ, and were prohibited from joining the union with which defendants are identified, that union may, despite the prohibition, attempt to recruit its membership from plaintiff's employees, and may not be accused of malicious interference when it urges the employees to make their choice in its favor, even though the choice involves termination of their present employment and disruption of plaintiff's business. The injunction as issued, therefore, in so far as it prohibited the defendants from inducing the plaintiff's employees by lawful means to join their union, was beyond the power of the court.

Interborough Rapid Transit Co. *v.* Lavin (220 App. Div. 830), reversed.

(Argued November 21, 1927; decided January 10, 1928.)

Appeal, by permission, from an order of the appellate division of the supreme court in the first judicial department, entered July 15, 1927, which affirmed an order of special term granting a motion for an injunction pendente lite.

Joseph Force Crater, ROBERT F. WAGNER, and Simon H. Rifkind for appellants. In the absence of a valid contract of employment for a definite period not yet expired, equity will not enjoin a labor union from using peaceable means to induce workmen to cease working for plaintiff. (Nat. Protective Assn. *v.* Cumming, 170 N. Y. 313; Foster *v.* Retail Clerk's Protective Assn., 39 Misc. Rep. 48; Vail-Ballou Press (Inc.) *v.* Casey, 125 Misc. Rep. 589; Exchange Bakery & Restaurant (Inc.) *v.* Rifkin, 245 N. Y. 260; Posner *v.* Jackson, 223 N. Y. 325; Lamb *v.* Cheney & Son, 227 N. Y. 418; Mills *v.* U. S. Printing Co., 99 App. Div. 605; Bossert *v.* Dhuy, 221 N. Y. 342; Reed Co. *v.* Whiteman, 238 N. Y. 545.) Plaintiff has failed to establish any contractual relation between it and its employees giving rise to any property rights with which defendants are interfering. (McCabe *v.* Goodfellow, 133 N. Y. 89; Hale *v.* Hirsch, 205 App. Div. 308; Robinson *v.* Dahm, 94 Misc. Rep. 729; Haebler *v.* N. Y. Produce Exch., 149 N. Y. 415; Bellon *v.* Hatch, 109 N. Y. 593; Burns *v.* Manhattan, Etc., Soc., 102 App. Div. 467; Sheldon *v.* George, 132 N. Y. 470; Howland *v.* Lounds, 51 N. Y. 604; Fitch *v.* Snedaker, 38 N. Y. 248.) Plaintiff is not a party to the agreement between the employee and the brotherhood, nor is plaintiff the third person beneficiary of that agreement. (Fosmire *v.* National, 229 N. Y. 44; Nat. Bank *v.* Grand Lodge, 98 U. S. 123; Simson *v.* Brown, 68 N. Y. 355; Wheat *v.* Rice, 97 N. Y. 296; Embler *v.* Hartford Steam Boiler Ins. Co., 158 N. Y. 431; Garnsey *v.* Rogers, 47 N. Y. 233; Pardee *v.* Treat, 82 N. Y. 385; Lockwood *v.* Smith, 81 Misc. Rep. 334; Leary *v.* N. Y. C. R. R. Co., 212 App. Div. 689.) In any event the injunction as granted is unduly broad in scope and requires modification. (Hitchman Coal & Coke Co. *v.* Mitchell, 245 U. S. 229; Bossert *v.* Dhuy, 221 N. Y. 342; Kissam *v.* U. S. Printing Co., 199 N. Y. 76; Jacobs *v.* Cohen, 183 N. Y. 207; Mills *v.* U. S. Printing Co., 99 App. Div. 605; Sun Printing Association *v.* Delaney, 48 App. Div. 623.) The injunction should have been denied because of the lack of clear and convincing proof of the right thereto. (Gambrill Mfg. Co. *v.* Am. Foreign Bank Corp., 194 App. Div. 425; Maloney *v.* Kalzenstein, 135 App. Div. 224; Grimm *v.* Krahmer, 112 App. Div. 489; Cohen *v.* United Garment Workers, 35 Misc. Rep. 748; Russell & Sons *v.* S. & G. L. Local Union, 57 Misc. Rep. 96; Reynolds *v.* Everett, 144 N. Y. 189; Butterick Pub. Co. *v.* Typographical Union, 50 Misc. Rep. 1.)

James L. Quackenbush, Louis S. Carpenter, and Albert J. Kenyon for respondent. The order appealed from should be affirmed and the question certified answered in the affirmative, if the order granting the injunction pendente lite was deemed necessary or warranted either in the exercise of judicial discretion as a means of preserving the status quo, or in order to safeguard the public interest. (Young *v.* R. & K. Gas Light Co., 129 N. Y. 57; City of Rochester *v.* Bell Telephone Co., 52

App. Div. 6; Third Ave. Ry. Co. v. Shea, 109 Misc. Rep. 18; Sultan v. Starr Co. (Inc.), 106 Misc. Rep. 43; People v. Federated Radio Corp., 216 App. Div. 250, 244 N. Y. 33; Gottlieb v. Matchin, 117 Misc. Rep. 128; Dailey v. City of New York, 170 App. Div. 267, 218 N. Y. 665; Knoth v. Manhattan Ry. Co., 109 App. Div. 802, 187 N. Y. 243; Health Dept. of the City of New York v. Purdon, 99 N. Y. 237; Blake v. Greenwood Cemetery, 14 Blatch. 341.) The defendants were and are seeking and threatening to destroy the Brotherhood of Interborough Rapid Transit Co. Employees, the established method of collective bargaining between plaintiff and its employees, the good will, loyalty, and efficiency of plaintiff's employees, and to induce the entire body of plaintiff's employees to break their contracts of employment and to strike by concerted action, thereby causing serious, continuous, and irreparable injury to the plaintiff; and they are also threatening to interrupt, suspend, and irretrievably impair the public service which plaintiff is rendering daily to millions of the inhabitants of the city of New York, thereby endangering the public interest and the rights, property, and interests of the city of New York. (Hitchman Coal & Coke Co. v. Mitchell, 245 U. S. 229; Bittner v. W. Va.-Pittsburgh Coal Co., 15 Fed. Rep. (2d) 652; Kinlock Telephone Co. v. Local Union, 275 Fed. Rep. 241; Montgomery v. Pacific Electric Ry. Co., 293 Fed. Rep. 680; Eagle Glass Mfg. Co. v. Rowe, 245 U. S. 275; American Foundries v. Tri-City Central Council, 257 U. S. 184; Reed Co. v. Whiteman, 238 N. Y. 545; 3d Ave. Ry. Co. v. Shea, 109 Misc. Rep. 18; Auburn Draying Co. v. Wardell, 227 N. Y. 1; Posner v. Jackson, 223 N. Y. 325; Flaccus v. Smith, 199 Penn. St. 138; Grassi Contracting Co. v. Bennett, 174 App. Div. 244; Schlesinger v. Quinto, 201 App. Div. 487; Altman v. Schlesinger, 204 App. Div. 513; United Shoe Machinery Co. v. Fitzgerald, 237 Mass. 537.)

The plaintiff's right to injunctive relief against interference with its contracts of employment can not be denied upon the ground that the contractual obligations are not fixed by agreements having a definite or limited time to run. (Reed Co. v. Whiteman, 238 N. Y. 545.) The contracts of employment between the plaintiff and its employees do not involve consideration of the doctrine of Lawrence v. Fox; the plaintiff is a principal party to its contracts and does not claim any rights as a third party beneficiary thereunder; but, in any event, the plaintiff is entitled to the full benefits of the contracts in question. (Hitchman Coal & Coke Co. v. Mitchell, 245 U. S. 229; First Nat. Bank of Sing Sing v. Chalmers, 144 N. Y. 432; Hamilton v. Hamilton, 127 App. Div. 871; Watkins v. Reynolds, 123 N. Y. 211; Gifford v. Corrigan, 117 N. Y. 257; Knowles v. Erwin, 43 Hun, 150; 128 N. Y. 633; Seaver v. Ransom, 224 N. Y. 238; Brantly on Contracts (2d ed. 253; Formire v. Nat. Surety Co., 229 N. Y. 48.)

Lehman, J. The plaintiff is a public-service corporation. It operates a system of rapid transit railroads in the city of New York consisting of approximately 138 miles of elevated railroad and 244 miles of subway railroad. It is said that it transports over 3,000,000 passengers daily on approximately 9,000 trains. It is evident that the general public of the city of New York is interested in the safe, efficient, and unbroken operation of this great instrument for the transportation of passengers.

In 1916 there was a general strike of the employees operating the subway and elevated lines of the plaintiff. After the strike was ended a voluntary unincorporated association was formed under the name of the Brotherhood of Interborough Rapid Transit Company Employees. Substantially the whole body of employees of the plaintiff joined the brotherhood. The members of the brotherhood adopted a constitution which was submitted to and approved by the board of directors of the plaintiff at a meeting held on August 30, 1916. Thereafter the brotherhood prepared a new constitution which was submitted to and approved by the board of directors of the plaintiff at a meeting held on April 6, 1920. That constitution is now in full force and effect. By its terms the constitution may be amended by a two-thirds vote of the members of the general committee at a regular meeting, provided that certain preliminary formalities have been complied with.

The constitution provides (sec. 9): "The general committee shall be vested with the power at all times to promote the welfare of the members of the brotherhood and of the company by amicable adjustment of all questions as to wages and working conditions that may arise from time to time. Section 10: The decision of the general committee in all controversies between the brotherhood and the company shall be final."

One June 30 the secretary of the brotherhood sent to Mr. Frank Hedley, the plaintiff's president and general manager, a letter: "I am instructed by the general committee to confirm in writing the understanding arrived at at the conference held at our office Wednesday, June 30, at which conference it was agreed by the committee on behalf of our members, to allow wages and working conditions to remain 'as is' for one year beginning July 1, 1926." Mr. Hedley acknowledged this communication in a letter dated the same day, stating: "I am in receipt of your letter of June 30, 1926, confirming by direction of the general committee the understanding reached at a conference held at this office on Wednesday, June 30, 1926, to the effect that wages and working conditions would remain as then existing for one year, beginning July 1, 1926. This will confirm such understanding on the part of the management of the company."

At that time the defendants Lavin, Bark, Phelan, and Walsh were employees of the plaintiff and members of the general committee of the brotherhood. Under the constitution of the brotherhood the employees of the plaintiff company were grouped according to the nature of their work and the place the work was performed. Each group constituted a local of the brotherhood. On July 1, 1926, at the instigation of the defendants Lavin, Bark, and Phelan, a meeting of the members of local No. 7 of the transportation department, consisting of motormen and switchmen employed in the subway division of plaintiff's railroad system, was held. By a vote of 579 against 7 the members rejected a proposal that the wages and working conditions of the plaintiff's employees should remain unchanged.

The defendants, Lavin, Bark, and Phelan, made speeches at that meeting urging that those present should withdraw from the brotherhood and should form a new organization called by these defendants, the Consolidated Railroad Workers Union of Greater New York. On the following day the defendants, Lavin, Bark, and Phelan, purporting to represent the men present at the meeting, delivered to Hedley, plaintiff's president and general manager, a written communication containing a demand for recognition of the Consolidated Railroad Workers of Greater New York, and for a wage increase to $1 per hour for motormen, and 75 cents per hour for switchmen. It concluded with the words: "In the event that the above is not agreed to by you, representing the Interborough Rapid Transit Co., by 6 p. m., Saturday, July 3, 1926, these men will cease work at 12.01 a. m. on Tuesday, July 6, 1926." On July 6 a strike on plaintiff's railroad lines induced by Lavin, Bark, and Phelan, began and lasted until July 30, 1926, causing a large financial loss to the plaintiff. The four individual defendants were leaders in the strike. After the strike was ended they were not employed by the defendant. By various means they have urged and are urging employees of the plaintiff corporation to become members of the Amalgamated Association of Street and Electric Railway Employees of America. They are trying to induce these employees to believe that they will be able to secure better pay and conditions of employment through demands made on their behalf by the Amalgamated Association than under the present system of bargaining by the brotherhood.

The plaintiff has brought this action to secure an injunction which would, in effect, prohibit the defendants from inducing the plaintiff's employees, by lawful or unlawful means, from leaving the plaintiff's employ. The complaint also asks damages for past acts. Upon motion by the plaintiff an injunction, in broadest terms, has been granted pendente lite. Leave to appeal has been granted by the Appellate Division and the question certified: "Do the facts pleaded and the facts stated in the moving papers, and the public interest, justify, in the exercise of judicial discretion, an injunction pendente lite as prayed for or any part thereof?"

Some of the "facts pleaded and the facts stated in the moving papers" are denied by defendants. Upon a motion for an injunction pendente lite, a substantial denial of a material allegation in the moving papers may become a decisive factor in the exercise of judicial discretion. In view, however, of the form of the question certified, we shall disregard all denials, at least until we have determined whether the allegations contained in the moving papers are in law sufficient to sustain the injunction.

Where there is proof of threatened wrong which the courts have power to enjoin, there may be room for the exercise of a sound judicial discretion in the determination of whether that power should be exercised. If the moving papers show that the defendants have done and are threatening to do acts which constitute a wrongful interference with and disturbance of the relations existing between the plaintiff and its employees, doubtless the public interest in the safe, efficient, and uninterrupted operation of the plaintiff's railway system might be a consideration of some weight in determining whether an injunction should issue. In the recent case of Exchange Bakery & Restaurant (Inc.) v. Rifkin (245 N. Y. 260), we have pointed out that the basis of permissible action by the court in labor disputes, as in other situations, is the probability of threatened and unjustified interference with rights of the plaintiff. That basis must be shown even where the public has an interest in the outcome.

The relations of the plaintiff and its employees are based on consent. Each has freedom of contract. The plaintiff has not entered into any contracts with the individual workers which binds the plaintiff to employ them for any definite period. The employees are not bound to continue in the plaintiff's employ longer than they desire. Employment is terminable at the will of either party at a moment's notice. We speak now only of those relations which according to the allegations of the moving papers existed at the time the injunction was granted. We do not pass upon the effect of new arrangements which, the plaintiff's brief suggests, have been made since that time. Possibly they might present other questions than those which may be raised upon the present record.

The operation of the plaintiff's railway requires a great organization. The affidavits show that it employs about 14,000 men. Some of these employees require peculiar skill and training. If they leave the plaintiff's employ it may be difficult for the plaintiff to replace them. If the workers leave simultaneously in large numbers, doubtless this difficulty in finding others to fill their places would interfere, at least for a time, with the operation of plaintiff's railways and cause the plaintiff great loss.

The plaintiff may doubtless determine for itself the conditions of employment upon its railways which will in its opinion best assure its own interests and the interests of the public, provided it can induce sufficient workers to accept these conditions. It may refuse to employ workers who will not accept a condition or make an agreement that they will not join a particular union or combination of workers while in the plaintiff's employ. Doubtless such a condition, if imposed and accepted, lessens the power of the workmen to compel an employer to meet demands of the workers. The workmen may refuse to accept employment based on such conditions or on any other conditions which the employer chooses to impose. Demands of workmen may sometimes be fair and sometimes unfair. Combinations give the workmen a power of compulsion which may work harm to their employer, the public, and even to themselves. Where the workmen do not combine they may be compelled by force of economic circumstances to accept unfair terms of employment. Such conflicting considerations of economic policy are not primarily the concern of the courts. Freedom of contract gives to workers and employers the right to fix by individual or collective bargaining the terms of employment acceptable to both. Unless the workers have by agreement, freely made, given up such rights, they may without breach of contract leave an employment at any time separately or in combination, and may demand new terms of employment which in turn must be fixed by bargain.

In this case the plaintiff claims that its workmen have agreed collectively that they will not join or become identified in any manner with the Amalgamated Association of Street and Electric Railway Employees of America or with any other association of railway or other employees, and that the defendants may not lawfully induce the workmen to break this contract. The assertion in the moving papers that such a contract has been made constitutes only a conclusion. The facts shown must be examined to determine whether the conclusion is justified.

The constitution of the brotherhood provides that employees of the company, except officials and persons having power of discipline, shall be eligible to become members of the brotherhood, and that "Beginning February 1, 1920, each newly employed person who is eligible for membership in the brotherhood shall upon appointment and as a condition of employment, agree to join the brotherhood and to accept its obligations. Such persons, however, shall only be eligible to become members of the brotherhood after having worked 30 days." In another section provision is made that all applicants for membership in the brotherhood "shall take the obligation" as appearing in Appendix A "to the constitution." That obligation reads as follows: "In conformity with the policy adopted by the brotherhood and consented to by the company, and as a condition of employment, I expressly agree that I will remain a member of the brotherhood during the time I am employed by the company and am eligible to membership therein; that I am not, and will not become identified in any manner with the Amalgamated Association of Street and Electric Railway Employees of America, or with any other association of street railway or other employees, with the exception of this brotherhood, and the voluntary relief department of the company while a member of the brotherhood or in the employ of the company, and that a violation of this agreement or the interference with any member of the brotherhood in the discharge of his duties or disturbing him in any manner for the purpose of breaking up or interfering with the brotherhood shall of itself constitute cause for dismissal from the employ of the company."

Here we have a clearly expressed contractual obligation between the brotherhood and each of its members. True, that contractual obligation may be terminated by any member by withdrawal from the plaintiff's employ, with consequent separation of the company brotherhood. That circumstance does not, however, detract from its binding force, as long as membership in the brotherhood continues. We are here not concerned with the rights of the brotherhood, but with rights asserted by the employer. Question still remains whether the workers have assumed similar obligation to the plaintiff.

That question is not free from doubt. The constitution of the brotherhood was submitted to the approval of the directors of the plaintiff corporation before it became effective. That circumstance suggests that it was intended that the terms of the constitution should become a binding contract between the plaintiff and the brotherhood and its members. Some of the provisions of the constitution, too, give apparent force to the suggestion. On the other hand, the provision of the constitution that it may be amended by a two-thirds vote of the general committee of the brotherhood, and the absence of provision that changes so made must be approved by the plaintiff, tends to negative any conclusion that the constitution was intended as a contract with plaintiff, and there are other provisions of the constitution which is difficult to believe that the company intended should be binding upon it.

Undoubtedly, the primary purpose of the constitution was to create a form of combination of workmen which would be acceptable to the plaintiff and with which it would be willing to deal in arranging wages and terms of employment. The constitution must be submitted to plaintiff's approval so that the plaintiff should be able to determine whether it would accept the combination so formed. The plaintiff's officers perhaps had their own views as to the nature of the combination which would effect the best results. These views may be reflected in the constitution of the brotherhood. So long as the members of the brotherhood abided by its terms and joined no outside union or combination, the plaintiff might rest secure that collective demands of its workers would be formulated by them alone and that in collective bargaining the workers would be represented by members of the general committee of the brotherhood, who were themselves in the plaintiff's pay and employ. Perhaps the plaintiff preferred that the brotherhood should have real or apparent independence rather than be bound to it by contract or other ties than mutual advantage. The constitution of the brotherhood is not in terms or effect a contract between the plaintiff and the brotherhood or its members, but a factor recognized by both sides in the relations of the employer and employed.

The plaintiff might ban from its employ all who would not abandon, as a condition of employment, their privilege of joining any union or combination of workmen. It preferred to employ men who would become members of a company brotherhood whose constitution had been approved by it. The record does not show that the plaintiff exacted any express promise from any worker at the time he entered its employ to join the brotherhood and no other combination of labor while in its employ. Undoubtedly it was understood that all workers must join the brotherhood and abide by its constitution if they remained in plaintiff's employ. The distinction is a close one between such an understanding and an actual contract. In this case such distinction has, perhaps, no practical effect. All knew that failure to abide by the understanding must result in discharge and that, as long as the employment continued, the brotherhood was the only association which might voice the collective demands of the employees.

The organization of a working force of 14,000 men to operate the plaintiff's great railway system is a considerable accomplishment. It constitutes a significant factor in the value of the plaintiff's going business. The plaintiff's employees may have the right to leave that organization singly or in combination, yet interference with that organization by an officious outsider, merely for the purpose of injuring the plaintiff, or inducement maliciously held out to the employees to leave the organization might constitute a wrong which the courts would have power to remedy. (Beardsley *v.* Kilmer, 236 N. Y. 80.) The defendants do not contend otherwise. They maintain that in the present case they are endeavoring to accomplish a lawful purpose by lawful means, and that they are not acting maliciously.

The individual defendants are former employees of the plaintiff whose employment has been terminated because they instigated a concerted demand for a change of conditions of employment. A combination of employees for such purpose is not unlawful, and even after an employee has left or been discharged he may continue efforts to effect such a combination for the purpose of regaining employment upon conditions satisfactory to him. The defendants now, apparently, are working in behalf of the Amalgamated Association of Street and Electric Railway Employees of America. Though the plaintiff's employees are prohibited by the plaintiff from joining that association or union the union may, despite the prohibition, attempt to recruit its membership from those employees, at least where the prohibition is not part of a contract of employment for a definite term. "It may be as interested in the wages of those not members or in the conditions under which they work as in its own members because of the influence of one upon the other." (Exchange Bakery & Restaurant (Inc.) *v.* Rifkin, supra.) Collective bargaining by an association limited to employees of one company; prohibition by an employer against joining other labor associations may weaken or indeed threaten the existence of a general labor union. The union may argue the greater effectiveness of its own methods, the validity of its own principles. Where employees have freedom of choice a labor union may not be accused of malicious interference when it urges the employees to make that choice in its favor, even though that choice may involve termination of present employment and consequent disruption of a business organization. This court has not yet been called upon to decide whether employees may lawfully be urged to make a choice in breach of a definite contract. We do not decide that now. At least, so far as the injunction prohibits the defendants from inducing the plaintiff's employees to leave their positions and to terminate their employment, it is not justified upon this record.

The defendants have, however, gone further. They have urged the plaintiff's employees to join the Amalgamated Association secretly, and to conceal their new affiliations from their employer while remaining in its employ. It may be that such action on their part goes beyond the limits of permissible interference by an outsider in the relations between employer and employee. The plaintiff has made its choice to

employ none who are members of other labor associations than the brotherhood. The defendants have the right to induce the plaintiff's employees to join the Amalgamated Association though that may involve termination of their employment. They are under no obligation to the plaintiff to inform it that some of the plaintiff's employees are joining the union, so that the plaintiff may exercise its choice of retaining or discharging the new members. They are not under any obligation even to urge or compel their new members to give their employer such information. The defendants are acting for themselves or the Amalgamated Association, and in taking lawful action to advance the interests of the members of that union they are under no affirmative duty of protecting the privileges or even rights of the plaintiff.

A more doubtful question is whether the defendants may not be under a duty to refrain from urging the plaintiff's employees to conceal from their employer that they are acting contrary to their employer's expressed wish, if not command. Employment by the plaintiff is based upon the understanding that its employees are members of the brotherhood and abide by its rules. Membership in that association is not merely an inducement to employment; it constitutes an important factor in the relationship of employer and employed.

The advice by the defendants to the employees to conceal their membership in the Amalgamated Association can have but one purpose: to induce the plaintiff through such concealment to continue an employment it would otherwise terminate. Exercise by the plaintiff of the privilege of freedom to discharge is to be nullified by concealment of the fact that the employees are acting contrary to the understanding upon which they were originally employed, though if such fact were known it would result in discharge by the plaintiff. Continuation of employment induced by such concealment is calculated to result in undermining the company brotherhood and in the substitution for it of another association of workers with power to compel the plaintiff to accept its demands. Even though we should assume, without deciding, that the plaintiff's employees are themselves not under a contractual, or other legal obligation, to court discharge by information to the plaintiff that they are joining the Amalgamated Association, the question would still remain whether the defendants are justified in urging the employees to conceal facts which, if disclosed, would lead inevitably to their discharge. That question has not been argued on this appeal. We do not answer it now. Many factors must enter into its solution. Not all appear in this record. We merely state the question to point out that we are in no wise determining it.

Though we have decided that the defendants may not be enjoined from inducement by lawful means to leave the service of the plaintiff or to join an organization of employees other than the brotherhood or to make demands upon the plaintiff for increased wages, yet even such purposes may not be effected by unlawful means. In labor disputes, as in all other disputes, the courts may and should restrain acts which are themselves unlawful, regardless of the purpose of the acts. The defendants may not without the permission of the plaintiff enter upon the plaintiff's property or place any signs thereon for the purpose of inducing even lawful action on the part of the employees. That would constitute a trespass. The defendants may not achieve their purpose through malicious falsehood and deceit. They may not use force or intimidation. They may not injure or deface the plaintiff's property.

The injunction includes prohibition of all such acts, and to that extent it is justified if the record shows that such acts are threatened. We shall not extend this opinion by analysis of the record upon that point. There is some evidence of threatened trespass; perhaps there is also some evidence, even though slight, of other threatened wrongs. Though the court at special term would have been justified in issuing an injunction against any threatened use of unlawful means even to achieve a lawful end, and though we leave open the question of whether the defendants may be enjoined from inducing the plaintiff's employees to conceal from the plaintiff that they had joined the Amalgamated Association, the injunction as issued, in its broad scope, was beyond the power of the court. Under these circumstances the orders should be reversed and the motion remitted to the special term in order that it may exercise its discretion as to whether an injunction of more limited scope should issue upon the facts contained in this record.

Both parties have upon this appeal cited decisions, most of them from other jurisdictions, which they urge support certain of their contentions. Some of the opinions in these cases are of great weight because of the strength of the reasoning and the authority of the tribunals. The law that should be applied in this jurisdiction to the circumstances disclosed by the record has been established by repeated decisions of this court. Difficulty, if any, lies in the application of established rules of law to particular facts. Attempt by analysis to reconcile or distinguish decisions where other courts have passed upon a state of facts in which analogy is more or less complete would be futile. It might even tend to confusion or deduction of rules which are rigid or arbitrary. In this State the courts may interpose their mandates between contesting parties only where there is attempt to effectuate an unlawful purpose, or to effectuate a lawful purpose by unlawful means.

The privilege of freedom of contract may not be destroyed by force or fraud. Against the threatened use of such means the courts must exercise their full powers unflinchingly. Business and property rights in their broadest sense should be immune from malicious interference. They rest upon established principles of law; they are subject to attack within limits fixed by law. The plaintiff in the exercise of its lawful rights and to accomplish a lawful purpose has built up a great organization of workers who are willing to remain at work as long as the conditions of their work are satisfactory to them. No outsider may maliciously destroy the plaintiff's freedom of choice of the men it will employ and of the conditions of employment. No outsider may maliciously destroy the workers' freedom of choice whether they will accept and continue the employment offered to them. Wrong may not be imputed to the defendants if they seek to further their own lawful interests and purposes by argument and persuasion intended to induce the plaintiff's workers to quit their employment or to join a union or association of other workers and through such union make collective demand for other terms of employment. Wrong begins, if at all, if the defendants use unlawful means to carry out their purpose or perhaps if they attempt to induce the plaintiff's workers to conceal facts where concealment constitutes in effect deception or to do other acts which contravene express or implied obligations to their employer upon which the employer has legal and equitable right to insist.

The question certified should be answered to the effect that an injunction for some part of the relief prayed for is justified by the record and the order of the appellate division and that of special term should be reversed, without costs to either party, and the motion remitted to special term to proceed in accordance with this opinion.

Cardozo, Ch. J., Pound, Crane, Andrews, Kellogg, and O'Brien, JJ., concur.

Ordered accordingly.

(131 Misc. Rep. 682)

INTERBOROUGH RAPID TRANSIT CO. *v.* GREEN ET AL.

Supreme Court, special term, New York County, February 15, 1928

1. Master and servant, key No. 3(1): Employment contract, giving employer practically unlimited power to discharge employees, and purporting to bind employee for two years, held inequitable.

Contract between transit company and its employees, prohibiting employees from joining any labor organization other than the company union, giving company practically unlimited power to discharge employees, even as regards causes of discharge listed as arbitrable, and purporting to bind employee for two years, while employer is not subject to a reciprocal obligation, held inequitable, and employees and third parties, made defendants in company's action to enjoin breach of agreement, may interpose defense that it is void and unenforceable for fraud, deception, duress, and overreaching.

2. Injunction, key No. 137(1): Preliminary injunction against including employees to break contract not to join any other than company union will be denied where misconduct is not shown and contract is inequitable.

Injunction pendente lite, restraining defendants from inducing plaintiff transit company's employees to break their contract with plaintiff not to join any union, except company union, will be denied where plaintiff fails to establish misconduct by defendants, and contract itself is inequitable and unfair to employees.

3. Courts, key No. 91 (1)—Special term must follow decisions of Court of Appeals.

The special term is bound to follow the decisions of the Court of Appeals.

Action by the Interborough Rapid Transit Co. against William Green, individually and as president of the American Federation of Labor, and others. On plaintiff's motion for injunction pendente lite. Motion denied.

James L. Quackenbush, of New York City (Louis S. Carpenter, of New York City, of counsel), for plaintiff.

Blau, PERLMAN & Polakoff, of New York City (ROBERT F. WAGNER, NATHAN D. PERLMAN, Joseph F. Crater, Herman Oliphant, Simon H. Rifkind, and Samuel Mezansky, all of New York City, of counsel), for defendants.

Wasservogel, J. Plaintiff, upon notice duly given to defendants, seeks to enjoin them pendente lite from various acts claimed to be illegal and in violation of an alleged contract between the Brotherhood of the Interborough Rapid Transit Co. and the individual members thereof, employees of plaintiff. Plaintiff is a common carrier of passengers, operating its system of rapid-transit railroads in the city of New York. The Brotherhood of Interborough Rapid Transit Co. Employees was organized in 1916 after a strike of plaintiff's employees. The present membership of the brotherhood is approximately 14,000 persons, all employees of plaintiff. The brotherhood, otherwise referred to by the parties as the "company union," adopted a constitution, which was submitted to and approved by plaintiff's board of directors. On June 30, 1927, a contract was entered into between plaintiff and the brotherhood "acting by and through the general committee thereof on behalf of the members of the brotherhood now employed and hereafter to be employed by the company during the term of this agreement." By the terms of this contract the company agreed to employ the members of the brotherhood, and the brotherhood, in behalf of such members, agreed that they would work for the company for a period of two years from April 30, 1927, upon

certain conditions therein set forth. Each of plaintiff's employees was required to and did sign an instrument in form as follows:

"I hereby declare that I have read, or heard read, the collective bargaining and arbitration agreement entered into between Interborough Rapid Transit Co. and the Brotherhood of Interborough Rapid Transit Co. Employees, dated the 30th day of June, 1927, and I hereby ratify and approve the same and each and every provision thereof, and in consideration of my employment by the company until and including the 30th day of April, 1929, upon the terms and conditions therein set forth, I hereby covenant and agree with said company and brotherhood that I will remain in the employ of said company until and including the 30th day of April, 1929, unless in the meantime by mutual consent my employment is sooner terminated; and, as a condition of my said employment, I further covenant and agree that I will remain a member of the brotherhood and faithfully observe the constitution, rules, and obligations thereof during the period of my employment, and that I am not now and during the period of my employment I will not become a member of or identified in any manner with the Amalgamated Association of Street and Electric Railway Employees of America, or with any other organization of street railway or other employees, or with any other labor organization, excepting the said brotherhood and except as provided in said agreement dated June 30, 1927, between the company and the brotherhood.

"I agree further to and with the company and the brotherhood that the constitution as now amended, which I hereby ratify and approve, or as it may hereafter be amended, with the consent of the company, shall constitute a contract between the Interborough Rapid Transit Co. and the brotherhood, binding upon me, and that my employment and performance of services hereunder shall be deemed to be sufficient evidence of the acceptance of this agreement by the Interborough Rapid Transit Co. as a binding contract between the company and myself.

"Dated this 30th day of June, 1927."

The complaint alleges that defendants Coleman and Shea, with notice of the aforesaid 2-year contract of employment and arbitration, willfully and maliciously began to serve upon the plaintiff demands for recognition of the Amalgamated; that they continued their campaign to organize the plaintiff's employees; that they planned to call a strike on July 26, 1927, but after conferring with the mayor of the city of New York announced an abandonment of the strike; and that since that time, by various methods set forth in the complaint, the defendants have been continuing their efforts to organize the employees of the plaintiff as members of the Amalgamated.

The complaint also alleges that the defendants agreed among themselves to destroy company unions and the contractual relations existing between them and employers; that defendant Phelan and others instigated and carried on an unlawful strike among the employees of plaintiff; that in August and September, 1926, the defendant Mahon and others conspired among themselves to destroy the brotherhood and induced plaintiff's employees to become members of the Amalgamated; that in September, 1926, the defendants created division No. 977 of the Amalgamated and have since been engaged in carrying on a campaign to induce plaintiff's employees to break their contracts of employment and obligations to the Brotherhood and to become members of the Amalgamated by various means, including personal interviews, the use of threatening and abusive language, the circulation of scurrilous and defamatory reports, and by inducing plaintiff's employees to secretly violate their contracts of employment and become members of the Amalgamated while continuing in the service of the plaintiff and ostensibly remaining faithful to their obligations as members of the Brotherhood.

It is further alleged that the plaintiff has already been damaged to the extent of $130,000; that the plaintiff has property rights protected by the Federal and State Constitutions that are being threatened by the defendants, and the complaint asks for a judgment restraining defendants from persuading the employees of the plaintiff to break their contracts of employment and committing various acts therein set forth, and also awarding plaintiff damages.

Defendants in their amended answer substantially deny all the material allegations of the complaint and set up certain defenses, largely to the effect that the 2-year contract of employment is void and unenforcible by reason of alleged fraud, deception, duress, and overreaching conduct on the part of plaintiff. The material allegations in affidavits submitted in support of the complaint are also denied.

Upon the argument of this motion it appeared that the situation here presented is substantially the same as was that in the Lavin case, recently decided by the court of appeals (Interborough Rapid Transit Co. *v.* Edward P. Lavin et al., 247 N. Y. 65, 159 N. E. 863), except that in the Lavin case the contract involved was one "at will," whereas in the instant case the contract is claimed to have a definite term of two years, and is otherwise different in form.

(1) While plaintiff claims that the present contract involves mutual rights and obligations and was therefore made upon ample consideration, it is the contention of defendants that it is without consideration and because of the conditions to which it was made subject, should fail in equity. Defendants call attention to the fact that the separate ratifying instrument (supra) is signed by the employees, and does not contain any promise by the company to employ the men for any period of time; that it was not executed by the company, and any promise of the company to employ the men for a period of two years must come through the general committee of the brotherhood, which by the terms of the constitution of the brotherhood had the power to bind the men. Assuming, however, that the promise contained in clause 1 of the contract between the company and the brotherhood with respect to an employment of two years was actually made by the company to the men, it seems to me that such promise is practically made valueless to the employees by clauses 5 and 6 of this contract, which provide:

"5. Anything herein to the contrary notwithstanding the company may discharge and terminate the employment of any employee for the following reasons:

"(a) For joining or being a member, or agreeing to join in the future, or becoming identified with in any manner, or agreeing to become identified in any manner in the future with the Amalgamated Association of Street and Electric Railway Employees of America or any other labor organization other than the brotherhood, except as provided in paragraph 7 hereof.

"(b) In case any member shall be expelled from the brotherhood for violating any of the terms of this agreement, or for violating any provisions of the constitution or obligations of the brotherhood, or any agreement contained in said constitution of the brotherhood, provided the company is satisfied that he was so expelled for such cause.

"(c) For incompetency, inefficiency, or carelessness in the performance of duty, or for intoxication or the use of alcoholic beverages, or for dishonesty, insubordination, or refusal or neglect or physical incapacity to perform his duty.

"Except as to questions of discharge provided in subdivisions (a) and (b) of this paragraph 5, and questions of discharge for dishonesty, insubordination, or refusal or neglect or physical incapacity to perform his duty, of which the management of the company shall be the sole judge, the general committee of the brotherhood, or its officers, shall be entitled to take up and confer with the management respecting such discharge, and in case of disagreement the provisions of the constitution of the brotherhood as to arbitration shall apply to such discharge.

"6. Notwithstanding any provision herein contained, the company retains the right, at any time, to suspend or terminate the employment of any member of the brotherhood, whenever his services shall be rendered unnecessary by reason of the adoption of any new device or the extension of the use of any existing device or whenever his services shall be rendered unnecessary by reason of any change in economic conditions or the seasonal requirements of the company. The company agrees, however, in all cases, before suspending or terminating the employment of any member of the brotherhood, whenever it may be reasonably possible, to transfer any such employee to some other department of the service, providing he is competent to do the work; and, in the event that such suspension or termination shall be found necessary, any such employee shall be placed automatically upon a preferred list for reemployment whenever the needs of the company shall require additional employees of his class. Any such suspension or termination of employment, however, shall be the subject of conference and review as provided in the constitution of the brotherhood, and in case of disagreement of arbitration as therein provided."

Unlimited and practically unhampered power to discharge employees is given to the company. Even as regards the causes of discharge listed as arbitrable, as, whenever the services of the employee "shall be rendered unnecessary by reason of any change in economic conditions or the seasonal requirements of the company," or "by reason of the adoption of any new device or the extension of the use of any existing device," arbitration here would merely establish that the causes exist and that therefore the company may discharge. The contract purports to bind the employee for two years, while the employer is not in substance subject to a reciprocal obligation. Where an employee abandons all right to leave the service of his employer, whereas the employer reserves practically entire freedom to discharge him, there is no compensating consideration.

Whatever the status of the contract at law, the provisions above referred to are, to say the least, inequitable. The term of the contract is, in effect, controlled by the will of the employer and plaintiff is therefore in no better position than it was in the Lavin case. Not only the employees, but also the third parties made defendants in this case, may, in a court of equity, avail themselves of the defense interposed.

[2] In the view that I have taken of the contract it only remains to determine whether the commission of, or threat to commit, such acts on the part of defendants has been established as would justify a court of equity to intervene.

Plaintiff claims that the allegations of the complaint and the affidavits submitted in its behalf are sufficient to show threatened wrong and irreparable injury to warrant the issuance of the restraining order here sought. Its learned counsel has properly urged, and, as a matter of fact, it was held in the Lavin case, Lehman, J., writing, that—

"Where there is proof of threatened wrong, which the courts have power to enjoin, there may be room for the exercise of a sound judicial discretion in the determination of whether that power should be exercised. If the moving papers show that the defendants have done and

are threatening to do acts which constitute a wrongful interference with and a disturbance of the relations existing between the plaintiff and its employees, doubtless the public interest in the safe, efficient, and uninterrupted operation of plaintiffs' railway system might be a consideration of some weight in determining whether an injunction should issue."

Upon the record before me I do not find such conditions to exist. Inducing the breach of promise to work is not involved. It has not been established that violence, threats, fraud, or overreaching conduct have been used to induce plaintiff's employees to become members of the Amalgamated Association, nor that other acts have been committed or threatened which would warrant the issuance of a restraining order.

The Court of Appeals has held, Andrews, J., writing (Exchange Bakery & Restaurant (Inc.) *v.* Rifkin et al., 245 N. Y. 260; 157 N. E. 130), that:

"The purpose of a labor union to improve the conditions under which its members do their work, to increase their wages, to assist them in other ways may justify what would otherwise be a wrong. So would an effort to increase its numbers and to unionize an entire trade or business. It may be as interested in the wages of those not members, * * * as in its own members because of the influence of one upon the other. All engaged in a trade are affected by the prevailing rate of wages. All, by the principle of collective bargaining. * * * Where the end or the means are unlawful and the damage has already been done the remedy is given by a criminal prosecution or by a recovery of damages at law. Equity is to be invoked only to give protection for the future. To prevent repeated violations, threatened or probable, of the complainant's property rights an injunction may be granted."

Plaintiff, in support of its contention, lays stress upon decisions in Hitchman Coal & Coke Co. *v.* Mitchell (245 U. S. 229, 38 S. Ct. 65, 62 L. Ed. 260, L. R. A. 1918C, 497, Ann. Cas. 1918 B, 461) in International Organization United Mine Workers of America *v.* Red Jacket Consolidated Coke & Coal Co. ((C. C. A.) 18 F. (2d) 839). Upon the argument of this motion it was conceded, however, that these decisions were called to the attention of the court of appeals in the Lavin case and that court stated:

"Both parties have upon this appeal cited decisions, most of them from other jurisdictions, which they urge support certain of their contentions. Some of the opinions in these cases are of great weight because of the strength of the reasoning and the authority of the tribunals. The law that should be applied in this jurisdiction to the circumstances disclosed by the record has been established by repeated decisions of this court."

[3] The court at special term is bound to follow the decisions of the court of appeals. In the Lavin case the court of appeals held:

"The defendants have the right to induce the plaintiff's employees to join the amalgamated association, though that may involve termination of their employment. They are under no obligation to the plaintiff to inform it that some of the plaintiff's employees are joining the union, so that the plaintiff may exercise its choice of retaining or discharging the new members. They are not under any obligation even to urge or compel their new members to give their employer such information. The defendants are acting for themselves or the amalgamated association, and in taking lawful action to advance the interests of the members of that union they are under no affirmative duty of protecting the privileges or even rights of the plaintiff."

Plaintiff has not established that defendants urged its employees "to conceal from their employer that they are acting contrary to the employer's express wish." Upon the record before me I have reached the conclusion that the intervention of a court of equity at this time is not warranted.

Motion denied.

APPROPRIATIONS FOR TREASURY AND POST OFFICE DEPARTMENTS

Mr. PHIPPS. Mr. President, at the conclusion of last Friday's session we were considering H. R. 8531, the appropriation bill for the Treasury and Post Office Departments. One item has been carried over an account of the absence of the Senator from Wisconsin [Mr. BLAINE]. As he will be here to-morrow, I ask that that bill go over until to-morrow; and then I hope to take it up, either in the morning hour or by arrangement with the Senator who has charge of the bill, which is the unfinished business.

THE CALENDAR

The VICE PRESIDENT. The morning business is closed. The calendar under Rule VIII is in order.

Mr. MCNARY. Mr. President, I think I heard the Chair announce that the calendar is before the Senate. I ask unanimous consent that we commence to-day where we left off on Friday.

The VICE PRESIDENT. Is there objection? The Chair hears none. The clerk will announce the first bill on the calendar, beginning with Order of Business 189.

BATTLE BETWEEN NEZ PERCES INDIANS AND COMMAND OF NELSON A. MILES

The bill (H. R. 6131) authorizing the Secretary of the Interior to erect a marker or tablet on the site of the battle between Nez Perces Indians under Chief Joseph and the command of Nelson A. Miles 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.

ALICE M. A. DAMM

The bill (S. 1798) for the relief of Alice M. A. Damm 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 Alice M. A. Damm, widow of Henry C. A. Damm, late American consul at Nogales, Mexico, the sum of $5,000, being one year's salary of her deceased husband, who died while in the Foreign Service; and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sufficient sum to carry out the purpose 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.

NELLIE FRANCIS

The bill (S. 1945) for the relief of Nellie Francis 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 Nellie Francis, widow of William T. Francis, late minister resident and consul general to Liberia, the sum of $4,500, being one year's salary of her deceased husband, who died of illness incurred while in the Consular Service; and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sufficient sum to carry out the purpose 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.

HORACE LEE WASHINGTON AND ARTHUR B. COOKE

The bill (S. 3026) authorizing the General Accounting Office to make certain credits in the accounts of Horace Lee Washington and Arthur B. Cooke, United States Consular Service, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the General Accounting Office be, and is hereby, authorized and directed to credit the accounts of Horace Lee Washington, as American consul general, formerly at London, England, with the sum of $118.58; and to credit the accounts of Arthur B. Cooke, as American consul at Plymouth, England, with the sum of $140.05, which amounts were expended by these officers upon authorization of the Secretary of State in connection with transportation and subsistence expenses of Mrs. Cooke in proceeding to the United States with Mr. Cooke.

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

DEFINITION OF OLEOMARGARINE

The bill (H. R. 6) to amend the definition of oleomargarine contained in the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended, was announced as next in order.

Mr. BINGHAM. Mr. President, at the request of the junior Senator from Rhode Island [Mr. HEBERT], who is not present, I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

CONSTANT FREQUENCY MONITORING RADIO STATION

The bill (S. 3448) to amend the act of February 21, 1929, entitled "An act to authorize the purchase by the Secretary of Commerce of a site, and the construction and equipment of a building thereon, for use as a constant frequency monitoring radio station, and for other purposes," was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the act entitled "An act to authorize the purchase by the Secretary of Commerce of a site, and the construction and equipment of a building thereon, for use as a constant frequency monitoring radio station, and for other purposes," approved February 21, 1929, be, and the same is hereby, amended to read, as follows:

"That the Secretary of Commerce be, and he is hereby, authorized to purchase a suitable site, provided a suitable site now owned by the Government is not available for the purpose, and to contract for the

construction thereon of a building suitable for installation therein of apparatus for use as a constant frequency monitoring radio station, and for the facilities, at a cost not to exceed $80,000."

Mr. COUZENS. Mr. President, I think somebody ought to explain that bill. There is quite a substantial increase there.

Mr. VANDENBERG. Mr. President, a similar bill passed the Senate a year ago. It provides a central focus for the control of radio in certain of its technical phases. The passage of the bill is requested by the Department of Commerce, and it seems to have the approval of all of the radio authorities of the Government. It seems to be an essential part of the Federal equipment to that end. I repeat, a similar bill passed the Senate in the last session.

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

CUSTER BATTLE FIELD NATIONAL CEMETERY

The bill (H. R. 155) providing compensation to the Crow Indians for Custer Battle Field National Cemetery, 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.

CARL STANLEY SLOAN

The bill (H. R. 7855) for the relief of Carl Stanley Sloan, minor Flathead allottee, 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 MOTOR LIFEBOAT

The joint resolution (H. J. Res. 197) to authorize the purchase of a motor lifeboat, with its equipment and necessary spare parts, from foreign life-saving services, was considered as in Committee of the Whole.

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

INVESTIGATIONS AND STUDIES OF PALO VERDE AND CIBOLA VALLEYS

The bill (S. 3413) to authorize the Secretary of the Interior to make engineering and economic investigations and studies of conditions in Palo Verde and Cibola Valleys and vicinity on the Colorado River, and for other purposes, was announced as next in order.

Mr. FESS. Mr. President, I think I should like to have that bill go over, at least until the author of the bill can be present.

The VICE PRESIDENT. The bill will be passed over.

SUPERVISING INSPECTORS OF STEAMBOAT INSPECTION SERVICE

The bill (S. 3449) to amend section 4404 of the Revised Statutes of the United States, as amended by the act approved July 2, 1918, placing the supervising inspectors of the Steamboat Inspection Service under classified civil service, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That section 4404 of the Revised Statutes of the United States, as amended by the act of Congress approved July 2, 1918, be, and the same is hereby, amended so as to read as follows:

"SEC. 4404. The positions of supervising inspector in the Steamboat Inspection Service are hereby placed under and included in the classified civil service. There shall be 11 supervising inspectors, who shall be appointed by the Secretary of Commerce, in accordance with and under the provisions of the act of January 16, 1883, known as the civil service act. The supervising inspector shall be entitled, in addition to his authorized pay and traveling allowance, to his actual and reasonable expenses for transportation of instruments, which shall be certified and sworn to under such instructions as shall be given by the Secretary of Commerce."

SEC. 2. That this act shall be effective on and after the date of its approval.

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

PILGRIMAGE OF GOLD-STAR MOTHERS TO EUROPE

The bill (H. R. 8527) to amend the act entitled "An act to enable the mothers and widows of the deceased soldiers, sailors, and marines of the American forces now interred in the cemeteries of Europe to make a pilgrimage to these cemeteries," approved March 2, 1929, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That paragraph (e) of section 2 of the act entitled "An act to enable the mothers and widows of the deceased soldiers, sailors, and marines of the American forces now interred in the cemeteries of Europe to make a pilgrimage to these cemeteries," approved March 2, 1929 (45 Stats. 1508), be, and the same is hereby, amended to read as follows:

"(e) The pilgrimages shall be by the shortest practicable route and for the shortest practicable time, to be designated by the Secretary of War. No mother or widow shall be provided for at Government expense in Europe for a longer period than two weeks from the time of disembarkation in Europe to the time of reembarkation in Europe, except in case of illness or other unavoidable cause. In the event of the death of a mother or widow while engaged upon the pilgrimage herein provided for, the United States shall pay the cost of preparation of the body for burial (including the cost of a suitable casket) and transportation of same with escort to the home of the deceased. In the case of any mother or widow willfully failing to continue the pilgrimage of her particular group the United States shall not incur or be subject to any expense with regard to her pilgrimage after such failure."

SEC. 2. That section 3 of said act be, and the same is hereby, amended by adding two new paragraphs, as follows:

"(a) In carrying into effect the provisions of this act the Secretary of War is authorized to do all things necessary to accomplish the purpose prescribed, by contract or otherwise, with or without advertising, including the engagement by contract or otherwise of such personal services as may be necessary without regard to civil-service requirements and restriction of laws governing the employment and compensation of employees of the United States, and to detail for duty in connection with the pilgrimage such officers of the Army of the United States for such time as may be necessary without regard to existing laws and regulations governing the detail of officers. Any appropriations for carrying this act into effect shall be available for the payment in advance of such per diem allowance in lieu of subsistence and other traveling expenses as may be prescribed by the Secretary of War for the travel of pilgrims and for the payment of mileage, reimbursement of actual traveling expenses or per diem in lieu thereof, as authorized by law, to officers of the Army, and pay and traveling expenses of civilian employees, including civilian employees of the War Department who may be temporarily detailed for this service.

"(b) The Secretary of War may detail to active duty in connection with the execution of the provisions of this act and any amendments thereto Maj. Gen. B. F. Cheatham, United States Army, retired, who while on such active duty shall receive the full pay and allowances of a major general on the active list, notwithstanding existing laws relative to the pay of officers of the Army."

Mr. HEFLIN. Mr. President, I have an amendment to that bill.

The VICE PRESIDENT. The Senator from Alabama offers an amendment, which will be stated.

The CHIEF CLERK. On page 2, after line 11, it is proposed to insert the following:

SEC. 2. Such act of March 2, 1929, is amended by adding at the end thereof the following new sections:

"SEC. 5. Any mother or widow who is entitled to make a pilgrimage to Europe, under section 1 of this act, shall have the election of making such a pilgrimage or of making a pilgrimage to the city of Washington to visit the grave of the Unknown Soldier in Arlington National Cemetery. The pilgrimages to the city of Washington shall be made at such times during the period from April 15, 1930, to June 15, 1930, as may be designated by the Secretary of War. Suitable transportation, accommodations, meals, and other necessities pertaining thereto, as prescribed by said Secretary, shall be furnished at Government expense to each mother or widow who elects to make a pilgrimage to the city of Washington, from the time of departure from her home to make such pilgrimage until the time of return to her home thereafter. The said Secretary shall request the President of the United States and the commanding officer of the American Expeditionary Forces, Gen. John J. Pershing, to deliver addresses in honor of such mothers and widows at the Arlington Memorial Amphitheater on a suitable date during the period of such pilgrimages. The pilgrimages authorized by this amendatory act shall be made in accordance with such regulations as the Secretary of War may prescribe.

"SEC. 6. If any mother or widow, included under section 1 of this act, files application with the Secretary of War on or before October 31, 1933, setting forth that she is unable to make either a pilgrimage to Europe or a pilgrimage to the city of Washington because of illness or for any other cause, and if the said Secretary shall deem such cause satisfactory, she shall be paid an amount determined by the said Secretary to be equal to the amount which her pilgrimage to the city of Washington would have cost the United States. Any such determination of the said Secretary shall be final, and payments made under this section shall be made within 10 days after approval of the application.

"SEC. 7. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $———, or so much thereof as may be necessary, to carry out the provisions of sections 5 and 6 of this act."

Mr. SHEPPARD. Mr. President, at the request of the Senator from Florida [Mr. FLETCHER], who reported this bill and

who is unavoidably absent on account of illness, I desire to urge upon the Senate the necessity of its immediate passage. I also suggest that the pending amendment be accepted, in order that it may go to conference and that the matter may be worked out there.

Mr. BINGHAM. Mr. President, was the amendment considered by the committee?

Mr. SHEPPARD. So far as I know, the amendment was not acted on by the committee. It is my judgment that action will be expedited if we accept the amendment and let the conferees pass upon it.

Mr. McKELLAR. Mr. President, I desire to suggest to the Senator from Alabama that where in his amendment he provides that—

> There is hereby appropriated * * * the sum of $———, or so much thereof as may be necessary—

The language should be—

> That there is hereby authorized to be appropriated—

Not exceeding a certain amount. This is an authorization bill, not an appropriation bill, and the wording should be changed accordingly.

Mr. HEFLIN. I accept that amendment, Mr. President, and ask the clerk to insert those words.

The VICE PRESIDENT. The Senator from Alabama modifies his amendment as suggested.

Mr. FESS. Mr. President, I had intended to object to the consideration of this bill at this time; but, on the suggestion that it go to conference and be worked out there, I will not interpose an objection.

Mr. HEFLIN. Mr. President, I hope there will be no objection to this amendment, and that the suggestion of the Senator from Texas [Mr. SHEPPARD] will be followed that this amendment may now be accepted and go to conference, and the matter may be worked out there. This is an urgent piece of legislation, and it must be acted upon soon.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Alabama.

Mr. BORAH. Mr. President, has any committee passed upon the amendment which is now pending?

Mr. HEFLIN. No, Mr. President.

Mr. BORAH. There are some propositions in it which I think ought to have some consideration at the hands either of the committee or of the Senate.

The VICE PRESIDENT. The Chair will state that the amendment has been referred to the Committee on Military Affairs; but the Chair is advised that it has not been acted upon by that committee.

Mr. HEFLIN. The amendment has been pending for quite a while, and it is a very important matter. The provision is a very fair and just one, because there are a lot of these mothers who would not be able to go abroad, and some of them will not be able even to come to Washington. If they can not come they ought to receive this small pittance, even if they stay at home attending to their duties there. I do not think we can do too much for these war mothers.

Mr. VANDENBERG. Mr. President——

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

Mr. BORAH. I yield to the Senator.

Mr. VANDENBERG. I desire to observe that there are a number of other suggestions pending in the Military Affairs Committee seeking to cure other injustices involved in this arrangement. For instance, as the law now exists, no gold-star mother can enjoy this pilgrimage to Europe unless her son is buried in an identified cemetery in Europe. If her son happens to be buried in an identified spot outside of a cemetery, she can not go upon this pilgrimage; and it is to me an outrageous injustice.

Mr. HEFLIN. I agree with the Senator.

Mr. VANDENBERG. That and a number of other propositions are pending in the Military Affairs Committee. It seems to me that the committee ought to survey the whole problem and bring us a complete bill which corrects all of the injustices that are involved in this situation.

Mr. HEFLIN. Mr. President——

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

Mr. BORAH. I yield.

Mr. HEFLIN. The trouble about that is that the time is passing rapidly, and the measure ought to be acted on just as speedily as possible. I hope the suggestion of the Senator from Texas will be followed and that we can let this matter go to conference. They can work out there the things suggested by the Senator from Michigan.

Mr. COUZENS. Mr. President——

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

Mr. BORAH. Yes; I yield.

Mr. COUZENS. If we let this proposition go through, how are the other inequalities referred to by my colleague to be corrected?

Mr. HEFLIN. Let him offer the amendments now, and let the bill go to conference.

Mr. COUZENS. That has not been proposed, and unless it is proposed, and an effort made to straighten out all of the inequalities, I am going to object to the measure going through at this time.

The VICE PRESIDENT. Does the Senator ask that the bill go over?

Mr. BINGHAM. Mr. President, will not the Senator withhold the objection and permit this amendment to be sent to the committee, to be considered with the other amendments?

Mr. COUZENS. I have no objection to that?

Mr. BORAH. It is already before the committee.

The VICE PRESIDENT. The amendment is already before the committee.

Mr. BINGHAM. I understood the Senator from Texas to say that it had not been sent to the committee.

Mr. BORAH. It has not been considered, but it is before the committee.

Mr. BINGHAM. In view of the fact that this amendment is before the committee, in connection with the other amendments to the bill, I hope the Senator from Alabama will withdraw his amendment to the bill, in order that the fundamental measure necessary in order to permit those to go to Europe who are already provided for by law may go through as promptly as possible. It is obvious that unless he does that this bill can not pass at this time.

Mr. HEFLIN. Mr. President, those who would be affected by this legislation come from every State in the Union, and none who are entitled to the benefits of the legislation should be shut out of the provisions of the bill.

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

Mr. HEFLIN. I yield.

Mr. COUZENS. I object to the bill going through unless the inequalities are straightened out. I do not see any use in doing it piecemeal.

The VICE PRESIDENT. The Senator from Michigan objects, and the bill goes over. The Secretary will report the next bill.

Mr. SHEPPARD. I move that the Senate proceed to the consideration of the bill despite the objection.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Texas.

Mr. McNARY. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. McNARY. Is that motion in order on Monday, under Rule VIII?

The VICE PRESIDENT. It is in order.

Mr. BINGHAM. I ask for a division.

On a division, the motion was rejected.

Mr. SHEPPARD and Mr. HEFLIN asked for the yeas and nays.

The VICE PRESIDENT. The Chair has stated that the motion was lost.

Mr. SHEPPARD subsequently said: Mr. President, in order that all amendments and proposals in connection with Senate bill 3062, the gold-star mothers and widows of veterans bill, may be properly and promptly considered, I ask that the bill be recommitted to the Senate Committee on Military Affairs, with instructions to consider all amendments and report back at the earliest practicable date.

The VICE PRESIDENT. Is there objection?

Mr. HEFLIN. I hope that will be done.

The VICE PRESIDENT. Without objection, the order is made. The bill is recommitted with instructions.

MONONGAHELA RIVER BRIDGE, PENNSYLVANIA

The bill (S. 2859) to extend the times for commencing and completing the construction of a bridge across the Monongahela River at or near Fayette City, Fayette County, Pa., was announced as next in order.

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

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. HEFLIN. When we were considering the gold-star mothers' bill, the Senator from Texas asked for the yeas and nays before the result of the division was announced.

The VICE PRESIDENT. The Chair begs to differ from the Senator.

Mr. HEFLIN. I ask that the record be read from the notes of the official reporter.

The VICE PRESIDENT. The Chair has ruled. The clerk will continue the calling of the roll.

The Chief Clerk resumed the calling of the roll, and the following Senators answered to their names:

Allen	Glass	Keyes	Smoot
Ashurst	Glenn	McCulloch	Steck
Barkley	Goff	McKellar	Steiwer
Bingham	Goldsborough	McNary	Stephens
Black	Gould	Metcalf	Sullivan
Borah	Greene	Norbeck	Swanson
Bratton	Hale	Norris	Thomas, Idaho
Brookhart	Harris	Nye	Thomas, Okla.
Capper	Harrison	Oddie	Townsend
Caraway	Hastings	Overman	Trammell
Connally	Hatfield	Phipps	Tydings
Copeland	Hayden	Pine	Vandenberg
Couzens	Hebert	Robinson, Ind.	Wagner
Dale	Heflin	Robsion, Ky.	Walcott
Dill	Howell	Schall	Walsh, Mass.
Fess	Johnson	Sheppard	Walsh, Mont.
Frazier	Jones	Shipstead	Watson
George	Kean	Shortridge	Wheeler
Gillett	Kendrick	Simmons	

The VICE PRESIDENT. Seventy-five Senators have answered to their names. A quorum is present.

Is there objection to the consideration of Senate bill 2859?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment, on page 1, line 8, to strike out "the date of approval hereof" and insert in lieu thereof the words "March 2, 1930," so as to read:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Monongahela River, at or near Fayette City, Fayette County, Pa., authorized to be built by the Fayette City Bridge Co., by the act of Congress approved March 2, 1929, are hereby extended one and three years, respectively, from March 2, 1930.

SEC. 2. 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.

LAKE CHAMPLAIN BRIDGE, NEW YORK

The bill (S. 3202) to extend the times for commencing and completing the construction of a bridge across Lake Champlain at or near Rouses Point, N. Y., and a point at or near Alburgh, Vt., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across Lake Champlain at or near Rouses Point, N. Y., and a point at or near Alburgh, Vt., authorized to be built by Elisha N. Goodsell, of Alburgh, Vt., his heirs, legal representatives, and assigns, by an act of Congress approved February 15, 1929, are hereby extended one and three years, respectively, from February 15, 1930.

SEC. 2. 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.

GERMAINE M. FINLEY

The bill (S. 2013) for the relief of Germaine M. Finley 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 Germaine M. Finley, widow of James G. Finley, late a Foreign Service officer of the United States at Havre, France, the sum of $2,750, being one year's salary of her deceased husband, who died while in the Foreign Service; and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sufficient sum to carry out the purpose 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.

APPROPRIATIONS FOR EXECUTIVE OFFICE, ETC.

The bill (H. R. 9546) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1931, and for other purposes, was announced as next in order.

The VICE PRESIDENT. The bill will be passed over.

CHRISTINA ARBUCKLE, ADMINISTRATRIX

The bill (S. 1252) for the relief of Christina Arbuckle, administratrix of the estate of John Arbuckle, deceased, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 2, line 3, to strike out "New York" and insert in lieu thereof "Massachusetts," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Christina Arbuckle, administratrix of the estate of John Arbuckle, deceased, late of the city and State of New York, out of any money in the Treasury not otherwise appropriated, the sum of $25,000 alleged to be due from the United States under the provisions of a contract entered into on October 13, 1908, between the decedent and the Secretary of the Navy for the salvaging of the U. S. S. *Yankee* that had stranded on Hen and Chickens Shoal, Buzzards Bay, Mass.

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.

ALLEGHENY FORGING CO.

The bill (S. 1572) for the relief of the Allegheny Forging Co. was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Comptroller General be, and he is hereby, authorized and directed to adjust and settle the claim of Allegheny Forging Co. for the amount due said company from the Metz Co. as a subcontractor under War Department contract No. 3639, dated April 16, 1918, which amount the United States agreed with the Metz Co. to pay said Allegheny Forging Co. in settlement agreement No. A–3639, dated June 17, 1919, but which amount was subsequently applied to an indebtedness of the Metz Co. under said settlement agreement, and to allow not to exceed $345 in full and final settlement of any and all claims of said Allegheny Forging Co. arising under or growing out of said contract and settlement agreement. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $345, or so much thereof as may be necessary, for payment of the claim.

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

NATIONAL SURETY CO.

The bill (S. 3038) for the relief of the National Surety Co. was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the National Surety Co. the sum of $157.89, being payment illegally made by the said company to the United States in behalf of H. C. Lewis, late postmaster at Creech, Ky., for loss of postal fund; and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, a sufficient sum to carry out the purpose 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.

ESTATE OF GEORGE B. SPEARIN, DECEASED

The bill (S. 3039) for the relief of the estate of George B. Spearin, 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, directed to pay to the estate of George B. Spearin, deceased, the sum of $5,616.29, which sum, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, said sum to be payment in full for all loss sustained by said Spearin by reason of failure, until April 11, 1917, of his attorney to file with the Treasury Department, in compliance with the provisions of the act of September 30, 1890 (26 Stat. L. p. 537), transcript of judgment of the Court of Claims in the case of Spearin against the United States.

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

RICHARD RIGGLES

The bill (S. [illegible]166) for the relief of Richard Riggles was considered as in Committee of the Whole.

The bill had been reported to the Senate from the Committee on Claims with an amendment, on page 1, line 5, to strike out "$3,000" and insert "$500," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $500 to Richard Riggles, in full payment for injuries sustained by him on the 6th day of February, 1885, while in the discharge of his duties at the navy yard, Washington, resulting in the loss of his right leg.

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.

BOARD OF PUBLIC WELFARE

The bill (S. 3473) to amend the act of Congress approved March 16, 1926, establishing a Board of Public Welfare in and for the District of Columbia, to determine its functions, and for other purposes, was announced as next in order.

Mr. FESS. Mr. President, I would like to have some explanation of the bill.

Mr. CAPPER. Mr. President, the bill simply makes it possible to fill a vacancy on the Board of Public Welfare caused by a death or resignation.

Mr. FESS. I have no objection.

Mr. CAPPER. There can be no possible objection to the measure.

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

Be it enacted, etc., That the act approved March 16, 1926, being "An act to establish a Board of Public Welfare in and for the District of Columbia, to determine its functions, and for other purposes," be, and the same is hereby, amended by striking out section 3 thereof and inserting in lieu thereof the following:

"SEC. 3. That the board shall consist of nine members, who shall be appointed by the Commissioners of the District of Columbia for terms of six years: *Provided*, That the first appointments made under this act shall be for the following terms: Three persons shall be appointed for terms of two years, three persons shall be appointed for terms of four years, and three persons shall be appointed for terms of six years. Thereafter all appointments shall be for six years: *Provided, however*, That vacancies for unexpired terms, caused by death, resignation, removal, or otherwise, shall be filled by the Commissioners of the District of Columbia for such unexpired terms. No person shall be eligible for membership on the board who has not been a legal resident of the District of Columbia for at least three years. Any member of such board may be removed at any time for cause by the Commissioners of the District of Columbia. Appointments to the board shall be made without discrimination as to sex, color, religion, or political affiliation. The members of the board shall serve without compensation."

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

DELLA D. LEDENDECKER

The bill (S. 2662) for the relief of Della D. Ledendecker was announced as next in order.

Mr. BINGHAM. Mr. President, I would like to ask the author of the bill why it is necessary to make individual exceptions, and if we make an exception for one person, will not others who want to practice in the District ask that an exception be made in their cases?

Mr. COPELAND. Mr. President, under the terms of the law all persons making an application for a license to practice chiropractic in the District of Columbia have to swear to certain facts, and this doctor was very ill at the time she would have had to take the oath, and was unable to be present. This would simply permit her to receive her license after complying with terms of the law.

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

Be it enacted, etc., That the commission on licensure to practice the healing art in the District of Columbia is hereby authorized to license Della D. Ledendecker to practice chiropractic in said District under the provisions of the act entitled "An act to regulate the practice of the healing art to protect the public health in the District of Columbia," approved February 27, 1929, notwithstanding the provision therein requiring applications from candidates for licenses to practice chiropractic to be filed within 90 days from the date of the approval of said act, and on condition that said Della D. Ledendecker shall otherwise be found by said commission to be qualified to practice under the provisions of said act.

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

NEW YORK CITY

The bill (S. 2219) for the relief of the city of New York was announced as next in order.

Mr. VANDENBERG. Mr. President, this involves nearly three-quarters of a million dollars, and I do not think it ought to be considered in the morning hour. I object.

Mr. COPELAND. Mr. President, if the Senator will withhold his objection a moment——

The VICE PRESIDENT. Does the Senator from Michigan withhold his objection?

Mr. VANDENBERG. I do.

Mr. COPELAND. This bill was thoroughly considered by the Senate in the Sixty-ninth and Seventieth Congresses, and it was held up for a number of months by the senior Senator from Utah [Mr. SMOOT] until he could make a careful study of the audit made by the Government. He withdrew his objection and the bill passed the Senate without opposition. It died in the House because it was too late for consideration there.

Mr. VANDENBERG. Is it the Senator's statement that it is now satisfactory to the senior Senator from Utah?

Mr. COPELAND. It is now satisfactory. It is exactly in the form in which it passed before.

Mr. VANDENBERG. I withdraw my objection.

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

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the city of New York, out of any money in the Treasury not otherwise appropriated, the sum of $764,143.75, expended by said city of New York in enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting troops employed in aiding to suppress the insurrection against the United States in 1861 to 1865.

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

ARCH L. GREGG

The bill (S. 517) for the relief of Arch L. Gregg, 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 Arch L. Gregg, out of any money in the Treasury not otherwise appropriated, the sum of $5,000, as compensation for disability resulting from an injury received in the performance of his duties while assuming to act as a special deputy United States marshal on November 20, 1917, when he was shot by a person whom he was endeavoring to arrest upon a charge of evading the selective draft act.

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

BLACK RIVER BRIDGE, ARKANSAS

The bill (H. R. 8143) granting the consent of Congress to the Arkansas State Highway Commission to construct, maintain, and operate a free highway bridge across the Black River at or near Pocahontas, Ark., 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 Arkansas State Highway Commission to construct, maintain, and operate a free highway bridge and approaches thereto across the Black River, at a point suitable to the interest of navigation, at or near Pocahontas, Ark., 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. The right to alter, amend, or repeal this act is hereby expressly reserved.

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

CORDOVA, ALASKA, BOND ISSUE

The bill (H. R. 8559) to authorize the incorporated town of Cordova, Alaska, to issue bonds for the construction of a trunk sewer system and a bulkhead or retaining wall, 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.

LAKESIDE COUNTRY CLUB

The bill (S. 1748) for the relief of the Lakeside Country Club was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Commissioner of Internal Revenue be, and he is hereby, authorized and directed to reopen and allow the claim of the Lakeside Country Club, of Pulaski County, Ark., and refund the sum of $6,000, the balance of taxes illegally collected under existing laws and decisions.

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

VOCATIONAL AGRICULTURE

The bill (S. 2113) to aid in effectuating the purposes of the Federal laws for promotion of vocational agriculture was announced as next in order.

Mr. FESS. I would like to have some explanation of the bill.

The VICE PRESIDENT. The Senator who reported the bill is not present.

Mr. FESS. It is rather an important bill, I think.

Mr. McNARY. Let it go over.

Mr. FESS. I think it had better go over.

The VICE PRESIDENT. The bill will be passed over.

CHEYENNE INDIAN MEMORIAL

The bill (H. R. 7881) authorizing the Secretary of the Interior to erect a monument as a memorial to the deceased Indian chiefs and ex-service men of the Cheyenne River Sioux Tribe of Indians was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment, on page 2, line 5, to strike out the words "the tribal fund" and insert in lieu thereof the words "any money in the Treasury of the United States not otherwise appropriated," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to erect a monument on the Cheyenne River Agency Reserve to commemorate the deceased Indian chiefs of the Cheyenne River Sioux Tribe of Indians of South Dakota and the service men of that nation or tribe who died while engaged in the service of the United States in the recent World War. Such memorial shall be constructed of native bowlders and shall have placed thereon appropriate memorial tablets commemorative of such deceased Indian chiefs and service men, together with such other matter as to the Secretary of the Interior may seem appropriate.

SEC. 2. The cost of such memorial shall be paid out of any money in the Treasury of the United States not otherwise appropriated, and a sum of not to exceed $1,500 is hereby authorized to be appropriated for the purpose.

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.

NATIONAL MILITARY PARK, STONES RIVER, TENN.

The bill (H. R. 2825) to amend section 5 of the act entitled "An act to establish a national military park at the battle field of Stones River, Tenn.," approved March 3, 1927, 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.

NAVAL STORES

The bill (S. 2354) to amend the agricultural marketing act so as to include naval stores was considered as in Committee of the Whole.

The bill had been reported from the Committee on Agriculture and Forestry with amendments.

Mr. GEORGE. Mr. President, I move as a substitute for the first amendment proposed by the committee the following:

Gum spirits of turpentine and resin as processed by the original producer.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Georgia as a substitute for the amendment of the committee.

Mr. FESS. Mr. President, will the Senator from Georgia yield?

Mr. GEORGE. Certainly.

Mr. FESS. There has been a great deal of interest in this particular proposal by parties in Cincinnati. Has the Senator had any communication with them in the matter?

Mr. GEORGE. I have had some communications from some of them. I had a communication from Procter & Gamble, for instance, in which they say that they are not interested in the matter. Apparently they thought in the beginning that they were interested. Certain manufacturers of proprietary medicines thought they were interested in it because they believed that the amendment contemplated bringing naval stores under the marketing act generally, so that naval-stores products might be marketed within the discretion of the Farm Board.

Mr. FESS. Does the Senator recall whether a gentleman by the name of Crawford communicated with him? He has been greatly interested in naval stores.

Mr. GEORGE. I do not recall; but I have framed my amendment so as to exclude the objections which were offered by some of those who communicated with me. For instance, an objection was raised upon the ground that turpentine could be produced by the destructive distillation process—that is, made from trees and wood—usually by large corporations. My amendment will exclude turpentine made by that process. I propose to limit the marketing act by including gum spirits of turpentine and resin only.

Mr. FESS. If it would not be displeasing to the Senator, I would like to have the bill go over for a day or so until I can communicate with parties who are writing to me about it. I confess I have not examined the amendment.

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

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Oregon?

Mr. GEORGE. I yield.

Mr. McNARY. The matter arose for the simple reason that the Farm Board which is administering the agricultural marketing act did not believe naval stores came within the provisions of that measure. When the Senator proposed his amendment the committee thought that it probably entered the field of processed and manufactured articles, and modified the proposal to meet the raw products from pine trees. In order to avoid any misunderstanding with regard to what particular articles come within the marketing act the Committee on Agriculture and Forestry struck out the proposal of the Senator from Georgia and inserted what it thought to be the raw material, so that it did not enter the processing or manufacturing stage. The Senator now comes with a further amendment to the committee amendment now before the Senate. I ask the Senator if he can distinguish beween his first amendment resulting in the action of the committee and the one which he now proposes?

Mr. GEORGE. The committee amendment proposes to strike out "spirits of turpentine and resin," and insert in lieu thereof "dip or crude gum." I will say to the Senator from Oregon that if there should be added to the committee amendment the words "as processed by the original producers," it would accomplish all that I am asking. I am willing to take the committee amendment by merely adding the words "as processed by the original producers." The products of the pine are not marketed as "dip or crude gum," but in the form of gum spirits and resin. It is processed; that is to say, by the simple distillation process, spirits of turpentine and resin are obtained. The process is necessary to prepare the dip or crude gum for market. I am perfectly willing to accept the committee amendment if I may further amend by adding after the language of the committee certain words so it will read "dip or crude gum as processed by the original producer."

Mr. McNARY. Does the Senator believe that to be an expansion of the definition of the committee?

Mr. GEORGE. It is in this sense: the "dip or crude gum" is simply the resin or turpentine as it is taken out of the boxes at the trees, and it is not sold in that form. It is sometimes sold in that form as a farmer might sell his wheat in the field or in the shock, but generally of course he sells his wheat after he has separated the wheat from the straw. Naval stores products are not sold in the form in which the committee describe them in the amendment.

Mr. McNARY. Is it the judgment of the Senator that the expanded definition does not include the manufacturer or the processor of the raw material?

Mr. GEORGE. It does not except the original processing, which is comparable to the ginning of cotton. Of course the ginning of cotton is a processing of cotton, but it is merely the separating of the lint from the seed. My idea was that under the original language, naval stores were then brought within the purview of the farm marketing act; it was then discretionary with the Farm Board, of course, whether the board would extend aid or permit the marketing of the product under the act. It is wise, perhaps, to exclude the products of the destructive distillation process, usually carried on by corporations which require considerable capital. I am, however, content to confine it to "dip or crude gum as processed by the original producers."

Mr. FESS. Mr. President, the matter has been one of controversy for a long while. I do not want to object to the consideration of the bill. It might be that the Senator's amendment would cure the situation. I wish he would allow it to go over for a day or so until I can confer with some people who have been writing him for quite a number of days on the subject. I assure the Senator that I shall not put him in jeopardy, but I think it is only fair to those people in Cincinnati who have been writing me that I make this request.

Mr. GEORGE. Of course I would not insist upon it, but I was anxious to have it passed so it might go to the House for consideration. I will permit it to go over as the Senator from Ohio requests.

Mr. McNARY. May I suggest to the able Senator from Georgia that at the time the matter recently came up on the amendment proposed by the committee, certain members of the committee representing Southern States objected to the Senator's first proposal. The proposal which I reported as chairman of the committee met that objection. I should like to have the Senator take up with his colleagues of the South the proposed expansion of the definition so that when the measure is called up again he may know there is unanimity on the part of the southern members of the committee.

Mr. GEORGE. I do not understand that anyone from a Southern State who understands the naval-stores situation would object at all. In fact, I have talked with all members of the committee since, and I was assured that they would rather have the original language restored.

Mr. McNARY. I might mention, because there is nothing to hide, that in an open committee meeting the Senator from South Carolina [Mr. SMITH] and the Senator from Louisiana [Mr. RANSDELL] thought we should not enter the manufactured or processed field.

Mr. DILL. Mr. President, we have been discussing this bill now almost 15 minutes. I ask for the regular order.

The VICE PRESIDENT. The regular order is demanded.

Mr. GEORGE. Mr. President, I merely want to offer the further statement that I shall be glad to let it go over until the two Senators named return. I am sure, however, that no Senator from the South imagines he could market naval stores in the form of dip or crude gum. If we are not to permit the turpentine farmers to process the dip or crude gum, we might as well compel the cotton farmer to sell his cotton in the seed or the wheat farmer to sell his wheat in the shock. In either case the producer is left at the mercy of the speculator.

Mr. McNARY. I think it is fair for me to state for those Senators whom I have mentioned that probably they would not object to the Senator's present proposal.

The VICE PRESIDENT. On objection, the bill will go over.

JOSEPHINE LAFORGE

The bill (H. R. 564) for the relief of Josephine Laforge (Sage Woman) was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue a patent in fee to Josephine Laforge (Sage Woman), Crow allottee No. 1254, for land allotted to her under the provisions of the act of June 4, 1920 (41 Stat. L. 751), and designated as homestead.

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

CLARENCE L. STEVENS

The bill (H. R. 565) for the relief of Clarence L. Stevens was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue a patent in fee to Clarence L. Stevens, Crow allottee No. 1259, for land allotted to him under the provisions of the act of June 4, 1920 (41 Stat. L. 751), and designated as homestead.

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

CHARLES W. MARTIN

The bill (S. 363) for the relief of Charles W. Martin 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 Charles W. Martin, out of any money in the Treasury not otherwise appropriated, the sum of $3,000 in full settlement against the Government for damages to land near Omaha, Nebr., which was used and occupied by the United States as a balloon-school site.

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

GRAY ARTESIAN WELL CO.

The bill (S. 463) for the relief of the Gray Artesian Well Co. was announced as next in order.

The VICE PRESIDENT. A similar House bill came to the Senate this morning and, without objection, will be substituted for the Senate bill.

The bill (H. R. 6119) for the relief of the Gray Artesian Well Co. was read the first time by its title and the second time at length and was considered as in Committee of the Whole, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to settle the claim of the Gray Artesian Well Co. for the drilling of a well at the Mississippi State National Guard camp, Biloxi, Miss., and to allow said claim in a sum not to exceed $1,874.48, in addition to the amount paid to said company under contract No. W–40–MB–10, dated June 30, 1927; and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, a sum not to exceed $1,874.48 for payment of the claim.

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

The VICE PRESIDENT. The bill (S. 463) for the relief of the Gray Artesian Well Co. will be indefinitely postponed.

BILL PASSED OVER

The bill (S. 2224) to change the name of Iowa Circle, in the city of Washington, to Logan Circle was announced as next in order.

Mr. DILL. Over.

The VICE PRESIDENT. The bill will be passed over.

BILL RECOMMITTED

The bill (S. 3215) to amend section 3 of the act of Congress approved February 18, 1929, entitled "An act to amend the laws relating to assessments and taxes in the District of Columbia, and for other purposes," was announced as next in order.

Mr. CAPPER. Mr. President, I wish to request that the bill be recommitted to the Committee on the District of Columbia. I do this at the request of the Commissioners of the District of Columbia.

The VICE PRESIDENT. Without objection, the bill will be recommitted to the Committee on the District of Columbia.

CULLEN D. O'BRYAN AND LETTIE A. O'BRYAN

The bill (S. 304) for the relief of Cullen D. O'Bryan and Lettie A. O'Bryan 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 11, after the word "Vermont," to insert the following proviso:

Provided, 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 in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum which in the aggregate exceeds 10 per cent of the amount appropriated in this act on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof 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 be, and he is hereby authorized and directed to pay to Cullen D. O'Bryan and Lettie A. O'Bryan, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 in full settlement against the Government, on account of the death of their daughter, Amy Edith O'Bryan, who died as a result of injuries received when the automobile which she was driving collided with an unlighted Army truck on September 16, 1927, near Bristol, Vt.: *Provided,* 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 in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum which in the aggregate exceeds 10 per cent of the amount appropriated in this act on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof 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 bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM HENSLEY

The bill (S. 2467) for the relief of William Hensley 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 10, after the word "duty," to insert the following proviso:

Provided, 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 in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof 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 be, and he is hereby, directed to pay to William Hensley, out of any money in the Treasury not otherwise appropriated, the sum of $1,500, in full payment for injuries sustained by him while in the discharge of his duties at the navy yard, Washington, resulting in the loss of three fingers of his right hand, loss of his left eye, and other injuries incurred by him in the line of duty: *Provided*, 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 in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof 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 bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONTROL OF FLOOD WATERS OF MISSISSIPPI BASIN

The resolution (S. Res. 222) to print as a Senate document the manuscript entitled "The Control, Conservation, and Utilization of the Flood Waters of the Mississippi Basin" was read, considered, and agreed to, as follows:

Resolved, That the manuscript entitled "The Control, Conservation, and Utilization of the Flood Waters of the Mississippi Basin," prepared for the National Flood Commission by the Research Service (Inc.), of Washington, D. C., be printed as a Senate document.

COMMISSIONING OF SPECIAL COUNSEL IN DEPARTMENT OF JUSTICE

The bill (H. R. 5260) to amend section 366 of the Revised Statutes was announced as next in order.

Mr. McNARY. Mr. President, in the absence of the chairman of the committee from which it was reported, I think the bill should go over without prejudice.

The VICE PRESIDENT. The bill will go over.

ELECTRIC LIGHT AND POWER IN HAMAKUA DISTRICT, HAWAII

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4289) to approve Act No. 55 of the Session Laws of 1929 of the Territory of Hawaii entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within the district of Hamakua, island and county of Hawaii," which was read, as follows:

Be it enacted, etc., That Act No. 55 of the session laws of 1929 of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within the district of Hamakua, island and county of Hawaii," passed by the Legislature of the Territory of Hawaii and approved by the Governor of the Territory of Hawaii on April 19, 1929, is hereby approved: *Provided*, That the authority in section 16 of said act for the amending or repeal of said act shall not be held to authorize such action by the Legislature of Hawaii except upon approval of Congress in accordance with the organic act: *Provided further*, That nothing herein shall be construed as an approval by Congress of the theory of establishing value on the actual cost of reproducing or replacing property as contained in section 18 of the said act.

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

GOVERNMENT FOR HAWAII

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7830) to amend section 5 of the act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, which was read, as follows:

Be it enacted, etc., That section 5 of the act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended (U. S. C., title 48, sec. 495), is amended to read as follows:

"SEC. 5. (a) That the Constitution, and, except as otherwise provided, all the laws of the United States, including laws carrying general appropriations, which are not locally inapplicable, shall have the same force and effect within the said Territory as elsewhere in the United States: *Provided*, That sections 1841 to 1891, inclusive, 1910 and 1912, of the Revised Statutes, and the amendments thereto, and an act entitled 'An act to prohibit the passage of local or special laws in the Territories of the United States, to limit Territorial indebtedness, and for other purposes,' approved July 30, 1886, and the amendments thereto, shall not apply to Hawaii.

"(b) The salaries or wages paid by the Territory of Hawaii, or any of its political subdivisions, for services rendered in connection with the exercise of an essential governmental function of the Territory or its political subdivisions, shall not be taxable by the United States in the administration of the income tax laws."

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

ELECTRIC LIGHT AND POWER IN HANALEI ISLAND, HAWAII

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7984) to approve Act No. 29 of the session laws of 1929 of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within Hanalei, in the district of Hanalei, island and county of Kauai," which was read, as follows:

Be it enacted, etc., That act No. 29 of the session laws of 1929 of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within Hanalei, in the District of Hanalei, island and county of Kauai," passed by the Legislature of the Territory of Hawaii and approved by the Governor of the Territory of Hawaii on April 19, 1929, is hereby approved: *Provided*, That the authority in section 16 of said act for the amending or repeal of said act shall not be held to authorize such action by the Legislature of Hawaii except upon approval by Congress in accordance with the organic act: *Provided further*, That nothing herein shall be construed as an approval by Congress of the theory of establishing value on the actual cost of reproducing or replacing property as contained in section 18 of the said act.

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

FISHERY RIGHTS IN PEARL HARBOR, HAWAII

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8294) to amend the act of Congress approved June 28, 1921 (42 Stat. 67, 68), entitled "An act to provide for the acquisition by the United States of private rights of fishery in and about Pearl Harbor, Territory of Hawaii," which was read, as follows:

Be it enacted, etc., That the act of Congress approved June 28, 1921 (42 States. 67, 68), entitled "An act to provide for the acquisition by the United States of private rights of fishery in and about Pearl Harbor, Territory of Hawaii," be, and the same is hereby, amended to read as follows:

"That the Secretary of the Navy is hereby authorized to examine and appraise the value of all privately owned rights of fishery in Pearl Harbor, island of Oahu, Territory of Hawaii, lying between extreme high-water mark and the sea and in and about the entrance channel to said harbor, within an area extending along the ocean shore to the westward about 4,500 feet from Keahi Point to a line in continuation of the westerly boundary of the Puuloa Naval Reservation and extending along the ocean shore to the eastward about 5,000 feet from the harbor entrance to a line in continuation of the easterly boundary of the Queen Emma Site, Army Reservation, and to enter into negotiations for the purchase of the said rights, and, if in his judgment the price for such rights is reasonable and satisfactory, to make contracts for the purchase of same subject to future ratification and appropriation by Congress; or, in the event of the inability of the Secretary of the Navy to make a satisfactory contract for the voluntary purchase of the said rights of fishery, he is hereby authorized and

directed, through the Attorney General, to institute and carry to completion proceedings for condemnation of said rights of fishery, the acceptance of the award in said proceedings to be subject to the future ratification and appropriation by Congress. Such condemnation proceedings shall be instituted and conducted in, and jurisdiction of said proceedings is hereby given to, the District Court of the United States for the District of Hawaii, substantially as provided in 'An act to authorize condemnation of land for sites for public buildings, and for other purposes,' approved August 1, 1888 (25 Stats. 357): *Provided*, That the Secretary of the Navy is authorized to permit fishing within the area hereunder acquired, by citizens of the United States and its possessions, under such regulations and restrictions as he may prescribe. The Secretary of the Navy is further authorized and directed to report the proceedings hereunder to Congress."

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

GILBERT PETERSON

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 857) for the relief of Gilbert Peterson, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to redeem in favor of Gilbert Peterson United States coupon notes Nos. E–1062861 and E–1062862, in the denomination of $1,000 each, of the Victory Liberty loan 4¾ per cent convertible gold notes of 1922–23, called for payment December 15, 1922, with coupons due June 15, 1920, to December 15, 1922, inclusive, without presentation of such notes or coupons, such notes with such coupons and coupons due May 20, 1923, attached, having been lost or destroyed by the said Gilbert Peterson: *Provided*, That such notes shall not have been previously presented and paid and that payment shall not be made hereunder for any coupons which may have been previously presented and paid: *And provided further*, That the said Gilbert Peterson 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 unpaid interest which had accrued thereon when the notes were called for payment, 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 notes and coupons herein described.

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

JOLIET NATIONAL BANK, ETC.

The Senate as in Committee of the Whole, proceeded to consider the bill (S. 1264) for the relief of Joliet National Bank, Commercial Trust & Savings Bank, and H. William, John J., Edward F., and Ellen C. Sharpe, which had been reported from the Committee on Claims with amendments, on page 1, line 5, after the words "sum of," to strike out "$43,081.61" and insert "$25,000"; in line 6, after the word "Bank," to strike out "$25,848.96" and to insert "$15,000"; and in line 7, after the word "and," where it occurs the second time, to strike out "$17,232.64" and to insert "$10,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $25,000 to the Joliet National Bank; $15,000 to the Commercial Trust & Savings Bank; and $10,000 to the Sharpe family, consisting of H. William, John J., Edward F., and Ellen C. Sharpe, of Joliet, Ill., as reimbursement for the providing and furnishing by the Joliet Forge Co. of additional plant facilities and materials for the construction of steel forgings.

The amendments were agreed to.

Mr. McNARY. Mr. President, I think there ought to be some explanation of that bill, and, in the absence of such explanation, I ask that the bill go over without prejudice.

The VICE PRESIDENT. The bill will go over without prejudice.

INSURANCE ACTIVITIES OF BENEVOLENT CORPORATIONS

The bill (S. 3248) to authorize fraternal and benevolent corporations heretofore created by special act of Congress to divide and separate the insurance activities from the fraternal activities by an act of its supreme legislative body, subject to the approval of the superintendent of insurance of the District of Columbia, was announced as next in order.

Mr. DILL. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

JOHN J. RASKOB

Mr. SIMMONS. Mr. President, I send to the desk an editorial from the Washington Post of this morning entitled "Raskob *v.* Raskob," which I desire, with the permission of the Senate, that the clerk shall read.

The VICE PRESIDENT. Is there objection?

Mr. McNARY. May I inquire of the Senator from North Carolina how long is the editorial which he desires to have read?

Mr. SIMMONS. It is short. It is a little over half a column.

Mr. McNARY. Very well.

There being no objection, the Chief Clerk read as follows:

[From the Washington Post of Monday, April 7, 1930]

RASKOB *v.* RASKOB

John J. Raskob, chairman of the Democratic National Committee, prefers wet Republicans to dry Democrats, and has backed his opinions by a contribution of about $65,000 to the organization that opposes the eighteenth amendment. The Democratic National Committee is thus committed to the policy of placing wetness above Democracy. It has not yet been disclosed whether Mr. Raskob's money has already been used to defeat dry Democratic candidates for Congress, or whether it is being held in readiness for that purpose in the approaching campaign. That it has been or will be used to promote the wet cause against dry Democrats is a foregone conclusion, as Mr. Raskob is a practical business man who does not throw money away.

Mr. Raskob has been both a Republican and Democrat, and therefore he harbors no prejudices. At present he is officially a Democrat, and apparently he is convinced that the surest method of making the country wet is to prevent the dry wing of the Democratic Party from controlling its policy. As national chairman he intimidated rampant southern drys in many cases, and compelled them to support a wet candidate for President. But when these Democrats come up for reelection they are forced to advertise themselves as extra dry, in spite of the danger of incurring the opposition of Chairman Raskob. All of them are running the risk of meeting determined opposition from the wet organization that has received money from Mr. Raskob.

The Democratic National Committee is not officially trying to kill off dry Democratic candidates for Congress. But the committee has a wicked partner that is undertaking the task. The situation is similar to that in Russia, where the Soviet Government denies that it is spreading communism through the world, while its wicked partner, the Communist International, does the work.

Chairman Raskob may prefer to be entirely ignorant of the anti-Democratic uses to which Mr. Raskob's money is put. His right hand may not know what his left is doing, but in that case he is a poor guardian of the Democratic Party. He ought to know what influences are at work to defeat Democrats for Congress, and it is his duty to combat those influences or resign as field marshal of Democracy. He says, however, that he has no intention of resigning.

Why should he resign if the Democratic Party is willing to have him remain? Why should he give way to some chairman who might be a dry and thus handicap the organization to which he has contributed $65,000 of his personal funds?

Mr. SIMMONS. Mr. President, in connection with the editorial which has just been read, I desire to say that I was very much astonished and appalled, as I am sure that all Democrats who are in favor of the eighteenth amendment and its enforcement were, by the facts recently developed by a Senate committee, that Mr. John J. Raskob, who at present holds the position of chairman of the Democratic National Committee, has been contributing, and is still contributing, large sums to the work of the Association Against the Prohibition Amendment. That association has for its purpose the destruction of prohibition and our prohibition enforcement laws. Mr. Raskob's own testimony before the Senate committee was amazing and disclosed that the money that he and others are contributing to the association in question is being used, or is to be used, by that association for the election of wet Senators and Representatives, and, of course, in many instances is being used, or will be used, for the defeat of dry Democrats who are opposed by wet Republicans.

The Washington Post editorial which has just been read comes from a source that has always been friendly to Mr. Raskob and unfriendly to prohibition. It shows that even among the friends of Mr. Raskob it is now recognized that his attitude in holding on to the chairmanship of the Democratic National Committee is an impossible one.

I do not rise at this time particularly to call attention to the fact that early in last year I stated that the interest of the Democratic Party demanded the retirement of Mr. Raskob. I rise for the purpose principally of repudiating, on behalf of the dry Democracy of North Carolina, the action of Mr. Raskob in helping to finance an association that will aid the campaigns of wet Republicans. Undoubtedly Mr. Raskob has the right personally to contribute to the campaign of any person, Democrat or Republican, as he desires, but I think all will recognize the impossibility in the present conditions, and in view of Mr. Raskob's contributions to the fight to destroy prohibition and to elect wet Republicans as well as wet Democrats, of differentiating between Mr. Raskob the individual and Mr. Raskob who holds the position of national chairman of the Democratic Party.

I want the country to know that the Democratic Party of North Carolina is in favor of prohibition and the strict enforcement of our prohibition laws, and the Democrats of my State, men and women, in an overwhelming majority disapprove, condemn, and repudiate the action of Mr. Raskob in contributing to the funds to be used to elect wet Republicans over dry Democrats while he still holds the titular position of national chairman of our party.

HEIGHT OF MASONIC TEMPLE BUILDING, WASHINGTON, D. C.

The bill (S. 686) to amend an act regulating the height of buildings in the District of Columbia, approved June 1, 1910, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That an act entitled "An act to regulate the height of buildings in the District of Columbia," approved June 1, 1910, be, and it is hereby, amended by adding at the end of paragraph 5 of said act the following provisos:

"*And provided further*, That the building to be erected on property known as the Dean tract, comprising 9¼ acres, bounded on the west by Connecticut Avenue and Columbia Road, on the south by Florida Avenue, on the east by Nineteenth Street, and on the north by a property line running east and west 564 feet in length, said building to cover an area not exceeding 14,000 square feet and to be located on said property not less than 40 feet distant from the north property line, not less than 320 feet distant from the Connecticut Avenue property line, not less than 160 feet distant from the Nineteenth Street property line, and not less than 360 feet distant from the Florida Avenue line, measured at the point on the Florida Avenue boundary where the center line of Twentieth Street meets said boundary, be permitted to be erected to a height not to exceed 180 feet above the level of the existing grade at the center of the location above described: *And provided further*, That the design of said building and the layout of said ground be subject to approval by the Fine Arts Commission and the National Capital Park and Planning Commission, both of the District of Columbia."

Mr. DILL. Mr. President, I should like to ask the chairman of the Committee on the District of Columbia a question. Am I to understand that when the Masonic Temple Building referred to in the bill shall have been erected the grounds will be open to the public to drive through and an opportunity will be afforded the public to enjoy the view afforded from that location?

Mr. CAPPER. The grounds will be open. Of course, this bill is merely to allow an increase in the height of the Masonic Temple Building.

Mr. DILL. I understand that it proposes to allow the building to reach a height of 180 feet. My question is whether this is to be purely a private temple so that the public may not view the city from it? From the proposed temple there will be a magnificent outlook over the section of the country surrounding Washington. I am wondering whether in the hearings before the committee or in the consideration of the bill by the committee there was any showing made that at least the property would be open to the public, so that people might visit there and enjoy the magnificent view which will be possible from that point.

Mr. CAPPER. Those in charge of the enterprise gave the committee no assurance of that nature.

Mr. DILL. May I ask the Senator whether the plans contemplate a place from which the surrounding country may be viewed—for instance, from the top of the building?

Mr. CAPPER. I think not; at any rate, no mention of that was made to the committee.

Mr. COPELAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from New York?

Mr. DILL. I yield.

Mr. COPELAND. It is contemplated that the triangle below the site of the building shall ultimately be made a public park, and I have no question at all that the trustees of the building will be very happy to see that it is open to the public.

Mr. DILL. I was simply inquiring about it, because a building on the particular site where it is proposed to erect the Masonic Temple will be far higher than any other point in Washington, and it will afford a magnificent view from which the entire District and surrounding sections may be seen.

Mr. CAPPER. There is no doubt about that.

Mr. DILL. Those desiring to erect the building are asking that the zoning regulations be amended so that the building may be made higher than it otherwise could be. I have no objection to that, but it seems to me that since they are getting this special favor it would be proper, if it were possible, for the public to be enabled to view the surrounding country from this great height.

Mr. CAPPER. The temple will be erected on private land covering more than 9 acres.

Mr. DILL. I am quite familiar with the entire location; I was merely asking the question for information.

Mr. COPELAND. Mr. President, may I say to the Senator that I have just been assurred by one of the trustees of the building that it will be open to the public at all times in order that the view referred to by the Senator from Washington may be enjoyed.

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

REGULATION OF BUILDING CONSTRUCTION IN THE DISTRICT

Mr. FESS. Mr. President, several days ago when Order of Business No. 68, being the bill (S. 2400) to regulate the height, exterior design, and construction of private and semipublic buildings in certain areas of the National Capital, was reached objection was made. The bill was introduced by the Senator from Minnesota [Mr. SHIPSTEAD] and was favorably reported from the Committee on the District of Columbia. In a previous session a similar bill had been referred to the Committee on Public Buildings and Grounds, from which, as I recall, it was unanimously reported. In the present session, in some way the bill was referred to a different committee, but that committee, the District Committee, has likewise unanimously reported it.

As I have said, the bill was passed over when reached the other day. I wonder whether there is any objection to considering it now. If, not, I ask that the bill may be considered at this time.

The VICE PRESIDENT. Is there objection to returning to the bill referred to by the Senator from Ohio?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2400) to regulate the height, exterior design, and construction of private and semipublic buildings in certain areas of the National Capital, which had been reported from the Committee on the District of Columbia with an amendment.

Mr. DILL. What does this bill do?

Mr. FESS. It regulates the character of buildings facing any park, making a certain limitation as to the height of the building, and also as to its nearness to the park.

Mr. DILL. What difference does it make between buildings that face a park and other buildings?

Mr. FESS. It limits the height of the buildings.

Mr. DILL. To what height?

Mr. FESS. I do not recall.

Mr. COPELAND. Mr. President, the Senate will remember that we had before us in the last Congress a bill on this subject, and a great deal of opposition developed from property owners in the District of Columbia; but after extensive hearings in the District of Columbia Committee this bill was agreed upon by all concerned. It is satisfactory to the Commissioners of the District and to Colonel Grant's organization. It seemed to the members of the committee that it was a very desirable bill, and I trust that it may be passed.

Mr. FESS. I will say to the Senator from New York that the same thing happened in the Committee on Public Buildings and Grounds. Some one came in and suggested that some advantage might be taken of a private builder, and on that account we did not have action on it, although it was unanimously reported. Now, it is unanimously reported from the District Committee. I do not see why we should not have it passed.

The VICE PRESIDENT. Is there objection to the consideration of the bill? The Chair hears none. The amendment of the committee will be stated.

The amendment was, on page 2, line 11, after the words "The Mall," to strike out "parks" and insert "park system and public buildings adjacent thereto," so as to make the bill read:

Be it enacted, etc., That in view of the provisions of the Constitution respecting the establishment of the seat of the National Government, the duties it imposed upon Congress in connection therewith, and the solicitude shown and the efforts exerted by President Washington in the planning and development of the Capital City, it is hereby declared that such development should proceed along the lines of good order, good taste, and with due regard to the public interests involved, and a reasonable degree of control should be exercised over the architecture of private or semipublic buildings adjacent to public buildings and grounds of major importance. To this end, hereafter when application is made for permit for the erection or alteration of any building, any portion of which is to front or abut upon the grounds of the Capitol, the grounds of the White House, the portion of Pennsylvania Avenue extending from the Capitol to the White House, Rock Creek Park, the Zoological Park, the Rock Creek and Potomac Parkway, Potomac Park, the Mall, park system, and public buildings adjacent thereto, or abutting upon any street bordering any of said grounds or parks, the plans therefor, so far as they relate to height and appearance, color, and

texture of the materials of exterior construction, shall be submitted by the Commissioners of the District of Columbia to the Commission of Fine Arts; and the said commission shall report promptly to said commissioners its recommendations, including such changes, if any, as in its judgment are necessary to prevent reasonably avoidable impairment of the public values belonging to such public building or park; and said commissioners shall take such action as shall, in their judgment, effect reasonable compliance with such recommendations: *Provided*, That if the said Commission of Fine Arts fails to report its approval or disapproval of such plans within 30 days, its approval thereof shall be assumed and a permit may be issued.

SEC. 2. Said Commissioners of the District of Columbia, in consultation with the National Capital Park and Planning Commission, as early as practicable after approval of this act, shall prepare plats defining the areas within which application for building permits shall be submitted to the Commission of Fine Arts for its recommendations.

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.

INTER-AMERICAN CONFERENCE ON AGRICULTURE, FORESTRY, AND ANIMAL INDUSTRY

The joint resolution (H. J. Res. 195) authorizing and requesting the President to invite representatives of the Governments of the countries members of the Pan American Union to attend an Inter-American Conference on Agriculture, Forestry, and Animal Industry, and providing for the expenses of such meeting, 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.

RETIRED PAY FOR MEMBERS OF FORMER LIFE SAVING SERVICE

The bill (H. R. 5693) providing for retired pay for certain members of the former Life Saving Service, equivalent to compensation granted to members of the Coast Guard, 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.

EDIZ HOOK LIGHTHOUSE RESERVATION, WASH.

The bill (S. 3538) to authorize the Secretary of Commerce to convey to the city of Port Angeles, Wash., a portion of the Ediz Hook Lighthouse Reservation, Wash., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of Commerce is hereby authorized to convey to the city of Port Angeles, Wash., by quit-claim deed all of that tract of land reserved for lighthouse purposes by presidential order of February 10, 1908, and leased to the city of Port Angeles, Wash., for 99 years, as authorized by the act of Congress approved March 9, 1914 (38 Stat. 293), and bounded on the southwest by suburban lots Nos. 135 and 147, as shown by the plats of Port Angeles town site, State of Washington, approved by the United States surveyor general of the State of Washington on November 4, 1863, and September 12, 1892, together with outlots Nos. 1, 2, 3, 4, 5, 6, and such portion of outlot No. 7 (all in township 31 north, range 6 west, Willamette meridian, of the Ediz Hook or False Dugeness Lighthouse Reservation, Wash., as may be required to give a frontage of 2 statute miles measured in a northerly and easterly direction along the westerly and northerly boundary of said reservation, beginning from a point on high-water mark opposite the northwesterly corner of lot No. 147 of the said Port Angeles town site.

SEC. 2. In consideration of the conveyance contemplated by this act the city of Port Angeles shall pay to the United States at the time of the delivery of the quit-claim deed the sum of $5,000.

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

WILLIAM W. DANENHOWER

The bill (S. 2466) to carry into effect the findings of the Court of Claims in the case of William W. Danenhower was considered as in Committee of the Whole.

The bill has been reported from the Committee on Claims with amendments, on page 1, line 6, after the words "sum of," to strike out "$42,260" and insert "$34,260," and on page 2, line 4, after the word "session," to insert:

Provided, That no part of the amount appropriated in this act in excess of 20 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 20 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof 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 be, and he is hereby, authorized and directed to pay to William W. Danenhower, out of any money in the Treasury not otherwise appropriated, the sum of $34,260 for damages caused by the depreciation in value of his property situate in square 737 in the city of Washington, D. C., which said damages were caused by the elimination of the grade crossings of railroads in pursuance to the act of Congress approved February 12, 1901 (31 Stat. L. 774), and acts supplemental thereto, as found by the Court of Claims and reported in Senate Document No. 2, Sixty-seventh Congress, first session: *Provided*, That no part of the amount appropriated in this act in excess of 20 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 20 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof 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.

FRANCIS J. M'DONALD

The bill (S. 888) for the relief of Francis J. McDonald was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 2, line 3, after the word "losses," to insert:

Provided, 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 in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum which in the aggregate exceeds 10 per cent of the amount appropriated in this act on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof 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 be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Francis J. McDonald, owner of the American schooner *Henry W. Cramp*, the sum of $25,000, such sum representing losses sustained by the owner of the schooner because of the interruption of a voyage by reason of the intervention of the United States Shipping Board, effective August 21, 1917, causing the vessel to breach her charter party. The acceptance of such sum by the owner of the schooner shall be in full satisfaction of all claims of the owner in respect to such losses: *Provided*, 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 in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum which in the aggregate exceeds 10 per cent of the amount appropriated in this act on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof 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 bill was ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS

The bill (H. R. 9323) 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 11, to strike out:

The name of Samuel M. Griffith, late of Company A, Sixth Regiment 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 10, line 10, after the words "rate of," to strike out "$20" and insert "12," so as to read:

The name of Joseph M. Lenegar, late of Company D, First Regiment Ohio Infantry, 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 13, line 19, after the words "rate of," to strike out "$20" and insert "$30," so as to read:

The name of George M. Corns, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 14, line 16, after the words "rate of," to strike out "20" and insert "12," so as to read:

The name of James J. Potvin, late of Capt. Francis Rose's Company B, First Colorado Cavalry, National Guard, 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 15, line 10, after the words "rate of," to strike out "$20" and insert "$30," so as to read:

The name of William J. Bodiford, late of Company I, Second Regiment South Carolina Infantry, war with Spain, and pay him a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 15, after line 10, to strike out:

The name of Frederick L. Eagle, late of Company B, Tenth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 15, line 22, after the words "rate of," to strike out "$12" and insert "$20," so as to read:

The name of Elizabeth A. N. Gibson, dependent mother of Jason D. Gibson, late of Company K, Second Mississippi Infantry, war with Spain, and pay her a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 16, line 5, after the words "rate of," to strike out "$25" and insert "$20," so as to read:

The name of Rosa I. Turvey, widow of Herbert C. Turvey, late of the United States Marine Corps, Regular Establishment, and pay her a pension at the rate of $20 per month, with $2 per month additional on account of the minor children until they shall attain the age of 16 years, respectively.

The amendment was agreed to.

The next amendment was, on page 16, line 11, after the words "rate of," to strike out "$15" and insert "$25," so as to read:

The name of Charles W. Williams, late of Troop L, Thirteenth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 16, after line 21, to strike out:

The name of James R. Clark, late of Company D, First Regiment Kentucky Volunteer Cavalry, Regular Establishment, 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 1, after the words "rate of," to strike out "$25" and insert "$20," so as to read:

The name of Robert L. Bates, late of Company M, Third Regiment Georgia 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 rejected.

The next amendment was, on page 21, after line 15, to strike out:

The name of Charles H. Jessee, late of Company A, Fifth Ohio 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, line 22, after the words "rate of," to strike out "$20" and insert "$12," so as to read:

The name of Ella O. Perrine, widow of Lorie D. Perrine, late of the Sixth Battery, Iowa Light Artillery, 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 22, after line 10, to strike out:

The name of Henry C. Graham, late of Capt. John B. Salsman's company, Miller County, Volunteer Missouri Militia, Regular Establishment, and pay him a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 25, line 3, after the words "rate of," to strike out "$30" and insert "$20," so as to read:

The name of James McMillan, 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 25, after line 10, to insert:

The name of Sarah Ellen Nichols, widow of C. M. Nichols, late of Captain Biggerstaff's company, unassigned Volunteers of the Territory of Idaho, and pay her a pension at the rate of $20 per month.

The name of Charles E. Woodward, late of Company B, First Battalion, Nevada Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Joseph I. Earl, late of Utah Territorial Militia, Navajo and Piute Indians, and pay him a pension at the rate of $12 per month.

The name of Robert P. Martinez, late of Company F, Second Regiment Louisiana Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Thomas R. Myrick, late of unassigned company, United States Army, and pay him a pension at the rate of $17 per month.

The name of William O. Forshay, late of Twenty-third Company, United States Field Artillery, and pay him a pension at the rate of $12 per month.

The name of Elmer McCoy, late of Fifth Battery Iowa Volunteer Light Artillery, and pay him a pension at the rate of $12 per month.

The name of Telesphore Thivierge, late of the United States Navy, and pay him a pension at the rate of $17 per month.

The name of Otis H. Shurtliff, late of Company E, Thirty-third Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The name of Jesse W. Glass, late of Fifth Battery Iowa Volunteer Light Artillery, and pay him a pension at the rate of $12 per month.

The name of Thomas Courtland Bowers, late of the United States Marine Corps, and pay him a pension at the rate of $12 per month.

The name of Bazil Claymore, or Clement, late Indian scout, United States Army, and pay him a pension at the rate of $12 per month.

The name of William Goehring, late of Company E, Sixth Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The name of Samuel M. Strain, jr., late of the United States Marine Corps, and pay him a pension at the rate of $20 per month.

The name of Bart H. Hickman, late of Company C, First Battalion United States Engineers, and pay him a pension at the rate of $10 per month.

The name of Jerry J. Knedlik, late of Troop I, Second Regiment United States Cavalry, and pay him a pension at the rate of $12 per month.

The name of Lucy Queen, widow of Clarence W. Queen, late of One hundred and twenty-fourth Company, United States Coast Artillery Corps, and pay her a pension at the rate of $12 per month, and $2 per month for any minor child under 16 years of age.

The name of Fannie C. Avis, widow of Edward F. Avis, late second lieutenant, Fifth Regiment United States Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Mary Ellen Schmadeka, widow of Chris H. Schmadeka, late of Capt. Ed McConville's company, Idaho Volunteers, and pay her a pension at the rate of $20 per month.

The name of Joseph Baker, late courier and scout, Indian War, and pay him a pension at the rate of $20 per month.

The name of William E. McIntosh, late of Company E, Second Regiment South Carolina Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Celia Chapelle, widow of Claude L. Chapelle, late of Company H, Second Regiment Arkansas Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Sarah S. Bruce, dependent mother of Ed R. Bruce, late of Company A, First Regiment Arkansas Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of William A. Flowers, late of Company D, Tenth Regiment United States Infantry, and pay him a pension at the rate of $25 per month.

The name of Mary L. Reese, widow of Thomas J. Reese, late of Company F, Eighth Regiment Pennsylvania Volunteer Infantry, and pay her

a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Edward A. Battle, late of Company F, Second Regiment North Carolina Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of John O. White, late of Twentieth Company, unassigned Regiment United States Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Max Batoski, late of Company H, Seventeenth Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The name of Marguerite D. Maxwell, widow of William T. Maxwell, late of Company F, First Regiment Florida Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Thomas B. Morton, late of Company H, Seventh Regiment United States Infantry, and pay him a pension at the rate of $10 per month.

The name of Christopher S. Alvord, late of Company D, Fourth Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Willis Buris, late of Company M, Thirty-third Regiment United States Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Emmet Self, late of Company I, Seventeenth Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The name of Edward Sweeney, late of Company E, Fifteenth Regiment United States Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Anna Dodge, widow of Frank V. Dodge, late of Troop 4, Fifteenth Regiment United States Cavalry, and pay her a pension at the rate of $12 per month, and $2 per month for each minor child under 16 years of age.

The name of Andrew E. Johnson, late of Troop E, Second Regiment United States Cavalry, and pay him a pension at the rate of $12 per month.

The name of Miles McDonough, late of Company D, Forty-sixth Regiment United States Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Henry G. Shelton, late of Company B, Thirtieth Regiment United States Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of William E. Fuller, dependent father of Dale D. Fuller, late of the United States Navy, and pay him a pension at the rate of $12 per month.

The name of Leo R. Snow, late of Medical Department, United States Army, and pay him a pension at the rate of $17 per month.

The name of Sarah A. Faris, widow of Larimer C. Faris, late of Capt. Cyrus M. Ricker's Company A, Bourbon County Kansas State Militia, and pay her a pension at the rate of $12 per month.

The name of Francis Landry, late of Troop I, Fifteenth Regiment United States Cavalry, and pay him a pension at the rate of $12 per month.

The name of James Marshall, late of U. S. S. *St. Louis*, auxiliary cruiser, and pay him a pension at the rate of $12 per month.

The name of Owen O'Hara, late of United States Navy, and pay him a pension at the rate of $20 per month.

The name of Mary Hermo, widow of John Hermo, late of Company B, Third Regiment Oregon State Militia, and pay her a pension at the rate of $20 per month.

The name of Frances M. Barnes, dependent mother of Robert J. Barnes, late of Company H, Sixth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Roy Smith, late of Ninth Recruiting Company, General Service United States Army, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Junie B. Brown, late of Company C, Third Regiment Virginia Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Rosa G. Presnell, widow of Andrew Presnell, late of Troop C, Seventh Regiment United States Cavalry, and pay her a pension at the rate of $12 per month.

The name of Michael J. Haggerty, late of the United States Navy, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of William D. Benson, late of Company C, Twelfth Regiment United States Infantry, and pay him a pension at the rate of $8 per month.

The name of John H. Cantlon, late of Battery F, Second Regiment United States Artillery, and pay him a pension at the rate of $12 per month.

The name of Adam Roth, late of Company D, Seventh Regiment United States Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Rosa Stevens, widow of William A. Stevens, late of Capt. Packwood's company, Washington Volunteers, and pay her a pension at the rate of $12 per month.

The name of Thomas Heslin, late of Company E, Second Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The name of Carrie E. Aram, widow of John T. Aram, late of Capt. D. B. Randall's Company B, Second Regiment Idaho Volunteers, and pay her a pension at the rate of $20 per month.

The name of Pansy Flora Ward, widow of Russell Francis Ward, late of the United States Navy, and pay her a pension at the rate of $12 per month, and $2 per month for each minor child under 16 years of age.

The name of Joseph D. Canell, late of Troop K, Fourteenth Regiment United States Cavalry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Thomas O'Brien, late of Thirty-second Company, One hundred and fifty-seventh Detached Battalion; also Company B, United States Mounted Engineers, and pay him a pension at the rate of $12 per month.

The name of Edward D. Cowen, late of Company G, Twenty-third Regiment United States Infantry, and pay him a pension at the rate of $20 per month.

The name of Thomas M. Buist, late of Company B, Thirteenth Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The name of George L. Newell, late of the United States Navy, and pay him a pension at the rate of $6 per month.

The name of Wash Rush, late of Troop H, Ninth Regiment United States Cavalry, and pay him a pension at the rate of $12 per month.

The name of Ned Cunningham, late of Company G, Twenty-fourth Regiment United States Infantry, and pay him a pension at the rate of $8 per month.

The name of Jennie Ross, former widow of James A. Ross, late of Company C, Seventh Regiment United States Infantry, and pay her a pension at the rate of $20 per month.

The name of Elizabeth Huron, former widow of Sylvester T. Sibley, late of Capt. Joshua North's Company, New York State Militia, and pay her a pension at the rate of $30 per month.

The name of Catherine Brock, mother of John Blue, late of Troop K, Third Regiment United States Cavalry, and pay her a pension at the rate of $20 per month.

The name of Daisy Childres, helpless child of Hickman P. Childres, late of Company H, Second Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Samuel B. Etheridge, late of Twenty-sixth Company, United States Coast Artillery, and pay him a pension at the rate of $8 per month.

The name of Julius A. Frostrom, late of the United States Navy, and pay him a pension at the rate of $12 per month.

The name of Emma S. Glass, widow of Arthur Glass, late of Fifth Battery, Iowa Light Artillery, and pay her a pension at the rate of $20 per month and $30 per month when she attains the age of 60 years.

The name of Charles Veo, late Indian scout, United States Army, and pay him a pension at the rate of $12 per month.

The name of James Alldridge, late of Troop F, Fifth Regiment United States Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Beuford Skinner, late of Company I, Thirteenth Regiment United States Infantry, and pay him a pension at the rate of $10 per month.

The name of Belle Smith, dependent mother of Henry O. Smith, late of Company E, Sixteenth Regiment United States Infantry, and pay her a pension at the rate of $20 per month.

The name of Alonzo Baker, late of Company K, Sixteenth Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The name of Grover C. Oberle, late of Thirty-first Company United States Coast Artillery, and pay him a pension at the rate of $12 per month.

The name of Jennie Harrington, dependent mother of Albert L. Harrington, late of Company K, Twenty-first Regiment United States Infantry, and pay her a pension at the rate of $20 per month.

The name of John Allen, late of Company E, Third Battalion Utah Infantry, and pay him a pension at the rate of $12 per month.

The name of Henry Meyers, late of Company A, Instruction General, Mounted Service, United States Army, and pay him a pension at the rate of $10 per month.

The name of Frank Gillick, alias Frank J. Belyea, late of Company I, Second Regiment United States Infantry, and pay him a pension at the rate of $20 per month.

The name of Archie C. Woods, late of Company K, Nineteenth Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The name of Sadie Stepp, widow of Dan Stepp, late of One hundred and thirty-first Company, United States Coast Artillery Corps, and pay her a pension at the rate of $12 per month.

The name of William G. Johnson, late of First Battery, Fifth Company, United States Field Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Emeline A. LaGow, widow of William H. LaGow, late of Company F, Sixth Regiment United States Infantry, and pay her a pension at the rate of $12 per month.

The name of Anna Pallat, widow of Aloysious Pallat, late of Company H, First Regiment Montana Volunteer Infantry, and pay her a pension at the rate of $30 per month and $20 per month additional on account of helpless child in lieu of that she is now receiving. In event of the death of the mother, pension on account of helpless child to continue during period of helplessness.

The name of Neal Whaley, late of Company E, Thirteenth Regiment United States Infantry, and pay him a pension at the rate of $10 per month in lieu of that he is now receiving.

The name of Charles H. Randall, late of Company K, Second Regiment United States Infantry, and pay him a pension at the rate of $10 per month.

The name of McJimpsey Campbell, late of Troop D, Seventh Regiment United States Cavalry, and pay him a pension at the rate of $8 per month.

The name of James Lee, late of Captain James Wilkins's company No. 2, Second Regiment Infantry, First Brigade, Iron Militia, District Militia of Utah, and pay him a penson at the rate of $12 per month.

The name of Charles Ingle, late of Company C, Tenth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William A. Hough, late of Company C, Sixth Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The name of Frank Gates, late of the military service of the United States with the Indian scout soldiers, and pay him a pension at the rate of $12 per month.

The name of Mary Ellen Clark, widow of Sanford Clark, late of Company D, Sixth Regiment United States Infantry, and pay her a pension at the rate of $12 per month.

The name of William P. Murphy, alias James J. Wilson, late of the United States Marine Corps, and pay him a pension at the rate of $12 per month.

The name of Don I. Little, late of Company L, Twenty-second Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry F. Ebbs, late of Company K, Sixth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of John Prater, late of Company K, Nineteenth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Fred C. Robinson, late of One hundred and twenty-sixth Company, United States Coast Artillery, and pay him a pension at the rate of $12 per month.

The name of John G. Walton, late of Hospital Corps, United States Army, and pay him a pension at the rate of $12 per month.

The name of James R. Lewis, late of the United States Marine Corps, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Will Moseley, late of Company I, Ninth Regiment United States Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Cora B. S. Walker, widow of Frank Walker, late of Ordnance Detachment, Rock Island Arsenal, and pay her a pension at the rate of $12 per month.

The name of Earl E. Poff, late of the United States Marine Corps, and pay him a pension at the rate of $10 per month.

The name of Walter Howard, late of Troop C, Third Regiment United States Cavalry, and pay him a pension to the rate of $10 per month in lieu of that he is now receiving.

The name of Kezia Fanning, late contract nurse, Medical Department, United States Army, and pay her a pension at the rate of $20 per month.

The name of John T. McGrath, late of Company A, First Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Bertram C. Hayner, late of Company C, Twenty-eighth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew J. Sullivan, late of Capt. J. L. Sperry's company, Umatilla Guards, Oregon Militia, and pay him a pension at the rate of $20 per month.

The name of Evelyn M. Beaumont, widow of James W. Beaumont, late of Twenty-second Battery, United States Field Artillery, and pay her a pension at the rate of $12 per month, and $2 per month additional for minor child, William G.

The name of Laura A. Reed, widow of Charles W. Reed, late of Company C, Nineteenth Regiment United States Infantry, and pay her a pension at the rate of $12 per month.

The name of Joseph Coughlin, late of Company B, Thirteenth Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The name of George Francis Kilburn, late of Troop H, Seventh Regiment United States Cavalry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of John H. Fleming, late of Company A, Ninth Regiment United States Infantry, and pay him a pension at the rate of $20 per month.

The name of Bertha S. Arnold, widow of Wallace B. Arnold, late of Company D, Second Regiment Arkansas Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Kate J. Roberts, widow of Humphrey J. Roberts, late of Company F, Twentieth Regiment Minnesota Home Guards Militia, and pay her a pension at the rate of $20 per month.

The name of Richard L. Gaffney, late of Company K, First Regiment Ohio 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 Ella Harris, widow of Floyd J. Harris, late of Company G, Second Regiment Idaho Volunteer Militia, and pay her a pension at the rate of $12 per month.

The name of Francis Gerrity, late of Troop D, Fourth Regiment United States Cavalry, and pay him a pension at the rate of $12 per month.

The name of Walter Gray, late of the United States Navy, and pay him a pension at the rate of $12 per month.

The name of Francis W. Mudd, late of the United States Navy, and pay him a pension at the rate of $10 per month in lieu of that he is now receiving.

The name of Joseph L. McGee, late of the United States Navy, and pay him a pension at the rate of $24 per month.

The name of Henry C. Knight, helpless child of Lewis Knight, late of Company B, Fifth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Ramon Boman, late of Company K, Twentieth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Royal L. Brooks, late of the United States Navy, and pay him a pension at the rate of $17 per month.

The name of Julia C. Hodges, widow of William H. Hodges, late first lieutenant and battalion adjutant, Third Regiment Tennessee Infantry, and pay her a pension at the rate of $12 per month.

The name of Claude Hathorn, late of Troop M, Fifteenth Regiment United States Cavalry, and pay him a pension at the rate of $12 per month.

The name of Vernon Elder Mitchell, late of the United States Navy, and pay him a pension at the rate of $17 per month.

The name of Wilson Eby, late of Troop D, United States Cavalry, and pay him a pension at the rate of $8 per month.

The name of Margreat Kropp, widow of William Kropp, late of Sixth Battery, Iowa Light Artillery, and pay her a pension at the rate of $12 per month.

The name of Alexander Lewis, late of Troop K, Ninth Regiment United States Cavalry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Flora M. Northrop, mother of George E. Northrop, late of Company C, Forty-third Regiment United States Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Martha Burlbaugh, widow of Charles Burlbaugh, late of Company F, Nineteenth Regiment United States Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Addison D. Owen, late of Company D, Fifteenth Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The name of William J. Wallace, late of Company B, Sixth Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The name of Harry Levenson, late of Company E, Fifteenth Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The name of David E. Lunsford, late of Company D, Fourteenth Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The name of Reason Duran, late of Captain Steele's Company B, Third Brigade, Oregon State Militia, and pay him a pension at the rate of $20 per month.

The name of Isabelle Lloyd, widow of Carl Jasper Lloyd, late of Captain James Ewart's Company, Washington Volunteers, Indian War, and pay her a pension at the rate of $12 per month, and $2 per month additional for each of two minor children, Dorothy Edna and Erwin.

The name of John J. Miskell, late of Company H, Fifteenth Regiment United States Infantry, and pay him a pension at the rate of $10 per month in lieu of that he is now receiving.

The name of Oscar Skipper, late of Nineteenth Company, United States Coast Artillery, and pay him a pension at the rate of $12 per month.

The name of Samuel Redmond, late of Company B, Twenty-fifth Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The name of Eleanor M. Pugh, widow of William M. Pugh, late of Company G, Fifth Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Thomas Healy, late of the United States Navy, and pay him a pension at the rate of $10 per month.

The name of George W. Reeder, late of Company B, First Battalion Nevada Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Tazie Harrison Eberle, widow of Rear Admiral Edward W. Eberle, late of the United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary A. Lane, widow of John Lane, late of Troop H, Eighth Regiment United States Cavalry, and pay her a pension at the rate of $12 per month.

The name of George Nath, late of Troop G, Sixth Regiment United States Cavalry, and pay him a pension at the rate of $10 per month.

The name of Alvin L. Hagood, late of the Twenty-third Company, United States Coast Artillery, and pay him a pension at the rate of $12 per month.

The name of Thomas Roarke, late of Company E, First Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Willie Ryan, late of Battery A, Sixteenth United States Coast Artillery, and pay him a pension at the rate of $17 per month.

The name of Homer G. Frame, late of Company D, Twenty-second Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The name of Dwight W. Cotton, late of Company C, Sixth Regiment Nebraska National Guard Infantry, and pay him a pension at the rate of $12 per month.

The name of John G. Hawkins, late of Troop B, Twelfth United States Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alice Morosse, widow of Henry Morosse, late of Company F, Tenth Regiment United States Infantry, and pay her a pension at the rate of $12 per month.

The name of Thomas W. Alexander, late of the One hundred and fifty-sixth Company, United States Coast Artillery Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Byron E. Murphy, late of Company B, First Battalion United States Engineers, and pay him a pension at the rate of $12 per month.

The name of Arthur M. Gobbel, late of the United States Navy, and pay him a pension at the rate of $17 per month.

The name of Elmer J. Allard, late of the United States Navy, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Mary K. Lawton, widow of Frederick G. Lawton, late colonel, United States Infantry, National Army, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving, and $6 per month additional to be continued to minor child, Frederick G., until 16 years of age.

The name of Marie A. Owens, widow of George R. Owens, late of the Signal Corps, United States Army, and pay her a pension at the rate of $20 per month, and $2 per month for each child under 16 years of age.

The name of Richard M. Pluff, late of the One hundred and sixteenth Spruce Square, Van Couver Barracks, and pay him a pension at the rate of $17 per month.

The name of Minnie V. Dickins, widow of Randolph Dickins, late colonel, United States Marine Corps, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary McHugh, widow of Peter McHugh, late of the Sixteenth Battery, United States Field Artillery, and pay her a pension at the rate of $12 per month.

The name of Frank Brown, late of Capt. Robert E. Eastland's Company B, Third Regiment Oregon State Militia, and pay him a pension at the rate of $20 per month.

The name of Henry S. Corp, late of Troop L, Fifth Regiment United States Cavalry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Arthur Thornton, late of Troop E, Third Regiment United States Cavalry, and pay him a pension at the rate of $12 per month.

The name of Thoburn R. Gregory, late of the United States Marine Corps, and pay him a pension at the rate of $24 per month.

The name of Adrian W. Wisner, late of Capt. James Ewart's company, Washington Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Nancy Wilson, widow of Simpson Wilson, late of the Modoc Indian war, 1872 and 1873, and pay her a pension at the rate of $12 per month.

The name of Thomas F. Strafford, late of Company F, Eighth Regiment Massachusetts 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 Mildred Driscole, widow of Clifford E. Driscole, late of Company M, Third Battalion United States Engineers, and pay her a pension at the rate of $12 per month and $2 per month for each minor child under 16 years of age.

The name of Daisy Jinks, widow of Richard Jinks, late of Company I, Sixth Regiment United States Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Wilhelmina Schuldt, widow of Henry Schuldt, late of the United States Marine Corps, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Add B. Coop, late of Company G, Eleventh Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The name of James Howard Morey, late of the Forty-second School Squadron, United States Army, and pay him a pension at the rate of $12 per month.

The name of John Ryan, late of Troop G, Sixth Regiment United States Cavalry, and pay him a pension at the rate of $12 per month.

The name of William W. Whitacre, late of Company E, First Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of George W. Robinson, late of the United States Navy, and pay him a pension at the rate of $12 per month.

The name of Charles Johnson, late of the United States revenue cutter *Johnson*, and pay him a pension at the rate of $12 per month.

The name of Michael Yallowich, late of Battery M, Fifth Regiment United States Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mitchell Desera, late of Troop L, Sixth Regiment United States Cavalry, and pay him a pension at the rate of $10 per month.

The name of Alfred C. Plaude, late of Headquarters Company, Eighth Regiment United States Cavalry, and pay him a pension at the rate of $12 per month.

The name of James A. Walker, late of Company A, Eighteenth Regiment United States Infantry, and pay him a pension at the rate of $8 per month.

The name of John T. McCabe, late of Captain Black's Company F, First Regiment New Mexico Militia, and pay him a pension at the rate of $20 per month.

The name of George B. Hughes, late of Company C, Second Regiment Alabama Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Frederick C. Manns, late of the United States Navy, and pay him a pension at the rate of $12 per month.

The name of Henry Phillips, late of the United States Navy, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of James R. Ready, late of the Forty-third Motor Transport Company, Quartermaster Corps, United States Army, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John P. Phillips, late of the One hundred and sixty-third Company, United States Coast Artillery Corps, and pay him a pension at the rate of $17 per month.

The name of Frank P. Flinchum, dependent father of Oscar D. Flinchum, late of Company B, Thirty-first Regiment United States Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of James M. McGrath, late of the United States Marine Corps, and pay him a pension at the rate of $17 per month.

The name of Walter W. Williams, dependent father of Thomas J. Williams, late of Company E, Third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of John M. Williams, late of the Sixty-seventh Company, United States Coast Artillery Corps, and pay him a pension at the rate of $17 per month.

The name of James H. McDaniel, late of Company F, Sixteenth Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The name of Charles Oakley, late of Company G, Second Regiment United States Infantry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Jasper N. McClain, late of Capt. George Hunter's company, Columbia County (Wash.) Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of George Neill, late of the Ordnance Department, United States Army, and pay him a pension at the rate of $10 per month.

The name of John T. Mathews, late of Troop D, Fourth Regiment United States Cavalry, and pay him a pension at the rate of $12 per month.

The name of Ennola Willis, widow of John W. Willis, late of Company L, First Regiment Washington Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary C. Rutter, dependent mother of Austin B. Rutter, late of the Tenth Company, United States Coast Artillery Corps, and pay her a pension at the rate of $20 per month.

The name of Florence H. Fleming, widow of Lawrence J. Fleming, late colonel, Tenth Regiment United States Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

Mr. SWANSON. Mr. President, on page 45, line 22, I move to strike out "$50" and insert "$150."

Mr. ROBINSON of Indiana. Mr. President, I told the Senator from Virginia that as chairman of the committee, so far as I am personnally concerned, I would accept the amendment.

Mr. DILL. Mr. President, will the Senator from Virginia explain the amendment?

Mr. SWANSON. This is to give a pension to the widow of Admiral Eberle, who was one of the most distinguished and outstanding men in the Navy. He served in the Spanish-American War with distinction and honor. He served in the World War. He was commander of the fleet, he was Chief of Operations, and had exactly the same position in the Navy that General Pershing had in the Army.

We have just passed a pension bill giving a pension of $5,000 to Mrs. Funston. There are half a dozen precedents for this. Admiral Eberle left his widow simply her home. She has only $2,000, which, with the taxes she pays, and the insurance and repairs, leaves her practically nothing but $30 a month to live on.

Admiral Eberle was a man with a very distinguished record. He was not from Virginia; he was from Arkansas; but I propose this as an act of justice to the widow of one of the most distinguished and conspicuous members of the entire Navy.

I am sure the amendment will meet with the approval of the Senate.

The VICE PRESIDENT. The Senator from Virginia offers an amendment to the committee amendment, which will be stated.

The CHIEF CLERK. On page 45, line 22, it is proposed to strike out "$50" and insert "$150."

The amendment to the amendment was agreed to.

The amendment as amended 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.

EXTENSION OF PARK SYSTEM OF THE DISTRICT

The bill (S. 3440) authorizing the exchange of 663 square feet of property acquired for the park system for 2,436 square feet of neighboring property, all in the Klingle Ford Valley, for addition to the park system of the National Capital was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That for and in consideration of the grant and conveyance to the United States of America, by the Ell & Kay Building & Investment Co., a corporation duly incorporated under the laws of Delaware, of a fee-simple title, with general warranty, of part of lot 86 of the subdivision by Ell & Kay Building & Investment Co. and others, in square 2106, as recorded in liber 90, folio 70, of the records of the office of the surveyor of the District of Columbia, described as follows: Beginning for the same at an angle formed by the intersection of the westerly boundary of said lot 86 with the northwesterly boundary of said lot, said point of beginning being on the arc of a circle the radius of which is 80.64 feet and distant easterly 19.50 feet, measured on said arc and deflecting to the left, from the intersection of the easterly line of Klingle Road with the northerly boundary of parcel formerly known as parcel 54/95, and running thence from said beginning point with the boundary of said lot 86, deflecting to the left with the arc of a circle the radius of which is 80.64 feet, northeasterly 89.12 feet, thence leaving said boundary and running south 17° 18′ west 56.70 feet to an angle; thence south 33° 43′ west 59.67 feet to a boundary line of said lot; thence with said boundary line, deflecting to the right with the arc of a circle the radius of which is 130.64 feet, westerly 29.56 feet; thence with the westerly boundary of said lot, with the arc of a circle the radius of which is 495 feet, deflecting to the left, northerly 53.36 feet to the point of beginning, containing 2,436 square feet, all as shown in survey book No. 97, page 12, office of the surveyor of the District of Columbia. The Director of Public Buildings and Public Parks of the National Capital, acting for and in behalf of the United States of America, be, and he is hereby, authorized and directed to convey to the Ell & Kay Building & Investment Co., a corporation duly incorporated under the laws of Delaware, all the right, title, and interest of the United States of America in and to the following property, to wit: Part of the tract of land numbered on the assessment records of the District of Columbia as parcel 54/72, and described as follows: Beginning for the same at the most northerly corner of said parcel 54/72, said point of beginning being distant 58.36 feet, measured along the northerly boundary of said parcel, on the arc of a circle the radius of which is 130.64 feet, northeasterly from the most westerly corner of lot 86, square 2106, and running thence from said beginning point with the southeasterly boundary of said parcel 54/72 south 41° 43′ west 70.65 feet; thence leaving said boundary and running with the arc of a circle the radius of which is 9.22 feet, deflecting to the right, northerly 13.20 feet to a point of tangent; thence north 33° 43′ east 38.28 feet to the northerly boundary of said parcel; thence with said northerly boundary, deflecting to the left with the arc of a circle the radius of which is 130.64 feet, northeasterly 28.80 feet to the point of beginning, containing 663 square feet, all as shown on plat of computation in survey book No. 97, page 12, office of the surveyor of the District of Columbia.

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

TURKEY THICKET PLAYGROUND AND ATHLETIC FIELD

The bill (S. 3441) to effect the consolidation of the Turkey Thicket Playground, Recreation, and Athletic Field was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in order to effect the consolidation and better development of the Turkey Thicket Playground, Recreation, and Athletic Field between the Baltimore & Ohio Railroad and Bunker Hill Road, the exchange of certain land in the District of Columbia recently acquired for park and playground purposes for the same area of other land better located for the purpose, at an equal valuation, acre for acre, is hereby authorized. For this purpose, for and in consideration of the conveyance to the United States of fee-simple title of the following land, to wit:

Part of a tract of land taxed as parcel 134/36, described as follows:

Beginning for the same at the intersection of the south line of Randolph Street 90 feet wide with the northeasterly line of parcel 134/36 and running thence with said northeasterly line south 25° 20′ 20″ east 96.48 feet to the most easterly corner of said parcel; thence with the northwesterly line of Bunker Hill Road south 41° west 133.54 feet to the southeast corner of said parcel 134/36; thence with the south line of said parcel west 622.06 feet; thence leaving said south line and running thence north 21° 19′ 40″ east 778.11 feet; thence east 12 feet; thence south 536.85 feet; thence east 373.37 feet to the point of beginning, containing 183,003 square feet, or 4.2012 acres, all as shown on plat of computation in survey book No. 89, page 287, of the office of the surveyor of the District of Columbia, the Director of Public Buildings and Public Parks of the National Capital, acting for and in behalf of the United States of America, is hereby authorized to grant and quitclaim to the grantor of the above-described property, all the rights, title, and interest of the United States of America in and to the following:

Part of a tract of land taxed as parcel 134/33, described as follows:

Beginning for the same at the southwest corner of parcel 134/33 and running thence with the westerly boundary of said parcel north 17° 47′ west 519.51 feet to the northwest corner of said parcel 134/33; thence with the north boundary of said parcel east 403.24 feet; thence leaving said north boundary and running thence south 21° 19′ 40″ west 88.32 feet to an angle; then south 16° 56′ 20″ east 501.84 feet to the southerly boundary of said parcel 134/33; thence with said southerly boundary north 79° 19′ west 365 feet to the point of beginning, containing 183,001 square feet, or 4.2012 acres, all as shown on plat of computation in survey book No. 89, page 287, of the office of the surveyor of the District of Columbia.

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

CHILDREN'S TUBERCULOSIS SANATORIUM IN THE DISTRICT

The bill (S. 3425) to amend the act of Congress approved March 1, 1929, entitled "An act to provide for the construction of a children's tuberculosis sanatorium" was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That section 2 of the act of Congress approved March 1, 1929, entitled "An act to provide for the construction of a children's tuberculosis sanatorium" is hereby amended by increasing the sum authorized to be appropriated to carry out the provisions of this act from $500,000 to $625,000, or so much thereof as may be necessary, to be appropriated in like manner as other appropriations for the District of Columbia.

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

METROPOLITAN POLICE FORCE AND DISTRICT FIRE DEPARTMENT

The bill (S. 2370) to fix the salaries of officers and members of the Metropolitan police force and the fire department of the District of Columbia was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the annual basic salaries of the officers and members of the Metropolitan police force shall be as follows: Major and superintendent, $8,500; assistant superintendents, $5,500 each; inspectors, $4,500 each; captains, $3,600 each; lieutenants, $3,050 each; sergeants, $2,750 each; privates, a basic salary of $1,900 per year, with

an annual increase of $100 in salary for five years, or until a maximum salary of $2,400 is reached. All original appointments of privates shall be made at the basic salary of $1,900 per year, and the first year of service shall be probationary.

SEC. 2. That the annual basic salaries of the officers and members of the fire department of the District of Columbia shall be as follows: Chief engineer, $8,500; deputy chief engineers, $5,500 each; battalion chief engineers, $4,500 each; fire marshal, $5,500; deputy fire marshal, $3,000; inspectors, $2,460 each; captains, $3,000 each; lieutenants, $2,840 each; sergeants, $2,600 each; superintendent of machinery, $5,500; assistant superintendent of machinery, $3,000; pilots, $2,600 each; marine engineers, $2,600 each; assistant marine engineers, $2,460 each; marine firemen, $2,100 each; privates, a basic salary of $1,900 per year, with an annual increase of $100 in salary for five years, or until a maximum salary of $2,400 is reached. All original appointments of privates shall be made at the basic salary of $1,900 per year, and the first year of service shall be probationary.

SEC. 3. That all privates of the Metropolitan police force and of the fire department at the time this act takes effect shall be entitled to the following salaries: Privates who have served less than one year, at the rate of $1,900 per annum; privates who have served more than one year and less than two years, at the rate of $2,000 per annum; privates who have served more than two years and less than three years, at the rate of $2,100 per annum; privates who have served more than three years and less than four years, at the rate of $2,200 per annum; privates who have served more than four years and less than five years, at the rate of $2,300 per annum; privates who have served more than five years, at the rate of $2,400 per annum.

SEC. 4. That no annual increase in salary shall be paid to any person who, in the judgment of the Commissioners of the District of Columbia, has not rendered satisfactory service.

SEC. 5. That this act shall be effective on and after July 1, 1930.

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

WILLIAM ZEISS, ADMINISTRATOR

The bill (S. 1407) for the relief of William Zeiss, administrator of William B. Reaney, survivor of Thomas Reaney and Samuel Archbold, 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 10, after the word "session," to insert:

Provided, That no part of the amount appropriated in this act in excess of 20 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 20 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof 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 be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William Zeiss, administrator of William B. Reaney, survivor of Thomas Reaney and Samuel Archbold, the sum of $34,161.63, being the amount found due by the Court of Claims, as reported to Congress in Senate Document No. 146, Fifty-ninth Congress, second session: *Provided*, That no part of the amount appropriated in this act in excess of 20 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 20 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof 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 bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH B. EDDY

The bill (S. 2873) to carry into effect the finding of the Court of Claims in the claim of Elizabeth B. Eddy 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 8, after the word "act," to insert:

Provided, That no part of the amount appropriated in this act in excess of 20 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 20 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof 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 be, and he is hereby, authorized and directed to pay to Elizabeth B. Eddy, widow of Charles G. Eddy, of New York, N. Y., the sum of $602.92, and the said sum is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purposes of this act: *Provided*, That no part of the amount appropriated in this act in excess of 20 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 20 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof 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 bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF DISTRICT OF COLUMBIA APPROPRIATION ACT

The bill (S. 3558) to amend section 8 of the act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, approved March 4, 1913, was announced as next in order.

Mr. CAPPER. I ask that that bill be passed over.

The VICE PRESIDENT. The bill will be passed over.

SPECIAL ASSISTANT CLERK TO LIBRARY COMMITTEE

The resolution (S. Res. 219) authorizing the Committee on the Library to employ a special assistant clerk during the remainder of the Seventy-first Congress was considered by the Senate and agreed to, as follows:

Resolved, That the Committee on the Library of the Senate is hereby authorized to employ a special assistant clerk during the remainder of the Seventy-first Congress, to be paid at the rate of $2,220 per annum out of the contingent fund of the Senate.

PINE RIDGE SIOUX INDIANS, SOUTH DAKOTA

The bill (S. 3359) to authorize a per capita payment to the Pine Ridge Sioux Indians of South Dakota was announced as next in order.

Mr. DILL. Mr. President, I shall have to object to that bill because of the amendment that has been placed in it. I consented one evening to the passage of a bill in similar form, and have always regretted that I did so.

I oppose this bill because it allows the Commissioner of Indian Affairs to determine the amount of this payment. If the bill had been left as it was introduced by the author, I should have no objection, but I shall not consent to the passage of any legislation in this language.

Mr. FRAZIER. Mr. President, I wish the Senator would withhold his objection for a minute.

Mr. DILL. I am perfectly willing to withhold the objection, but I will say to the Senator that I intend to make it.

Mr. FRAZIER. On the 17th of March House bill 9306 was passed by the House. That is a similar bill, with the exception that it fixes a per capita payment of $7.50 and provides that not to exceed $7.50 shall be paid in any one year. That bill, as I say, has passed the House. These Indians are in very hard circumstances. A delegation of them were down here a few weeks ago, and they agreed on this $7.50 per capita.

Mr. DILL. But the bill before us does not propose that. The bill before us proposes to allow the Secretary of the Interior to use his discretion.

Mr. FRAZIER. I desire to move to substitute the House bill for the Senate bill.

Mr. DILL. The House bill, as I understand, fixes a per capita payment of $7.50?

Mr. FRAZIER. Seven dollars and fifty cents.

Mr. DILL. I have no objection to that.

The VICE PRESIDENT. Is there objection to substituting the House bill for the Senate bill? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9306) to authorize per capita payments to the Indians of the Pine Ridge Indian Reservation, S. Dak.

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

The VICE PRESIDENT. Without objection, Senate bill 3359 will be indefinitely postponed.

HEARINGS BEFORE JOINT COMMITTEE TO INVESTIGATE PAY OF ARMY AND NAVY PERSONNEL

The concurrent resolution (S. Con. Res. 26) authorizing the holding of hearings by the joint committee to investigate the pay and allowances of personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service was considered by the Senate and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the joint committee appointed in accordance with the provisions of Public Resolution 36, Seventy-first Congress, second session, for the appointment of a joint committee of the Senate and House of Representatives to investigate 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, approved February 3, 1930, or any subcommittee thereof, is authorized to sit at any time, in the District of Columbia, to send for persons, books, and papers, to administer oaths, to summon and compel the attendance of witnesses, to employ a stenographer at a cost not exceeding 25 cents per hundred words, to report such hearings as may be had in connection with any subject which may come before said committee, to print such hearings and other matter as may be necessary, and to employ such clerical services as may be necessary to carry out the purposes of the act. All expenses in pursuance thereof shall be paid from the contingent funds of the Senate and House of Representatives, in equal proportions, upon vouchers authorized by the committee and signed by the chairman or vice chairman thereof.

METROPOLITAN POLICE FORCE AND DISTRICT FIRE DEPARTMENT

Mr. BINGHAM. Mr. President, a few moments ago, when I was unexpectedly called from the Chamber, the Senate passed a bill increasing the salaries of the Metropolitan police force and fire departments of the District of Columbia, Order of Business 264. I have in course of preparation some amendments which I desire to offer to that bill. I ask unanimous consent that the vote by which the bill was passed may be reconsidered, and that the bill may be passed over at this time.

The VICE PRESIDENT. Is there objection?

Mr. DILL. Mr. President, as I understand, the Senator wants to take up the bill immediately? He wants to reconsider the vote in order to offer the amendments immediately?

Mr. BINGHAM. No; I have not the amendments prepared, but I will say to the Senator that I am in conference with the chairman of the subcommittee on the District appropriation bill in the House, Mr. SIMMONS.

Mr. DILL. Which bill is this?

Mr. BINGHAM. This is the bill increasing the salaries of policemen and firemen. Mr. SIMMONS has been in conference with me in the matter, and has pointed out certain portions of the bill and certain increases which he thinks are extremely unfair, since some of the increases are nearly 100 per cent.

Mr. DILL. The bill has not passed the House of Representatives, has it?

Mr. CAPPER. It has not; no.

Mr. DILL. Then why can it not go over and be amended in the House?

Mr. BINGHAM. I hope the Senator will not object to the reconsideration. It is customary not do so under the circumstances.

Mr. DILL. I do not like to see the bill delayed. It has been here for some time and it is very important.

Mr. BINGHAM. I will say to the Senator that I asked to be notified when we reached this bill, and I was so notified; but by the time I got upon the floor the Senate had already reached Order of Business 267.

Mr. DILL. I do not want to take advantage of the Senator's absence; but I wish he would prepare his amendments and bring them in shortly, in order that the bill may not be held up.

Mr. BINGHAM. I shall do so.

The VICE PRESIDENT. Is there objection to the reconsideration?

Mr. COPELAND. As I understand, the Senator from Connecticut asks for reconsideration of the police bill?

Mr. BINGHAM. Yes; that is the request.

Mr. COPELAND. I am sorry he has done that. That bill received long and conscientious study on the part of the committee, and we felt we had answered every objection. Will the Senator, if he feels so disposed, express his opinion as to what should be changed in the bill?

Mr. BINGHAM. Mr. President, I said before the Senator from New York came in that Representative SIMMONS, of the House of Representatives, who probably knows more about District finances than any other Member of Congress, and is the chairman of the subcommittee of the House Committee on Appropriations on the District appropriation bill, in several conferences has called attention to the fact that this bill would increase the expenses of the District by about $800,000 a year, and that there are certain features of the bill which he considers, having made a very careful study of this subject for a number of years, very undesirable.

It was hoped that the bill would not come up until the District appropriation bill might be gotten out of the way. I will say to the Senator that we are holding hearings on that bill, and I have not had an opportunity to confer with Mr. SIMMONS in regard to the points he desires to have brought up and on which he desires to present amendments. Had I been on the floor, I should have asked that the bill go over, but I was called from the floor unexpectedly for a few moments, and when I got back I found that the bill had been passed, and I have asked unanimous consent that the vote by which it was passed be reconsidered, and that the bill be restored to the calendar.

Mr. COPELAND. Mr. President, I assume that the feeling on the part of Mr. SIMMONS is that we have not funds in the regular appropriations available for use. Is it the view of the Senator from Connecticut that perhaps the matter could be taken care of in a deficiency bill?

Mr. BINGHAM. This is not an appropriation. It is a matter of authorizing increases of salaries of policemen and firemen, and Mr. SIMMONS pointed out to me a matter I have not been able yet to give sufficient study to, that some of these increases are out of proportion to the other increases. When the bill came up before, the senior Senator from Colorado objected to its consideration.

The PRESIDING OFFICER. Is there objection to the reconsideration of the vote by which the bill was passed?

Mr. PHIPPS. Mr. President, on the previous occasion this bill was reported out from the committee, and a request was made for immediate consideration. It seemed to me that a bill of this importance should be allowed to go over until Senators could have an opportunity to find out what was involved, what it contained, what it meant. I have given some little attention to the bill, but I have not concluded a study of the measure, as I propose to do. I have been busily occupied with other things, and I am not the only Senator who is in that position.

The PRESIDING OFFICER. The Chair may state to the Senator from Colorado that the bill has been passed, and the Senator from Connecticut asked unanimous consent that the vote be reconsidered, so that the bill could be restored to the calendar, and could be passed over.

Mr. PHIPPS. I join in the request for reconsideration.

The PRESIDING OFFICER. Is there objection to reconsideration?

The Chair hears none, and the bill will be restored to the calendar.

Mr. DILL. Mr. President, I understood the Senator from Connecticut a while ago to say that his reason was that he wanted to prepare certain amendments. I understand him now to say that he wants to delay the bill until after these other bills are disposed of.

Mr. BINGHAM. Mr. President, I am sorry if I did not make myself clearly understood. I said that in view of the fact that we had had to give so much time to the District of Columbia appropriation bill during the last two or three weeks, it had been impossible to make a study of this bill and prepare amendments, but as soon as the District appropriation bill hearings are out of the way it is my intention to make this study and present those amendments, and I assure the Senator that I shall not take advantage of any parliamentary situation to block the passage of the bill.

Mr. PHIPPS. May I add to my statement that it is not my intention unnecessarily to delay the consideration of this bill, but I do feel that on account of the statement made by the Senator from Connecticut—and I have been working with him on that appropriation bill and other appropriation bills—it has not been possible to devote time and attention to this measure.

Mr. WALSH of Massachusetts. Mr. President, I will ask the Senator from Kansas if he will not inform the Senate as to how much increased cost to the District these increases in salaries will mean.

Mr. PHIPPS. Mr. President, if I may answer the Senator, it is, in round figures, $883,000 a year, plus something over $100,000 in the base rate, practically a million dollars a year.

Mr. CAPPER. Mr. President, I think the Senator from Colorado has given rather an exaggerated figure as to what will be the increase. Nevertheless, I think it is only fair to say that the subcommittee of the Committee on the District of Columbia has given the bill careful study, and hearings were held lasting two or three days by the subcommittee, of which the Senator from Kentucky was chairman, and I regret that he is not here to-day.

As to the suggestion made by the Senator from Connecticut that the Representative from Nebraska is very much interested in the matter, of course, the Representative from Nebraska will have every opportunity, when the bill reaches the House, to bring about such amendments as they may think are necessary.

Mr. WALSH of Massachusetts. Mr. President, I will ask the Senator from Kansas to answer another question. How do the salaries of the firemen and policemen in the District of Columbia compare with those in other cities of comparable size?

Mr. CAPPER. The increases proposed in this bill would put the policemen and firemen on an equality with those in other cities of about similar population, certainly not higher than the average of salaries in other cities.

Mr. WALSH of Massachusetts. Did the Senator's committee find that these men were underpaid?

Mr. CAPPER. We found that they were at the bottom in a list of about 42 cities.

Mr. WALSH of Massachusetts. I hope action will be taken speedily upon this measure.

Mr. PHIPPS. Mr. President, I would like to say, from what little study I have been able to give this bill so far, that I would not concur in the statement just made by the chairman of the Committee on the District of Columbia, the Senator from Kansas [Mr. CAPPER]. The increases not only mean changing the base rate, which means $100 a year, but changing the basis of advances from the 3-year basis to a 5-year basis, so that, to illustrate, any officer or fireman in the service to-day drawing $2,100 a year, the top salary, may immediately receive $2,400 a year, an increase of $300 a year.

In the case of the chief of either of the departments, police or fire, the raise is from $5,200 to $8,500 a year, an increase of sixty-odd per cent, which is an unusual increase, and I think should be inquired into carefully.

In the case of the assistants the jump, as I recall it, is from $3,300 a year $5,500 a year, an even larger percentage of increase than in the case of heads of the department.

When I approached two members of the subcommittee and asked them what they could tell me regarding their study of the measure I was informed by both that their duties in connection with other matters were such that they had not been able to take an active part on the subcommittee and had not studied the bill.

Mr. McNARY. I ask for the regular order.

The PRESIDING OFFICER (Mr. FESS in the chair). The clerk will call the next bill.

Mr. COPELAND subsequently said:

Mr. President, I could not let the comment of the Senator from Colorado pass without notice. It is true that there is a very considerable jump in the proposed salaries for the higher officials, but when we compared the comprehensive duties of these officials with what is done in other cities through a number of employees of the departments it seemed to us that the salaries proposed were remarkably low.

Take, for instance, the fire department. In my city we have a commissioner of the fire department, a number of deputies, and a fire chief, before we come to the chief of the department. It is my view that the proposal we make in the bill is a very reasonable one, and I hope that when the time comes the Senate will take that view.

Mr. TRAMMELL. Mr. President, I do not know anything about the details of this proposed salary increase. I am most heartily in favor of increasing the salaries of the men who go out and bear the brunt of the administration of the police service. I think their salaries should be very substantially increased. But after the remarks which have been made, and the statement made by the Senator from Colorado, I would like to see slashed off a hundred or two or three hundred dollars from the increases proposed to be given in the major salaries and increases made in the smaller salaries.

One trouble in Congress in dealing with the question of salaries is illustrated by this very proposal. We passed the so-called Welch bill here two or three years ago, and under that measure a person receiving a salary of $1,500 a year receives a little pittance of an increase of about $60 a year. Some one who was receiving $6,000 a year receives an increase of $1,000. Others receiving salaries of $8,000 a year, probably already receiving all they should get, were given increases of $1,500 per annum.

I am in favor of trying to get the salaries up to an equitable basis for those who are not at the present time receiving good salaries, and I believe the great rank and file of the police department of the city of Washington should have their salaries increased and very substantially increased. But just because justice is to be done that class is no reason why we should do an injustice to the Government by making enormous increases in the salaries of those already receiving high salaries.

CUMBERLAND RIVER BRIDGE, KENTUCKY

The bill (S. 3741) to extend the times for commencing and completing the construction of a bridge across the South Fork of the Cumberland River at or near Burnside, Pulaski County, Ky., was considered as in Committee of the Whole. The bill had been reported from the Committee on Commerce with amendments, on page 1, line 8, after the figures "1928," insert the following: "and heretofore extended by the act of Congress approved March 2, 1929"; on page 2, line 1, after the word "hereby," insert the word "further"; on line 2, after the word "from," strike out the words "the date of approval hereof," and insert in lieu thereof "May 18, 1930," so as to make the bill read:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the South Fork of the Cumberland River, at or near Burnside, Pulaski County, Ky., authorized to be built by the State Highway Commission, Commonwealth of Kentucky, by the act of Congress approved May 18, 1928, and heretofore extended by the act of Congress approved March 2, 1929, are hereby further extended one and three years, respectively, from May 18, 1930.

SEC. 2. 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.

FRATERNAL AND BENEVOLENT CORPORATIONS

The bill (H. R. 7701) to authorize fraternal and benevolent corporations heretofore created by special act of Congress to divide and separate the insurance activities from the fraternal activities by an act of its supreme legislative body, subject to the approval of the superintendent of insurance of the District of Columbia, 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 PRESIDING OFFICER. The corresponding Senate bill will be indefinitely postponed.

CUMBERLAND RIVER BRIDGE, KENTUCKY

The bill (S. 3742) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Burnside, Pulaski County, Ky., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 1, line 7, after the figures "1928," insert the following: "and heretofore extended by the act of Congress approved March 2, 1929"; on line 9, after the word "hereby," insert the word "further"; on page 2, line 1, strike out the words "the date of approval hereof," and insert in lieu thereof "May 18, 1930," so as to read:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Cumberland River at or near Burnside, Pulaski County, Ky., authorized to be built by State Highway Commission, Commonwealth of Kentucky, by the act of Congress approved May 18, 1928, and heretofore extended by the act of Congress approved March 2, 1929, are hereby further extended one and three years, respectively, from May 18, 1930.

SEC. 2. 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.

FURTHER CONSIDERATION OF THE CALENDAR

Mr. McNARY. Mr. President, the morning hour will soon expire, but I ask unanimous consent that we continue the consideration of the calendar until we reach the final bill on the calendar, Order of Business No. 345.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will announce the next bill on the calendar.

CUMBERLAND RIVER BRIDGE, KENTUCKY

The bill (S. 3743) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Canton, Ky., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 1, line 7, after the figures "1928," to insert the words "and heretofore extended by the act of Congress approved March 2, 1929"; on page 2, line 1, after the word "hereby," to insert the word "further"; on line 2, after the word "from," to strike out the words "the date of approval hereof" and to insert in lieu thereof "May 18, 1930," so as to read:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Cumberland River, at or near Canton, Ky., authorized to be built by the State Highway Commission, Commonwealth of Kentucky, by the act of Congress approved May 18, 1928, and heretofore extended by the act of Congress approved March 2, 1929, are hereby further extended one and three years, respectively, from May 18, 1930.

SEC. 2. 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.

TENNESSEE RIVER BRIDGE, KENTUCKY

The Senate resumed the consideration of the bill (S. 3744) to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near Eggners Ferry, Ky.

The PRESIDING OFFICER. This bill was heretofore considered and the amendments 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.

CUMBERLAND RIVER BRIDGE, KENTUCKY

The bill (S. 3618) granting the consent of Congress to rebuild, reconstruct, maintain, and operate the existing railroad bridge across the Cumberland River, near the town of Burnside, in the State of Kentucky, 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 Cincinnati, New Orleans & Texas Pacific Railway Co., lessee of the Cincinnati Southern Railway, and to its successors and assigns, to rebuild, reconstruct, maintain, and operate its existing railroad bridge and the approaches thereto across the Cumberland River, in the county of Pulaski, in the State of Kentucky, near the town of Burnside, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

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

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

WABASH RIVER BRIDGE, ILLINOIS

The bill (S. 3714) to extend the times for commencing and completing the construction of a bridge across the Wabash River at Mount Carmel, Ill., was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Wabash River at Mount Carmel, Wabash County, Ill., authorized to be built by the State of Illinois and the State of Indiana by the act of Congress approved March 3, 1925, heretofore extended by the acts of Congress, approved July 3, 1926, March 2, 1927, March 29, 1928, and January 25, 1929, are hereby extended one and three years, respectively, from March 29, 1930.

SEC. 2. 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.

OHIO RIVER BRIDGE, KENTUCKY

The bill (S. 3746) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Maysville, Ky., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Ohio River, at or near Maysville, Ky., authorized to be built by the State Hightway Commission, Commonwealth of Kentucky, by the act of Congress approved March 4, 1929, are hereby extended one and three years, respectively, from the date of approval hereof.

SEC. 2. 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.

ALLEGHENY RIVER BRIDGE, NEW YORK

The bill (S. 3607) granting the consent of Congress to the State of New York to construct, maintain, and operate a free State highway bridge across the Allegheny River at or near Red House, N. Y., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 1, line 6, after the word "River," strike out the words "at Red House," and in line 7, after the word "at," insert the words "or near," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of New York to construct, maintain, and operate a free State highway bridge and approaches thereto across the Allegheny River at a point suitable to the interests of navigation at or near Red House, Cattaraugus County, N. Y., and in accordance with the provisions of an act entittled "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 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 granting the consent of Congress to the State of New York to construct, maintain, and operate a free State highway bridge across the Allegheny River at or near Red House, N. Y."

POST-OFFICE GARAGE, BOSTON, MASS.

The bill (S. 1101) to authorize the Postmaster General to investigate the conditions of the lease of the post-office garage in Boston, Mass., and to readjust the terms thereof, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Postmaster General is hereby authorized to investigate the conditions encountered in the performance of the contract for the construction and lease of the post-office garage in Boston, Mass., and the modifications made in said building from the original specifications during the course of construction to meet the aforesaid conditions, and to provide a larger and better building than was required under the original contract and specifications, and to readjust the rental and purchase options in the existing lease if the equities so require.

SEC. 2. The decision of the Postmaster General shall be final.

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

INTERNATIONAL HYGIENE EXHIBITION

The bill (S. 2414) authorizing the Government of the United States to participate in the international hygiene exhibition at Dresden, Germany, from May 6, 1930, to October 1, 1930, inclusive, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Foreign Relations with an amendment, on page 2, line 1, to strike out "$25,000" and insert in lieu thereof "$10,000," so as to make the bill read:

Be it enacted, etc., That for the purpose of permitting the Government of the United States to participate in the international hygiene exhibition at Dresden, Germany, May 6, 1930, to October 1, 1930, inclusive, the Surgeon General of the Army, the Surgeon General of the Navy, and the Surgeon General of the Public Health Service are hereby authorized to send a joint exhibit from their departments to remain there during the period of the exhibition.

SEC. 2. The sum of $10,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expenses of the United States participating in this exhibition.

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.

DISTRICT OF COLUMBIA AIRPORT

The bill (S. 3901) to establish a commercial airport in the District of Columbia was announced as next in order.

Mr. DILL. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. BINGHAM. Mr. President, will not the Senator withdraw his objection?

Mr. DILL. No.

SAVANNAH RIVER BRIDGE

The bill (S. 3715) authorizing the State Highway Board of Georgia, in cooperation with the State Highway Department of South Carolina, the city of Augusta, and Richmond County, Ga., to construct, maintain, and operate a free highway bridge across the Savannah River at or near Fifth Street, Augusta, Ga., was considered as in Committee of the Whole and was 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, the State Highway Board of Georgia, in cooperation with the State Highway Department of South Carolina, the city of Augusta, and Richmond County, Ga., be, and is hereby, authorized to construct, maintain, and operate a free highway bridge and approaches thereto across the Savannah River, at a point suitable to the interests of navigation, at or near Fifth Street, Augusta, Ga., 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 Board of Georgia, the State Highway Department of South Carolina, the city of Augusta, and Richmond County, Ga., 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.

TENNESSEE RIVER BRIDGES

The bill (S. 3820) to extend the times for commencing and completing the construction of certain bridges in the State of Tennessee was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 1, line 7, after the word "Tennessee," to insert the words "by the Highway Department of the State of Tennessee"; on page 1, line 9, to strike out the words "the date of approval hereof," and insert in lieu thereof "June 20, 1930"; on page 2, line 5, after the word "Tennessee," to insert the words "by the Highway Department of the State of Tennessee"; on page 2, line 7, after the word "from," to strike out the words "the date of approval hereof," and to insert in lieu thereof "June 20, 1930," so as to make the bill read:

Be it enacted, etc., (a) That the times for commencing and completing the construction of a bridge authorized by an act of Congress approved June 20, 1929, to be built across the Cumberland River on the projected Gallatin-Martha Road, between Sumner and Wilson Counties, in the State of Tennessee, by the highway department of the State of Tennessee, are hereby extended one and three years, respectively, from June 20, 1930.

(b) That the times for commencing and completing the construction of a bridge authorized by act of Congress approved June 20, 1929, to be built across the Cumberland River between Gainesboro and Granville, in the county of Jackson, in the State of Tennessee, by the Highway Department of the State of Tennessee, are hereby extended one and three years, respectively, from June 20, 1930.

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

CHARLES E. BYRON, ALIAS CHARLES E. MARBLE

The bill (S. 420) for the relief of Charles E. Byron, alias Charles E. Marble, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of the pension laws Charles E. Byron, alias Charles E. Marble, shall be held and considered to have been honorably discharged from the naval service of the United States on May 6, 1900: *Provided*, That no pension, bounty, or other allowance shall be held to have accrued prior to 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.

HAROLD F. SWINDLER

The bill (S. 2272) for the relief of Harold F. Swindler was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of the act entitled "An act making eligible for retirement under certain conditions officers and former officers of the Army, Navy, and Marine Corps of the United States other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability in line of duty while in the service of the United States during the World War," approved May 24, 1928, the commission of Harold F. Swindler as a regular officer of the United States Marine Corps shall be disregarded. The Director of the United States Veterans' Bureau is authorized and directed to reconsider and act upon the application (C–1016011) of said Harold F. Swindler in accordance with the provisions 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.

STEPHEN W. DOUGLASS

The bill (S. 2718) for the relief of Stephen W. Douglass, chief pharmacist, United States Navy, retired, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That Chief Pharmacist Stephen W. Douglass, United States Navy, who was transferred to the retired list of the Navy on September 4, 1929, upon reaching the statutory age of 64 years, after a service of 41 years in the active regular Navy—10 years as an enlisted man, 14 years as a warrant officer (pharmacist), and 17 years as a commissioned warrant officer (chief pharmacist)—shall hereafter be entitled to retired pay as provided for a commissioned warrant officer with 20 years' creditable commissioned service in the act approved February 16, 1929.

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

WALTER P. CROWLEY

The bill (S. 3045) for the relief of Walter P. Crowley was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in consideration of his subsequent good war record as an officer Walter Paul Crowley shall hereafter be held and considered to have been honorably discharged from the United States Navy as an ex-apprentice, third class, United States Navy, on the 27th day of November, 1903: *Provided*, That no back pay, pension, or other allowance shall be held to have accrued prior to 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.

MARY ELIZABETH COUNCIL

The bill (S. 3642) for the relief of Mary Elizabeth Council was considered as in Committee of the Whole. The bill had been reported from the Committee on Naval Affairs with amendments, on page 1, line 4, to strike out the words "pay of the" and insert in lieu thereof "pay, subsistence, and transportation, Navy, 1929," and on page 1, line 11, after the word "death," to insert the following:

Provided, That it be shown to the satisfaction of the Secretary of the Navy that the said dependent mother was actually dependent on said officer, and the determination of such fact by the Secretary of the Navy shall be final and conclusive on the accounting officers of the Government.

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 the appropriation "Pay, subsistence, and transportation, Navy, 1929," to Mary Elizabeth Council, dependent mother of the late Lieut. Howard Folk Council, United States Navy, who was killed in a seaplane accident at Vineyard Haven, Mass., July 31, 1926, an amount equal to six months' pay at the rate said Howard Folk Council was entitled to receive at the date of his death: *Provided*, That it be shown to the satisfaction of the Secretary of the Navy that the said dependent mother was actually dependent on said officer, and the determination of such fact by the Secretary of the

Navy shall be final and conclusive on the accounting officers of the Government.

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.

MARY A. BOURGEOIS

The bill (S. 1309) granting six months' pay to Mary A. Bourgeois 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 10, after the word "death," to insert:

Provided, That said Mary A. Bourgeois establish to the satisfaction of the Secretary of the Navy that she was actually dependent upon the said Clarence T. Bourgeois at the time of his 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 the appropriation "Pay of the Navy, 1930," to Mary A. Bourgeois, dependent mother of the late Clarence T. Bourgeois, United States Navy, who was killed in an explosion aboard the U. S. S. *Mississippi*, on June 6, 1924, an amount equal to six months' pay at the rate said Clarence T. Bourgeois was entitled to receive at the date of his death: *Provided*, That said Mary A. Bourgeois establish to the satisfaction of the Secretary of the Navy that she was actually dependent upon the said Clarence T. Bourgeois at the time of his death.

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.

CONFEDERATE VETERANS' REUNION AT BILOXI, MISS.

The bill (S. 2589) authorizing the attendance of the Marine Band at the Confederate Veterans' Reunion to be held at Biloxi, Miss., was considered as in Committee of the Whole. The bill had been reported from the Committee on Naval Affairs with an amendment on page 2, after line 1, to strike out:

That the leaders and members of the Marine Band be allowed $5 per day for living expenses while on this detail, and that the payment of such expenses shall be in addition to the pay and allowances to which members of the United States Marine Band would be entitled while serving at their permanent station.

And insert in lieu thereof:

That in addition to transportation and Pullman accommodations the leaders and members of the Marine Band be allowed not to exceed $5 per day each for actual living expenses while on this detail, and that the payment of such expenses shall be in addition to the pay and allowances to which members of the United States Marine Band would be entitled while serving at their permanent station.

So as to make the bill read:

Be it enacted, etc., That the President is authorized to permit the United States Marine Band to attend and give concerts at the Fortieth Annual Confederate Veterans' Reunion to be held at Biloxi, Miss., June 3 to 6, inclusive, 1930.

SEC. 2. For the purpose of defraying the expenses of the band in attending such reunion there is hereby authorized to be appropriated, out of any money in the United States Treasury not otherwise appropriated, the sum of $7,500, or so much thereof as may be necessary: *Provided*, That in addition to transportation and Pullman accommodations the leaders and members of the Marine Band be allowed not to exceed $5 per day each for actual living expenses while on this detail, and that the payment of such expenses shall be in addition to the pay and allowances to which members of the United States Marine Band would be entitled while serving at their permanent station.

The amendment was agree 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.

THOMAS A. DWYER

The bill (S. 1641) for the relief of Thomas A. Dwyer 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 restore Thomas A. Dwyer, now a pay clerk on the retired list, to the active list of the United States Navy, in the grade of pay clerk: *Provided*, That the said Thomas A. Dwyer shall establish to the satisfaction of the Secretary of the Navy, by examination pursuant to law, his physical, mental, moral, and professional fitness to perform the duties of pay clerk: *And provided further*, That the said Thomas A. Dwyer shall not, by the passage of this act, be entitled to any back pay or allowances.

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

CHRISTOPHER S. LONG

The bill (S. 3566) authorizing the President to place Lieut. (Junior Grade) Christopher S. Long, Chaplain Corps, United States Navy, upon the retired list of the Navy was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the president is authorized to place Lieut. (Junior Grade) Christopher S. Long, Chaplain Corps, United States Navy, upon the retired list of the Navy with the retired pay and allowances of that rank: *Provided*, That a duly constituted naval retiring board finds that the said Christopher S. Long has incurred physical disability incident to the service while on the active list of the Navy.

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

SILVER SERVICE OF THE U. S. S. "NORTH CAROLINA"

The bill (H. R. 7391) that the Secretary of the Navy is authorized, in his discretion, upon request from the Governor of the State of North Carolina, to deliver to such governor as custodian for such State the silver service presented to the United States for the U. S. S. *North Carolina* (now the U. S. S. *Charlotte*, but out of commission), was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Navy is authorized, in his discretion, upon request from the Governor of the State of North Carolina, to deliver to such governor as custodian for such State the silver service presented to the United States for the U. S. S. *North Carolina* (now the U. S. S. *Charlotte*, but out of commission) by citizens of the State of North Carolina; but no expense shall be incurred by the United States for the delivery of such silver service.

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

DISPOSITION OF NAVAL MATERIAL

The bill (S. 3185) to authorize the Secretary of the Navy to dispose of material no longer needed by the Navy was considered as in Committee of the Whole. The bill had been reported from the Committee on Naval Affairs with an amendment, in line 4, after the word "authorized," to insert "in his discretion," and in line 6 to strike out the words "in the vicinity of navy yards," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized in his discretion to dispose of, without charge, except for transportation and delivery, to properly accredited schools, colleges, and universities, for use in courses of vocational training and instruction, such machinery, mechanical equipment, and tools as may be obsolete or no longer needed by the Navy.

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.

ARTHUR S. JUDY

The bill (S. 1742) authorizing Arthur S. Judy, lieutenant commander, Medical Corps, United States Navy, to accept the distinguished-service medal tendered to him by the President of the Republic of Haiti was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That Arthur S. Judy, lieutenant commander, Medical Corps, United States Navy, is authorized to accept the distinguished-service medal tendered to him by the President of the Republic of Haiti, and the Department of State is authorized to deliver such medal to Arthur S. Judy.

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

WILLIAM C. RIVES

The bill (S. 2608) for the relief of William C. Rives was considered as in Committee of the whole and was read, as follows:

Be it enacted, etc., That in the administration of the pension laws or any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Army, William C. Rives, late of the United States Navy, shall be held and considered to have serve[d]

honorably 90 days during the war with Spain: *Provided*, That no pension, pay, or bounty shall be held to have accrued by reason of this act prior to its passage.

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

SEWER OUTLETS, MARE ISLAND STRAITS, CALIF.

The bill (S. 3184) to permit the county of Solano, in the State of California, to lay, construct, install, and maintain sewer outlets over and across the Navy longitudinal dike and accretions thereto, in Mare Island Straits, Calif., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Navy, in his discretion, is hereby authorized to permit the county of Solano, in the State of California, to lay, construct, install, and maintain such sewer outlet or outlets as circumstances demand without detriment to naval interests, over and across the Navy longitudinal dike and accretions thereto, in Mare Island Straits, upon conditions and plans to be previously approved by the Secretary of the Navy: *Provided*, That the permission given pursuant to this act shall not pass any right or title in said dike or the accretions thereto and shall be revocable by the Secretary of the Navy when, in his judgment, the maintenance of said sewer outlets is inimical to or endangers the interests of the naval service.

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

FEDERAL RESERVE BRANCH BUILDING, PITTSBURGH, PA.

The joint resolution (H. J. Res. 227) authorizing the erection of a Federal reserve branch building in the city of Pittsburgh, Pa., was considered as in Committee of the Whole and was read, as follows:

Resolved, etc., That the Federal Reserve Bank of Cleveland be, and it is hereby, authorized to contract for and erect a building in the city of Pittsburgh, Pa., for its Pittsburgh branch, on a site now owned by it, provided the total amount expended in the erection of said building, exclusive of the cost of vaults, permanent equipment, furnishings, and fixtures shall not exceed the sum of $875,000: *Provided, however*, That the character and type of building to be erected, the amount actually to be expended in the construction of said building, and the amount actually to be expended for the vaults, permanent equipment, furnishings, and fixtures for said building shall be subject to the approval of the Federal Reserve Board.

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

AMENDMENT OF FEDERAL RESERVE ACT

The bill (H. R. 9046) to amend the fourth paragraph of section 13 of the Federal reserve act, as amended, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the fourth paragraph of section 13 of the Federal reserve act, as amended (U. S. C., title 12, sec. 345), be further amended to read as follows:

"The aggregate of notes, drafts, and bills upon which any person, copartnership, association, or corporation is liable as maker, acceptor, indorser, drawer, or guarantor, rediscounted for any member bank, shall at no time exceed the amount for which such person, copartnership, association, or corporation may lawfully become liable to a national banking association under the terms of section 5200 of the Revised Statutes, as amended: *Provided, however*, That nothing in this paragraph shall be construed to change the character or class of paper now eligible for rediscount by Federal reserve banks."

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

COINAGE OF SILVER 50-CENT PIECES

The bill (H. R. 2029) to authorize the coinage of silver 50-cent pieces in commemoration of the seventy-fifth anniversary of the Gadsden Purchase, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in commemoration of the seventy-fifth anniversary of the acquisition by the United States of that certain territory bounded on the north in part by the Gila River, on the east in part by the Rio Grande, on the south by the Republic of Mexico, and on the west by the Colorado River, and known as the Gadsden Purchase, there shall be coined in the mints of the United States silver 50-cent pieces to the number of 10,000, such 50-cent pieces to be of a standard troy weight, composition, diameter, and design as shall be fixed by the director of the mint and approved by the Secretary of the Treasury, which said 50-cent pieces shall be legal tender in any payment of their face value.

SEC. 2. The coins herein authorized shall be issued only upon the request of the Gadsden Purchase coin committee in such numbers and at such times as they shall request upon payment by such committee to the United States of the par value of such coins.

SEC. 3. All laws now in force relating to the subsidiary silver coins of the United States and the coining or striking of the same, regulating and guarding the process of coinage, providing for the purchase of material, and for the transportation, distribution, and redemption of the coins, for the prevention of debasement or counterfeiting, for security of the coin or for any other purpose, whether said laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein authorized: *Provided*, That the United States shall not be subject to the expense of making the necessary dies and other preparation of this coinage.

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

DISCONTINUANCE OF TWO AND ONE-HALF DOLLAR GOLD PIECE

The bill (H. R. 9894) to discontinue the coinage of the two and one-half dollar gold piece was considered as in Committee of the Whole and was read, as follows:

Be in enacted, etc., That hereafter the two and one-half dollar gold piece shall not be coined or issued by the Treasury.

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

The PRESIDING OFFICER. The corresponding Senate bill (S. 3219) will be indefinitely postponed.

BILL PASSED OVER

The bill (S. 3541) to amend section 22 of the Federal reserve act, as amended, was announced as next in order.

Mr. OVERMAN. Mr. President, this is an amendment to the Federal reserve act. I would like to know something about it.

The PRESIDING OFFICER. The author of the bill, the Senator from South Dakota [Mr. NORBECK], is not in the Chamber.

Mr. OVERMAN. Very well; let it go over.

The PRESIDING OFFICER. The bill will be passed over.

AMENDMENT OF TRADE-MARK ACTS

The bill (H. R. 10076) to amend sections 476, 482, and 4934 of the Revised Statutes, sections 1 and 14 of the trade-mark act of February 20, 1905, as amended, and section 1 (b) of the trade-mark act of March 19, 1920, and for other purposes, was announced as next in order.

Mr. McKELLAR. Mr. President, may we have the bill explained?

Mr. WALSH of Massachusetts. Let it go over.

Mr. SWANSON. Mr. President, may I ask a question with reference to the bill?

Mr. DILL. Let me state that it provides for additional employees in the Patent Office so that inventors who submit their applications for patents will not be delayed for two years as they are at present but will probably be able to have action upon their applications within two or three months.

Mr. SWANSON. It does not change the present law at all in any other respect?

Mr. DILL. Only to the extent of adding slightly to the fee.

Mr. SWANSON. There is no other change?

Mr. DILL. There is no other change.

Mr. WALSH of Massachusetts. I withdraw my objection.

There being no objection, the bill was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That section 476 of the Revised Statutes, as amended (U. S. C., title 35, sec. 2), is amended to read as follows:

"SEC. 476. There shall be in the Patent Office a Commissioner of Patents, one first assistant commissioner, two assistant commissioners, and nine examiners in chief, who shall be appointed by the President, by and with the advice and consent of the Senate. The first assistant commissioner and the assistant commissioners shall perform such duties pertaining to the office of commissioner as may be assigned to them, respectively, from time to time by the Commissioner of Patents. All other officers, clerks, and employees authorized by law for the office shall be appointed by the Secretary of Commerce upon the nomination of the Commissioner of Patents, in accordance with existing law."

SEC. 2. Section 482 of the Revised Statutes, as amended (U. S. C., title 35, sec. 7), is hereby amended by substituting the words "assistant commissioners" for the words "assistant commissioner," in conformity with the provisions of section 1 of this bill.

SEC. 3. Section 4934 of the Revised Statutes, as amended (U. S. C., title 35, sec. 78), is amended to read as follows:

"SEC. 4934. The following shall be the rates for patent fees:

"On filing each original application for a patent, except in design cases, $25, and $1 for each claim in excess of 20.

"On issuing each original patent, except in design cases, $25, and $1 for each claim in excess of 20.

"In design cases: For 3 years and 6 months, $10; for 7 years, $15; for 14 years, $30.

"On every application for the reissue of a patent, $30.

"On filing each disclaimer, $10.

"On an appeal for the first time from the primary examiners to the board of appeals, $15.

"On every appeal from the examiner of interferences to the board of appeals, $25.

"For uncertified printed copies of specifications and drawings of patents, 10 cents per copy: *Provided,* That the Commissioner of Patents may supply public libraries of the United States with such copies as published for $50 per annum: *Provided further,* That the Commissioner of Patents may exchange copies of United States patents for those of foreign countries.

"For copies of records made by the Patent Office, excluding printed copies, 10 cents per hundred words.

"For each certificate, 50 cents.

"For recording every assignment, agreement, power of attorney, or other paper not exceeding six pages, $3; for each additional two pages or less, $1; for each additional patent or application included or involved in one writing, where more than one is so included or involved, 50 cents additional.

"For copies of drawings, the reasonable cost of making them."

SEC. 4. That sections 1 and 14 of the act entitled "An act to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same," approved February 20, 1905, as amended (U. S. C., title 15, sec. 81); and section 1 (b) of the act of March 19, 1920, entitled "An act to give effect to certain provisions of the Convention for the Protection of Trade-Marks and Commercial Names, made and signed in the city of Buenos Aires, in the Argentine Republic, August 20, 1910, and for other purposes" (U. S. C., title 15, sec. 109) are hereby amended by providing that the fee for registration of trade-marks and renewals of registrations shall be $15.

SEC. 5. The money required for the Patent Office each year, commencing with the fiscal year 1932, shall be appropriated by law out of the revenues of that office, except as otherwise provided by law.

SEC. 6. The Commissioner of Patents is hereby authorized to annually destroy or otherwise dispose of all the files and papers belonging to all abandoned applications which have been on file for more than 20 years.

SEC. 7. This act shall take effect upon the date of its enactment, except that sections 3 and 4 shall take effect on the 1st day of June, 1930.

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

WIDENING OF WISCONSIN AVENUE

The bill (S. 3985) to authorize the Commissioners of the District of Columbia to widen Wisconsin Avenue abutting squares 1299, 1300, and 1935 was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized to institute in the Supreme Court of the District of Columbia proceedings in rem to condemn for the widening of Wisconsin Avenue part of lot 309, square 1300, containing 2,285.1 square feet; part of lot 261, square 1299, containing 1,585.25 square feet; and parts of lots 2 and 3, square 1935, containing 207.56 square feet, as shown on map No. 1476, filed in the office of the surveyor of the District of Columbia: *Provided,* That said condemnation proceedings shall be instituted under the provisions of subchapter 1 of Chapter XV of the Code of Law of the District of Columbia and under the provisions of Public Act No. 311, Sixty-ninth Congress, approved May 28, 1926, said condemnation proceedings to be subject to any and all provisions applicable to the condemnation of streets as laid down in the plan of the permanent system of highways for the District of Columbia.

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. 4015) to provide for plant patents was announced as next in order.

Mr. McKELLAR. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 8877) to amend section 9 of the Federal reserve act, as amended, was announced as next in order.

Mr. WALSH of Massachusetts. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 485) to amend section 9 of the Federal reserve act and section 5240 of the Revised Statutes of the United States, and for other purposes, was announced as next in order.

Mr. VANDENBERG. Over.

The PRESIDING OFFICER. The bill will be passed over.

PAYMENT OF CERTAIN GOVERNMENT EMPLOYEES

The joint resolution (S. J. Res. 24) for the payment of certain employees of the United States Government in the District of Columbia and employees of the District of Columbia for March 4, 1929, was considered as in Committee of the Whole and was read, as follows:

Resolved, etc., That the employees of the United States Government in the District of Columbia and the employees of the District of Columbia who come within the provisions of the act approved June 18, 1888, and who, under the provisions of said act, were excused from work on Monday, March 4, 1929, a holiday, shall be entitled to pay for said holiday.

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

RELIEF OF UNEMPLOYMENT

The bill (S. 3059) to provide for the advance planning and regulated construction of certain public works, for the stabilization of industry, and for the prevention of unemployment during periods of business depression, and the bill (S. 3061) to amend section 4 of the act entitled "An act to create a Department of Labor," approved March 4, 1913, were announced as next in order.

Mr. JOHNSON. Those two bills have been made a special order for next Monday.

The PRESIDING OFFICER. Having been made a special order, the bills will be passed over.

BILLS RECOMMITTED

The bill (H. R. 9592) to amend section 407 of the merchant marine act, 1928, was announced as next in order.

Mr. VANDENBERG. Mr. President, with the consent of the chairman of the Committee on Commerce, I ask unanimous consent that this bill be withdrawn from the calendar and recommitted to the Committee on Commerce.

The PRESIDING OFFICER. Without objection, that order is entered.

MEMORIAL TO WILLIAM JENNINGS BRYAN

The joint resolution (S. J. Res. 127) authorizing the erection on the public grounds in the city of Washington, D. C., of a memorial to William Jennings Bryan was considered as in Committee of the Whole and was read, as follows:

Resolved, etc., That the Director of Public Buildings and Public Parks of the National Capital be, and he is hereby, authorized and directed to grant permission to the William Jennings Bryan Memorial Association for the erection on public grounds of the United States in the city of Washington, D. C., other than those of the Capitol, the Library of Congress, and the White House, of a memorial to William Jennings Bryan, one time Member of the House of Representatives of the United States Congress from the State of Nebraska, Secretary of State of the United States, and three times nominated by his party for President of the United States.

SEC. 2. The design of the memorial shall be approved and the site shall be chosen by the Commission of Fine Arts, and the United States shall be put to no expense in or by the erection of the said memorial.

SEC. 3. The memorial herein provided for shall not be erected or placed in any part of the Mall or Potomac Park, nor on any ground within one-half mile of the Capitol.

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

WILLIAM TELL OPPENHEIMER, JR.

The bill (S. 1638) for the relief of William Tell Oppenheimer, jr., was considered as in Committee of the Whole. The bill had been reported from the Committee on Naval Affairs with amendments, on page 1, line 4, to strike out "Oppenheimer" and insert "Oppenhimer"; in line 5, to strike out "junior grade" and insert "(T.)"; in line 6, to strike out "junior grade" and insert "(T)"; and in line 11, strike out "Oppenheimer' 'and insert "Oppenhimer," so as to make the bill read:

Be it enacted, etc., That the President is authorized to appoint William Tell Oppenhimer, jr., formerly assistant surgeon with rank of lieutenant (T), an assistant surgeon, United States Navy, with rank of lieutenant (T), and place him on 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 May 2, 1920: *Provided,* That a duly constituted naval retiring board finds that the said William Tell Oppenhimer, jr., incurred physical disability incident to the service while on the active list of the Navy: *Provided further,* That no back pay, allowances, or emoluments shall become due as a result of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

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

The title was amended so as to read: "A bill for the relief of William Tell Oppenhimer."

RESOLUTIONS AND BILLS PASSED OVER

The resolution (S. Res. 227) to amend the Senate rules so as to abolish proceedings in Committee of the Whole on bills, joint resolutions, and treaties was announced as next in order.

Mr. DILL. That is a resolution which ought to be discussed. It proposes to abolish some rules of the Senate that have existed for more than a century. Let it go over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 1455) to amend the immigration act of 1924 in respect of quota preferences was announced as next in order.

Mr. JOHNSON. Let that go over.

The PRESIDING OFFICER. It will be passed over.

Mr. GEORGE subsequently said: I would like to inquire as to the disposition of Calendar 317, Senate bill 1455.

Mr. JOHNSON. It went over at my request. I want to say to the Senator from Massachusetts [Mr. WALSH] that I do not wish to delay the bill unduly. I want it to go over for a day until I have an opportunity to look at some matters in connection with it.

The PRESIDING OFFICER. The bill will be passed over.

EDWARD EARLE

The bill (S. 3648) to correct the naval record of Edward Earle was considered as in Committee of the Whole. The bill had been reported from the Committee on Naval Affairs with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Navy is authorized and directed (1) to correct the records of the Navy Department to show that Edward Earle was discharged as an electrician's mate, first class, United States Naval Reserve Force, on November 21, 1918, and (2) to issue to Edward Earle such character of discharge as is warranted by his record of service in the Navy.

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.

COMPENSATION FOR DISABILITY OF DISTRICT EMPLOYEES

The bill (S. 3653) to amend an act entitled "An act to provide compensation for disability or death resulting from injury to employees in certain employments in the District of Columbia, and for other purposes," approved May 17, 1928, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That section 2 of an act entitled "An act to provide compensation for disability or death resulting from injury to employees in certain employments in the District of Columbia, and for other purposes," approved May 17, 1928, be, and it is hereby, amended by adding at the end of said section the following:

"No person who is an officer or employee in the service of any war veterans' or fraternal organization or any lodge or social club or civic organization not organized for profit, and whether incorporated or unincorporated, shall be deemed to be an employee if his usual period of service shall not exceed four hours on one day at intervals of a week or more."

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

SILVER SERVICE OF CRUISER "NEW ORLEANS"

The bill (S. 525) 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 service in use on the cruiser *New Orleans* was considered as in Committee of the Whole and was read, 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 service which was in use on the cruiser *New Orleans: Provided*, That no expense shall be incurred by the United States for the delivery of such silver service.

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

NAUTICAL SCHOOL AT NEW ORLEANS, LA.

The bill (S. 1952) providing a nautical school at the port of New Orleans, La., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Navy, to promote nautical education, is hereby authorized and empowered to furnish, upon the application in writing of the governor of the State, a suitable vessel of the Navy, with all her apparel, charts, books, and instruments of navigation, provided the same can be spared without detriment to the naval service, to be used for the benefit of any nautical school, or school or college having a nautical branch, established at the port of New Orleans, La., upon the condition that there shall be maintained at such port a school or branch of a school for the instruction of youths in navigation, steamship-marine engineering, and all matters pertaining to the proper construction, equipment, and sailing of vessels or any particular branch thereof.

SEC. 2. That a sum not exceeding the amount annually appropriated by the State of Louisiana or the city of New Orleans for the purpose of maintaining such a marine school, or school or the nautical branch thereof, is hereby authorized to be appropriated for the purpose of aiding in the maintenance and support of such school: *Provided, however*, That the appropriation for any one year shall not exceed $25,000.

SEC. 3. That the President of the United States is hereby authorized, when in his opinion the same can be done without detriment to the public service, to detail proper officers of the Navy as superintendent of or instructors in said school: *Provided*, That if said school shall be discontinued, or the good of the naval service shall require, such vessel shall be immediately restored to the Secretary of the Navy and the officers so detailed recalled: *And provided further*, That no person shall be sentenced to or received at said school as a punishment or commutation of punishment for crime.

SEC. 4. That all laws and parts of laws in conflict herewith are hereby repealed.

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

WILLIAM P. FLOOD

The bill (H. R. 4055) to authorize a cash award to William P. Flood for beneficial suggestions resulting in improvement in naval material was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized, in his discretion and under such rules and regulations as he may have prescribed for a like procedure under the act of Congress approved July 1, 1918 (40 Stat. L. 718), to pay a cash award to William P. Flood for such designs, inventions, or suggestions as he may have made during his employ in the governmental service which resulted in an improvement in naval material or an economy in manufacturing processes: *Provided*, That such sum as may be awarded to him under this authority shall be paid out of current naval appropriations in addition to his retirement pay or allowances: *Provided further*, That no award shall be paid under this act until the said William P. Flood has properly executed an agreement to the effect that the use by the United States of the designs, inventions, or suggestions made by him shall not form the basis of a further claim of any nature against the United States by him, his heirs, or assigns.

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

LEONARD T. NEWTON

The bill (H. R. 2331) for the relief of Leonard T. Newton was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $485 to Leonard T. Newton, pharmacist's mate, first class, United States Navy, which sum was deposited by the said Leonard T. Newton, while he was serving on the U. S. S. *Henderson*, for safe-keeping with a pay clerk of said vessel, who subsequently absconded with said funds and deserted from the naval service.

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

GEORGE G. SEIBELS

The bill (H. R. 3097) for the relief of Capt. George G. Seibels, Supply Corps, United States Navy, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to credit the accounts of Capt. George G. Seibels, Supply Corps, United States Navy, in the amount of $2,778.01, which sum represents payments made to Aviation Chief Machinist's Mate Willie Perry Conway, Fleet Naval Reserve, for retainer pay during the period from October 1, 1922, to June 30, 1926, disallowed by the Comptroller General in statement of differences M–23367–N. dated August 4, 1927.

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

CHESTER G. MAYO

The bill (H. R. 3098) for the relief of Capt. Chester G. Mayo, Supply Corps, United States Navy, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to credit the accounts of Capt. Chester G. Mayo, Supply Corps, United States Navy, in the amount of $2,994.38, which sum represents the aggregate of payments made by said officer on voucher No. 8419 for $2,400 paid February 23, 1922, under department contract No. 3069 (Yards and Docks No. 4301); on voucher No. 3334 for $164 paid March 3, 1922; on voucher No. 162 for $3 paid September 5, 1922; on voucher No. 5182 for $275 paid July 3, 1922; on voucher No. 3820 for $15 paid August 11, 1920; and on voucher No. 4708 for $137.38 paid August 28, 1922, which payments were subsequently disallowed by the Comptroller General.

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

P. J. WILLETT

The bill (H. R. 3100) for the relief of Capt. P. J. Willett, Supply Corps, United States Navy, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to credit the accounts of Capt. P. J. Willett, Supply Corps, United States Navy, in the amount of $250, which amount represents payments made by Lieutenant Commander Willett, Supply Corps, United States Navy, during the period from March 16, 1914, to August 8, 1914, at the naval station, Hawaii, on account of a laborer who was fraudulently carried on the yard rolls during said period, which payment was subsequently disallowed by the Comptroller General, and to pay him $201.89, the amount otherwise due him for refund of taxes illegally collected, which was applied to reduce the above indebtedness, and the amount necessary is reappropriated from the appropriation to which the collection was credited.

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

LIEUT. ARTHUR W. BABCOCK

The bill (H. R. 3101) for the relief of Lieut. Arthur W. Babcock, Supply Corps, United States Navy, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to credit the accounts of Lieut. Arthur W. Babcock, Supply Corps, United States Navy, in the amount of $402, which sum represents payments made to Willie Perry Conway, aviation chief machinist's mate, Fleet Naval Reserve, for retainer pay during the period from July 1, 1927, to December 31, 1927, disallowed by the Comptroller General in a Statement of Differences K-25607-N dated April 28, 1928.

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

EDWARD F. NEY

The bill (H. R. 3104) for the relief of Lieut. Edward F. Ney, Supply Corps, United States Navy, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to credit the accounts of Lieut. Edward F. Ney, Supply Corps, United States Navy, in the amount of $94.50, which amount represents a payment of travel allowance made by Lieutenant Ney, Supply Corps, while disbursing officer of the receiving ship at Boston, Mass., to one C. P. Brooks, ex-seaman (second class), United States Navy, at the time of his discharge on April 28, 1922, which payment was made pursuant to the instructions of the Navy Department, and to pay him $71.28, the amount otherwise due him for refund of taxes illegally collected, which sum was applied to reduce the above alleged indebtedness, and the amount necessary is reappropriated from the appropriation to which the collection was credited.

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

LIEUT. HENRY GUILMETTE

The bill (H. R. 3105) for the relief of Lieut. Henry Guilmette, Supply Corps, United States Navy, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to credit the accounts of Lieut. Henry Guilmette, Supply Corps, United States Navy, in the amount of $49.80, which sum represents a payment made by said officer to Joseph Daniel Morrison, machinist's mate (first class), United States Navy, as a travel allowance upon transfer to the Fleet Naval Reserve, Class F-4-C, after 16 years' service.

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

LIEUT. EDWARD MIXON

The bill (H. R. 3107) for the relief of Lieut. Edward Mixon, Supply Corps, United States Navy, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to credit the accounts of Lieut. Edward Mixon, Supply Corps, United States Navy, in the amount of $387.73, which sum represents overpayments to civilian laborers at the Helium Production Plant, Fort Worth, Tex., during the first quarter, 1924, disallowed by the Comptroller General in the final settlement of the accounts of said officer.

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

LIEUT. ARCHY W. BARNES

The bill (H. R. 3108) for the relief of Lieut. Archy W. Barnes, Supply Corps, United States Navy, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to credit the accounts of Lieut. Archy W. Barnes, Supply Corps, United States Navy, in the amount of $804, which sum represents payments made to Willie Perry Conway, aviation chief machinist's mate, Fleet Naval Reserve, for retainer pay during the period from July 1, 1926, to June 30, 1927, disallowed by the Comptroller General in statement of differences K-30398-N dated July 31, 1928.

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

CAPT. WILLIAM L. F. SIMONPIETRI

The bill (H. R. 3109) for the relief of Capt. William L. F. Simonpietri, Supply Corps, United States Navy, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to credit the accounts of Capt. William L. F. Simonpietri, Supply Corps, United States Navy, in the amount of $220, which amount represents payments to M. W. Doolan Co. for personal services as food inspectors under proposal and acceptance dated May 12, 1926.

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

CAPT. JOHN H. MERRIAM

The bill (H. R. 3110) for the relief of Capt. John H. Merriam, Supply Corps, United States Navy, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to credit the accounts of Capt. John H. Merriam, Supply Corps, United States Navy, in the amount of $310, which sum represents a payment made by said officer to the J. H. Nolan Construction Co. April 12, 1916, on Public Bill No. 1028, contract No. 2180, disallowed by the Comptroller General in the final settlement of the accounts of said officer.

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

LIEUT. COMMANDER THOMAS COCHRAN

The bill (H. R. 3112) for the relief of Lieut. Commander Thomas Cochran, Supply Corps, United States Navy, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to credit the accounts of Lieut. Commander Thomas Cochran, Supply Corps, United States Navy, in the amount of $200, which amount represents payments to M. W. Doolan Co. for services performed in connection with inspection of canned fruits and vegetables under accepted proposal dated April 20, 1926.

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

LIEUT. DAVID O. BOWMAN

The bill (S. 8) for the relief of Lieut. David O. Bowman, Medical Corps, United States Navy, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to place Lieut. David O. Bowman, Medical Corps, United States Navy, in the position on the list of lieutenant commanders in the Medical Corps of the United States Navy which he would have held had he been commissioned in the said Medical Corps of the United States Navy as of December 10, 1918: *Provided,* That the said Lieutenant Bowman, Medical Corps, shall first establish, in accordance with existing provisions of law, his physical, mental, moral, and professional qualifications to perform the duties of a lieutenant commander

in the Medical Corps of the United States Navy: *Provided further,* That no back pay or allowances shall accrue by reason of the passage of this act.

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

TRANSFER OF RADIO STATION AT SEAWALL, ME.

The bill (S. 428) to authorize the transfer of the former naval radio station, Seawall, Me., as an addition to the Acadia National Park, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he hereby is, authorized and directed to transfer to the control and jurisdiction of the Secretary of the Interior, as an addition to the Acadia National Park, established under the act of February 26, 1919 (40 Stat. 1178), as amended by the act of January 19, 1929 (Public, No. 667, 70th Cong.), all that tract of land containing 223 acres, more or less, with improvements thereon, comprising the former naval radio station at Seawall, town of Southwest Harbor, Hancock County, Me., said tract being no longer needed for naval purposes.

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

CAPT. DRINKARD B. MILNER

The bill (S. 2076) for the relief of Drinkard B. Milner was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of the emergency officers' retirement act Capt. Drinkard B. Milner shall be considered as coming within the provisions of said act and entitled to the benefits thereof.

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

Mr. SHEPPARD. Mr. President, I ask that the report on Senate bill 2076 be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[Senate Report No. 333, Seventy-first Congress, second session]

DRINKARD B. MILNER

Mr. HALE, from the Committee on Naval Affairs, submitted the following report (to accompany S. 2076):

The Committee on Naval Affairs, to whom was referred the bill (S. 2076) for the relief of Drinkard B. Milner, having considered the same, report favorably thereon without amendment and with the recommendation that the bill do pass.

The bill seeks to grant Captain Milner the benefits of the emergency officers' retirement act, which he would enjoy but for the fact that out of a total war service period of two years and four months he held a probationary appointment in the regular Marine Corps for a period of approximately three weeks. Mr. Milner had extraordinary service during the war, and he was in fact a temporary officer. He came into the service during the war and went out right after the war.

The bill meets with the approval of the Navy Department, as shown by the Acting Secretary's letter of January 29, 1930, herewith made a part of this report, and which letter sets forth the facts in the case and details the service and citations received by Mr. Milner:

NAVY DEPARTMENT,
Washington, January 29, 1930.

The CHAIRMAN COMMITTEE ON MILITARY AFFAIRS,
United States Senate, Washington, D. C.

MY DEAR MR. CHAIRMAN: Replying further to the committee's communication dated November 25, 1929, transmitting the bill (S. 2076) for the relief of Drinkard B. Milner and requesting the views of the Navy Department relative to this measure, I have the honor to inform the committee as follows:

The purpose of this bill is to provide that in the administration of the emergency officers' retirement act Capt. Drinkard B. Milner shall be considered as coming within the provisions of said act and entitled to the benefits thereof.

Drinkard B. Milner enrolled in the Marine Corps Reserve as a second lieutenant April 7, 1917, and was assigned to active duty May 25, 1917. On September 11, 1917, he was appointed second lieutenant (probationary) in the regular Marine Corps, and temporarily promoted to first lieutenant October 3, 1917, and temporarily promoted to captain September 6, 1918. His probationary appointment as second lieutenant was revoked, and he was honorably discharged as captain, temporary, on August 22, 1919.

Mr. Milner had foreign shore expeditionary duty in France from November 12, 1917, to September 1, 1918. He served in the Verdun sector with the Forty-third Company, Sixth Marines, from March 14 to May 15, 1918; participated in the Aisne-Marne defensive (Chateau Thierry) June 1 to 21, 1918; was wounded in action June 21, 1918, and was in hospital until August 25, 1918. He was cited as follows:

Cited in General Order No. 44, Second Division, dated July 12, 1918:

"This young officer surprised his battalion officers by the conspicuous courage and ability with which he handled his company after all other officers had become casualties. This is in the region of Chateau Thierry in the month of June, 1918."

Awarded an Army citation certificate by commander in chief American Expeditionary Forces.

Cited (citation order No. 3, p. 53) by commanding general American Expeditionary Forces:

"For gallantry in action at Chateau Thierry, France, June 11–13, 1918, in assuming command of and brilliantly leading his company forward."

Cited in General Order No. 88, page 74:

"Although the only officer remaining in the company, he carried forward the attack vigorously and preserved close liaison in spite of the fact that all his runners were either killed or wounded. He led his men through thick woods and over difficult terrain to their objective and consolidated his position in the face of severe shell and machine-gun fire. By excellent disposition he protected his left, which was the left flank of our whole position. His conduct was at all times an example to his company. This in the Bois de Belleau, June 11 and 13, 1918."

On August 11, 1919, Captain Milner requested that he be ordered before a retirement board for physical incapacity as the result of his wound received in France, but on August 20 he withdraw the request for retirement and requested that he be honorably discharged. He was so discharged August 22, 1919.

The bill S. 2076, if enacted, will result in no cost to the Navy, but will probably result in additional cost to the Veterans' Bureau. Correspondence on file in the Navy Department shows that Captain Milner is suffering from tuberculosis, which the Veterans' Bureau has traced to service origin, and that he is now bedridden.

In view of the above the Navy Department recommends that the bill S. 2076 be enacted.

Sincerely yours,

ERNEST LEE JAHNCKE,
Acting Secretary of the Navy.

JOHN MARKS, ALIAS JOHN BELL

The bill (S. 3784) for the relief of John Marks, alias John Bell, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of the pension laws, John Marks, alias John Bell, shall be held and considered to have been honorably discharged from the naval service: *Provided,* That no pension, bounty, or other allowance shall be held to have accrued prior to 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.

CAPT. CHARLES H. HARLOW

The bill (S. 3910) to authorize the President to appoint Capt. Charles H. Harlow a commodore on the retired list was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, Capt. Charles H. Harlow (retired), United States Navy, a commodore on the retired list of the Navy: *Provided,* That nothing contained herein shall entitle Capt. Charles H. Harlow to any back pay or allowances.

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

MEMORIAL TABLET—U. S. SUBMARINE "S–4"

The joint resolution (S. J. Res. 140) to provide for the erection of a memorial tablet at the United States Naval Academy to commemorate the officers and men lost in the United States submarine *S–4,* was considered as in Committee of the Whole and was read, as follows:

Resolved, etc., That the Secretary of the Navy is authorized and directed to provide for the placing of a memorial tablet in Memorial Hall at the United States Naval Academy in commemoration of the officers and men who lost their lives in the U. S. submarine *S–4* on December 17, 1927.

SEC. 2. There is hereby authorized to be appropriated the sum of $400, 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.

MEDICAL OFFICER FOR SENATE AND HOUSE

The concurrent resolution (S. Con. Res. 14) requesting the Secretary of the Navy to detail a medical officer for duty as physician to the Senate and House of Representatives was read, considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Navy is hereby requested to detail a medical officer of the Navy for duty as physician to the Senate and House of Representatives; that expenses, not exceeding $1,000, for necessary medical supplies and equipment for the use of such officer shall be paid one-half out of the contingent fund of the Senate and one-half out of the contingent fund of the House of Representatives in the manner prescribed by law.

LIEUT. NORMAN A. ROSS

The bill (S. 218) to place Norman A. Ross on the retired list of the Navy 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 8, after the word "grade," to insert:

Provided, That a duly constituted naval retiring board finds that the said Norman A. Ross incurred physical disability incident to the service while on the active list of the Navy.

So as to make the bill read:

Be it enacted, etc., That the President is authorized to appoint Norman A. Ross, formerly a lieutenant (junior grade), Medical Corps, United States Navy, a lieutenant (junior grade), Medical Corps, United States Navy, and to retire him and place him on the retired list of the Navy as a lieutenant (junior grade), with the retired pay and allowances of that grade: *Provided*, That a duly constituted naval retiring board finds that the said Norman A. Ross incurred physical disability incident to the service while on the active list of the Navy.

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.

SILVER SERVICE OF CRUISER "SOUTH DAKOTA"

The bill (S. 3893) authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the State of South Dakota the silver service presented to the United States for the cruiser *South Dakota* 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 4, to strike out the words "deliver to the custody of" and insert in lieu thereof the words "loan to," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Navy is authorized, in his discretion, to loan to the Department of History of the State of South Dakota, for preservation and exhibition, the silver service which was presented to the United States for the cruiser *South Dakota*, which vessel afterwards was renamed the *Huron*, by the citizens of that State: *Provided*, That no expenses shall be incurred by the United States for the delivery of such silver service.

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

CONSTRUCTION OF ROADS IN FOREST RESERVES

The bill (S. 3775) 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, as amended and supplemented, and for other purposes, was announced as next in order.

Mr. SWANSON. Mr. President, I should like to ask what is the purpose of the bill?

Mr. ODDIE. Mr. President, I can explain the bill in just a moment. It supplements the Federal aid road bill which has been passed within the last few days. Previously the bill providing an appropriation for Federal aid to roads has included roads over the forest reserves belonging to the Government. This is a separate bill, as the forest-road provisions are not included in the main Federal-aid measure. This bill includes the roads over Government-owned forest reserve lands. It is very important, and it should be passed because it will aid in the prevention of fires.

Mr. SWANSON. I should like to ask another question. Does it take any of the $125,000,000 appropriated for public roads throughout the States of the Union and devote it to the purpose of the bill now under consideration?

Mr. ODDIE. I will ask the Senator to repeat his question, as I did not catch it.

Mr. SWANSON. Does this bill lessen in any way the appropriation of $125,000,000 to provide Federal aid for the construction of roads in the various States?

Mr. ODDIE. It does not.

Mr. SWANSON. It does not interfere with that appropriation at all?

Mr. ODDIE. No; it does not interfere with it at all.

Mr. SWANSON. What does it do?

Mr. ODDIE. It supplements the general act providing for Federal aid in the construction of roads. It adds an appropriation for the construction of roads through national forests.

Mr. SWANSON. It adds to the other appropriation in what way?

Mr. ODDIE. By an appropriation.

Mr. SWANSON. By an appropriation of how much?

Mr. ODDIE. By an appropriation of $12,500,000.

Mr. SWANSON. The additional $12,500,000 is to construct roads where?

Mr. ODDIE. Through the national forests belonging to the Government in the States where such forest reserves are located. It further provides that those sections of roads in the national forests which are part of the Federal-aid system shall be taken care of.

Mr. SWANSON. As I understand, the present law provides that the proceeds from the sale of timber, and so forth, shall go to construct roads in forest reserves, does it not?

Mr. ODDIE. Not altogether, because a portion of the money derived from the sale of timber goes to the State for different purposes, such as school purposes, and so forth.

Mr. SWANSON. A certain amount of the proceeds from such sales, however, is used for the purpose I have indicated. I will ask that the bill go over until I may have an opportunity to look into it.

Mr. ODDIE. Mr. President, I will ask the Senator if he will not withdraw his objection. The bill has been approved by the State highway officials of the various States, and it is important in order to complete the program and give employment that the bill should go through.

Mr. SWANSON. I am not discussing that question now. I will ask the Senator, however, if the bill will aid in the construction of roads which will connect with State roads that go to forest reservations?

Mr. ODDIE. Yes, it will; it will help to complete the Federal-aid system.

Mr. SWANSON. It proposes to appropriate additional money in order to enable the Government to construct roads in its own reserves to be connected up with the State systems?

Mr. ODDIE. Exactly.

Mr. SWANSON. And it goes no further than that?

Mr. ODDIE. It goes no further than that.

Mr. SWANSON. The Senator is sure of that?

Mr. ODDIE. I am sure of that.

Mr. SWANSON. Then, I have no objection to it.

Mr. HEFLIN. Mr. President, I should like to ask the Senator where does the money proposed to be appropriated in this bill come from?

Mr. ODDIE. It comes from the Federal Treasury.

Mr. HEFLIN. It is separate and apart from the road fund provided for heretofore?

Mr. ODDIE. It is.

Mr. HEFLIN. And it is provided for in another way?

Mr. ODDIE. Yes.

Mr. GEORGE. Mr. President, I should like to ask the Senator a question. Is any portion of this money to be expended on lands acquired in aid of navigation or lands acquired under the Weeks law?

Mr. ODDIE. No; just on the forest reserves owned by the Government.

Mr. GEORGE. That is what I want to know exactly, whether it is to be confined entirely to those reservations and is not to be applied to lands now owned by the Government acquired in the several States under the Weeks law, or in aid of navigation. If it merely applies to forest reserves in the West, I shall object to it.

Mr. HAYDEN. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Arizona?

Mr. GEORGE. I yield.

Mr. HAYDEN. Lands acquired under the Weeks Act become a part of the national forests in the Appalachian region, and this bill, of course, will apply to them.

Mr. GEORGE. I want a definite understanding as to that. Then the appropriation proposed by this bill will be as available for that purpose as it is for use in other forest reserves?

Mr. HAYDEN. There is no doubt about that.

Mr. GEORGE. There has been some doubt about it heretofore. In endeavoring to have some roads constructed through national parks in my State I have been met with all sorts of objections, for example, that no funds are available for roads in the forests so acquired.

Mr. HAYDEN. It is my understanding that forests acquired under the Weeks Act are added to adjacent national forests and become a part of those forests, and that all of the forest road laws apply to them. I do not think there is any question about that; and if there is any doubt about it, correction may be made later.

Mr. ODDIE. It may be corrected if there is any doubt, and I will consent that the measure may be open for a reconsideration.

Mr. GEORGE. I have no objection to the bill if it will apply to the improvement of such roads as those referred to by me as well as to other roads.

Mr. HAYDEN. That is my thorough understanding.

Mr. ODDIE. That is my understanding.

Mr. SWANSON. Mr. President, I am going to withdraw my objection, because I think if the bill carries out the purposes indicated by the Senator from Arizona and the Senator from Nevada it is all right. I have in mind the case of Virginia, which built a road to a Government reservation in Arlington County, and then the Government would not improve its road, but wanted Virginia to build a road through the reservation, and Virginia refused to do it. Virginia built a good road to the reservation, as fine a road as there was anywhere; but at the Government reservation the road went through mud until it came to Washington, because the Government, which does not, of course, pay taxes to the State, would not improve its road.

If this bill is confined to situations of that kind and to situations arising under the Weeks bill—and the Government has acquired certain forest lands in Virginia up to which the State has built good roads—if the bill simply enables the Government to build roads through its own property, I withdraw the objection.

Mr. HAYDEN. That is the sole and only excuse for the bill.

Mr. SWANSON. It goes no further than that?

Mr. HAYDEN. No.

Mr. SWANSON. If it does go further, then the Senator from Nevada will consent to a reconsideration?

Mr. ODDIE. Yes; I will consent to a reconsideration.

Mr. SWANSON. Very well.

Mr. JOHNSON. Mr. President, I wish to inquire whether this bill is in accord with the financial policy of the President and is approved by the Budget Bureau?

Mr. ODDIE. I can not answer the question, because, while the bill has been submitted to the Director of the Budget, a report has not come back.

Mr. JOHNSON. Does the Senator think we ought to pass this bill until that affirmative approval shall have been received?

Mr. ODDIE. I think so. The bill has been approved by the Forest Service and by the Bureau of Public Roads. I think there will be no objection from the source referred to by the Senator from California.

Mr. JOHNSON. I am extremely doubtful about acting under those circumstances; but inasmuch as it is so earnestly desired by the Senator from Nevada and the Senator from Arizona, I will not make a formal objection.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

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

Be it enacted, etc., That for the purpose of carrying out the provisions of section 23 of the Federal highway act, approved November 9, 1921, there is hereby authorized to be appropriated for forest roads and trails, out of any money in the Treasury not otherwise appropriated, the following additional sums, to be available until expended in accordance with the provisions of said section 23: The sum of $12,500,000 for the fiscal year ending June 30, 1932; the sum of $12,500,000 for the fiscal year ending June 30, 1933.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, in addition to the authorization approved in section 2 of the act of May 26, 1928, the additional sum of $5,000,000 for the fiscal year ending June 30, 1931, to be expended in accordance with the provisions of section 23 of the Federal highway act and acts amendatory thereof or supplementary thereto.

SEC. 3. In the expenditure of any amount in excess of $7,500,000 from appropriations under the authorization made for each of the fiscal years ending June 30, 1931, June 30, 1932, and June 30, 1933, for carrying out the provisions of section 23 of the Federal highway act, the Secretary of Agriculture shall give preference to those projects which he shall determine are not otherwise satisfactorily financed or provided for which are located on the Federal-aid highway system as the same is now or hereafter may be designated: *Provided,* That the projects so preferred on the Federal-aid highway system shall be constructed of the same standard as to width and character of construction as the Federal Government requires of the States under like conditions: *And provided further,* That the Secretary of Agriculture shall prepare, publish, and distribute a map and other information, at least annually, showing the progress made in the expenditure of the funds authorized under this section.

SEC. 4. That the last paragraph of section 2 of the act approved June 22, 1926, shall be amended by adding thereto the following: *"Provided,* That the Secretary of Agriculture may incur obligations, approve projects, or enter into contracts under his apportionment of such authorizations, and his action in so doing shall be deemed a contractual obligation on the part of the Federal Government for the payment of the cost thereof."

SEC. 5. All acts or parts of acts in any way inconsistent with the provisions of this act are hereby repealed, and this act shall take effect on its passage.

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

INSPECTION OF VESSELS PROPELLED BY INTERNAL-COMBUSTION ENGINES

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2458) for the inspection of vessels propelled by internal-combustion engines, which had been reported from the Committee on Commerce with amendments, on line 4, after the word "vessels," to insert "of 100 gross tons and over," and in line 5, after the word "propelled," to insert "in whole or in part," so as to make the bill read:

Be it enacted, etc., That existing laws covering the inspection of steam vessels be, and they are hereby, made applicable to vessels of 100 gross tons and over, propelled in whole or in part by internal-combustion engines to such extent and upon such conditions as may be required by the regulations of the supervising inspector of steam vessels with the approval of the Secretary of Commerce: *Provided,* That motor vessels engaged exclusively in the fisheries shall be exempt from the requirements 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 as amended was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SHEPPARD. Mr. President, I ask unanimous consent to have the report on Senate bill 2458, for the inspection of vessels propelled by internal-combustion engines, printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[Senate Report No. 349, Seventy-first Congress, second session]

INSPECTION OF VESSELS PROPELLED BY INTERNAL-COMBUSTION ENGINES

Mr. SHEPPARD, from the Committee on Commerce, submitted the following report (to accompany S. 2458):

The Committee on Commerce, to which was referred the bill (S. 2458) for the inspection of vessels propelled by internal-combustion engines, having considered the same report favorably thereon with the following amendments:

Insert between the word "vessels" and the word "propelled" in line 4 the following: "of 100 gross tons and over."

Insert between the word "propelled," in line 4, and the word "by," in line 5, the following: "in whole or in part."

The following letters and memorandum from the Department of Commerce will indicate the necessity for the passage of the bill and its approval by the Government authorities concerned:

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, March 11, 1930.

Hon. HIRAM W. JOHNSON,
Chairman Committee on Commerce,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Reference is made to the letter of the Committee on Commerce, dated December 7, 1929, requesting a report from this department on S. 2458, entitled "For the inspection of vessels propelled by internal-combustion engines."

For the information of your committee, I am inclosing herewith a joint memorandum from the Supervising Inspector General of the Steamboat Inspection Service and the Commissioner of Navigation, regarding this bill.

The Bureau of the Budget had advised that the bill, if amended as suggested in the above-mentioned memorandum, will be in accord with the President's financial program.

Very truly yours,

E. F. MORGAN,
Acting Secretary of Commerce.

DEPARTMENT OF COMMERCE,
BUREAU OF NAVIGATION,
Washington, March 3, 1930.

Memorandum for the Acting Secretary of Commerce.

On December 13 and 31 last the Bureau of Navigation and the Steamboat Inspection Service submitted to you memoranda on S. 2458, a bill for the inspection of vessels propelled by internal-combustion engines.

After a further consideration of the matter, having in mind especially the cost of the administration of the bill if enacted into law, we now have to make the suggestion that at this time it might be better to suggest that the bill be amended so as to insert after the word "vessels" in line 4, the words "of 100 gross tons and over"; and after the word "propelled" in the same line, the words "in whole or in part."

Under the bill as amended the board of supervising inspectors would have authority to formulate the necessary regulations to safeguard this form of navigation. In drafting those regulations, of course, the various interests involved would be given an opportunity to appear before the board and express their views.

We have in the United States 11,651 documented internal-combustion engine vessels of 732,000 gross tons, of which 110 vessels, aggregating 401,942 gross tons, are each 1,000 tons or over.

The increased use in our foreign trade of such vessels emphasizes the necessity for additional legislation covering their construction, manning, and equipment.

It is the opinion of our services that the bill S. 2458, amended as suggested above, accomplishes the desired purpose, and we favor its enactment into law.

Respectfully,

D. N. HOOVER,
Supervising Inspector General, Steamboat Inspection Service.
A. J. TYRER,
Commissioner of Navigation.

The Supervising Inspector General of the Steamboat Inspection Service advises that no additional funds will be required to administer the provisions of the bill if the suggested amendments are adopted.

DEPARTMENT OF COMMERCE,
Washington, November 22, 1929.

Hon. MORRIS SHEPPARD,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I have your letters of November 5 and 20 relative to the present attitude of the department on a measure of the nature of S. 3485, Seventieth Congress, first session, which you contemplate reintroducing.

The Commissioner of Navigation, in his report of March 10, 1928, on S. 3485, stated:

"It is evident that we should have additional legislation in regard to the inspection of motor vessels, but this bill, S. 3485, appears to the bureau to extend too far. It should specifically enumerate the requirements which are to be applicable to motor vessels or it should vest in a properly qualified authority the power to determine which of the inspection laws should be applicable to such vessels much in the same way as was done in paragraph (c) of section 7 of the air commerce act of 1926 relating to entry and clearance.

"It is suggested, therefore, that the attached bill be amended to provide that the existing laws covering the inspection of steam vessels be made applicable to vessels propelled by internal-combustion engines to such extent and upon such conditions as may be required by the regulations of the supervising inspectors of steam vessels with the approval of the Secretary of Commerce, provisions being made that motor vessels engaged exclusively in the fisheries are to be exempt from the requirements of the act."

The department concurs in the views of the commissioner, quoted herein, and suggests that before the bill is reintroduced it be amended in accordance therewith.

Very truly yours,

E. F. MORGAN,
Acting Secretary of Commerce.

Mr. McNARY. Mr. President, I am going to propose another unanimous-consent agreement. Inasmuch as we started the consideration of the calendar, beginning with Order of Business No. 189, and have considered all the bills following that number to the end of the calendar, while bills on the calendar beginning with Order of Business No. 17 up to Order of Business 189 have not had an opportunity to be considered, I ask unanimous consent that we continue the consideration of the calendar, in fairness to those interested in the prior bills, and commence now at Order of Business No. 17 and continue to Order of Business 189.

The VICE PRESIDENT. Is there objection?

Mr. DILL. Did we not start at the beginning of the calendar the other day?

Mr. McNARY. No; we started at Order of Business No. 189.

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

The Secretary will state the first bill on the calendar.

BOARD OF VISITORS TO PHILIPPINE ISLANDS

The bill (S. 168) providing for the biennial appointment of a board of visitors to inspect and report upon the government and conditions in the Philippine Islands was announced as first in order.

Mr. DILL. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

PROHIBITION OF ADULTERATED, ETC., FOODS

The bill (S. 1133) to amend section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended, was announced as next in order.

Mr. COPELAND. Mr. President, I had hoped that when this bill came up I should be ready to proceed with its consideration, and I think the Senator from Oregon had a right to expect that I would do that; but I wish to say to him that I have communicated with the Agricultural Department and requested certain information, which I have not as yet received, and I have also requested the legislative counsel to prepare certain amendments. If the Senator from Oregon will bear with me for a few days longer, I shall hope to be ready to go on with the bill.

Mr. McNARY. Mr. President, my attention was distracted. What was the Senator's concluding remark?

Mr. COPELAND. I said that the Senator from Oregon had a right to expect when this bill came up this time I would be ready to go with its consideration, but I had not realized that it would come up again so quickly.

Mr. McNARY. I appreciate that.

Mr. COPELAND. I have asked the Agricultural Department to give me certain information and the legislative counsel to prepare some amendments which I hope to receive shortly.

Mr. McNARY. That is perfectly satisfactory.

The VICE PRESIDENT. The bill will be passed over.

AMENDMENT OF SENATE RULES

The resolution (S. Res. 76) to amend Rule XXXIII of the Standing Rules of the Senate relating to the privilege of the floor was announced as next in order.

Mr. GEORGE. I ask that that go over.

The VICE PRESIDENT. The resolution will be passed over.

CONSTRUCTION WORK AT NAVAL STATIONS

The bill (S. 549) to authorize the Secretary of the Navy to proceed with the construction of certain public works, 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 the Navy is hereby authorized to proceed with the construction of the following-named public-works projects at a cost not to exceed the amount stated after each item enumerated:

Naval station, San Diego, Calif.: One small floating dry dock, $425,000.

Naval station, Pearl Harbor, Hawaii: Water-front development, $1,200,000; to continue improvements to harbor and channel, $500,000.

Submarine base, Pearl Harbor, Hawaii: General facilities buildings, $290,000; officers' quarters, $100,000.

Naval air station, San Diego, Calif.: Metal aircraft structure shop, $130,000; physical instruction, gymnasium, and welfare building, $150,000; seven land-plane hangars, $275,000.

Navy yard, Puget Sound, Wash.: Accessories and crane, Pier No. 6, $1,310,000; equipment house, $100,000; paint and oil storehouse, $125,000.

Naval air station, Pearl Harbor, Hawaii: Hangar, $224,000; torpedo storage and charging plant, $25,000.

Naval air station, Coco Solo, Canal Zone: Aircraft-overhaul shop, $90,000; bachelor officers' quarters, $120,000.

Naval training station, San Diego, Calif.: Mess hall and galley for enlisted men, $173,500; barracks for enlisted men, $348,000.

Navy yard, Mare Island, Calif.: Barracks and mess hall for submarine crews, $195,000; battery storage and overhaul building, $240,000.

Naval air station, Lakehurst, N. J.: Barracks for enlisted men and marines, $250,000; gas cell shop and storage building, $200,000; quarters for married officers, $90,000.

Marine barracks, Quantico, Va.: Barracks for enlisted men, roads, walks, and distributing systems, $1,450,000.

Marine Corps flying field, Quantico, Va.: Filling and grading flying field, $500,000.

Navy yard, Norfolk, Va.: Purchase or condemnation of land and dredging, $65,000.

Naval air station, Anacostia, D. C.: Offices and barracks and mess hall for 250 men, $275,000; heating plant and distributing system, $25,000.

Navy yard, Philadelphia, Pa.: Storage facilities for gear, Dry Dock No. 3, $10,000.

Naval base, Canal Zone: Commandant's quarters, $35,000; officers' quarters, $58,000.

Submarine base, Coco Solo, Canal Zone: Officers' quarters, $240,000.

Naval air station, Hampton Roads, Va.: Administration building, $200,000.

Naval training station, Hampton Roads, Va.: Barracks and mess hall, $600,000.

SEC. 2. That the Secretary of the Navy is hereby authorized to enter into contract, at a cost not to exceed $35,000, for the removal of certain private lines of poles supporting telegraph, power, signal, and telephone wires and cables located on private rights of way adjoining the Marine Corps flying fields at Quantico, Va., and for the placing of said wires and cables underground; for providing additional ducts and laying of cables for the Government's power and telephone service at said flying fields, and for the construction of the necessary manholes for the separate or joint use of all interested parties; the contract to be placed with such party or parties, with or without competition, and on such terms and conditions as the Secretary of the Navy may in the interests of the Government deem most advantageous.

SEC. 3. That the Secretary of the Navy be, and he hereby is, authorized to acquire on behalf of the United States, by purchase or condemnation, after an appropriation of the necessary funds has been made therefor, the site of the Marine Corps flying field at Reid, Quantico, Va.; and for that purpose a sum not in excess of $15,000 is hereby authorized to be appropriated and made available in addition to the amount of $20,000 made available by section 6 of the act of March 4, 1925, under the appropriation "Aviation, Navy, 1924."

SEC. 4. That the Secretary of the Navy be, and he hereby is, authorized to acquire on behalf of the United States, by purchase or condemnation, after an appropriation of the necessary funds has been made therefor, the site of the naval air station at Sumay and the naval station at Piti, Guam; and for that purpose a sum not in excess of $9,000 is hereby authorized to be appropriated and made available.

SEC. 5. That the Secretary of the Navy is authorized, when directed by the President, to transfer to the city of San Diego, Calif., free from all encumbrances and without cost to said city of San Diego, all right, title, and interest to so much of the property now constituting the site of the submarine and destroyer base, San Diego, Calif., together with any improvements thereon belonging to the United States, as lies to the north of a line running due east from station 300 on the United States bulkhead line as established in 1918, in consideration of the transfer to the United States by said city of San Diego, free from all encumbrances and without cost to the United States, of all right, title, and interest to the following-described property, together with any improvements thereon, now belonging to the said city of San Diego: Beginning at station 300 on the United States bulkhead line, as established in 1918; thence south 40° 38′ 36″ east along said bulkhead line, a distance of 899.38 feet to the southwest corner of that tract of land conveyed by the city of San Diego to the United States of America for a dry-dock station or similar purposes, by deed dated September 3, 1919; thence north 16° 0′ east along the westerly line of said tract a distance of 709.93 feet to a point; thence due west 781.49 feet to the point or place of beginning.

SEC. 6. That the Secretary of the Navy is hereby authorized to establish boundary lines of the United States property constituting Governors Island, in Boston Harbor, Mass., as follows: Beginning at a point in the pierhead and bulkhead line established by the Secretary of War December 1, 1921, in latitude south 2,147.2 and longitude east 12,625.6; thence running north 33° 15′ 55.6″ east 2,000 feet to a point in latitude south 475 and longitude east 13,722.6; thence south 56° 44′ 4.4″ east 2,500 feet to a point in latitude 1,846.3 south and longitude 15,812.9 east; thence south 49° 53′ 30″ east 2,517.9 feet to a point in latitude south 3,468.4 and longitude east 17,738.7; thence south 33° 15′ 55.6″ west 2,020.5 feet to a point in the United States pierhead and bulkhead line established March 6, 1923, in latitude south 5,157.8 and longitude east 16,630.4; thence north 74° west 796.9 feet in said pierhead and bulkhead line established March 6, 1923, to a point in latitude south 4,938.1 and longitude east 15,864.4; thence north 49° 14′ 55″ west 4,275.5 feet in said pierhead and bulkhead line established March 6, 1923, to the point of beginning.

In addition, the Secretary of the Navy is authorized to establish property boundary lines of an area for a wharf 600 feet long and 100 feet wide bordering on the United States pierhead and bulkhead line between the points "K" and "L" and a right of way 100 feet wide connecting said wharf area with the main portion of the flats appurtenant to Governors Island, in accordance with the points, bearings, and delineated areas as shown on a plan marked "Governors Island exchange of land by Commonwealth of Massachusetts and United States of America, November, 1922," Bureau of Yards and Docks, No. 100040.

That in consideration of the conveyance by the Commonwealth of Massachusetts to the United States of all property of said Commonwealth lying inside of said boundary lines, all as approximately shown on the aforesaid plan, the Secretary of the Navy is hereby authorized to convey to the Commonwealth of Massachusetts the property of the United States lying outside of and immediately adjoining said boundary lines:

SEC. 7. That the Secretary of the Navy is hereby authorized in his discretion to return to the heirs at law of John H. Abel the title to all that tract of land containing 5.17 acres, more or less, which was taken over by the United States by proclamation of the President, dated November 4, 1918, as a part of the Marine Corps Reservation, Quantico, Va.

SEC. 8. That the Secretary of the Navy is hereby authorized to dispose of the land and improvements comprising the former naval-hospital property, Key West, Fla., in like manner and under like terms, conditions, and restrictions as prescribed for the disposition of certain other naval properties by the act entitled "An act to authorize the disposition of lands no longer needed for naval purposes," approved June 7, 1926 (44 Stat. 700), and the net proceeds from the sale of said hospital property shall be deposited in the Treasury to the credit of the naval hospital fund.

SEC. 9. That the Secretary of the Navy is hereby authorized to dispose of the land and improvements comprising the former naval radio station, Marshfield, Oreg., in like manner and under like terms, conditions, and restrictions as prescribed for the disposition of certain other naval properties by the act entitled "An act to authorize the disposition of lands no longer needed for naval purposes," approved June 7, 1926 (44 Stat. 700), and the net proceeds from the sale of said radio-station property shall be deposited in the Treasury to the credit of the naval public-works construction fund created by section 9 of this act.

SEC. 10. That the Secretary of the Navy is hereby authorized to execute on behalf of the United States all instruments necessary to accomplish the aforesaid purposes.

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. 551) to regulate the distribution and promotion of commissioned officers of the Marine Corps, and for other purposes, was announced as next in order.

Mr. BROOKHART. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 412) to authorize the creation of organized rural communities to demonstrate the benefits of planned settlement and supervised rural development was announced as next in order.

Mr. McNARY. Mr. President, some one has suggested that there should be an explanation of that bill. In the absence of the Senator from North Carolina [Mr. SIMMONS], who introduced the bill, I ask that it go over without prejudice.

The VICE PRESIDENT. The bill will be passed over.

CLASSIFICATION OF CIVILIAN POSITIONS

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 215) to amend section 13 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," as amended by the act of May 28, 1928, which was read, as follows:

Be it enacted, etc., That section 13 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," as amended by the act of May 28, 1928, be amended to change the salary rates under certain grades therein to read as follows:

"PROFESSIONAL AND SCIENTIFIC SERVICE

"Grade 1: The annual rates of compensation for positions in this grade shall be $2,000, $2,100, $2,200, $2,300, $2,400, $2,500, and $2,600.

"Grade 2: The annual rates of compensation for positions in this grade shall be $2,600, $2,700, $2,800, $2,900, $3,000, $3,100, and $3,200.

"Grade 3: The annual rates of compensation for positions in this grade shall be $3,200, $3,300, $3,400, $3,500, $3,600, $3,700, and $3,800.

"Grade 4: The annual rates of compensation for positions in this grade shall be $3,800, $4,000, $4,200, $4,400, and $4,600.

"Grade 5: The annual rates of compensation for positions in this grade shall be $4,600, $4,800, $5,000, $5,200, and $5,400, unless a higher rate is specifically authorized by law.

"SUBPROFESSIONAL SERVICE

"Grade 1: The annual rates of compensation for positions in this grade shall be $1,020, $1,080, $1,140, $1,200, $1,260, $1,320, and $1,380.

"Grade 2: The annual rates of compensation for positions in this grade shall be $1,260, $1,320, $1,380, $1,440, $1,500, $1,560, and $1,620.

"Grade 3: The annual rates of compensation for positions in this grade shall be $1,440, $1,500, $1,560, $1,620, $1,680, $1,740, and $1,800.

"Grade 4: The annual rates of compensation for positions in this grade shall be $1,620, $1,680, $1,740, $1,800, $1,860, $1,920, and $1,980.

"Grade 5: The annual rates of compensation for positions in this grade shall be $1,800, $1,860, $1,920, $1,980, $2,040, $2,100, and $2,160.

"Grade 6: The annual rates of compensation for positions in this grade shall be $2,000, $2,100, $2,200, $2,300, $2,400, $2,500, and $2,600.

"Grade 7: The annual rates of compensation for positions in this grade shall be $2,300, $2,400, $2,500, $2,600, $2,700, $2,800, and $2,900.

"Grade 8: The annual rates of compensation for positions in this grade shall be $2,600, $2,700, $2,800, $2,900, $3,000, $3,100, and $3,200.

"CLERICAL, ADMINISTRATIVE, AND FISCAL SERVICE

"Grade 1: The annual rates of compensation for positions in this grade shall be $1,260, $1,320, $1,380, $1,440, $1,500, $1,560, and $1,620.

"Grade 2: The annual rates of compensation for positions in this grade shall be $1,440, $1,500, $1,560, $1,620, $1,680, $1,740, and $1,800.

"Grade 3: The annual rates of compensation for positions in this grade shall be $1,620, $1,680, $1,740, $1,800, $1,860, $1,920, and $1,980.

"Grade 4: The annual rates of compensation for positions in this grade shall be $1,800, $1,860, $1,920, $1,980, $2,040, $2,100, and $2,160.

"Grade 5: The annual rates of compensation for positions in this grade shall be $2,000, $2,100, $2,200, $2,300, $2,400, $2,500, and $2,600.

"Grade 6: The annual rates of compensation for positions in this grade shall be $2,300, $2,400, $2,500, $2,600, $2,700, $2,800, and $2,900.

"Grade 7: The annual rates of compensation for positions in this grade shall be $2,600, $2,700, $2,800, $2,900, $3,000, $3,100, and $3,200.

"Grade 8: The annual rates of compensation for positions in this grade shall be $2,900, $3,000, $3,100, $3,200, $3,300, $3,400, and $3,500.

"Grade 9: The annual rates of compensation for positions in this grade shall be $3,200, $3,300, $3,400, $3,500, $3,600, $3,700, and $3,800.

"Grade 10: The annual rates of compensation for positions in this grade shall be $3,500, $3,600, $3,700, $3,800, $3,900, $4,000, and $4,100.

"Grade 11: The annual rates of compensation for positions in this grade shall be $3,800, $4,000, $4,200, $4,400, and $4,600.

"Grade 12: The annual rates of compensation for positions in this grade shall be $4,600, $4,800, $5,000, $5,200, and $5,400, unless a higher rate is specifically authorized by law.

"CUSTODIAL SERVICE

"Grade 2: The annual rate of compensation for positions in this grade shall be $1,080, $1,140, $1,200, $1,260, $1,320, and $1,380: *Provided,* That charwomen working part time be paid at the rate of 50 cents an hour and head charwomen at the rate of 55 cents an hour.

"Grade 4: The annual rates of compensation for positions in this grade shall be $1,320, $1,380, $1,440, $1,500, $1,560, $1,620, and $1,680.

"Grade 5: The annual rates of compensation for positions in this grade shall be $1,500, $1,560, $1,620, $1,680, $1,740, $1,800, and $1,860.

"Grade 6: The annual rates of compensation for positions in this grade shall be $1,680, $1,740, $1,800, $1,860, $1,920, $1,980, and $2,040.

"Grade 7: The annual rates of compensation for positions in this grade shall be $1,860, $1,920, $1,980, $2,040, $2,100, $2,200, and $2,300.

"Grade 8: The annual rates of compensation for positions in this grade shall be $2,000, $2,100, $2,200, $2,300, $2,400, $2,500, and $2,600.

"Grade 9: The annual rates of compensation for positions in this grade shall be $2,300, $2,400, $2,500, $2,600, $2,700, $2,800, and $2,900.

"Grade 10: The annual rates of compensation for positions in this grade shall be $2,600, $2,700, $2,800, $2,900, $3,000, $3,100, and $3,200.

"CLERICAL-MECHANICAL SERVICE

"Grade 1: The rates of compensation for classes of positions in this grade shall be 55 to 60 cents an hour.

"Grade 2: The rates of compensation for classes of positions in this grade shall be 65 to 70 cents an hour.

"Grade 3: The rates of compensation for classes of positions in this grade shall be 75 to 80 cents an hour.

"The heads of the several executive departments and independent establishments of the Government whose duty it is to carry into effect the provisions of this act, are hereby directed to so administer the same that employees whose positions are in the grades affected hereby, who were in said positions on June 30, 1928, and who, under the act of May 28, 1928, did not receive an increase in salary the equivalent of two steps or salary rates in their respective grades shall be given such additional step or steps or salary rate or rates, within the grade, effective from July 1, 1928, as may be necessary to equal such increase: *Provided,* That nothing herein shall prevent or operate to revoke the promotion or allocation for an employee to a higher salary rate or grade: *Provided further,* That nothing contained in this act shall operate to decrease the pay of any present employee, nor deprive any employee of any advancement authorized by law and for which funds are available."

SEC. 2. The heads of the several executive departments and independent establishments are authorized and directed to adjust, effective as of July 1, 1928, the compensation of certain civilian positions in the field services, the compensation of which was adjusted by the act of December 6, 1924, to correspond, so far as may be practicable, to the rates established by the act of May 28, 1928, and by this act for positions in the departmental services in the District of Columbia.

SEC. 3. Except as amended by this act, the provisions of the act of May 28, 1928, shall remain in full force and effect.

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

CONDITIONS OF TEXTILE WORKERS IN THE SOUTH

The resolution (S. Res. 49) authorizing Committee on Manufactures, or any duly authorized subcommittee thereof, to investigate immediately the working conditions of employees in the textile industry of the States of North Carolina, South Carolina, and Tennessee was announced as next in order.

Mr. OVERMAN. Mr. President——

Mr. HALE. Mr. President, in view of the absence of the Senator from Montana [Mr. WHEELER], who submitted the resolution, I ask that it go over.

Mr. OVERMAN. Mr. President, inasmuch as the Senator from Maine has asked that the resolution go over, I shall not say anything about it at this time.

The VICE PRESIDENT. The resolution will be passed over.

BRIDGE ACROSS BAY OF SAN FRANCISCO

The bill (S. 153) granting consent to the city and county of San Francisco 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. BINGHAM. Mr. President, that bill has been objected to by the Senator from Nevada [Mr. ODDIE], who is not present. In view of his absence, I think perhaps it had better go over.

The VICE PRESIDENT. The bill will be passed over.

RESOLUTIONS PASSED OVER

The resolution (S. Res. 119) authorizing and directing the Committee on Interstate Commerce to investigate the wreck of the airplane *City of San Francisco,* and certain matters pertaining to interstate air commerce, was announced as next in order.

Mr. BINGHAM. Mr. President, the author of the resolution, the last time it was reached on the calendar, asked that it go over; and I presume he would like to have it go over again.

The VICE PRESIDENT. The resolution will be passed over.

The resolution (S. Res. 129) for the appointment of a special committee to investigate the sales of ships by the United States Shipping Board and Merchant Fleet Corporation was announced as next in order.

Mr. FESS. I ask that the resolution go over.

The VICE PRESIDENT. The resolution will be passed over.

The joint resolution (S. J. Res. 20) to promote peace and to equalize the burdens and to minimize the profits of war was announced as next in order.

Mr. GREENE. I ask that that go over.

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

WITHDRAWAL OF BANKS FROM FEDERAL RESERVE SYSTEM

The bill (S. 684) to amend section 9 of the Federal reserve act as amended, to authorize the Federal Reserve Board to waive notice by State banks and trust companies of intention to withdraw from membership in a Federal reserve bank was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the ninth paragraph of section 9 of the Federal Reserve act as amended is amended by inserting immediately before the proviso therein the following: *"Provided,* That the Federal Reserve Board, in its discretion, may waive such six months' notice in individual cases and may permit any such State bank or trust company to withdraw from membership in a Federal reserve bank prior to the expiration of six months from the date of the written notice of its intention to withdraw."

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. 2605) to amend section 9 of the Federal reserve act, to permit State member banks of the Federal reserve system to establish or retain branches in foreign countries or in dependencies or insular possessions of the United States was announced as next in order.

Mr. DILL. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3062) to amend the act entitled "An act to enable the mothers and widows of the deceased soldiers, sailors, and

marines of the American forces now interred in the cemeteries of Europe to make a pilgrimage to these cemeteries," approved March 2, 1929, was announced as next in order.

The VICE PRESIDENT. That bill went over on a previous call.

The bill (S. 2491) authorizing J. C. Ten Brook, his successors and assigns (or his heirs, legal representatives, and assigns), to construct, maintain, and operate a bridge across the Columbia River at or near Astoria, Oreg., to connect Roosevelt Military Highway in Oregon with Washington Ocean Beach Highway was announced as next in order.

Mr. McNARY. Mr. President, that is in an omnibus House bill which was reported favorably to-day by the Senator from Vermont [Mr. DALE]. I ask that it go over.

The VICE PRESIDENT. The bill will be passed over.

NATIONAL HYDRAULIC LABORATORY

The bill (S. 3043) authorizing the establishment of a national hydraulic laboratory in the Bureau of Standards of the Department of Commerce and the construction of a building therefor was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That there is hereby authorized to be established in the Bureau of Standards of the Department of Commerce a national hydraulic laboratory for the determination of fundamental data useful in hydraulic research and engineering, including laboratory research relating to the behavior and control of river and harbor waters, the study of hydraulic structures and water flow, and the development and testing of hydraulic instruments and accessories.

SEC. 2. A board to be known as the National Hydraulic Laboratory Board is hereby created, the four members of which shall be the Secretary of Commerce, the Secretary of War, the Secretary of the Interior, and the Secretary of Agriculture, or in lieu thereof such other officer of each department as the Secretary thereof may designate. It shall be the duty of the board to determine from time to time a program of the projects to be undertaken and the manner in which the work is to be performed.

SEC. 3. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed $350,000, to be expended by the Secretary of Commerce for the construction and installation upon the present site of the Bureau of Standards in the District of Columbia of a suitable hydraulic laboratory building and such equipment, utilities, and appurtenances thereto as may be necessary.

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

DISCONTINUANCE OF COINAGE OF $2.50 GOLD PIECE

Mr. FESS. Mr. President, I should like to ask about Order of Business 130, Senate bill 3219. Did we act upon that?

The VICE PRESIDENT. That was indefinitely postponed to-day. The House bill passed, and the Senate bill was indefinitely postponed.

SHELDON R. PURDY

The bill (S. 1045) for the relief of Sheldon R. Purdy was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, and paid to Sheldon R. Purdy, the sum of $5,000 in recognition of, and compensation for, valuable service rendered to the Post Office Department in the procedure for handling dead-letter mail and in the establishment of beneficial regulations and procedure with reference to improperly addressed mail, and in originating and procuring the cooperation of the public in the proper addressing of mail and the discontinuance of directory service in the delivery of mail, prior to January 1, 1924.

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

STATUE OF MAJ. GEN. GEORGE W. GOETHALS

The bill (S. 2814) to authorize the erection of a suitable statue of Maj. Gen. George W. Goethals within the Canal Zone was announced as next in order.

Mr. DILL. Mr. President, a few days ago I objected to this bill, and told the author of the bill, the Senator from Massachusetts [Mr. GILLETT], that the reason why I did not offer an amendment was because he was not present at the time and I did not want to take advantage of his absence.

My objection to the bill is that it carries an appropriation of $100,000, while similar bills have carried appropriations of $50,000. I know of no reason why there should be an additional appropriation here of $50,000 for a statue to General Goethals when we have not been appropriating that amount in the case of other notable characters. For that reason I ask that the bill go over again, since the Senator from Massachusetts is not here.

Mr. FESS. Mr. President, will the Senator withhold his request for just a second?

Mr. DILL. Yes.

Mr. FESS. The author of the bill was in conversation with me about the same matter, and I am sure he would be willing to accept an amendment to make the amount just the same as in the case of General Gorgas's monument.

Mr. DILL. If the Senator wishes to take up the bill, so that I may offer an amendment making the amount $50,000, I have no objection.

Mr. FESS. I shall be glad to do that, and I am sure it will be satisfactory to the Senator from Massachusetts.

The VICE PRESIDENT. Is there objection to the consideration of the bill?

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

Be it enacted, etc., That the President of the United States is authorized, through such person or persons as he may designate, to select an appropriate site within the Canal Zone and to cause to be erected thereon a suitable statue of heroic size of Maj. Gen. George W. Goethals in commemoration of his signally distinguished services in connection with the construction and operation of the Panama Canal.

SEC. 2. The design and location of such statue and the plan for the development of the site shall be submitted to the Commission of Fine Arts for advisory assistance.

SEC. 3. There is hereby authorized to be appropriated a sum not to exceed $100,000 for every object connected with the purposes of this act, including site development and any essential approach work.

The VICE PRESIDENT. The Senator from Washington [Mr. DILL] offers an amendment, which will be stated.

The CHIEF CLERK. On page 2, line 2, after the word "exceed," it is proposed to strike out "$100,000" and insert "$50,000."

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.

AIRPLANE ACCIDENT AT MENEFEE FIELD, NEW ORLEANS, LA.

The resolution (S. Res. 201) requesting a report on the airplane accident at Menefee Field, New Orleans, La., August 23, 1929, was considered by the Senate and agreed to, as follows:

Whereas on the 23d of August, 1929, one Elliot D. Coleman, jr., a Transoceanic Air Travel flying-school student at Menefee Field, New Orleans, La., was killed when his plane and the plane of another pilot collided; and

Whereas by the act of Congress approved May 20, 1926, it is provided that it shall be the duty of the Secretary of Commerce "to investigate, record, and make public the causes of accidents in civil air navigation in the United States"; and

Whereas the Secretary of Commerce has made such investigation and recorded same, but refuses to make the causes of such accidents public, or to furnish copies of the record to the office of a United States Senator upon request, except in confidence: Therefore be it

Resolved, That the Secretary of Commerce be, and he hereby is, requested to furnish to the Senate a statement of the causes of the accident referred to in the preamble to this resolution as found by the Department of Commerce.

The preamble was agreed to.

RURAL DEVELOPMENT

Mr. SIMMONS. Mr. President, during my absence Order of Business 30, Senate bill 412, was reached, and because of my absence the Senator from Oregon [Mr. McNARY] asked that the bill go over. I am going to ask unanimous consent that we take up the bill. If there is any debate, I shall not insist upon it.

The VICE PRESIDENT. The bill will be read.

The bill (S. 412) to authorize the creation of organized rural communities to demonstrate the benefits of planned settlement and supervised rural development was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior, hereinafter styled the Secretary, is authorized to create in each of the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas one organized rural community in order to demonstrate the benefits of planned settlement and supervised rural development.

SEC. 2. That the Secretary, acting through the Bureau of Reclamation, is authorized to acquire through donation, purchase, or by eminent domain an area of lands in each of the above-mentioned States, suitable for that purpose and sufficient to create therefrom at least 200 farms and farm workers' allotments, each of such area as the Secretary may find necessary, and to provide for the development and settlement of such land in accordance with the provisions of this act: *Provided*, That the purchase price of the land shall not exceed an amount arrived at by a board of three independent appraisers composed of one appointed by the Secretary of the Interior, one appointed by the Secretary of Agriculture, and one appointed by the head of the college of agriculture in the State within which the land is located.

SEC. 3. The Secretary, through plans provided by the Bureau of Reclamation, shall carry out all development, settlement, and supervisory work necessary for profitable cultivation of such farms and farm workers' allotments, and shall subdivide the land and shall cause said farms and farm workers' allotments to be offered for sale and sold to actual settlers and cultivators under regulations approved by him regarding qualifications of settlers and repayment terms and conditions for the purchase of said farm and farm workers' allotments: *Provided*, That the term for repayment of the purchase price shall not exceed 40 years from the date of sale with interest at the rate of 4 per cent per annum, payable annually or semiannually.

SEC. 4. Farms and farm-workers' allotments shall be sold at an aggregate price sufficient to repay the cost of surveys, development, and administration, and service charges with a sum equal to 10 per cent of all of such cost added to provide for unforeseen contingencies. The Secretary is authorized to impose and collect such additional incidental charges as may be required.

SEC. 5. The Secretary is authorized, in his discretion, to advance for permanent improvements not exceeding the sum of $3,000 on account of any one farm allotment and not exceeding the sum of $1,000 on account of any one farm-worker's allotment. No such advances shall exceed 60 per cent of the value of permanent improvements in connection with which made, nor until the purchaser shall have provided the remaining 40 per cent in cash or shall have theretofore provided its equivalent in value in improvements made at his sole cost. Advances for permanent improvements shall be repaid in 56 semiannual installments, each of which shall amount to 3 per cent of the sum advanced; of each such installment, 2 per cent shall apply as interest and 1 per cent as principal. The Secretary shall provide such supervision by the Bureau of Reclamation as, in his opinion, may be necessary to insure the use of all advances for the purpose for which the same are made. Each purchaser shall, if required, insure and keep insured against fire all buildings on his farm or farm-worker's allotment, the policies therefor to be made in favor of the Secretary or such other official as he may prescribe. The Bureau of Reclamation, by regulation or otherwise, shall provide that the purchaser shall live on and cultivate the land in a manner to be approved by the head of that bureau, and shall keep in good order and repair all buildings, fences, and other permanent improvements situated on the farm or farm-worker's allotment, reasonable wear and tear and damage by fire excepted.

SEC. 6. In case of failure on the part of the purchaser to comply with any of the terms of his contract, or any regulation promulgated by the Secretary under this act, the Secretary shall have the right, at his discretion, to cancel said contract, and thereupon shall be released from all obligation in law or in equity to convey the property, and the purchaser shall forfeit all rights thereto, and all payments theretofore made shall be deemed to be rental paid for occupancy. The Secretary shall thereupon be entitled to the possession of said property. The failure of the Secretary to exercise any option to cancel contract for default shall not be deemed a waiver of the right to exercise the option to cancel said contract for any default thereafter on the purchaser's part. No forfeiture so occasioned by default on the part of the purchaser shall be deemed in any way or to any extent to impair any lien or security on improvements or other property which may be obtained as provided in this act.

SEC. 7. All amounts collected with respect to repayment contracts for purchase of farms or farm workers' allotments, and all amounts collected from repayments for collection of advances, shall be returned to the United States Treasury as a credit to the funds provided for carrying out this act.

SEC. 8. For the purpose of giving effect to this act, there is authorized to be appropriated the sum of $12,000,000 from any funds in the Treasury not otherwise appropriated: *Provided*, That not to exceed $2,000,000 of such sum shall be expended in any one of the States herein mentioned.

SEC. 9. The Secretary is authorized to perform any and all acts and to make all needful rules and regulations for effectuating the purposes of this act.

Mr. SIMMONS. Mr. President, I will state that this bill, after very thorough hearings, was unanimously reported by the Committee on Irrigation and Reclamation. It has the approval of the department. In the House the bill has also been unanimously, as I understand, favorably reported by the committee to which it was referred in that body; and I hope we may pass it without discussion.

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

AIRCRAFT ACCIDENTS

The resolution (S. Res. 206) requesting the Secretary of Commerce to furnish the Senate certain information respecting aircraft accidents since May 20, 1926, was announced as next in order.

Mr. BINGHAM. Let that go over.

The VICE PRESIDENT. The resolution will be passed over.

GAME SANCTUARIES WITHIN OCALA NATIONAL FOREST

The bill (S. 1959) to authorize the creation of game sanctuaries or refuges within the Ocala National Forest in the State of Florida 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 designate as game refuges such lands of the United States within the Ocala National Forest, in the State of Florida, as in his judgment should be set aside for the protection of game animals and birds, but it is not intended that the lands so designated shall cease to be parts of the national forest within which they are located, and the establishment of such game sanctuaries or refuges shall not prevent the Secretary of Agriculture from permitting other uses of the lands under and in conformity with the laws and regulations applicable thereto so far as such uses may be consistent with the purposes for which such game sanctuaries or refuges are established.

SEC. 2. That when such game sanctuaries or refuges have been established as provided in section 1 hereof, the hunting, pursuing, poisoning, killing, or capturing by trapping, netting, or any other means, or attempting to hunt, pursue, kill, or capture any game animals or birds upon the lands of the United States within the limits of such game sanctuaries or refuges, except as herein provided, shall be unlawful, and any person violating any of the provisions of this act, or any of the rules and regulations made thereunder, shall be deemed guilty of a misdemeanor and shall, upon conviction in any United States court, be fined in a sum not exceeding $500 or imprisoned not more than six months, or both: *Provided*, That the Secretary of Agriculture is hereby authorized to make all needful rules and regulations for the administration of such game sanctuaries or refuges in accordance with the purpose of this act, including regulations not in contravention of State laws, for disposing of any surplus animals or birds which he finds to be within the limits of said game sanctuaries or refuges.

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

PROTECTION OF AMERICAN EAGLE

The bill (S. 2908) extending protection to the American eagle was considered as in Committee of the Whole.

The bill had been reported from the Committee on Agriculture and Forestry with an amendment, to strike out all after the enacting clause and insert:

That it shall be unlawful within the continental United States, Alaska, Porto Rico, or Hawaii, for any person to take, kill, or capture, attempt to take, kill, or capture, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry, or cause to be carried by any means whatever, receive for shipment, transportation, or carriage, or to export, at any time or in any manner, any bald eagle (the emblem of the United States and commonly known as the American eagle) or any part thereof, or the nest or egg of any such bird, except for scientific, propagating, or exhibition purposes, or in defense of wild life or agricultural or other interests, as permitted by regulations of the Secretary of Agriculture, effective when approved and proclaimed by the President of the United States, under a penalty of not exceeding $100, or by imprisonment not exceeding 60 days, or by both such fine and imprisonment.

SEC. 2. For the efficient execution of this act the judges of the several courts established under the laws of the United States, United States commissioners, and the persons appointed by the Secretary of Agriculture to enforce this act, shall have with respect thereto like powers and duties as are conferred by section 5 of the migratory bird treaty act (U. S. C., title 16, sec. 706) upon said judges, commissioners, and employees of the Department of Agriculture appointed to enforce the act last aforesaid. Any bird, or part, nest, or egg thereof when seized in connection with a violation of this act shall be disposed of as provided by section 5 of said migratory bird treaty act.

SEC. 3. That the Secretary of Agriculture is authorized to make such expenditures for personal services in the District of Columbia and elsewhere and for the payment of any other necessary expenses in carrying into effect the purposes of this act, and there is hereby

authorized to be appropriated out of any moneys in the Treasury not otherwise appropriated, the sum of $5,000 for the fiscal year ending June 30, 1931, and thereafter such sums as may be appropriated by Congress from time to time, which shall be expended by the Secretary of Agriculture in carrying into effect the provisions of this act.

Mr. DILL. Mr. President, I understand that the Senator from South Dakota has an amendment to offer that will cure the objection I made to the bill.

Mr. NORBECK. I have sent the amendment to the desk, to be inserted after section 1.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The CHIEF CLERK. At the end of section 1 it is proposed to insert the following proviso:

Provided, That it shall not be unlawful to kill any such eagle or eagles within such area when in the act of destroying wild or tame lambs or fawns, or foxes on fox farms.

Mr. DILL. I think the words "or chickens or fowl" ought to be added.

Mr. NORBECK. Mr. President, that makes it so far-reaching that it will be misunderstood. The Senator and I agreed to this amendment. The Senator said he objected only because we took it out. Now I am putting it back in again.

Mr. DILL. If an eagle is found killing chickens or turkeys or ducks, I think it certainly ought to be killed. I think the Senator ought to accept that amendment.

Mr. NORBECK. While that may be true, it is so easy to have that as an excuse for anyone killing an eagle. We would not be able to punish anyone for killing an eagle if we had that in the bill. I hope the Senator will not press that suggestion. I have accepted his proposition just the way he asked it.

Mr. DILL. Oh, no; I want to make my position clear, Mr. President. Certainly a farmer should not be guilty of violating the law if he kills an eagle that is destroying his own chickens or his own turkeys or ducks or other domestic fowl. I am sure the Senator from South Dakota himself does not want to have a bill passed that makes it a crime for a farmer to kill an eagle that is destroying domestic fowl.

Mr. NORBECK. I am going to accept anything the Senator compels me to accept, because I want to get the bill through; but I think it will pretty much destroy the value of the bill and will not give much protection to the national bird if we do it.

Mr. DILL. I do not know that it will; but I do not know what harm it will do.

Mr. NORBECK. The farmers have not complained about the eagles killing chickens and turkeys. This furnishes an excuse for a man who wishes to destroy one of these birds to say that he was in danger of losing some chickens.

Mr. DILL. It does not say that; it says, "in the act of destroying."

Mr. NORBECK. Yes; but that is all up to him to interpret. He is the only witness.

Mr. DILL. The Senator represents a farm State; and I am rather astonished that he should take the position that the farmer who would kill an eagle that was destroying his own domestic fowl should not be permitted to do so.

Mr. NORBECK. We have a sprinkling of eagles, and I have never heard of a farmer complaining about the eagles—not one. I was sure the Senator was with me on the question.

Mr. DILL. I do not think the farmers have any interest in maintaining the eagles in this country.

The VICE PRESIDENT. Does the Senator offer an amendment?

Mr. DILL. I move to amend the amendment of the Senator from South Dakota by inserting the words "domestic fowls."

Mr. NORBECK. I will accept the amendment. I have to.

The VICE PRESIDENT. The Senator modifies his amendment by inserting the language which will be stated by the Secretary.

The CHIEF CLERK. In the amendment of the Senator from South Dakota, after the word "destroying," insert "domestic fowls," so as to read:

Domestic fowls, wild or tame lambs or fawns, or foxes on fox farms.

The amendment, as modified, to the amendment of the committee was agreed to.

The amendment of the committee, as amended, 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 extending protection to the bald eagle, the emblem of the United States, and for other purposes."

The VICE PRESIDENT. This completes the unanimous-consent agreement.

INDEPENDENT OFFICES APPROPRIATIONS

Mr. BINGHAM. Mr. President, I desire to ask what became of Order of Business 211, House bill 9546, the independent offices appropriation bill?

The VICE PRESIDENT. The bill went over.

Mr. BINGHAM. I ask unanimous consent to offer an amendment to it, and ask that it may be read and considered as pending.

The VICE PRESIDENT. Without objection, the amendment will be read and considered as pending.

The CHIEF CLERK. On page 29, line 6, strike out "$1,000,000" and the word "to" and insert "$2,000,000."

In line 6, after the figures, insert the words "for the rebuilding and repairing of schoolhouses damaged or destroyed by the hurricane in the small towns and rural districts of Porto Rico, and for the employment of labor and the purchase of supplies, materials, and equipment for repairing and constructing insular and rural municipal roads, $2,000,000; in all $4,000,000, of which $3,000,000 shall become available upon the approval of this act, and the balance shall."

In line 9, change the period to a comma, and add the words "and Public Resolution No. 33, approved January 22, 1930," so as to read:

PORTO RICAN HURRICANE RELIEF COMMISSION

For the purpose of making loans to any individual coffee planter, coconut planter, fruit grower, or other agriculturist in the island of Porto Rico, $2,000,000, for the rebuilding and repairing of schoolhouses damaged or destroyed by the hurricane in the small towns and rural districts of Porto Rico, and for the employment of labor and the purchase of supplies, materials, and equipment for repairing and constructing insular and rural municipal roads, $2,000,000; in all $4,000,000, of which $3,000,000 shall become available upon the approval of this act, and the balance shall become available January 1, 1931, and remain available until expended, as authorized by Public Resolution No. 74, approved December 21, 1928 (45 Stat., p. 1067), and Public Resolution No. 33, approved January 22, 1930.

The VICE PRESIDENT. The amendment will be printed and lie on the table.

Mr. BINGHAM. Mr. President, I think the Chair will realize that no point of order will lie against this amendment, because it is in accordance with a message received from the President on January 23, recommending the appropriation of $2,000,000 for additional relief in the building of roads and schoolhouses in Porto Rico, and an additional $1,000,000 to increase the loan fund.

Those amounts were included by the Senate in the first deficiency appropriation bill, but no part of them was allowed by the House. I think this was due to a misunderstanding on the part of the House as to the necessity for this money for relief. That was brought out in the debate of the House. I therefore endeavored to secure some additional information with regard to the situation in Porto Rico at the present time, and the necessity for increasing the amount of relief, as called for in this amendment. The relief is authorized by a joint resolution which was passed by both the Senate and House and approved by the President.

The total material damage in Porto Rico resulting from the hurricane of 1928 was determined by the Central Survey Committee as amounting to $85,312,120.

The cost of repairing and rebuilding the schools destroyed or damaged was originally estimated by representatives of the respective members of the Porto Rican Hurricane Relief Commission at $940,000. However, later estimates based upon more detailed and accurate surveys, increased that figure to approximately $1,400,000. The amount originally recommended by the representatives of the members of the Porto Rican Hurricane Relief Commission as necessary for the repair of roads was $740,000. This amount, which was based upon a necessarily hurried estimate, proved to be entirely inadequate and sufficient only to repair a small part of the damage. Moreover, the increase in the estimated cost of rebuilding and repairing the schoolhouses reduced the amount available for the repair of roads to approximately $600,000. The representatives of the members of the commission estimated the coffee losses at $21,000,000; the tobacco losses at $1,500,000; the coconut losses at $1,500,000; and the fruit losses at $4,000,000, a total of $28,000,000. The coffee losses were estimated by the Central Sur-

vey Committee, appointed by the Governor of Porto Rico, at approximately $18,182,000, of which $9,466,000 was on the estimated crop of 378,000 quintals, $6,548,000 on coffee trees destroyed, and $2,168,000 on shade trees destroyed. It was estimated that approximately half of the coffee trees and more than half of the permanent shade trees were killed by the hurricane. The coffee grown in Porto Rico is of the Arabian type which requires shade for its successful production.

The proportion of the funds now available to the commission for alloting to loans to coffee growers will be approximately 75 per cent ($4,500,000) of the $6,000,000 originally authorized by Congress under the act of December 21, 1928. It will be noted that this is a very small amount as compared to the amount of the coffee losses, either as estimated by the Central Survey Committee or by the representatives of the members of the Porto Rican Hurricane Relief Commission.

Owners of coffee plantations are for the most part natives of the island. Most of the plantations are small, ranging from 3 up to 100 acres, although some run up as high as 300 to 400 acres. Laborers and their families generally live on the farms, the usual wage paid in the coffee districts being 60 cents a day.

In general the replanting of coffee could not be effected until 1930, as seedlings were not available. While some crops will be produced on those of the old trees which were not severely damaged by the storm, it is not expected that these will yield much for a year or two and young trees will not come into bearing for four or five years.

Mr. President, it is difficult for many of us in this country, when asked to consider relief measures after a severe storm or flood or hurricane, to appreciate the fact that in the following year the losses may not be made good, because nearly all of our crops are seasonal crops, and, if destroyed one year, may be planted the next, and the harvest of the following fall may see the farmers back to their normal production. But coffee, the production of which constitutes so large a proportion of the industry of the farmers of Porto Rico, particularly throughout the mountain districts and in the interior, is a crop requiring from four to five years to come back after it has been destroyed. That is the reason why the loans are needed. That is the reason why there is so much suffering in the mountains, and why there is such a very great need of the relief measure proposed in this amendment.

It will probably be at least five years before coffee is brought back to anything like normal conditions. The greatest need presented by the farmers is that of the coffee growers, and a large part of the rehabilitation, to be done at all, must be financed by the commission.

The additional $1,000,000 authorized by Congress for loans will assist in meeting, at least in part, such of the minimum requirements for the rehabilitation of the farms damaged or destroyed by the hurricane of 1928, as can not be met with funds previously appropriated. It is expected that the loans made by the Porto Rican Hurricane Relief Commission will assist in rehabilitating and placing again on a paying basis several thousand farms funds for the rehabilitation of which could not be obtained from other sources. The cost of rehabilitating the coffee, tobacco, coconut, and fruit growing industries was estimated by representatives of the respective members of the Porto Rican Hurricane Relief Commission at $12,750,000. This figure, it is readily seen, is more than double the total amount ($6,000,000) originally authorized (act of December 21, 1928) to be made available to the commission for farm rehabilitation loans. The estimate did not take into account assistance rendered by the American Red Cross or the possible ability of certain of the growers to finance their own rehabilitation.

Many of those whose livelihood is dependent upon the coffee industry must, pending the restoration of coffee farms to a producing status, obtain from employment in some other activity the money necessary for their food, clothing, and other essential needs. Opportunities for employment outside of the normal sources are generally very limited in Porto Rico, and the conditions resulting from the hurricane have greatly accentuated that situation. The standard of living among the farm laborers, the majority of whom in ordinary times receive only 60 cents a day, under normal conditions is so low that any temporary decrease of their usual meager income tends very seriously to subject those laborers and their families to undernourishment and disease. They are unquestionably now subjected to real distress under the conditions following the hurricane.

In this connection work incident to the construction and repair of the roads which are necessary as arteries of traffic and communication to permit the farm products to be marketed also incidentally furnishes a source of income to be used in rehabilitating the farms and, in many cases, to enable the small farmers and laborers to secure a bare existence for themselves and their families during the temporary period of special depression.

Although there are many cases where floods and hurricanes have worked great hardship on the farmers of this country, unless one has traveled in the interior of Porto Rico and seen the excessive poverty normally existent there, the thousands of people of white blood living in little thatched houses in the most miserable conditions, living from hand to mouth, even in normal, good times—unless one has seen these things with one's own eyes, it is almost impossible to realize the amount of suffering that has been occasioned by a hurricane which wiped out the means of sustenance of these farmers for a period of from three to five years. Relief has only been extended in part by what we have done, and what we are now asking to have done is only a small part of what is needed, but it is all that it is thought advisable to ask of the Congress.

With the limited funds available for roads and the widespread destruction it has been possible to effect but a small part of the repairs and reconstruction that are necessary. The damage due to the hurricane resulted not only in blocking traffic because of fallen trees, landslides, and washouts but also in injury to the surface of the macadamized insular roads due to the tremendous rainfall which accompanied the hurricane. Acting on the recommendations of its representatives in Porto Rico and of the governor the Porto Rican Hurricane Relief Commission had contemplated using a large portion of the additional $2,000,000, the appropriation of which for road and school purposes was authorized by Congress, for repairing and improving the hard-surfaced insular roads. Funds thus used would serve to reduce greatly the annual maintenance cost of these roads, thus making available correspondingly increased insular funds for such necessary services as schools and public health, provision for which must otherwise be sharply curtailed on account of the marked decrease of the insular revenues incident to the hurricane. In addition to the general benefit to the entire island the expenditure of funds for road work would, as noted above, serve to furnish employment and relieve the distress of a comparatively large number of those whose customary means of livelihood is temporarily reduced or cut off.

The amounts authorized for Porto Rican relief under the original act, even if increased by the $3,000,000 subsequently authorized but omitted from the first deficiency bill—1930—will, of course, not be sufficient to meet fully rehabilitation needs. In so far as known, however, there is not contemplated any further request for a subsequent Federal appropriation in this connection. If the additional assistance now desired can be made available at an early date, it is believed that subsequent needs can be met by the rehabilitation program of the insular government, which involves, among other things, stringent economies in the 1931 insular budget.

Mr. President, may I remind the Senate at this time that never in the course of American history were so many people under our flag rendered destitute or affected by any calamity as in the case of the Porto Rican hurricane of 1928. It happens that no part of the United States, with the exception possibly of Massachusetts and one other State, is so densely populated as is the Territory of Porto Rico; and I use the word "territory" in its ordinary sense and not in its political sense, because Porto Rico is not an organized Territory of the United States. No other political entity under the American flag, with the one or two exceptions I have mentioned, is so densely populated, so crowded as is Porto Rico.

No other political entity under the flag has ever received such a knockout blow. Practically all of its 1,500,000 people were affected by that terrible hurricane, the worst experienced in over a century.

Thousands and thousands of families were rendered homeless, hundreds of thousands of people were actually without anything to eat. The American Red Cross came to their relief with splendid and generous assistance, putting in between five and six million dollars almost immediately, with the generosity characteristic of the American people.

It is believed that additional funds for the feeding and clothing of these poor people will be necessary unless some means is presented of permitting the coffee plantations to get back to normal. The money which is asked for this purpose is most desperately needed, and I trust the Senate will pass the measure again as it did when the first deficiency bill was before us, and with these additional facts before the Congress I hope the House will agree to appropriate the money for which they passed an authorization not very many weeks ago.

RESTRICTION OF IMMIGRATION

Mr. HARRIS. I ask that the unfinished business, Senate bill 51, be laid before the Senate and proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 51) to subject certain immigrants, born in countries of the Western Hemisphere, to the quota under the immigration laws.

Mr. HARRIS. Mr. President, I submit two amendments intended to be proposed by me to the pending bill. It is the purpose of the principal amendment, in lieu of section 3, to clarify the bill from an administrative standpoint. Its sole purpose is to permit the issuance of immigration visas prior to July 1, 1930, the date upon which the new quotas go into effect. Otherwise the administration of the act immediately following July 1, 1930, would be seriously delayed. It is specifically provided that visas issued before July 1, 1930, shall not be valid for admission to the United States before that date. Further safeguarding provisions similar to those found in the immigration act of 1924 are added with respect to immigration visas issued before July 1, 1930.

As to the amendment changing the date, under the bill as reported, the President is to proclaim and to make known the quotas reported to him under the terms of the bill on April 1, 1930. Since the bill was reported that date has passed, and it becomes necessary to move up the time for the President's proclamation. It is believed that fixing the date at June 1, 1930, will give ample time for proper administration.

I ask that the bill may be reprinted showing these amendments, and that it also be printed in that form in the CONGRESSIONAL RECORD.

There being no objection, the bill, as proposed to be amended, was ordered to be printed, and to be printed in the RECORD, as follows:

S. 51

A bill to subject certain immigrants born in countries of the Western Hemisphere to the quota under the immigration laws

Be it enacted, etc., That subdivision (c) of section 4 of the immigration act of 1924, as amended (which enumerates certain countries immigrants born in which are defined to be "nonquota immigrants"), is hereby amended to read as follows:

"(c) An immigrant who was born in the Dominion of Canada or Newfoundland."

SEC. 2. The Secretary of State, the Secretary of Commerce, and the Secretary of Labor, jointly, shall make the determination provided for in subdivision (c) of section 11 of such act, as amended, in respect of each of the geographical areas hereby made subject to the quota. Such officials shall thereafter, jointly, report to the President the quota of each nationality (including such geographical areas), determined as provided in subdivision (b) of section 11 of such act, as amended. The President shall, on or before June 1, 1930, proclaim and make known the quotas so reported, and such quotas shall become effective July 1, 1930, until which time quotas fixed under existing law shall continue in effect. Such proclamation and the quotas proclaimed therein shall have the same effect and shall be subject to the same limitations as the first proclamation made under the provisions of subdivision (e) of section 11 of such act, as amended, and the quotas proclaimed therein.

SEC. 3. (a) Section 1 of this act shall take effect July 1, 1930; but (1) for the purposes of the determination, report, and proclamation under section 2, it shall be deemed in effect as of the date of the enactment of this act, and (2) immigration visas may be issued prior to July 1, 1930, to quota immigrants of any nationality hereby made subject to the quota, which visas shall not be valid for admission to the United States before July 1, 1930. In the case of quota immigrants of any such nationality, the number of immigration visas to be issued prior to July 1, 1930, shall not be in excess of 10 per cent of the quota for such nationality, and the number of immigration visas so issued shall be deducted from the number which may be issued during the month of July, 1930. In the case of such immigration visas issued before July 1, 1930, the 4-month period referred to in subdivision (c) of section 2 of the immigration act of 1924 shall begin to run on July 1, 1930, instead of at the time of the issuance of the immigration visa.

(b) The remainder of this act shall take effect on the date of its enactment.

Mr. DILL. Mr. President, I ask unanimous consent to have printed in the RECORD at this point an article entitled "Tightening the Mexican Border," from the Survey Graphic for April. It bears directly upon the pending bill and the arguments touching it.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TIGHTENING THE MEXICAN BORDER

By Robert N. McLean

I have been running down sob stories—tales of cruelty and hardship, of deportation and broken homes which cropped out in talks with border officials, Mexican and American, from Texas to California; with Mexican laborers in the fields; and with Mexican idlers in the streets.

First, there was the story of two Mexican laborers who went out at blush of dawn to work in the canteloupes. They were earning their daily bread by the sweat of their brows; they were factors in production, cogs in the industrial machine, and all that. About mid-afternoon, according to the story, the border patrol called upon the two wives and asked for their birth certificates. On the wall of one of the rooms in the little shack which they shared was a framed chromo of a saint, but there were no birth certificates. Also, the two Mexican women spoke no English. Was an interpreter called? Decidedly not. Were they allowed to confer with their husbands in the field or await their coming? You have guessed the answer. They could not prove their domicile, and they were summarily put across the line. And when the weary husbands trudged home at night, there were no frijoles and tortillas awaiting them.

The whole thing had a bit of Biblical atmosphere. "One shall be taken and the other left." Why, it was twice as good as the Bible story, because there were two taken and two left.

And so I started off eagerly. I would find the men and interview them. Then I would cross that dread border—so easy for me, so hard for them—and I would search out the wives. I would comfort them in their sorrow. There ought to be a child or two rubbing tears out of black eyes with chubby, dirty fists. There would perhaps be a chance for a few kodak pictures. And while getting names and dates and places and other hard facts which are so necessary to a story I would carry to these women a message of love and consolation from their husbands.

But enthusiasm melted under the hot sun of the Imperial Valley. Yes; people had heard the story. But nobody knew anyone who actually knew the two bereaved laborers. The names were particularly elusive. And so dramatis personnæ and stage properties all vanished into thin air.

But why be discouraged? There were numerous other leads. My notebook was full of heart throbs. There was the story about the nursing child, born an American citizen and therefore held on this side, while its alien mother was ruthlessly pushed across the grim border. Perhaps I could get a picture of the child, fed by its foster mother out of a bottle. There was that other fragment about the children who kissed their mother goodbye and trudged off to school in the morning only to come home to an empty house. During the day the border patrol had called and their parents had been deported. Perhaps I could carry the children to the fence in my car and take a family group with the barrier between.

And so I snapped the book shut and started off with new enthusiasm. But the first group of Mexicans with whom I stopped to chat while admitting that they had heard the story, showed a marked desire to start me off again on the old lead about the two men in the field who came home to empty kitchens. Sometimes after following a hot scent for half a day, I would run across a man who would insist that the scene of the little drama was laid in Yuma and not in the Imperial Valley. And to cap the climax after I had trudged up and down a row of tents and shacks by the side of a lettuce field, I came upon a woman who wanted to tell me a story about two men who were deported from a field, while their two wives kept their beans and tortillas hot at home. I felt like looking up the two husbands whose wives had been deported and let them eat that meal.

There are dozens of these sob stories or variations of them, which are common coin in the Imperial Valley. I found the sobs and plenty of them. But unfortunately I could not locate the names and addresses and places and dates.

Everyone who knows anything about the border situation knows that the number of Mexicans entering this country illegally during the 10 years following the war far exceeded the number who came legally. The railway lines of the Southwest were in a deplorable condition, and thousands of section laborers were needed and needed immediately to repair them. A new industrial era crowded quickly upon us. We were far behind in our building, and contractors were clamoring for pick-and-shovel men who could handle sand, dig trenches, and pour concrete. A factor no less important was the rapid agricultural development of the Southwest. Irrigation projects made possible by Government appropriations brought vast areas of desert land under water and under cultivation. Most of this land produces seasonal crops, and requires seasonal laborers. And so with our immigration laws shutting off cheap labor from Europe and the Orient, the vacuum drew hundreds of thousands of Mexicans across the line, and more than half of them came illegally. They were needed, they came, and no questions were asked.

But all this has been changed. The border no longer looks like a sieve. The patrol is quick to stop and question every suspicious stranger on the train, in a bus, or coughing along in a decrepit Ford upon the highway. The gaps in the border are being stopped.

American officials, however, will assure you that their policies have not changed; that they are simply enforcing the law as it exists, and as they have always enforced it, up to the limit of their ability. But the fact remains that fewer aliens are entering legally, while the number of "wet backs" and "bootlegs" has been cut down almost to the vanishing point. At El Paso, for example, about one-third as many entered legally last September as in September, 1928.

If the policies of enforcement have not changed, what has been responsible for this sudden stoppage in the northward flow of Mexicans?

A number of things have happened; but the most important was the law which went into effect on the 4th of May, 1929, making it a felony for an alien to enter the country illegally. Before that date the Mexican who crossed the line without making the customary bow to the immigration officials was not even guilty of a misdemeanor. Nobody cared much whether he came or not; but if he became a public charge, or a nuisance, or a habitual criminal, or did something else to attract the attention of the law, the worst that could happen to him was deportation. And a harrassed Immigration Service out of an utterly inadequate budget had to feed him for two or three weeks while the necessary machinery was set in motion to deport him. Then, of course, he was card indexed; and if he appeared again he could be put across the line without delay. But all Mexicans look so much alike to Anglo-Saxon eyes, it was very easy for Juan García to become José Lopez if the occasion demanded.

Now, however, if he crosses the line in the night, or wades the Rio Grande, the chances are that before noon he will be stopped upon some highway by an alert patrol and questioned. Then, according to the present law, he can be convicted of a felony and lodged in jail. And it is not the Immigration Service but the Department of Justice which buys his tortillas and frijoles while the ponderous legal machinery necessary to his deportation is set in motion.

But while the felony law has almost halted illegal entries, the United States Consular Service has also been doing its part to plug the gaps in the border. There has been a decided tightening up in the matter of visas. Formerly, few questions were asked. It was assumed that even if Uncle Sam did not have "land enough to give us all a farm" he at least had land enough to give every Mexican cotton picker or beet worker a paying job that would keep him from becoming a public charge. Now the consular agents in Mexico are not so sure. As a matter of fact, they have things pretty much in their own hands.

Comes Juan García, ragged, shabby, destination Texas. Has he any assurance of work when he crosses the line. No. There is a probability, as they see it, that he will become a public charge. Visa denied.

Enter José Lopez, same general appearance, same destination, same general questions. Sure he has a job, and he proudly displays a letter from his brother's employer, promising him work. Contract laborer! Visa denied! Anyway the Consular Service has private information that at that particular moment that there is plenty of Mexican labor in that particular part of Texas. Queer how long it has taken us, while Mr. Box and Mr. HARRIS have been clamoring for a quota, to find out what could be done in other ways!

A third factor in decreasing Mexican immigration is what officials call "the fear of God." It may be indefinite, but it is very real; and the quality is standard all the way from California to Texas.

And that fear hovers over every Mexican colony in the Southwest is a fact that all who come in contact with them can readily attest. They fear examination by the border patrol when they travel; they fear arrest; they fear jail; they fear deportation; and whereas they used to write inviting their friends, they now urge them not to come. Said an American border official:

"A few years ago we used to send plain-clothes men into the public dance halls. These men mingled with the crowd to gather information which we could use as the basis for investigation. The new law has changed all that. Now we send a couple of men in uniform into the dance hall. In a few minutes the people who are here illegally begin to sneak out only to fall into the arms of a cordon who are waiting for them. A guilty conscience does the job."

How vigilant the Immigration Service has become may be readily gathered from a few statistics. In El Paso 2,653 were deported in 8 months. In the thirty-first district, which embraces Southern California up to the northern boundary of Santa Barbara County, and the southern boundary of Kern County, the toe of the Nevada boot, and that part of Arizona which fringes the Colorado, 2,262 separate investigations with a view to deportation were carried on in 3 months. In conducting these investigations a total of 4,085,008 interviews were held with various persons.

Moreover, knowing that they are here illegally and fearing examination and arrest, thousands of Mexicans have gone to the border and have asked permission to cross. Some of these have reentered, legalizing their domicile in this country, but thousands have remained in their native land. It is the policy of the Immigration Service to permit and even encourage these "voluntary deportations."

Just what are the social and economic bearings of this new border policy? In the first place it has resulted in a still further depletion of the available labor supply of the Southwest. Just how great the shortage may be, it would take a Hoover commission to find out. Employers of seasonal Mexican labor declare that it is very real, while the interests which have long been clamoring for restriction of immigration insist that it is only imaginary. Cotton growers say that they can not harvest their crops, and one certainly sees plenty of signs along the highways calling for cotton pickers. The lettuce growers of the Imperial Valley who are dependent upon Mexican labor are really finding themselves hard put to get men. Indeed they insist that because the border patrol is a border patrol, Mexican laborers get away from the line as fast as possible. "The fear of God" is so real that the American farmers are sure that it is going to ruin them.

As a matter of fact, the growers along the border have never built up a labor policy. Favored by their proximity to a limitless labor market, they have been content to use the peon when first he crosses the line. For the most part he has been profitable because he has been ignorant. His value to them would keep up, if he were only dumb as well. Usually, however, it takes about one season for him to become acquainted with conditions in the new country. Then he quits and finds a better job, farther north. He is in school, and he learns rapidly. The border counties from the Gulf to the Pacific are just the primary department, where he learns his A B C's. Their traditional labor supply has been dependent upon practically unrestricted immigration. And the day of unrestricted immigration has passed.

As a result of the new border policy there has been an increase in wages. Lugubriously the cotton and vegetable men of the Imperial Valley tell the story. "There is not enough labor for everybody, and we are bidding against each other for what there is. We are having to pay more for our workers than ever before."

All this is to the good, for higher wages will inevitably be followed by better housing and increased standards of living. After all it is hard to get unduly concerned about the need for perpetuating an economic system which requires an annual influx of uninformed, unintelligent "hands"; an economic system whose very existence depends upon peon labor working for peon wages which yield only a peon standard of living. And any industry which feels that it depends upon such labor conditions needs to set its economic house in order.

There are some among us who are old enough to remember the closing days of the Civil War. There were plenty to declare that the South was absolutely dependent upon slave labor. It has taken the South more than half a century to readjust herself; but that the South is stronger and more prosperous for having made that adjustment none will deny. Large employers of immigrant labor in the East were sure that the quota law of 1924 would spell ruin; inevitably, however, the elimination of cheap labor with cheap standards of living has reflected itself in nation-wide prosperity. Cheap labor is always an industrial narcotic. It results in overproduction which creates a depression; this in turn excites the producer to seek for still cheaper labor, that he may still further reduce the cost of production. It is a vicious circle from the effects of which the Imperial and the San Joaquin Valleys are suffering to-day.

None the less, there are certain elements of injustice in the new border policy. For 10 years the Mexican peon had surely been the Atlas holding upon his broad shoulders the economic life of the Southwest. He has bent his back over every field, toiled on every mile of railroad, and poured his sweat into every cubic yard of concrete. We have needed him; we have felt that we could not get along without him. And when our need was most acute in the industrial epoch which followed the war, we forgot our own immigration laws. Now that the acute need has passed away, by a stricter interpretation we are uprooting these people and sending them home. By actual deportations, or by "putting the fear of God" into their hearts, we are thrusting them into an economic order with which they have grown unfamiliar. Most of them have been conscious of doing no wrong. And when they steal back across the line to reestablish themselves in the social and economic order to which we have accustomed them, they are thrown in jail as common felons. The injustice comes not from any particular border policy, but rather because we have had no consistent policy.

Furthermore, a grave social problem is being created in Mexican border cities. With a scarcity of work and an oversupply of workers, there is suddenly being dumped upon them a large number of people who are immediately competitors for the few jobs available. And Mexico has few organized agencies to take care of them until they can be rehabilitated.

Time was when organized American labor was not opposed to Mexican immigration. It viewed with complacency the bronze-faced man with the sombrero and the long black mustache who was willing to live in a box car, and toil through the heat of the day with a pick and shovel. It did not get excited about Mexican cotton pickers, or beet workers who could make a living only by throwing the whole family into the field. Muck and dirt and sweat and migration; heat and child labor and intolerable living conditions—all were summed up in the pat phrase, "He does the work no white man will do."

But gradually there has been a change. The little bronze man with the black mustache is nobody's fool. Usually, as we have seen, he is good for about one season in the heat of the Imperial Valley; then, with his little stake he moves to Los Angeles. He attends a night school and learns English; later perhaps a trade school where he becomes acquainted with the technical details of the job which lies just above him—out of the muck where he is working. The sombrero gives place to a workman's cap; even the mustache disappears, and a foreign laborer bids for a job which he can do and will do at a cheaper wage than the American worker.

A few years ago the sugar companies of Michigan imported at great expense 10,000 or 12,000 Mexicans to work in the beet fields. It meant work for only seven months of the year at the most. It could be made to pay living wages only by putting the children into the fields. In involved work from dawn to dark. It was a "stoop job." But when the first beet season was over, the Mexicans drifted to Pontiac, to Detroit, to Flint, to Saginaw. They took the muck jobs in the foundries. In the spring they were deaf to the frantic call from the beet growers. They stuck by their industrial jobs, and began slowly working their way up. The semiskilled American laborer of the Middle West to-day is being ground between the upper millstone of the highly skilled trades and the nether millstone of common Mexican labor.

But competition is coming in even more acute form from the second generation of Mexicans. For 10 years teachers in our public schools have been calling our attention to the fact that the children of these pick-and-shovel men are not morons. While retarded by migration from place to place, by malnutrition, by poor housing, they have held their own with our American children. But this is even more important—our teachers testify almost unanimously that when it comes to hand work these children of the pick-and-shovel men average better than the Anglo-Saxon child. "These second-generation Mexicans," said a grower, "aren't worth their salt!" Then he went on to explain, "They go to school for a little while, and when they come out they won't chop lettuce with their fathers."

Probably not; and that is the reason why the American Federation of Labor has lined upon the opposite side of the fence from the border country farmers and twice gone on record as favoring the application of the provisions of the quota law to Mexico.

But the difficulties involved in making Mexico a quota nation have been too thoroughly discussed to need more than brief mention here. Citizens of all Western Hemisphere nations are admitted without quota restrictions. Can we single out Mexico from the other Latin countries of the New World and place her immigration upon a quota? What about our treaty, with its "favored-nation" clause? And if all the Latin-American countries are brought under the quota, how will it affect our growing trade with South America? If Mexico, why not Canada?

Is it possible that, facing these knotty problems, the State Department passed the tip to the Department of Immigration? At all events we have discovered that the gaps in the Mexican border can be stopped without the quota.

Mr. BINGHAM. 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:

Allen	Glass	Keyes	Smoot
Ashurst	Glenn	McCulloch	Steck
Barkley	Goff	McKellar	Steiwer
Bingham	Goldsborough	McNary	Stephens
Black	Gould	Metcalf	Sullivan
Borah	Greene	Norbeck	Swanson
Bratton	Hale	Norris	Thomas, Idaho
Brookhart	Harris	Nye	Thomas, Okla.
Capper	Harrison	Oddie	Townsend
Caraway	Hastings	Overman	Trammell
Connally	Hatfield	Phipps	Tydings
Copeland	Hayden	Pine	Vandenberg
Couzens	Hebert	Robinson, Ind.	Wagner
Dale	Heflin	Robsion, Ky.	Walcott
Dill	Howell	Schall	Walsh, Mass.
Fess	Johnson	Sheppard	Walsh, Mont.
Frazier	Jones	Shipstead	Watson
George	Kean	Shortridge	Wheeler
Gillett	Kendrick	Simmons	

The VICE PRESIDENT. Seventy-five Senators have answered to their names. A quorum is present.

Mr. BROOKHART obtained the floor.

Mr. GOULD. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Maine?

Mr. BROOKHART. I yield.

Mr. GOULD. I desire to offer an amendment to the pending immigration bill.

The VICE PRESIDENT. The amendment will be read.

The LEGISLATIVE CLERK. The Senator from Maine proposes to strike out all after the enacting clause and in lieu thereof to insert:

That this act may be cited as the immigration act of 1930.

SEC. 2. Subdivision (c) of section 4 of the immigration act of 1924, as amended (which specifies certain geographical areas, immigrants born in which are defined to be nonquota immigrants), is hereby repealed; but the geographical areas specified in such subdivision shall continue to be excepted from the provisions of section 11 of such act, as amended (relating to national origins), in the manner and to the extent provided in such section 11.

SEC. 3. (a) For the purpose of regulating immigration from certain countries of the Western Hemisphere section 11 of such act, as amended, is amended by adding after subdivision (e) thereof the following new subdivision:

"(f) The annual quotas of the nationalities hereinafter specified shall be as follows, such figures approximating, in the case of Canada and Newfoundland, Mexico, and Cuba, four times the number of American citizens departing thereto for permanent residence during the fiscal year ended June 30, 1929, and, in the case of each of the other countries, the number of immigration visas issued during the fiscal year ended June 30, 1929, to immigrants born in such country, with a minimum quota of 100 for each nationality:

"Argentina, 375; Bolivia, 100; Brazil, 517; Canada and Newfoundland, 67,556; Chile, 230; Colombia, 548; Costa Rica, 163; Cuba, 860; Dominican Republic, 240; Ecuador, 129; El Salvador, 188; Guatemala, 236; Haiti, 100; Honduras, 208; Mexico, 2,900; Nicaragua, 278; Panama, 355; Paraguay, 100; Peru, 305; Uruguay, 100; Venezuela, 586."

(b) Subdivision (f) of section 11 of such act, as amended, is amended by striking out "(f)" and inserting in lieu thereof "(g)."

(c) Section 12 of such act, as amended, is amended by adding at the end thereof the following new subdivision:

"(f) For the purposes of this act, Canada and Newfoundland shall together be treated as a separate country."

SEC. 4. (a) Section 11 of such act, as amended, is amended by adding after subdivision (g) thereof, as above relettered, the following new subdivision:

"(h) Not more than 1 per cent of the total number of immigration visas which may be issued in any fiscal year to quota immigrants of any nationality shall be issued in such year to quota immigrants of such nationality who were born in the colonies, dependencies, or protectorates of the country by which such nationality is determined; except that in the case of any nationality the quota for which is less than 10,000 the above maximum shall be 100 instead of such 1 per cent."

(b) Subdivision (g) of section 11 of such act, as amended, is amended by striking out "(g)" and inserting in lieu thereof "(i)."

SEC. 5. Notwithstanding the provisions of section 3 of this act, the quota of Mexico for the fiscal year beginning July 1, 1930, shall be 11,021, and for the fiscal year beginning July 1, 1931, shall be 6,961.

SEC. 6. This act shall take effect July 1, 1930; but immigration visas may be issued prior to such date to quota immigrants of any nationality specified in subdivision (f) of section 11 of the immigration act of 1924, as amended by this act, which visas shall not be valid for admission to the United States before July 1, 1930. In the case of quota immigrants of any such nationality, the number of immigration visas to be issued prior to July 1, 1930, shall not be in excess of 10 per cent of the quota for such nationality, and the number of immigration visas so issued shall be deducted from the number which may be issued during the month of July, 1930. In the case of such immigration visas issued before July 1, 1930, the 4-month period referred to in subdivision (c) of section 2 of the immigration act of 1924 shall begin to run on July 1, 1930, instead of at the time of the issuance of the immigration visa.

Mr. HEFLIN. Mr. President, I understand there is no desire to have action on the amendment at this time.

The VICE PRESIDENT. The Senator from Iowa has the floor and will proceed.

PROHIBITION ENFORCEMENT

Mr. BROOKHART. Mr. President, a few days ago we were entertained with the most colorful system of charts that has ever been introduced into the Senate Chamber, at least in my time. They surpassed the "Grundy tariff store" by a wide margin. Those charts were largely the same charts that had been sent to me, and I presume to all other Senators, by the Association Against Prohibition. I think that association is about the busiest thing in our country at this time. I want to review something of its character and its purposes. It is the most persistent "holier than thou" association that has ever been produced. It is the paragon of fairness. It wants everything to be super-accurate. It wants to be considered as the last word upon this question. It denounces as bigots, as fanatics, and as hypocrites all who oppose it.

I want to take this organization at its own word. Who are the prominent men who appeared before the committees of Congress for the Association Against Prohibition, which seeks to educate the country in this peculiar way?

First and perhaps biggest of all is John J. Raskob. Mr. Raskob is a Wall Street Republican. He was detailed by the Wall Street crowd to run the Democratic Party, not that he was converted to Democracy or believed in Democracy to any extent but because in case the Democrats should win, then Wall Street would be in control of the situation. Recently he appeared before the lobby committee. Before that committee he disclosed that he is a director of the Association Against Prohibition. He contributed $64,500 to the success of that organization. Then he said that in politics he is a Democrat, but that he does not mix his politics with his antiprohibition activities. This man

who heads the Association Against Prohibition, which says we must be fair and that we must be free from hypocrites and from fanatics and from bigots, contributed this vast sum to the anti-prohibition association, and then said, "As Democratic national chairman I have nothing to do with prohibition. For instance, at the present time our very distinguished friend Senator WALSH of Montana is a candidate for reelection. He is a dry, honestly, consistently, fairly, bravely, in every way." So this director of the Association Against Prohibition will, as chairman of the Democratic national committee, support Senator WALSH for re-election. But there is a wet Republican running against the Senator for that office and as the director of the Association Against Prohibition Mr. Raskob will, of course, be true to his wet principles and oppose Senator WALSH for reelection!

That is the sort of thing with which we are confronted in the country, which denounces as a hypocrite and a fanatic everybody who favors prohibition.

Mr. President, the next most important man that I have noticed——

Mr. HEFLIN. Mr. President——

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

Mr. BROOKHART. I yield.

Mr. HEFLIN. Before the Senator gets away from Mr. Raskob, I want to ask if he remembers that just prior to the convention at Houston in 1928 former Senator Bruce of Maryland stated upon the floor of the Senate that if a dry man should be nominated at Houston, a wet would be in the field against him on a third ticket?

Mr. BROOKHART. I think probably the Senator is right, although I am not an expert on that particular convention.

The next member of the Association Against Prohibition who appeared before the committee of the House was Mr. W. W. Atterbury, of Pennsylvania. Mr. Atterbury is Mr. Mellon's Republican national committeeman from the State of Pennsylvania. Mr. Atterbury appeared before the committee and opposed his party and opposed prohibition and supported the Association Against Prohibition with Mr. Raskob. When it comes to the operation of his railroad Mr. Atterbury is a bone-dry prohibitionist. He will not hire a man who drinks at all. He will not permit such a man in the service and of course for the very best and highest of reasons. But politically he is a wet and takes the wet side of the question and denounces as hypocrites and fanatics all of us who are on the dry side. I want the Senate particularly to notice the class of hypocrisy that comes with this question.

Along with Mr. Atterbury is Mr. du Pont. When he comes to hiring men to operate his great plant, Mr. du Pont is bone dry. He will not hire a man who drinks. He will not trust such a man. He dare not trust him in his great chemical business. But he is opposed to the hypocrites and fanatics in the Anti-Saloon League and the Woman's Christian Temperance Union, and says they are not to be trusted as fair people in any respect.

Mr. President, I have here a Washington Post for Thursday, February 27, containing an article with a headline to the effect that "Railroad head indorses repeal of prohibition." That refers to Mr. Atterbury, of course, and he is named in the article. Then, again, in the Washington Post of March 12, 1930, we find that the Union League Club of New York votes heavily against prohibition, and the article states that some of the outstanding members of the club include Andrew W. Mellon, Secretary of the Treasury.

Therefore, Mr. President, I want to call attention to the fact that Mr. Mellon, from the Treasury, through the national committeeman of his party in Pennsylvania and through the Union League Club of New York, is at this time conducting a campaign against prohibition in the United States. Such, Mr. President, is the character of the leadership of this movement. I think Mr. Raskob and Mr. Mellon are the "Amos 'n' Andy" of the present situation. [Laughter.]

I wish now to refer to the charts presented by the Senator from Maryland. They are exhibited as the supreme and final effort of fairness and of accuracy. I have had two or three of them retained on the walls so that this system of charts which has been put out by the Association Against Prohibition could be analyzed. I wish, first, to refer to the chart headed "Summary of Saving Deposits and Depositors (000 omitted)."

I want Senators to notice that on that chart a line is drawn through the middle between 1919 and 1920. From the speech of the Senator from Maryland, I find that he called the attention of the country to the increase in savings deposits from 1910 to 1919, which he designates as the preprohibition period. As to those years representing the preprohibition period, I call attention to the fact that three-fourths of the States of the Union, either through local option or state-wide prohibition, were dry in 1910. Therefore this chart with the figures from 1910 up to date can only be considered in making the comparison as affecting about one-fourth of the whole United States, and yet the chart has been prepared and used without any explanation of that fact whatever. This and the other charts purport to show a comparison of preprohibition conditions with the present prohibition conditions, but every one of those charts ought to have written clear across its face in big red letters, "This chart is 75 per cent fraud." That is to start with; with that start, then, I shall now proceed to analyze the figures.

Senators will notice the division from 1910 to 1919. The Senator from Maryland figures that the increase in savings deposits—I am now talking about the third column, headed "Per inhabitant, savings deposits"—was at the rate of 7.4 per cent a year during the 10-year period from 1910 to 1919.

Then he draws a line through the chart—no; the Senator from Maryland did not do that, but the Association Against Prohibition did that; he simply echoed their analysis of the situation; he drank it down just as a baby drinks down milk with a spoon. I am sorry he is not here to-day.

In the Senator's calculation the period 1919 to 1920 is skipped; that year is left out; and, if Senators will notice, during that time the increase in savings deposits was the greatest of all the years in question, 16.1 per cent.

The Senator's next station is 1920; he skips clear over the period 1919–20 and goes from 1920 to 1929. Then he shows that deposits increased from $144 to $235 during that 10-year period, or only 7 per cent, whereas from 1910 to 1919 the increase was 7.4 per cent. Then he states to the whole country with great emphasis that since the adoption of prohibition the increase in savings deposits has been at a less percentage than it was during the previous 10 years.

Mr. President, why does the Association Against Prohibition drop out the year 1919–20? When they came to make the calculation up to date, why did they not figure from 1919 up to 1929? Why did they skip over that year? Well, here is the answer: From 1919 up to date, with the big increase in 1920, the percentage is 8.9 per cent, according to this chart itself, instead of 7 per cent when we leave out that year.

Subtract $124 from $235 at the bottom of the column and we get $111. Divide $124 into $111 and then divide by the 10 years and we get an increase of 8.9 per cent, whereas the Senator from Maryland figured out that the increase was only 7 per cent, and so was less than it was in the previous period.

I have met these old tricks before; I have seen them in the calculation of railroad rates, as I shall explain some time to my good friend the Senator from Ohio [Mr. FESS], who is with me in this prohibition fight. I know how they have shifted from one year to another and then obtained a result opposite to the correct one, and sometimes the figures were so manipulated as to produce those opposite results. That, however, is not the only point of unfairness in this chart. There is a greater point of unfairness than that.

When did prohibition really begin in its more emphatic stage? It was in 1917, on the 3d day of May. I have a copy of the first war-time prohibition law. That law prohibited the sale of intoxicating liquors to the soldiers of the Army and that law was absolutely enforced. It was one of the most far-reaching prohibition laws we ever had. So our dividing line instead of being 1919 should be 1916. That was the last year really of preprohibition in the United States. At that time three-fourths of the territory of the States of the Union was dry.

Now, let us make the division with the year 1916, instead of up in the air between 1919–20, and see what the result is. The deposits increased from $74 up to $94 in that column [indicating], and if Senators will figure that out for the six years they will find the increase in the savings deposits per inhabitant up to 1916 was 4½ per cent. Then, taking the figures from 1916 down to 1929, when the deposits rose from $94 up to $235, we find the percentage of increase to be at 12½. If, instead of the unfair division which the Association Against Prohibition works out for the Senator from Maryland, we take a fair division, the savings deposits increased in the United States by 4½ per cent from 1910 to 1916 and from 1916 to 1929 they increased at the rate of 12½ per cent. That is a fair analysis of the figures and a fair analysis of the effect.

Then, Mr. President, let us remember that that effect was produced only in one-fourth of the United States, because we had the other effect in three-fourths of the United States before 1910. When we get those two ideas we have a fair comparison.

Mr. President, the Senator from Maryland presented us numerous charts. He presented some comparisons with other countries, but not enough to amount to anything. He presented a chart showing deaths from alcoholism. I will refer to those charts in a little while. He presented a chart showing the per-

centage of arrests in a number of cities, but he furnished no comparison with foreign countries in that respect. I desire first to consider the question of arrests. I now call attention to the charts placed in the RECORD the day following the speech of the Senator from Maryland by the Senator from Washington [Mr. JONES].

Here [indicating] are some of the contrasts in arrests for drunkenness in Toronto, Montreal, and New York. We will use the index "per 10,000 of population." In 1925 they were, in Toronto, 106, in Montreal 51, and in New York only 14.83. That is the comparison. In Montreal the number was 51 in 1925 against 14.83 in New York.

Canada, which is now cited generally by the opponents of Government ownership of everything, is the finest bolshevik example in the world when it comes to prohibition. I am sorry the Senator from Maryland is not here, because he was one of the two Democrats who voted against Government ownership of Muscle Shoals on Friday last; but, while he is against Government ownership of Muscle Shoals, he is for Government ownership of liquor as prevails in Canada. He wants to do something of the same kind in the United States; but if there is anything in these comparisons, it is demonstrated that under Government ownership and Government dispensing of intoxicating liquors there are almost three times as many arrests for drunkenness in Canada as in wet New York to-day. These charts are reliable in every way; and the Association Against Prohibition does not dare put out a chart on that subject. It had charts strung all around this Chamber, and had some extra ones on the floor, but it found no place to put in these real contrasts with other countries.

Here is a case of New York and Paris. In 1924 in Paris the drunkenness was 47.1 per cent, against 18.34 in New York—47 against 18. That is the proportion.

Here is another comparison of New York and London. I will give only the last one—1926. It was 14.26 per cent in New York against 48 in London. And so the comparison runs all the way through.

Now, Mr. President, I desire to read a short comment from Thomas N. Carver, professor of economics in Harvard University, from the Christian Science Monitor of February 26, about this "amusing" situation. He says:

I read a short time ago that a prominent wet was afraid that this country would become the laughing stock of the rest of the world. Well, there are some things about us at which other countries are not disposed to laugh. They do not laugh at the wages which our industries manage to pay. They do not laugh at the standard of living of our working people. They do not laugh at the numbers of automobiles, radio sets, electric household appliances, and baby carriages which our people manage some way to afford. They do not laugh at the growth of savings-bank deposits, of life insurance, and of building and loan associations.

I do not notice any tendency on the part of foreign-born workers to shun this country. Our immigration laws restrict the number of those who can come. Were it not for this restriction, we should have millions of immigrants seeking our shores. Perhaps they want to come merely because they find so much amusement. I should not blame them for laughing when they get here. They will have reason enough for laughing when they get to such an amusing country.

They must find it amusing to get higher wages than they ever knew before. They must find it amusing to ride in automobiles of their own, to have money in the savings bank, to have their children in free public schools, and even to go to the movies instead of to the saloons in the evening.

The wives of our own workers, as well as those of foreign birth, must find it amusing to have their husbands come home sober and not to have to run the gantlet of a dozen saloons on their way back from work. They must find it amusing to have their husbands bring the wages home instead of spending them for drink. They must find it amusing to tune in on the radio, to visit the movies, to operate electric washing machines, to help their children with their school work, to buy food, shoes, and clothing with their wages instead of drink.

Yes; this is a very amusing country!

Mr. President, one of the charts presented by the Senator from Maryland, in which he took especial delight, was the chart showing greater delinquencies among the youth of the District of Columbia. To me it is a remarkable thing that not one of these gentlemen ever says a word about the enforcement of this law. They all talk about the impossibility of enforcing it; and one of the reasons given by the Senator from Maryland was because drinking had increased among the youth of the District of Columbia. Of course, finally, the Senator from Ohio [Mr. FESS] pointed out a difference in the laws. There was no law against drunkenness before; and, of course, that comparison, like all the others, fell down. But since that time the United States Children's Bureau produced figures to dispute the statement that there was a crime wave among youth; and that bureau, which is the best authority we have and which certainly is fair and honest and which certainly knows more about it than anybody else, reports—and I will read only the closing part—

The delinquency cases decreased numerically from 7,500 in 1915 to 5,409 in 1925—

The report said—

during that period, while the ratio of municipal court cases to population was trebling, the cases of boys from 17 to 20 decreased about 41 per cent in ratio to population.

Those are the facts; and it costs a lot of money, it will take a lot of Mr. Raskob's contributions, to get around in different places and figure out some instance where the law changed, or something changed, and get an unfair comparison such as he got in the District of Columbia.

One more proposition, and I think I shall be ready to conclude.

The evils of this situation, as I say, are constantly pointed out by the Association Against Prohibition, but they never have named the man or pointed out the cause of these delinquencies in law enforcement. While these great improvements that I have indicated to you have occurred, I do not claim that enforcement is all that it should be. I do not claim that prohibition has had a full and a fair chance in all the cities of the United States, and I am going to tell you, as nearly as I can, who is to blame for that situation. I have already named him many times. I want an investigation of this matter. I do not care anything about an investigation of the ordinary prohibition agent of the ordinary duties, but I do want an investigation of the head of this thing. If these corruptions and these evils exist, the people at the top are the ones who are to blame for it.

First, there is the industrial diversion of alcohol taken out of industry and transferred over to the bootlegging trade. I have here an issue of the New York Times, in which Doctor Doran, Prohibition Commissioner, said on Thursday, February 6:

Reports diversion of alcohol slight. Doran says bootlegger in 1929 got only 3 per cent of Nation's output. Lists larger industries. Total of 106,955,000 gallons used—

And so forth. That was on the 6th of February. Then again on the 11th of February, just five days later, the same paper reports in big headlines:

One hundred and eighty-six indicted in rum plot by grand jury in Chicago. Hotel Manger here raided. Thirty-four New York defendants. One million gallons of alcohol said to have been diverted yearly—

And so forth.

Mr. President, one of the charges I bring against Mr. Mellon—because he is responsible for these permits for the diversion of alcohol—is this excessive diversion; and his Prohibition Commissioner does not know it is going on. It is a thing that to my mind is perfectly easy to manage and to handle. If these permits are given and if an adequate check is kept upon the use of the alcohol, there can be no substantial diversion; and yet within five days after Doctor Doran announced that there was no diversion 186 people, one of them a nation-wide institution like Fleischmann Yeast, was indicted over in Chicago for that very diversion!

That is charge No. 1.

The next charge I have against Mr. Mellon, for which he is directly responsible, is in reference to the border of Canada and of Mexico. I investigated both of them to some extent. I found that Mr. Mellon's revenue collector down there, Mr. Campbell, was a man who under oath admitted that he went across the border constantly to drink liquor on the Mexican side. I found that he admitted that he brought Mexicans across, in violation of law, to work upon his own ranch, and I found that Mr. Mellon's own investigators dug that out and reported it to him and to me, and yet Mr. Campbell remains in the service as Mr. Mellon's official.

On the Canadian border last summer I visited every station from Clayton, at the Thousand Islands, to Vermont, nearly 200 miles. There is not a prohibition agent on that border—not one. The entire matter is left in the hands of the immigration patrol and the customs patrol, and neither of those patrols has any primary duty to catch bootleggers. That is only an incident. Their primary business is to catch illegal immigrants and the illegal importation of goods without paying the duty. It is an incident when they catch a bootlegger. Those boys were looking out for bootleggers too, however, and they were as efficient as they could be under the circumstances. But, Mr. President, that force was too small, too thin, to guard that border as it ought to be guarded. If there were a simple increase of that force so that we could have an all-day, 24-hour

watch on each of those roads, the importation of illicit liquor from the Canadian border would be stopped.

The Canadian Government itself is doing better than Mr. Mellon has ever done. It has passed a law through one House of Parliament, and perhaps in a few days will pass it through the other House, stopping entirely the clearance of all these liquor shipments for the United States. That is a friendly act on the part of a great neighbor government that I want to commend in the highest fashion. Canada is a great country for the betterment of the people, for the betterment of the whole world, and it recognizes our position and will help us out in that way. It will help us out even when we are not helping ourselves as we should do.

Mr. President, it is the duty of Mr. Mellon, and has been for nine long years, to see that there is organized a border patrol adequate to stop that inflow from the border. Has he done that? No. Instead, his Union League Club and his national committeemen from Pennsylvania join up with Raskob in a campaign against prohibition. That is his situation in the United States.

Mr. President, I have one other charge against Mr. Mellon. This law requires the giving of bond for the keeping of the law in many instances; and my attention has been called to 350 cases of these bonds that were violated and were forfeited, and Mr. Mellon settled those cases over his signature for 1 cent or $1 or some other nominal sum; and those bonds were mostly given in such a way that their enforcement would have meant enforcement of the prohibition law. Those charges are big, and they are important, and they go to the head of this whole prohibition enforcement.

Now, where is our Association Against Prohibition? Why do they not come in and join us, and help us find out the men who are encouraging these violations of law? Why do they not assist us in enforcing this law? President Grant said that the only fair trial of any law was its enforcement.

If a law is bad, its enforcement will always work its repeal. I want to say to the Mellons and to the Raskobs and to the Atterburys that they will never repeal this law by encouraging its violation. They will never repeal this law by defying it. This law will stay on the statute books until it has a fair trial. It has not had a fair trial in the big cities in about one-fourth of the United States. While that is true, even then there has been a very great improvement in the United States.

I want to call attention now to two of the charts on the Senate walls, which are a parallel, in a way, with all the charts that were hung on the wall the other day. The first one is labeled "Deaths from Alcohol in New York City." The other is labeled "Deaths from Alcohol in the Registered States from 1910 to 1928."

As I have pointed out, on about the 3d of May, 1917, the first nation-wide prohibition law was enacted, the one which prohibited sales of liquor to the large army we were then organizing in the United States. Senators will notice on the first of these charts, from the line between 1916 and 1917, that the deaths from alcoholism reached the peak at that time. In 1917 the country happened to be under a Democratic administration. I am sorry to admit that, I will say to the Senator from Ohio, but it is true. The law was enforced. Notice how that chart runs from the beginning of 1917 downhill to the end of 1920. The number of deaths from alcoholism went down every day.

Mr. FESS. Mr. President, will the Senator yield in reference to the remark he made a moment ago?

Mr. BROOKHART. Yes; I yield.

Mr. FESS. During the war there was a very persistent effort against alcohol on both sides of the aisle. Unfortunately, the President of the United States vetoed the war prohibition act, as the Senator knows; but, in spite of that, the Congress, on both sides, passed the measure over the veto.

Mr. BROOKHART. The Senator is correct. The Democratic President did veto the prohibition act, and Congress passed it over his veto, but he seems to have been quite honest in reference to enforcement. I can find no criticism of him in the enforcement of the law, because I see from this chart of the National Association Against the Eighteenth Amendment, or Against Prohibition, that the line went down every day as long as Mr. Wilson was President of the United States.

Then, on the 4th of March, 1921, Mr. Mellon first became Secretary of the Treasury. An examination of the chart shows what happened then. If the Association Against Prohibition wanted to be honest, they would point out that this chart shows what Mellon did when he got charge of this thing. That would give a fair description of it. Oh, no, not one word of criticism of Mr. Mellon is made by them.

The other chart starts at about the same time and covers the whole United States. It starts at the same point and runs parallel with the chart relating to New York City. Down it goes, clear down to the end of 1920, and then up it goes.

I say that the number of deaths from alcoholism are not large. It is not a large number compared with the vast number of people in the whole United States. But these charts prove conclusively—and every other chart put on these walls parallels these two charts—that when prohibition was enforced, up to the end of 1920, we had good results. There were large savings deposits. We had good results as far as deaths from alcoholism were concerned. We had good results as far as arrests for drunkenness were concerned. We had good results in everything that goes to measure the effect of alcohol.

If the Association Against Prohibition and against the eighteenth amendment and if the Senators who are fighting this thing will join us and go back and see that the law is enforced as the Wilson administration enforced it, they will have no argument left upon which to stand. Not one of them criticizes Mr. Mellon or those in the Republican Party who are responsible for the increases indicated by the charts. We have to do that ourselves and make that fight alone. The dry Democrats join us. The Democratic Party is dry, just as dry as the Republican Party, so far as that is concerned. This question has been settled as a political issue. It never can be revived. The eighteenth amendment will not be repealed. A good many of the violations in the big cities are caused by this unreasonable agitation. A hope is held out to foolish people that if they will just persist in violating the law and attempting to overthrow it, some day the law itself will be overthrown. Such is not the fact. I would welcome a vote right now upon a repeal of the eighteenth amendment or upon a modification of the eighteenth amendment. I venture the prediction that there is scarcely a baker's dozen in the whole Senate who would vote for it.

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

Mr. BROOKHART. I yield.

Mr. WALSH of Massachusetts. Does not the Senator think that a law making it a misdemeanor to use intoxicating liquor for beverage purposes would help in the enforcement of the law and prevent the abuses complained of as a result of prohibition?

Mr. BROOKHART. I think a law making buying an offense would be a help. A law against drunkenness is a pretty good law against the use.

Mr. WALSH of Massachusetts. The Senator, then, would limit any further legislation enlarging the Volstead law to making a felon of one who purchased liquor for beverage purposes.

Mr. BROOKHART. I am for modification of the Volstead law. I want to make it stronger.

Mr. WALSH of Massachusetts. I understood the Senator to say he favored making it an offense for one to purchase intoxicating liquor.

Mr. BROOKHART. Yes; that would strengthen it, that would not weaken it. That is in the law now, but there is some question as to whether it applies to an ordinary sale.

Mr. WALSH of Massachusetts. I was not discussing the weakening of the law, I was discussing the extension of the law, the strengthening of the law. The Senator would limit any change of the present Volstead law to providing a penalty for the purchasing of intoxicating liquor.

Mr. BROOKHART. Oh, no; there are several other little changes I would want to make, several little modifications I would like to have.

Mr. WALSH of Massachusetts. The Senator would not go so far as to make it an offense to drink intoxicating liquor?

Mr. BROOKHART. No.

Mr. WALSH of Massachusetts. Why not? If the use of intoxicating liquor, the manufacture and use and sale of intoxicating liquor, is bad, is wrong in principle, dangerous to the public morals and public welfare, why stop merely at making it an offense for one to manufacture or sell? Why not make it an offense for one to use it?

Mr. BROOKHART. I think that if we can stop the manufacture and sale, the traffic, the profiteering, we will get the drinkers.

Mr. WALSH of Massachusetts. The Senator does not object to a man taking a drink if he is able to get it?

Mr. BROOKHART. I object. I think he is a fool to do it; but there are lots of fools in the world.

Mr. WALSH of Massachusetts. The Senator does not favor penalizing the taking of a drink of intoxicating liquor?

Mr. BROOKHART. No; neither the eighteenth amendment nor the Volstead Act penalizes for mere drinking, but it penalizes for the sale, and I want to include the buying, the whole traffic. If there were not money in it, there would be no bootleggers, there would be no liquor business in the country.

Mr. WALSH of Massachusetts. The moral wrong the Senator sees in the prohibition question is the commercial traffic in intoxicating liquors rather than in the use of the intoxicating liquors?

Mr. BROOKHART. The use was what I always prohibited when I was training men. I prohibited the use, and abstinence from the use was what I always practiced myself. I kept out of the way of it.

Mr. WALSH of Massachusetts. The Senator did it by persuasion rather than by regulation?

Mr. BROOKHART. In the Army I did it by orders.

Mr. WALSH of Massachusetts. I still can not see why anyone who honestly and sincerely believes that the intoxicating liquors are bad in and of themselves—that they are, to use the legal phrase, mala in se—believing that they are bad, wrong, and can not be used moderately and properly, can stop with a law merely prohibiting the traffic in the intoxicating liquors. I can not see why, if such a person is consistent, he must not go to the point of punishing those who purchase the liquors, and also punish those who participate in the use of the intoxicating liquors for beverage purposes.

Mr. BROOKHART. If it were necessary, I would be in favor of such a law, but it is not necessary. If we can stop the purchase and sale, we will stop the use altogether.

Mr. WALSH of Massachusetts. Did I understand the Senator's position to be that he would oppose the bill introduced by the Senator from Texas [Mr. SHEPPARD]?

Mr. BROOKHART. I am for the bill of the Senator from Texas against the purchase of liquor, but I think the proposition of the Senator from Massachusetts is a little bit like passing a law to punish a man for committing suicide. I do not think you can punish him much after he is dead.

Mr. President, we have before the Senate now a resolution to investigate delinquencies in the enforcement of prohibition. That resolution has not been reported out of the committee. There are still some hearings to be held, and I shall not criticize the committee for what it has done, because their action may be all right. But the resolution ought to be reported out, and I say now that if it is not reported out, a motion will be made to discharge the committee, and we will have a record vote at least to see who is in favor of finding out where the leaks and the troubles are in the enforcement of prohibition.

Mr. FESS. Mr. President, I think the country owes a debt of gratitude to the Senator from Iowa [Mr. BROOKHART] for the manner in which he has analyzed the figures on the charts hanging on the walls of the Senate Chamber. I share very fully the purpose of the Senator in his agitation of the question of the eighteenth amendment, and agree with his analysis of the figures of the Association Against Prohibition.

I can not go along with the Senator in the charges he has made against the Secretary of the Treasury. It is quite understood that the Secretary of the Treasury never has been what would be called a propagandist for prohibition. I do not know whether he even believes in prohibition. But I do know that he does believe in the enforcement of the law and as an officer of this administration is in entire sympathy with the President in his efforts in law enforcement. I have talked with the Secretary on the matter. There is no basis even for suspicion that the Secretary of the Treasury is winking at the violations of law. On the other hand, he is as much concerned over what might appear to be delinquencies in enforcement as are those who are openly advocating the eighteenth amendment, who might be included in the list of propagandists or enthusiastic advocates of prohibition. But the Secretary of the Treasury would never qualify along that line, of course. No one would claim for him the rôle of a prohibition propagandist.

When in this legislation and administration we came to the question of the issuance of permits for the use of alcohol for legitimate purposes we had the most difficult feature of the legislation to contend with. I think that no man ever operated in the Capital City on this question when we enacted the legislation that was more accurate in his information and more reasonable with the people who differed from him than Mr. Wayne B. Wheeler, whom I had known for years. He always displayed a broad-mindedness and had but one purpose in mind, namely, effective enforcement of the prohibition law. When it came to the question of permits Mr. Wheeler wanted to tie it down very stringently. There was such terrific opposition that developed in what we call the legitimate industry that I was convinced that we ought not to tie it down as rigidly and to the dimensions which Mr. Wheeler insisted ought to be adopted. He in proof of his contention submitted figures to show the deflection from what he claimed to be legitimate channels into illegitimate channels, and urged them as argument that we ought to be more rigid in our requirements.

But there was being developed so much opposition to the legislation and general enforcement that many of us felt that we ought not to go to the extent he was urging for fear that we might unduly interfere with legitimate industry that must depend upon the use of alcohol. When we realize that the problem before us, about which so much is being said, is only about 8 per cent enforcement, while 92 per cent of it involves the legitimate uses of alcohol, then we can understand why Congress in the regulation of the legitimate use of alcohol refused to go to the extent of adopting some of the recommendations of our friends. As an ardent advocate of this law I would not want to be put in the category of interfering with the demand which has been so rapidly increasing in recent years for the legitimate use of alcohol in manufacture in industries generally.

Consequently, Mr. Mellon from the beginning has hoped that the unit of prohibition enforcement could be transferred from the Treasury Department to another department. He has never demanded its retention in the Treasury but, on the other hand, has been hopeful that it may be transferred. When there became a general conviction on the part of prohibitionists that the transfer should be made the question immediately arose with Doctor Doran and friends of the law whether the transfer should include with the enforcement division the permit system for the legitimate use of alcohol. It will be recalled that the commissioner strongly urged against it and said that that feature of it ought to still be retained in the Treasury Department, while the enforcement feature, which is the smallest percentage of the problem, should be transferred to the enforcement division.

So I think my friend from Iowa has been without ground in his general charge that the Treasury Department is winking at violations of the prohibition act. It seems to me that it is an unfair statement to say, because Mr. Mellon happens to be a member of the Union League, and the Union League passes a resolution which he and I would condemn, that Mr. Mellon is responsible for what the Union League did and must believe what the Union League believes. I do not believe so for a moment. I know my friend from Iowa would not want to be held responsible for the belief of every association of which he may be a member. I know I would not.

So far as the attitude of the Republican national committeeman of the State of Pennsylvania is concerned, the Senator from Iowa is probably justified in his strictures. While I have not examined the facts, I have no more respect for a national committeeman who goes out of his way to join a wet propaganda of this sort than has the Senator from Iowa; but that does not justify the Senator's attack upon the Secretary of the Treasury. I state it as my honest conviction that the Secretary of the Treasury is as much concerned about the enforcement of law over which he has command as is the Senator from Iowa, or as I am. But, of course, it goes without saying that that does not mean that he would get out on the housetops as some of us would do, and as many Senators have done, in behalf of the agitation for the eighteenth amendment and its enforcement.

Mr. President, I thought that this much ought to be said, although I have great sympathy with what the Senator from Iowa has been fighting for. The only question I raise is whether he is treating the Secretary of the Treasury in the proper spirit. I will oppose any interference with the efforts toward enforcement by the method that recently has been in vogue and which we call "investigation." I can not think of any injury that will be comparable to prohibition enforcement so much as the efforts along that line that are being put forth, not only by those who are fighting prohibition to the very limit, but, unfortunately, by some friends of prohibition who, I fear, have more feeling toward some one in the administration than they have for the law which we are trying to enforce.

I do not want to see the friends of prohibition divided on matters of this kind. On the other hand, we ought to be able to show a united front because the law is at its testing point to-day, and the friends who think that the work is over and that they can go to sleep on the job are very much mistaken. It is now at its crisis, and I want to see the friends of prohibition united in behalf of enforcement instead of divided upon grounds of personal feelings. I know of nothing that I consciously condemn so much as the efforts, from whatever motive, to disintegrate the prohibition movement as it is now in operation. If ever the cause demanded a united front of all friends against a powerful organization to break down the forces of sobriety, the time is now here to show such united efforts, and to warn us against these disintegration methods proposed.

Mr. BROOKHART. Mr. President, I would like to agree with the Senator from Ohio [Mr. FESS] all the way through, but if we can get the investigation it will be shown that after cases are worked up against some of the big industrial outfits which

get the larger permits and after evidence is found of the diversion of alcohol to the bootlegger trade a prohibition agent is removed or is sent out West or somewhere else that is dry. If things like that are going on at the top, there is no other way to cure the situation except by investigation which will bring out the facts.

As to the border patrol, I saw that situation with my own eyes. I know it is inadequate. Anybody can see it. Who was responsible for it? Mr. Mellon—and he has had nine years to find it out. He talks now about transferring it to the Department of Justice. He has had nine years to know that that ought to have been done, but when did he ever recommend it? He did not recommend it until this agitation arose.

He is directly responsible for the settlements which weaken and destroy the effect of the law. I did not want to bring this matter up on the floor of the Senate, but it is the opposition to bringing conditions to the light of day that made it necessary for me to do it. So far as I am concerned, I am just as firm in my desire for this investigation as I was in favor of the investigation we had of Daugherty and Fall and all the others. I am firm in my belief that this investigation ought to be made.

Prohibition enforcement can not be made efficient until the officials charged with its enforcement at the top are efficient. I care not how faithful the other employees may be all the way down the line; if they are removed and taken away from their duties when they are about to succeed, the whole thing is going to fail. That is the situation and I have evidence in detail from many points and places in the United States which will diclose the conditions and support every one of the conclusions and statements I have presented to the Senate to-day.

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

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Massachusetts?

Mr. BROOKHART. I yield.

Mr. WALSH of Massachusetts. Briefly stated, as I understand the Senator's position, it is that the trouble with the administration of prohibition in this country is due to the laxity of the administrative forces who are in charge of the administration of the law?

Mr. BROOKHART. I make three specific points: First, illegal diversion of alcohol from industrial use to bootleg use; second, the inadequacy of the patrols on the border; and, third, the settlement of bond cases where bonds have been violated and forfeited because of violations of the prohibition law.

Mr. WALSH of Massachusetts. Let me put it in this way, if I may: Does the Senator think we need more money with which to enforce the law?

Mr. BROOKHART. Yes; I think we need some more money.

Mr. WALSH of Massachusetts. Does the Senator think we need more law?

Mr. BROOKHART. In some particulars.

Mr. WALSH of Massachusetts. And he thinks that we need changes in personnel in the administrative forces? That is one point the Senator emphasizes?

Mr. BROOKHART. Yes; we need changes at the top.

Mr. WALSH of Massachusetts. The Senator, as an ardent prohibitionist, thinks things are unsatisfactory to-day and that the way to improve the present condition is to have more money, more law, and changes in administrative circles?

Mr. BROOKHART. The observation of the Senator from Massachusetts does not indicate any weakening of my faith in the big things that have been done under the law.

Mr. WALSH of Massachusetts. I understand that.

Mr. BROOKHART. The things I have mentioned, except the three big ones charged to Mr. Mellon and his forces, are small compared to the great results we have achieved.

Mr. WALSH of Massachusetts. I understand that. I understand that the Senator from Ohio, who also is an ardent prohibitionist, disagrees with the Senator from Iowa because he has confidence in the integrity and capacity and the devotion to duty of the officials of the Prohibition Unit.

Mr. BROOKHART. That is the issue between the Senator from Ohio and myself, but I think the issue between the Senator from Massachusetts and me is that the Senator from Massachusetts is on the wet side.

Mr. FESS. Mr. President, that is just the observation I wanted to make. It would be very difficult for the two Senators, both interested in doing certain things, to be together as wet and dry and consistent in embarrassing the administration, which is obviously what they are trying to accomplish.

ADJOURNMENT

Mr. McNARY. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 8, 1930, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

MONDAY, *April 7, 1930*

The House met at 12 o'clock noon.

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

Blessed Father of us all, in Thy sacred presence we wait at the place of prayer. If in our breasts there is discord or jarring strain, do Thou subdue them. Let Thy Holy Spirit bring peace to our souls and bring them in harmony with Thy purpose. Lead us in the upward way, to the expanding view of our country's greatest needs, and may we take them up manfully and discharge our duties courageously and wisely. O God, we know life's brevity; we have experienced its sorrows and we have tested its burdens; but, O Lord God, may we throw out a challenge and build our lives on the magnificence of big things, upon the heart's highest hopes and upon our soul's surest instincts, and by faith in the world's Saviour hold on until the morning breaketh. Amen.

The Journal of the proceedings of Friday, April 4, 1930, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S. J. Res. 49. Joint resolution to provide for the national defense by the creation of a corporation for the operation of the Government properties at and near Muscle Shoals in the State of Alabama, and for other purposes.

MODIFICATION OF PROHIBITION ENFORCEMENT ACT

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

The SPEAKER. Is there objection?

There was no objection.

Mr. DYER. Mr. Speaker, I have received a great many requests from over the country, also from some Members of the House, as to what was being done, if anything, with reference to a bill which I introduced, to provide for the modification of the prohibition enforcement act so as to authorize the manufacture and sale of a beverage containing 2.75 per cent alcohol.

I wish to take this opportunity, Mr. Speaker, to say that, as far as I am concerned, there is nothing being done either in the committee, and hence there is no intention to take it up in the House for the present. I submitted this matter some time ago to the commission appointed by the President to study law enforcement, and asked for their opinion upon two primary questions. The first question was whether or not a modification of this kind would be within the law, and secondly, if it would aid in the enforcement of the law. That commission gave me a fine hearing and I presented the subject to them as thoroughly as I could. They have advised me that they are giving my request consideration, and pending consideration by the commission I would not think it proper to urge or to advocate any action upon the proposed legislation, either in the committee or in the House.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. DYER. I yield.

Mr. SCHAFER of Wisconsin. Did the commission indicate that they would consider and study the proposition which was called to their attention and report to the Congress?

Mr. DYER. The commission has advised me that pursuant to my request it has taken up the matter and will give it consideration.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. DYER. I yield.

Mr. LaGUARDIA. After all, this is a legislative body and not a commission.

The SPEAKER. The time of the gentleman has expired.

A NATIONAL TRAVEL BUREAU

Mr. DYER. Mr. Speaker, I ask unanimous consent to extend my remarks on a bill which I introduced to-day, providing for a division of travel in the Bureau of Foreign and Domestic Commerce.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks on a bill which he introduced to-day. Is there objection?

There was no objection.

Mr. DYER. Mr. Speaker, the people of the United States are so accustomed to the superlative in scenery that they have entirely missed the economic significance of such possessions. Such is not the case abroad, however. Foreign governments realize the true value of their scenic and historic assets and work them to the limit. They say abroad that we Americans