

## VIRGINIA

Annie G. Davey to be postmaster at Evington, Va., in place of A. G. Davey. Incumbent's commission expires June 8, 1930.

William W. Middleton to be postmaster at Mount Jackson, Va., in place of W. W. Middleton. Incumbent's commission expires June 30, 1930.

Mollie H. Gettle to be postmaster at Rustburg, Va., in place of M. H. Gettle. Incumbent's commission expires June 8, 1930.

Ernest H. Croshaw to be postmaster at Stony Creek, Va., in place of E. H. Croshaw. Incumbent's commission expires June 30, 1930.

Frank L. Schofield to be postmaster at University of Richmond, Va., in place of F. L. Schofield. Incumbent's commission expired May 4, 1930.

## WASHINGTON

Tyrah D. Logsdon to be postmaster at Endicott, Wash., in place of T. D. Logsdon. Incumbent's commission expired January 13, 1930.

Walter J. Hunziker to be postmaster at Langley, Wash., in place of W. J. Hunziker. Incumbent's commission expires June 21, 1930.

## WEST VIRGINIA

Lydia P. Miller to be postmaster at Dorothy, W. Va., in place of Etta Halstead. Incumbent resigned.

Clarence E. Brazeal to be postmaster at Maybeury, W. Va., in place of C. E. Brazeal. Incumbent's commission expires June 30, 1930.

Florence Bills to be postmaster at Williamstown, W. Va., in place of Florence Bills. Incumbent's commission expires June 30, 1930.

Mamie H. Barr to be postmaster at Winfield, W. Va., in place of M. H. Barr. Incumbent's commission expired March 29, 1930.

## WISCONSIN

Joseph Kuchenmeister to be postmaster at Almena, Wis., in place of Joseph Kuchenmeister. Incumbent's commission expires June 21, 1930.

Emma V. Clark to be postmaster at Black Earth, Wis., in place of E. V. Clark. Incumbent's commission expires June 19, 1930.

Alwin W. Kallies to be postmaster at Bonduel, Wis., in place of A. W. Kallies. Incumbent's commission expires June 19, 1930.

Charles V. Walker to be postmaster at Bruce, Wis., in place of C. V. Walker. Incumbent's commission expires June 23, 1930.

Emma Thompson to be postmaster at Deer Park, Wis., in place of Emma Thompson. Incumbent's commission expires June 19, 1930.

Raymond E. G. Schmidt to be postmaster at De Forest, Wis., in place of R. E. G. Schmidt. Incumbent's commission expires June 21, 1930.

Bert B. Powers to be postmaster at Fennimore, Wis., in place of B. B. Powers. Incumbent's commission expires June 19, 1930.

Henry E. Johnson to be postmaster at Frederic, Wis., in place of H. E. Johnson. Incumbent's commission expires June 19, 1930.

George S. Eklund to be postmaster at Gillett, Wis., in place of G. S. Eklund. Incumbent's commission expires June 23, 1930.

Charles E. Juza to be postmaster at Haugen, Wis., in place of C. E. Juza. Incumbent's commission expires June 21, 1930.

Peter O. Virum to be postmaster at Junction City, Wis., in place of P. O. Virum. Incumbent's commission expires June 23, 1930.

William McMahon to be postmaster at Lancaster, Wis., in place of William McMahon. Incumbent's commission expires June 21, 1930.

Laurence G. Clark to be postmaster at Middleton, Wis., in place of L. G. Clark. Incumbent's commission expires June 21, 1930.

Harry V. Holden to be postmaster at Orfordville, Wis., in place of H. V. Holden. Incumbent's commission expires June 23, 1930.

Lewis W. Cattanaach to be postmaster at Owen, Wis., in place of L. W. Cattanaach. Incumbent's commission expires June 23, 1930.

Frank H. Colburn to be postmaster at Shiocton, Wis., in place of F. H. Colburn. Incumbent's commission expires June 19, 1930.

Maud E. Johnston to be postmaster at Spencer, Wis., in place of M. E. Johnston. Incumbent's commission expires June 23, 1930.

Robert L. Raymond to be postmaster at Campbellsport, Wis., in place of William Martin. Incumbent's commission expired January 29, 1927.

## WYOMING

Forest H. Gurney to be postmaster at Buffalo, Wyo., in place of P. A. Gatchell, jr., removed.

## HOUSE OF REPRESENTATIVES

FRIDAY, May 23, 1930

The House met at 12 o'clock noon.

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

Most Gracious Lord God, bless us with quiet minds and subdue restless wills that hurry to and fro. Enable us to trust Thee where reason can not understand. Take the north wind out of our skies, and may we cherish the fragrance and the beauty that drips for all. Look after the soil of our hearts; give it depth of pure love and honest purpose. We thank Thee that no price is set on the lavish springtime. May it enrich our imaginations, our affections, and our characters. He who loves the trees, the flowers, and the singing birds loves the Infinite Soul that radiates in stars and stirs in clouds, that gilds the clouds and greens the earth of May. Glory be to Thee, O Lord, most high. Amen.

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

## MESSAGE FROM THE SENATE

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

H. R. 293. An act for the relief of James Albert Couch, otherwise known as Albert Couch;

H. R. 591. An act for the relief of Howard C. Frink;

H. R. 1198. An act to authorize the United States to be made a party defendant in any suit or action which may be commenced by the State of Oregon in the United States District Court for the District of Oregon, for the determination of the title to all or any of the lands constituting the beds of Malheur and Harney Lakes in Harney County, Oreg., and lands riparian thereto, and to all or any of the waters of said lakes and their tributaries, together with the right to control the use thereof, authorizing all persons claiming to have an interest in said land, water, or the use thereof to be made parties or to intervene in said suit or action, and conferring jurisdiction on the United States courts over such cause;

H. R. 2152. An act to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, and for other purposes;

H. R. 4293. An act to provide for a ferry and a highway near the Pacific entrance of the Panama Canal;

H. R. 5259. An act to amend section 939 of the Revised Statutes;

H. R. 5262. An act to amend section 829 of the Revised Statutes of the United States;

H. R. 5266. An act to amend section 649 of the Revised Statutes (sec. 773, title 28, U. S. C.);

H. R. 5268. An act to amend section 1112 of the Code of Law for the District of Columbia;

H. R. 6083. An act for the relief of Goldberg & Levkoff;

H. R. 6084. An act to ratify the action of a local board of sales control in respect of contracts between the United States and Goldberg & Levkoff;

H. R. 6151. An act to authorize the Secretary of War to assume the care, custody, and control of the monument to the memory of the soldiers who fell in the Battle of New Orleans, at Chalmette, La., and to maintain the monument and grounds surrounding it;

H. R. 7333. An act for the relief of Allen Nichols;

H. R. 8854. An act for the relief of William Taylor Coburn;

H. R. 9154. An act to provide for the construction of a revetment wall at Fort Moultrie, S. C.;

H. R. 9334. An act to provide for the study, investigation, and survey, for commemorative purposes, of the battle field of Saratoga, N. Y.; and

H. R. 11703. An act granting the consent of Congress to the city of Olean, N. Y., to construct, maintain, and operate a free highway bridge across the Allegheny River at or near Olean, N. Y.

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

H. R. 5258. An act to repeal section 144, Title II, of the act of March 3, 1899, chapter 429 (sec. 2253 of the Compiled Laws of Alaska);

H. R. 5261. An act to authorize the destruction of duplicate accounts and other papers filed in the offices of clerks of the United States district courts;

H. R. 6414. An act authorizing the Court of Claims of the United States to hear and determine the claim of the city of Park Place, heretofore an independent municipality, but now a part of the city of Houston, Tex.;

H. R. 8296. An act to amend the act of May 25, 1926, entitled "An act to adjust water-right charges, to grant certain other relief on the Federal irrigation projects, and for other purposes";

H. R. 10175. An act to amend an act entitled "An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," approved June 2, 1920, as amended;

H. R. 12013. An act to revise and equalize the rate of pension to certain soldiers, sailors, and marines of the Civil War, to certain widows, former widows of such soldiers, sailors, and marines, and granting pensions and increase of pensions in certain cases;

H. R. 12205. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

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

S. 35. An act for the relief of James W. Nugent;

S. 107. An act establishing additional land offices in the States of Montana, Oregon, South Dakota, Idaho, New Mexico, Colorado, and Nevada;

S. 308. An act for the relief of August Mohr;

S. 1270. An act providing for the construction of roads on the Fort Belknap Indian Reservation in the State of Montana;

S. 1317. An act to amend section 108 of the Judicial Code, as amended, so as to change the time of holding court in each of the six divisions of the eastern district of the State of Texas, and to require the clerk to maintain an office in charge of himself or a deputy at Sherman, Beaumont, Texarkana, and Tyler;

S. 1447. An act for the relief of Pasquale Iannaccone;

S. 1536. An act for the relief of Blanch Broomfield;

S. 1697. An act for the relief of Peter C. Hains, jr.;

S. 1785. An act providing for the construction of roads on the Blackfeet Indian Reservation in the State of Montana;

S. 1985. An act providing against misuse of official badges;

S. 2334. An act for the relief of Wallace E. Ordway;

S. 2895. An act authorizing the bands or tribes of Indians known and designated as the Middle Oregon or Warm Springs Tribe of Indians of Oregon, or either of them, to submit their claims to the Court of Claims;

S. 3068. An act to amend section 355 of the Revised Statutes;

S. 3165. An act conferring jurisdiction upon the Court of Claims to hear, consider, and report upon a claim of the Choctaw and Chickasaw Indian Nations or Tribes for fair and just compensation for the remainder of the leased district lands;

S. 3490. An act to define, regulate, and license real-estate brokers and real-estate salesmen; to create a real-estate commission in the District of Columbia; to protect the public against fraud in real-estate transactions; and for other purposes;

S. 3581. An act authorizing the Secretary of the Interior to arrange with States for the education, medical attention, and relief of distress of Indians, and for other purposes;

S. 3712. An act to establish a military record for Charles Morton Wilson;

S. 3938. An act authorizing the construction of the Michaud division of the Fort Hall Indian irrigation project, Idaho, an appropriation therefor, and the completion of the project, and for other purposes;

S. 4002. An act providing for the construction of roads on the Rocky Boy Indian Reservation in the State of Montana;

S. 4064. An act to extend the times for commencing and completing the construction of a bridge across the Des Moines River at or near Croton, Iowa;

S. 4205. An act to amend paragraph (6) of section 5 of the interstate commerce act, as amended;

S. 4242. An act to fix the salaries of the Commissioners of the District of Columbia;

S. 4538. An act authorizing the construction, maintenance, and operation of a bridge across the Missouri River between Council Bluffs, Iowa, and Omaha, Nebr.; and

S. J. Res. 168. Joint resolution declaring the transfer of the St. Charles Bridge over the Missouri River on National Highway No. 40 not a sale.

#### SPEAKER PRO TEMPORE

The SPEAKER. The Chair designates the gentleman from New York [Mr. SNELL] as Speaker pro tempore to-morrow, in case the House should be in session.

#### APPROPRIATION FOR MISCELLANEOUS ITEMS, CONTINGENT FUND OF THE HOUSE OF REPRESENTATIVES

Mr. WOOD. Mr. Speaker, I ask unanimous consent for the present consideration of House Joint Resolution 343, to supply a deficiency in the appropriation for miscellaneous items, contingent fund of the House of Representatives.

The SPEAKER. The gentleman from Indiana asks unanimous consent for the present consideration of a resolution which the Clerk will report.

The Clerk read the resolution, as follows:

*Resolved, etc.,* That the sum of \$25,894.31 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to supply a deficiency in the contingent fund of the House of Representatives for the fiscal year 1930, for miscellaneous items, exclusive of salaries and labor unless specifically ordered by the House of Representatives, and including reimbursement to the official stenographers to committees for the amounts actually and necessarily paid out by them for transcribing hearings.

The SPEAKER. Is there objection?

There was no objection.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

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

#### FLOOD CONTROL

Mr. RAGON. Mr. Speaker, I ask unanimous consent for the present consideration of H. R. 8479, to amend section 7 of Public Act No. 391, Seventieth Congress, approved May 15, 1928.

The SPEAKER. The gentleman from Arkansas asks unanimous consent for the present consideration of House bill 8479, which the Clerk will report.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That section 7 of Public Act No. 391, Seventieth Congress, approved May 15, 1928, be amended by adding thereto the following proviso: "Provided, That the unexpended and unallotted balance of said sum, or so much thereof as may be necessary, may be allotted by the Secretary of War on the recommendation of the Chief of Engineers in the reimbursement of levee districts or others for expenditures for the construction, repair, or maintenance of any flood-control work on any tributaries of the Mississippi River that may be threatened, impaired, or destroyed by flood or that have been impaired, damaged, or destroyed by flood; and also in the construction, repair, or maintenance, and in the reimbursement of levee districts or others for the construction, repair, or maintenance of any flood-control work on any of the tributaries of the Mississippi River that have been impaired, damaged, or destroyed by caving banks or that may be threatened or impaired by caving banks of such tributaries, whether or not such caving has taken place during a flood stage.

With the following committee amendment:

On page 2, line 2, after the word "tributaries," insert the words "or outlets."

Page 2, line 12, after the word "stage," insert: "Provided further, That if the Chief of Engineers finds that it has been or will be necessary or advisable to change the location of any such flood-control work in order to provide the protection contemplated by this section, such change may be approved and/or authorized."

The SPEAKER. The Chair understands that the amount heretofore authorized will not be changed nor the amount appropriated.

Mr. RAGON. No, sir; not at all.

Mr. TILSON. Mr. Speaker, reserving the right to object, may I ask the gentleman whether the gentleman from Illinois [Mr. REID] approves this bill?

Mr. RAGON. Oh, yes.

Mr. TILSON. It comes from his committee.

Mr. RAGON. It came out of his committee with a unanimous report. As I understand, he has been called away, and that is the reason he is not calling up the bill.

Mr. TILSON. The gentleman from Arkansas can state that the gentleman from Illinois is familiar with this proposition and approves of it?

Mr. RAGON. He is.



Mr. CHALMERS. I would like to ask the gentleman the amount of the unexpended balance.

Mr. RAGON. There was \$1,100,000 spent and \$5,000,000 was authorized, so there is about \$3,800,000 unexpended.

Mr. LAGUARDIA. Is not the bill rather far-reaching and different from the original purpose? Does it not provide for reimbursement for the breaking of levees, whether through floods or otherwise, and does not that change the original purpose?

Mr. RAGON. No. The reimbursement provided is merely for bankrupt districts.

Mr. SNELL. Mr. Speaker, may I suggest that before the time to object expires the gentleman be allowed to make an explanation of this bill. It is a rather important matter to bring up in this way, and I think the House should be properly informed before it considers legislation in this way. It is understood that the statement is to be made under a reservation of objection.

Mr. RAGON. Mr. Speaker, I would like to say that a great emergency exists at this time. The Arkansas River is banked full and has been out of its banks in many places within the last 10 days. Practically all of the levees on the Red River have been washed away, and the Ouachita River is in the same condition. Those are the rivers I know about.

This bill seeks to make effective what we intended to do under section 7 of the flood control act; that is, to take care of those districts that are beyond the back-water area of the Mississippi River, those rivers which are tributaries to the Mississippi.

There are three things involved. First, the question of reimbursement will apply only to the few districts which are financially involved.

Mr. SNELL. What does the gentleman mean by reimbursement?

Mr. RAGON. I will state that to the gentleman. Immediately following the flood of 1927 these levees were washed away, and along the Arkansas River in particular there is nothing in the world but a sand bank. These sand banks wash badly and sand worse. Many of these districts went in there and built back their levees; that is, as to some of them they built them entirely back and as to others they built them as far back as they could. We are seeking to help those districts that were not able to borrow the money because the districts were bonded to the limit. The individual commissioners in some instances pledged their own credit in order to get this money. If they had waited until the flood control act had passed, the Government would have gone in there and built these levees for them. The engineers have always manifested a desire to help these people, but under the construction of the Comptroller General they could not do it.

This is with respect to the item of reimbursement and only covers the period between 1927 and the passage of the flood control act.

Mr. SNELL. Do I understand this is extending assistance that is not provided for in the regular flood control act?

Mr. RAGON. No; it does not. We passed the Federal flood control act thinking it would take care of this situation.

Mr. SNELL. Then this is a new interpretation of that act?

Mr. RAGON. I may say that is correct; yes.

Mr. PARKS. It is purely and simply a matter of interpretation.

Mr. RAGON. Yes; and it only applies where the districts are in a bankrupt condition. In other words, if they had waited until the flood control act passed, it would have cost the Government a great deal more money to have done this work than it cost the citizens who went in there and got on the job immediately.

Mr. SNELL. How much will this cost?

Mr. RAGON. That is a little difficult to say. I believe \$300,000 would cover the cases about which I know. On reimbursement the claims have not been filed in full. We had that question before the Committee on Flood Control.

Mr. LAGUARDIA. Were these expenditures made by these citizens or communities in anticipation of reimbursement by the Federal Government?

Mr. RAGON. Yes; they thought the Federal flood control act would take care of it.

Now, there is another question involved here and that is the question of the relocation of levees. The Government went in at a number of places and found it was their duty to rebuild these levees under section 7, but, under the construction that had been put upon the law by the Comptroller General and the Chief of Engineers, it was held they had no authority to relocate a levee. In other words, they had to leave it alone because they had no authority to go out there and build the levee in a more practical place. They have always maintained they should do this, but they have not had the authority; and last year I

introduced a bill and it went through the committee and through the House and the Senate providing for one of these relocations.

Mr. SEARS. Will the gentleman yield?

Mr. RAGON. Yes.

Mr. SEARS. Suppose the gentleman explains to the membership of the House why section 7 was placed in the bill and out of what this comes.

Mr. RAGON. Section 7 was placed there to cover those districts that are not in a backwater area nor on the Mississippi, but it applies to all the tributaries—the Ohio, the Wabash, the Red, the White, the Arkansas, the Missouri, and the Upper Mississippi—in the area above the backwaters, and the reimbursement feature only applies where the districts were unable to take care of themselves at that time.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. RAGON. Yes.

Mr. CHINDBLOM. This matter, of course, is in the jurisdiction of the Committee on Flood Control?

Mr. RAGON. Yes.

Mr. CHINDBLOM. It happens that my colleague, the chairman of that committee [Mr. REID] is unavoidably absent, having left the city only yesterday. This matter is brought up now; why could it not have been taken up while he was here, and why can it not rest until he comes back?

Mr. RAGON. The gentleman from Illinois [Mr. REID] and I are in strict agreement, and I am acting on his suggestion. His suggestion was that the gentleman from Nebraska report the bill, and the gentleman from Nebraska was to call it up, but he was not on the floor when the House convened.

Mr. CHINDBLOM. The present occupant of the floor is not a member of the Flood Control Committee?

Mr. RAGON. No; but it is my bill, and that is the reason I was recognized. I will say that it is eminently satisfactory to the gentleman from Illinois and he would have called it up if he had been here.

Mr. CHINDBLOM. When was the bill reported out by the Flood Control Committee?

Mr. RAGON. It was passed last week, but here is a situation which I think the gentleman does not understand. The entire southeast section of Arkansas along the Red and the Ouachita Rivers is under water. For miles there is as much as 10 feet of water. I can show the gentleman pictures of the situation. These pictures have been on the front pages of the papers almost every morning lately. This water is going to recede and the question we are confronted with is how we are going to relocate these levees without any authority in the engineers of the Army.

Mr. CHINDBLOM. But, of course, that condition has existed ever since this bill was reported out by the Committee on Flood Control.

Mr. RAGON. No; it has not. While the emergency has existed to some extent on my river, the Arkansas, on the Red and the others the emergency has developed within the last few days.

Mr. CHINDBLOM. It does seem to me that in the interest of the usual, orderly procedure, some member of the Committee on Flood Control should show an interest in the matter.

Mr. RAGON. May I suggest to my friend that I know he does not want to impute any improper motives to me?

Mr. CHINDBLOM. Certainly not.

Mr. RAGON. The gentleman from Nebraska [Mr. SEARS] sits right here, and I called the gentleman at his office as soon as the Speaker said he would recognize me, but the gentleman did not get here in time to make the request. The gentleman is on the Flood Control Committee and was delegated by the gentleman from Illinois [Mr. REID] to take this action.

Mr. HASTINGS. And he is the gentleman who made the report from the committee?

Mr. RAGON. Yes. It is a unanimous report from the committee, and they held hearings on the bill for a couple of days.

Mr. DYER. Will the gentleman yield?

Mr. RAGON. Yes.

Mr. DYER. Has the gentleman conferred with my colleague from Missouri [Mr. SHORT], who is a member of the Flood Control Committee?

Mr. RAGON. The gentleman from Missouri [Mr. SHORT] is as strong for this bill as I am, but he is not in the city.

Mr. DYER. He is very much in favor of it also?

Mr. RAGON. Yes; absolutely.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. RAGON. Yes.

Mr. COCHRAN of Missouri. They have had about 20 floods in the St. Francis Valley, due to the fact the levees have been destroyed in part, and they have no money with which to replace them. A very serious situation exists in that section.

Mr. RAGON. That is true.

Mr. COCHRAN of Missouri. Will this bill take care of that situation?

Mr. RAGON. Yes; this bill takes care of that.

Mr. COCHRAN of Missouri. Then, this bill will be of benefit to the St. Francis Valley?

Mr. RAGON. Yes; certainly.

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

There was no objection.

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

The committee amendments were agreed to.

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

On motion of Mr. RAGON, a motion to reconsider was laid on the table.

#### FAKE ADVERTISING

Mr. EDWARDS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

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

There was no objection.

Mr. EDWARDS. Mr. Speaker, in a Washington paper this morning I noticed the following advertisement:

Clairvoyant, the man who knows.

Two entrances, 608 Twelfth Street NW., 1203 F Street NW., up one flight over Woolworth's 5 and 10 cent store.

Do you want to know?

He tells you the truth, good or bad.

This strange man sees the way and tells it all. Just what your life has been. Just what it will be. Tells you when and whom you will marry; whether husband, wife, or sweetheart is true or false. Tells as to changes, travel, loss, or absent friends; divorce, wills, deeds. Whether it is best to buy or sell. He tells the good and the bad. A visit will convince you of his wonderful power.

Something tells you this is the man. You feel the impulse to call. Do not delay.

#### A FAKE AND A FRAUD

Every intelligent person knows these so-called clairvoyants are fakes and frauds. If there is no way to reach these fakers who are defrauding many simple-minded people, a way ought to be provided. It is a matter the District Affairs Committee should at once take up and consider. One would think the day of the fortune teller is in the past, and yet we find these fakers fleecing people in the Capital of the Nation. What are the organizations that stand for truth in advertising doing throughout the country to put these fakers out of business? The truth is the newspapers and magazines ought not to carry these advertisements through which great numbers of unsuspecting people are defrauded and deluded.

#### SHOULD NOT GO THROUGH MAILS

Such advertisements should not be permitted to be carried through the mails. What is the Post Office Department doing to stop such fraudulent schemes? If papers and magazines that carry such unworthy advertisements are excluded from the mails, they would quit accepting them in their columns.

If there is no authority in law to cover such cases, then the Committee on Post Offices and Post Roads or some other committee having jurisdiction should take appropriate action to shut such defrauding schemes out of the mails.

#### CHEATING AND SWINDLING

In Georgia such cheats and swindlers as "fortune tellers" "clairvoyants," and the like can be reached under a statute making cheating and swindling a misdemeanor. There should be such a statute in the District of Columbia and in every State of the Union. These common cheats and swindlers ought to be prosecuted and given chain-gang sentences wherever and whenever they show up. The country ought to be rid of them, and the foolish people upon whom these criminals prey protected against them and against such "rotten bunk."

#### DENNIS E. ALWARD

Mr. HUDSON. Mr. Speaker, I hold in my hand the following telegram:

Hon. GRANT M. HUDSON,

*Congressman from Michigan, House Office Building:*

Secretary of the Senate Dennis E. Alward passed away to-day at noon.

MYLES F. GRAY,

*Clerk, House of Representatives.*

Mr. Speaker, Mr. Alward entered the service of this House in May, 1896, as superintendent of the document room. On April 1, 1897, he received appointment as reading clerk, and served in that capacity until April 26, 1911, a period of more than 14 years. During that extended service he was recognized as a most efficient public servant. Mr. Alward was a gentleman of

the highest character and the highest attainment in culture and engaging personality. Mr. Alward held many positions of trust and honor in his home State. At the time of his death he was secretary of the Michigan State Senate, which position he had held for a number of years. His passing away is a distinct loss to my community, to the State of Michigan, and to the Nation at large.

#### CLAIM OF THE CITY OF PARK PLACE

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 6414, with a Senate amendment, and concur in the Senate amendment.

The SPEAKER. The Clerk will report the title of the bill. The Clerk read as follows:

An act (H. R. 6414) authorizing the Court of Claims of the United States to hear and determine the claim of the city of Park Place, heretofore an independent municipality, but now a part of the city of Houston, Tex.

The Senate amendment was read, as follows:

Page 1, line 4, after "determine," insert "and report to Congress."

The Senate amendment was concurred in.

#### MARIJUNE CRON

The SPEAKER. The Clerk will call the first bill on the Private Calendar, beginning at the star.

The first business on the Private Calendar was the bill (H. R. 478) for the relief of Marijune Cron.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the provisions of subdivision H of section 10 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," as amended by the act of February 12, 1927, be, and the same are hereby, made to apply to Marijune Cron, widow of Warren M. Cron, who was fatally injured on July 30, 1923, while performing his duties as an employee of the United States Reclamation Service, Department of the Interior, near Boise, Idaho.

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

A motion to reconsider was laid on the table.

#### C. B. SMITH

The next business on the Private Calendar was the bill (H. R. 794) for the relief of C. B. Smith.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to C. B. Smith, of Elizabethtown, Hardin County, Ky., the sum of \$10,000 in full settlement of all claims against the United States for injuries arising out of a gunshot wound inflicted by the discharge of a machine gun in Elizabethtown on April 6, 1918.

With the following committee amendment:

In line 5, strike out the figures "\$10,000" and insert in lieu thereof the figures "\$1,500."

The committee amendment was agreed to.

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

A motion to reconsider was laid on the table.

#### LEAVE TO FILE REPORT

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent that the Committee on Immigration and Naturalization may have until midnight to-night to file the report on the bill S. 51.

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

Mr. TILSON. Reserving the right to object, and I am not going to object to this request, but requests relating to extraneous matters should not be brought up during the consideration of the Private Calendar. I shall object to any further requests until the House is ready to adjourn to-night. I think it is only fair that while we are considering the Private Calendar it should not be interrupted by such requests.

Mr. JOHNSON of Washington. I intended to speak to the leader of the majority but was detained.

Mr. TILSON. I am not going to object to this, but anything outside of the Private Calendar should wait until we are through for the day.

The SPEAKER. Is there objection?

There was no objection.



Mr. GREENWOOD. I would like to ask the gentleman from Connecticut if we are going to consider the Private Calendar to-morrow?

Mr. TILSON. I hope so; I hope that we may go right along with the Private Calendar.

#### BELLE CLOPTON

The next business on the Private Calendar was the bill (H. R. 913) for the relief of Belle Clopton.

The Clerk read the title of the bill.

The SPEAKER pro tempore [Mr. SNELL]. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement against the Government, the sum of \$1,000 to Belle Clopton, of Covington, Ky., on account of injuries sustained when struck by a post-office mail truck in said city on December 24, 1927.

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

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

#### FRENCH BARK "FRANCE"

The next business on the Private Calendar was the bill (H. R. 9824) for the relief of the owners of the French bark *France*.

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

*Be it enacted, etc.,* That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$530 to reimburse the owners of the French bark *France* for a fine imposed for failure to furnish a crew list on the proper form as required by section 36, act of February 5, 1917, on the occasion of the vessel's arrival at Baltimore on July 23, 1920.

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

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

#### CATHARINE KEARNEY

The next business on the Private Calendar was the bill (H. R. 919) for the relief of the father of Catharine Kearney.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. GREENWOOD. Mr. Speaker, reserving the right to object, has the dependency of the father been established to the satisfaction of the committee?

Mr. IRWIN. Yes. The Post Office Department says there was contributory negligence, but the fact of the matter is that while the mail carrier might have made a left turn, the sun was in his eyes, and while the department stated he could have stopped, he went right ahead.

Mr. GREENWOOD. I think the gentleman misunderstood the question. Has the dependency of the father been established by proof before the committee?

Mr. IRWIN. Yes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the 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 the father of Catharine Kearney, of Manhattan Borough, New York City, the sum of \$10,000 as damages sustained by reason of the killing of said Catharine Kearney, who died in Manhattan Borough, New York City, on March 24, 1919, as a result of injuries received at New York City on March 24, 1919, by being run down by a Government-owned automobile truck operated by an employee of the United States mail service under the jurisdiction of the New York post office; such sum of \$10,000 to be distributed to said decedent's father and next of kin as damages in an action for causing death by a wrongful act under the laws of the State of New York.

With the following committee amendments:

Page 1, line 7, strike out "\$10,000" and insert "\$5,000."

Page 2, line 6, after the word "York," insert a colon and the following:

"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 committee amendments were agreed to.

Mr. IRWIN. Mr. Speaker, I offer the following amendment which I send to the Clerk's desk.

Amendment by Mr. IRWIN: Page 2, line 3, strike out "\$10,000" and insert "\$5,000."

The amendment was agreed to.

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

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

#### C. O. CROSBY

The next business on the Private Calendar was the bill (H. R. 1499) for the relief of C. O. Crosby.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. COLLINS. Mr. Speaker, I reserve the right to object. I would like to know something about this bill.

Mr. IRWIN. What would the gentleman like to know about it?

Mr. COLLINS. Why we are going to pay the sum of \$3,765.01.

Mr. IRWIN. This bill is like a number of others that are recommended by the Post Office Department, where there is a shortage, and where it is not shown that the postmaster was negligent in any way. It is not a matter of the payment of money, but is a matter of relieving these people. It is a matter of bookkeeping. We have had a number of those cases, where the same thing has taken place.

Mr. COLLINS. But in this particular case the shortage of the clerk in the office amounted to only about \$1,200, according to the report of the post-office inspector, and you are undertaking to refund to the postmaster \$3,765. I would like to know why you are recommending this.

Mr. IRWIN. There was a shortage which was evidently covered by the burning of the records of the post office. The department in making the investigation stated that there is no question but that the postmaster was responsible for the amount charged. But the postmaster had no control of his assistants whatever. They were not appointed by him, and he was in no way responsible for their acts.

Mr. COLLINS. But the gentleman has not answered the question I asked him.

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

Mr. IRWIN. Yes.

Mr. McMILLAN. I think I can answer the gentleman. According to the report of the Postmaster General, which will be found on page 3 of the report in his letter, there is the statement that there would be no loss whatever to the Government in allowing the postmaster credit for the \$3,765. That arises from the fact that these money orders were already paid. The vouchers could not be accounted for by reason of this fire, and the money-order clerk admitted taking some of these funds.

Mr. COLLINS. Does the gentleman undertake to say that the money orders have actually been paid?

Mr. McMILLAN. All paid.

Mr. COLLINS. And, notwithstanding the fact that they have been paid, the post-office inspector still has charged the postmaster with them?

Mr. McMILLAN. That represents lost money orders that can not be accounted for, all of which had already been paid.

The SPEAKER pro tempore. Is there objection?

There was no objection, and the Clerk reported the bill, as follows:

*Be it enacted, etc.,* That the Postmaster General be, and he is hereby authorized and directed to credit the account of C. O. Crosby, postmaster at Waltherboro, S. C., with the sum of \$3,765.01, covering a shortage in his accounts believed to be due in large part to the destruction of paid money orders in a fire in the post office on March 28, 1926, and to some extent to the embezzlement of funds by a former clerk in the post office.

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

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

#### G. T. HANSON

The next business on the Private Calendar was the bill (H. R. 1582) for the relief of G. T. Hanson.

The title of the bill was read.

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

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to lay that bill on the table.

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

#### HANNAH ODEKIRK

The next business on the Private Calendar was the bill (H. R. 7299) for the relief of Hannah Odekirk.

There being no objection to its consideration, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent under the homestead entry of Heber Odekirk to his widow, Hannah Odekirk, for the southeast quarter section 26, township 2 south, range 2 west, Uintah special meridian, Utah: *Provided however,* That in addition to the usual fees and commissions payable under existing laws said Hannah Odekirk shall pay the sum of \$1.25 per acre for the land so entered, which latter sum shall be deposited in the Treasury of the United States and disposed of in the same manner as other proceeds derived from the sale of lands within the former Uintah Indian Reservation, Utah.

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

A motion to reconsider the last vote was laid on the table.

#### CLAIMS, YUMA RECLAMATION PROJECT, CALIFORNIA

The next business on the Private Calendar was the bill (H. R. 650) for the payment of damages to certain citizens of California caused by reason of artificial obstructions to the natural flow of water being placed in the Picacho and No-Name Washes by an agency of the United States.

The title of the bill was read.

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

Mr. COLLINS. Reserving the right to object, Mr. Speaker, why should the Government pay this claim?

Mr. SWING. Well, that is a fair question. I think that ordinarily the Government ought cheerfully to subject itself to the same rules of law as it requires its private citizens to subject themselves to in a case of injury done to one of them by another.

Now, while we do not want any precedent imposing on the Government any high duty in the performance of this kind of work, yet it seems to me that the Government engineers ought to be required to exercise ordinary care, as you and I understand that word in law. If the construction were done in a manner that would obviously defeat its purpose, if there had been a lack of ordinary care, and the citizens had no control over the selection of the engineer, he being an agency selected in Washington and sent out there, and they having to permit him to do the job in the way he chooses, and the evidence shows clearly that he did not use ordinary care, I think the citizens ought to be able to recover the loss sustained owing to the Government officer's negligence.

I am personally and intimately acquainted with this little settlement, which exists in Imperial County in the district I have the honor to represent, and I visited this place many times when I was district attorney and have visited it since I have been a Member of Congress. I know most of these people personally. Some of them were owners and some had leases thereon. This land is all held in small tracts, by comparatively poor people. I think 20 acres would be the average size of the tracts. Some are as small as 10 acres. But a large number of poor people are located on this Government project, which is a part of the Yuma project, largely in Arizona; but this small part of it happens to be in California.

Mr. COLLINS. This case is quite unusual. An embankment broke and overflowed some lands, and the Government is now called upon to pay damages which these people claim to have sustained by reason of that break in the embankment.

If Congress starts the precedent of paying such claims, then people along the banks of the Mississippi or other streams that are subject to overflow should also be compensated when the levees break. This means that Congress will be called on in the future to pay claims running into millions of dollars.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield there?

Mr. COLLINS. Yes.

Mr. CHINDBLOM. I have observed that the committee has prepared an amendment which was recommended by the Commissioner of the General Land Office, and which is in accord with the recommendation of the Bureau of the Budget, to the effect that the money shall be paid out of the reclamation fund.

Does that change the situation in the opinion of my colleague from Mississippi?

Mr. COLLINS. I do not think so, because when the principle is recognized it is recognized for all purposes.

Mr. CHINDBLOM. Is this land included in the reclamation projects of the United States?

Mr. SWING. Yes.

Mr. GREENWOOD. Are not the different funds carried separately?

Mr. SWING. On the books the accounts are carried separately, but the funds are not.

Mr. GREENWOOD. Here is a project where a reservoir was built to take care of this particular project. Because it was unsuccessful, the people come asking the Government for relief. According to this bill, it would come out of the general fund. Should it not come out of that particular fund? Because it was unfortunate when the flood came, this claim ought not to be charged off to the general fund.

Mr. SWING. If, of course, the settlers on this project must pay for their own damage, then we are merely running around in a circle and getting back to the same place where we started. The result is a denial of any relief, because instead of affording them relief, we turn around and make them pay it out of their own pockets. It is put in this form on the recommendation of the Budget and the Reclamation Commissioner. As I stated a moment ago, the local settlers on the project had not a single word to say as to who is to be sent there to be engineer on the project, or advise him in any particular. If he does wrong, if he fails to use ordinary care, it is chargeable to the Reclamation Service, which sent him there, and therefore should be paid out of the reclamation fund.

Mr. GREENWOOD. Will the gentleman yield?

Mr. SWING. I yield.

Mr. GREENWOOD. I do not quite agree with the gentleman's conclusions, that because this damage arises over the whole project, therefore the project should bear the expense of the damage. No doubt special damages did not occur to all the people in the project, but to only a few, and there were some who did not incur damages; and to make the whole project pay it does not mean, exactly as I see it, what the gentleman says.

Mr. SWING. If that principle was carried to the extreme, it might result in the project being required to pay its own relief, although the damage was due to the gross negligence of the engineer over whom they had no control.

Mr. GREENWOOD. I think the project ought to stand the damages in this case, because these engineers were there for the purpose of improving the project, by making a reservoir that would take care of the excess water, at time of special flood. Surely the general reclamation fund should not be chargeable with a flood condition, and the project which was getting the benefit of this construction ought to be willing to stand the expense of the damages.

Mr. SWING. I would agree with the gentleman if it was a special flood, different from what usually happens in the district, but the evidence which was presented to the committee in the form of convincing affidavits, showed that this kind of a rainfall had happened in years before and that the engineers were chargeable with knowledge of this sort of thing. It had happened the year before. In fact, it happened within a year after they built this flimsy reservoir out of sand, insufficient in size and material to do even what they undertook to do.

Mr. GREENWOOD. I think that the committee amendment which says that the funds disbursed under this act shall not be chargeable to or repaid by the water users of the Yuma project, ought to go out, and I feel constrained to object unless that is eliminated from the bill, because this project ought to stand that damage, and it should not be crowded over onto the general reclamation fund.

Mr. SWING. I will be compelled to yield to the gentleman's viewpoint, of course.

Mr. GREENWOOD. Surely the other projects ought not to come here and ask the general reclamation fund to make a contribution to this damage.

Mr. STAFFORD. Will the gentleman yield?

Mr. SWING. I yield.

Mr. STAFFORD. Does not the gentleman view these projects as being separate entities, charged with the maintenance and care of conditions that arise in connection therewith?

Mr. SWING. Under all circumstances, yes; but as far as the selection of the engineers and managers of these projects is concerned, the selection is made in Washington, and the engineer or manager the settlers never see until he arrives, and they have no control over them as to what they shall do or not do; that is all controlled from Washington. So, in all fairness and justice, they should not be held responsible for



what this engineer does, if he is guilty of gross negligence. I am only holding the Government to ordinary care.

Mr. STAFFORD. There is nothing in this record to show that this person was guilty of gross negligence.

Mr. SWING. It is found by the committee on the evidence, and it is on page 3 of the report:

But even if it were otherwise, there appears to be a total failure on the part of the engineers in the construction of this reservoir to provide a storage basin and spillway adequate either in size or construction to handle flood waters which ought to have been reasonably expected in that section.

The words "gross negligence" are in the next sentence.

Mr. STAFFORD. There is nothing in the report of the Commissioner of Reclamation with reference to that statement. I have read the report very carefully.

Mr. SWING. That is true; but the committee had before it some 12 or 15 affidavits, presented by responsible people, including engineers, and the committee was convinced by careful study of these affidavits that there was gross negligence.

Mr. GREENWOOD. If every engineering claim that is proposed for the relief of a project goes wrong and results in damage, and the damages are going to be crowded over onto all the projects in the reclamation fund, we will have thousands of cases on a precedent like this. I am going to insist that these damages be paid out of the funds of this particular project. If you are willing to agree to that amendment, I will not object.

Mr. COLLINS. What about the amount? We are asked to pay people who have not even repaired their damages.

Mr. SWING. To me that is the strangest action on the part of the board of appraisals that could be imagined. A man left his land in the identical way in which it was when damaged so that the appraisers could come and see it, instead of having destroyed the evidence of damage; but having left it there for them to inspect, they then hold that they will not compensate him because he has not repaired his property. Some of them were too poor to repair it. They did not have the money. They were down and out because they had lost that year's crop, and they could not repair it. To say that we will not compensate them until they have repaired their property, when we have destroyed the very means by which they could pay for it, namely, their crops, is unthinkable to me.

Mr. COLLINS. I would like to read to the gentleman what the report says. It says:

The board, in rejecting these latter claims, said it was in accordance with an adopted policy of disallowing damages to lands and improvements which have not been repaired.

Mr. SWING. The gentleman is a good lawyer, and he knows there is no such provision of law anywhere in any statute book of any State.

Mr. COLLINS. It seems to be the policy of this board.

Mr. BACHMANN. Mr. Speaker, the regular order.

Mr. STAFFORD. Will the gentleman withhold that for a minute?

Mr. BACHMANN. I will withhold it for a minute.

Mr. COLLINS. Well, we will object if the gentleman wants us to.

Mr. SWING. I have agreed to accept the amendment which is insisted upon by the gentleman from Indiana [Mr. GREENWOOD].

Mr. GREENWOOD. Reserving the right to object further, my proposal is to strike out the word "not" in line 16, page 2, so that it shall read "the funds disbursed under this act shall be chargeable to or repaid by water users of the Yuma project."

Mr. SWING. I accept the amendment.

Mr. STAFFORD. Will the gentleman be willing to accept the following amendment? At the end of section 1, "In full settlement of each of their individual claims?"

Mr. SWING. Absolutely.

Mr. STAFFORD. I thought that would meet with the approval of the gentleman.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed (1) to cause a survey to be made in such manner and under such regulations as he deems necessary for the purposes of this act to determine the property loss by flood by reason of the failure on August 2, 1926, of the embankments of the detention reservoir built by the United States Reclamation Service in the Picacho and No-name Washes on the Bard unit of the Yuma reclamation project, sustained by T. E. White, Mrs. A. M. Rouse, J. H. Hamblen, J. F. Goodwin, and other property owners residing on said Bard unit, California; and (2) to pay such losses in full if the amount appro-

priated in section 2 of this act is sufficient, or, if such amount is insufficient, to pay each person such percentage of the amount of his property loss as the amount appropriated bears to the amount determined by the Secretary as the property loss sustained.

With the following committee amendment:

Page 2, line 4, strike out all of line 4 and the word "California" in line 5, and insert the words "and other owners of property damaged by reason of said flood."

The committee amendment was agreed to.

Mr. STAFFORD. Mr. Speaker, I offer an amendment. At the end of section 1 insert the following:

In full settlement of each of their individual claims.

The SPEAKER pro tempore. The gentleman from Wisconsin offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: On page 2, line 11, after the word "sustained," strike out the period, insert a comma, and the following: "In full settlement of each of their individual claims."

The amendment was agreed to.

The Clerk read as follows:

SEC. 2. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$40,000, or so much thereof as may be necessary for the purposes of this act.

With the following committee amendments:

Page 2, line 13, strike out the words "Treasury not otherwise appropriated" and insert the words "reclamation fund."

The committee amendment was agreed to.

Page 2, line 15, after the word "act," insert the words "the fund disbursed under this act shall not be chargeable to or repaid by the water users of the Yuma project."

Mr. GREENWOOD. Mr. Speaker, I offer an amendment to the committee amendment. In line 16, strike out the word "not," so it will read:

The funds disbursed under this act shall be chargeable to or repaid by the water users of the Yuma project.

The SPEAKER pro tempore. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GREENWOOD to the committee amendment: Page 2, line 16, after the word "shall," strike out the word "not."

The amendment to the committee amendment was agreed to.

The committee amendment as amended was agreed to.

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

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

The title was amended.

RELIEF OF CONTRACTORS AND SUBCONTRACTORS FOR POST OFFICES AND OTHER BUILDINGS

The next business on the Private Calendar was the bill (H. R. 4064) to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by act of March 6, 1920.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. COLLINS. Mr. Speaker, reserving the right to object, I do not see why this claim should be paid. The bidder was awarded the contract, accepted it, and now claims that he ought to have about \$16,000 more than the amount of his bid because he had to pay more for lumber and labor than he thought he should pay.

Mr. LANKFORD of Virginia. The Post Office Department evidently continued to let these contracts on a definite bid while the war contracts throughout the country were being made on a cost-plus basis.

Mr. COLLINS. Cost-plus contracts should never have been tolerated.

Mr. LANKFORD of Virginia. That was not his fault. He could have bid four or five times as much if he wanted to be dishonest and made it up, but he bid like he always bid.

Mr. COLLINS. Then he would not have secured the contract because there were five bidders.

Mr. LANKFORD of Virginia. Here is the situation: He is a very old man and this old man has lost his home by reason of this contract. He had other contracts before and he always completed them. When he went to do this work he found they had commandeered his brick. A carload of brick would come in

for him and then the Government would take it away and the Government took his labor away from him.

Mr. STAFFORD. Will the gentlemen yield?

Mr. LANKFORD of Virginia. Yes.

Mr. STAFFORD. But the Government waived any claims for liquidated damages by reason of the building not having been constructed within the specified time.

Mr. LANKFORD of Virginia. It took him over a year longer.

Mr. STAFFORD. But the Government made no claim for stipulated damages based upon noncompletion within the time specified, so no complaint can be lodged against the Government on that score.

Mr. LANKFORD of Virginia. Probably not on that score, but the Government allowed other contracts to go on, and these Government contractors took his material and labor away from him, so that he had to pay two or three times the amount he would have had to pay to complete the contract. This is not a precedent.

Mr. COLLINS. Right on the point of the precedent, Mr. Mellon in his report to the committee invites the attention of Congress to the following:

That the enactment of the proposed legislation would open the door to a large number of other claimants whose status is practically the same as that of Mr. Brent, and the amount of such claims would aggregate quite a large sum.

Mr. LANKFORD of Virginia. But on page 2 of the report you will see the committee reported that the same relief had been granted to the Mahoney Construction Co. and in other cases under exactly similar conditions as those that apply to this case. The committee after a full hearing reported this out as an equitable claim and they fully agreed on it. They went into it very carefully. This does not give this claimant \$16,000, but gives him a chance to submit his claim to the Treasury Department and to show what loss he actually sustained. I hope the gentleman will not object, because, as I have said, this is an old man who has had his home taken away from him and he is now in a pathetic condition just on account of this contract. He has never been able to get on his feet again.

Mr. GREENWOOD. Will the gentleman yield?

Mr. LANKFORD of Virginia. Yes.

Mr. GREENWOOD. It strikes me it is a very questionable Federal policy when a definite contract has been entered into, because exceptional circumstances arise and the contractor loses money, then the Government shall be asked to reimburse him or refund him his losses, when there were thousands of cases where contractors, because of peculiar circumstances, made excessive profits, and the Government was never paid anything on that account; but when a loss arises they put in a claim so that the Government under such a policy would lose both ways.

Mr. LANKFORD of Virginia. I agree with the gentleman thoroughly, but this man did not have that kind of contract. He had a lump-sum contract that he had to comply with. He did not have a cost-plus contract.

Mr. GREENWOOD. That is exactly the reason this seems to be a peculiar policy. Where a man binds himself for a specific figure to do a piece of construction work, that is a contract that he ought to stand by even though he has some losses.

Mr. LANKFORD of Virginia. But these losses came through no fault of his own. He was unable to do the work at the price he had bid in good faith because of the action of the Government.

Mr. GREENWOOD. I do not think it has been shown that this was through the fault of the Government. Many contractors lose because of unusual circumstances that arise after the contract is taken, but that is a part of the speculation in contracting.

Mr. LANKFORD of Virginia. But it was the fault of the Government in allowing these cost-plus contractors to bid more for the work which they were doing, and the more they bid the more money they made, but this man was compelled to comply with his contract and the cost of his labor and material was constantly going up.

Mr. O'CONNELL. Regular order, Mr. Speaker.

The SPEAKER pro tempore. Is there objection?

Mr. COLLINS. I object, Mr. Speaker.

GEORGE F. NEWHART, CLYDE HAHN, AND DAVID M'CORMICK

The next business on the Private Calendar was the bill (H. R. 885) for the relief of George F. Newhart, Clyde Hahn, and David McCormick.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That the Comptroller of the Treasury be, and he is hereby, authorized and directed to pay, out of any funds not otherwise appropriated, to George F. Newhart, Clyde Hahn, and David McCormick the sum of \$528.75, being the amount paid out by them by reason of expenses incurred by them and judgment rendered against them through the wrongful arrest of William Edward Benner, under a warrant issued by the United States Navy Department based upon an erroneous charge that the said William Edward Benner was a deserter from the United States Navy.

With the following committee amendments:

Page 1, line 5, after the word "appropriated," insert the words "and in full settlement against the Government."

Page 1, line 7, strike out "\$528.75" and insert "\$398.76."

The committee amendments were agreed to.

Mr. IRWIN. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. IRWIN: Page 1, line 3, after the words "that the," strike out the word "Comptroller" and insert the word "Secretary."

The amendment was agreed to.

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

A motion to reconsider was laid on the table.

MARY J. DEE

The next business on the Private Calendar was the bill (H. R. 939) for the relief of Mary J. Dee.

The Clerk read the title of the bill.

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

Mr. COLLINS. Mr. Speaker, reserving the right to object, how does the amount carried in this bill compare with the amount that this party would have received if the claim had been filed with the Compensation Commission?

Mr. SPROUL of Illinois. My understanding is that they figured up what he would have received had he made application for compensation at the time he was injured.

Mr. IRWIN. Yes; with a reasonable amount for medical and surgical attention.

Mr. COLLINS. Does the gentleman think he ought to exceed the amount that would have been received had the claim been filed under existing law with the commission?

Mr. IRWIN. No; I think if it had been filed he would have received about this amount.

Mr. SPROUL of Illinois. And in addition, he would have received hospitalization and medical attention. I knew this man Dee for many years; in fact, he worked for me for three years as a plasterer. During the war he was too old to enlist and they wanted men to protect Government property.

Mr. COLLINS. I have no objection to the claim, except I do not want it to exceed the amount he would have received had he filed his claim with the Compensation Commission.

Mr. GREENWOOD. In that connection, if the gentleman will permit, it seems from the wording of the bill that there might be some question about whether this is not a straight-out lump-sum relief of \$2,500, and also an additional payment of \$29.75 per month.

Mr. SPROUL of Illinois. For the balance of her life.

Mr. GREENWOOD. Is that the situation?

Mr. SPROUL of Illinois. That is the situation.

Mr. GREENWOOD. There is first a lump sum given of \$2,500, and then installment payments of \$29.75 per month in addition.

Mr. SPROUL of Illinois. If the gentleman will look over the report—

Mr. GREENWOOD. I am simply asking for information.

Mr. SPROUL of Illinois. This man was injured in 1920 and he died in 1926. They had accumulated a little property, but his wife had to spend it all taking care of him.

Mr. GREENWOOD. I am not going into the merits of the case, but this bill gives a lump sum, and my inquiry is, Does it give the two items?

Mr. IRWIN. The committee considered this matter thoroughly. It is a matter of six years that this woman had to nurse her husband. He would have been entitled to \$2,500 at a very low rate—his salary was not large—he would have been entitled to two-thirds of what he was being paid at the time of the injury. That went on over a period of six years. She was compelled to take care of him, pay the doctor's bills and hospital bills, which would amount to about \$2,500.



Mr. GREENWOOD. The gentleman means to say that the committee grants \$2,500 in a lump sum, and then \$29.75 monthly from the passage of the bill, and that is not being charged up against the \$2,500?

Mr. IRWIN. Oh, no. If the gentleman will stop and consider—this does not amount to what he would have received had he filed right away.

Mr. GREENWOOD. What limit does the employers' liability act place on installment payments?

Mr. SPROUL of Illinois. To the widow?

Mr. GREENWOOD. Yes; is it to the extent of her life?

Mr. SPROUL of Illinois. Until she gets married or dies.

Mr. CHINDBLOM. As a matter of fact, in an ordinary case, the payments begin at the time of death. I observe the committee has amended the law so as to begin after the passage of this act. The \$2,500 takes care of the claim up to the time of his death.

Mr. STAFFORD. In many bills they give compensation from the time of the passage of the bill. Here the committee makes an allowance for the remainder of his lifetime.

Mr. CHINDBLOM. I am not complaining of the action of the committee, but I think the committee has been careful not to make the amount excessive.

Mr. GREENWOOD. I am satisfied; I think it is fair, and if the committee is satisfied with it I make no objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000 to Mary J. Dee, on account of permanent injuries and total disability suffered by her late husband, William J. Dee, as the result of an accident while he was employed as guard under the superintendent's office, State, War, and Navy Departments Building; and the United States Employees' Compensation Commission is hereby authorized and directed to pay Mary J. Dee, until her death or remarriage, at the rate of \$29.75 per month from the date of the death of said William J. Dee.

With the following committee amendments:

On page 1, in line 5, strike out the figures "\$5,000" and insert in lieu thereof the figures "\$2,500."

On page 2, lines 2 and 3, strike out the words "death of said William J. Dee" and insert in lieu thereof the words "passage of this act."

The committee amendments were agreed to.

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

A motion to reconsider was laid on the table.

JOHN W. ADAIR

The next business on the Private Calendar was the bill (H. R. 1057) for the relief of John W. Adair.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the United States Employees' Compensation Commission is hereby authorized to examine into the claim of John W. Adair, of Pinetop, Ariz., in respect to the death of his son, John Robin Adair, who lost his life while fighting a forest fire on the Fort Apache Indian Reservation on June 21, 1916, and to pay compensation in accordance with the provisions of the employees' compensation act approved September 7, 1916 (39 Stat. L. 742-750), in the same manner and to the same extent as if said act had been passed prior to and was in effect at the time of the death of said John Robin Adair: *Provided*, That no compensation or other allowance shall accrue prior to the passage of this act, and that said John Robin Adair shall be considered to have been a civil employee of the United States at the time of his death.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the provisions of the act of September 7, 1916, entitled 'An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes,' are hereby extended to John W. Adair, of Pinetop, Ariz., for the death of his son, John Robin Adair, who lost his life on June 21, 1916, while fighting a forest fire on the Fort Apache Indian Reservation, and the United States Employees' Compensation Commission is authorized and directed to pay compensation to John W. Adair as a partial dependent parent at the rate of \$15 per month for a period of eight years from and after the passage of this act."

The committee amendment was agreed to.

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

A motion to reconsider was laid on the table.

TIMOTHY J. MULCAHY

The next business on the Private Calendar was the bill (H. R. 1696) for the relief of Lieut. Timothy J. Mulcahy, Supply Corps, United States Navy.

There being no objection, the Clerk read the bill, 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, to Lieut. Timothy J. Mulcahy, Supply Corps, United States Navy, the sum of \$315.65, to reimburse said officer for certain unauthorized overpayments to various enlisted men while he was acting in the capacity of disbursing officer at the United States receiving ship, navy yard, Philadelphia, Pa., which amount said officer refunded to the Government to remove the disallowance in his accounts because of such overpayments.

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

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

MARGARET LEMLEY

The next business on the Private Calendar was the bill (H. R. 1724) for the relief of Margaret Lemley.

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

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement against the Government, the sum of \$344 to Margaret Lemley, of Missoula, Mont., widow of Charles J. Lemley, in payment of expenses incurred for hospital and medical services and for the burial of said Charles J. Lemley, who died of personal injury received by reason of the carelessness on the part of a Government truck driver employed by the Forest Service at Missoula, Mont.

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

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

PETERSON-COLWELL (INC.)

The next business on the Private Calendar was the bill (H. R. 3072) for the relief of Peterson-Colwell (Inc.).

The SPEAKER pro tempore. Is there objection?

Mr. GREENWOOD. Mr. Speaker, reserving the right to object, does this amount arise from extras in connection with the contract that were not authorized in the regular way?

Mr. IRWIN. Part of it is from that source, but more of it is from the fact that the Government prolonged the contract without any fault on the part of the contractor.

Mr. GREENWOOD. The gentleman thinks the delay was clearly the fault of the Government?

Mr. IRWIN. It was. The gentleman will notice at the top of page 4 of the report there is a recommendation by Mr. McCarl, Comptroller General, to allow not to exceed the sum of \$5,378.25. Mr. McCarl went into the matter very carefully.

Mr. GREENWOOD. I see a paragraph in the report on page 3 which states that there were some extras due to changes in the specifications, that were not ordered as the contract provided.

Mr. IRWIN. The contract did not provide it, but they were sanctioned by officers of the Government.

Mr. GREENWOOD. The gentleman is satisfied that the Government received the benefit and the contractor did the work?

Mr. IRWIN. I am.

Mr. GREENWOOD. I have no objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Peterson-Colwell (Inc.) the sum of \$5,378.25, with interest, in full settlement of all claims of Peterson-Colwell (Inc.) under its claim for additional compensation in connection with work performed under contract covering the construction of heating-plant building at the naval training station (hospital), Great Lakes, Ill.

With the following committee amendments:

Page 1, line 6, strike out the word "with" and insert the word "without."

Page 1, line 11, after the word "Illinois," insert a colon and the following:

"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 committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

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

LAMIRAH F. THOMAS

The next business on the Private Calendar was the bill (H. R. 7205) for the relief of Lamirah F. Thomas.

The Clerk read the title of the bill.

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

Mr. COLLINS. Mr. Speaker, reserving the right to object, will the lady from Florida [Mrs. OWEN] please explain the bill. It seems that the officers were acting in the proper discharge of their duties at the time of this homicide.

Mrs. OWEN. I shall be very glad to supply the gentleman from Mississippi with the facts, because I happen to be personally familiar with the circumstances surrounding the case.

On February 4, 1927, Perle S. Thomas, the husband of Lamirah Thomas, was driving along a road not far from Fort Pierce, in my district. When he reached a point on that road where just a few months before he had actually been held up by highwaymen, he was confronted by these officers of the Immigration Service, who were not in any special way uniformed, so that he would know their position. It is said that there was a sign in the road, which should have informed him that they were of the Immigration Service, but I think everyone will understand the attitude of a man who had been held up at that same point, when he was suddenly confronted in the road by men who were not uniformed. He would naturally be confused and try to escape. He drove as fast as he could away from these men and was pursued for 8 miles. At that point there was a struggle, and he was shot, and from his injuries he died within an hour.

The trial that followed resulted in the conviction of the three agents of the Immigration Service who had shot and caused the death of Mr. Thomas. Two of the men were sentenced to life imprisonment, and one to death. That sentence was later commuted to a sentence of life imprisonment. It was held at the time of the trial that Mr. Thomas had been armed, but I have a later finding of the Supreme Court of the State of Florida in which it is specifically stated that Mr. Thomas did not fire his pistol on the night that he was shot by these officers.

Mr. COLLINS. I understood the report to state that he was armed.

Mrs. OWEN. Here is later evidence contained in the finding of the supreme court, because the murder trial was carried to the supreme court. I would like to read a paragraph from the Southern Reporter. This is the finding of the Supreme Court of the State of Florida, under date of April 24, 1928:

It is true that there is some evidence which does not agree with the state of facts, but there is sufficient legal evidence for the jury to conclude that this state of fact actually existed, and, furthermore, that the deceased did not fire his pistol on the night that he was killed.

Mr. STAFFORD. If the lady will permit, in reading the report, I had difficulty in reconciling myself with the conclusion that Mr. Thomas should have stopped when he was confronted with this illuminated sign. The report says that the sign was sufficiently illuminated so that it could have been seen 150 feet distant. What is the duty of an immigration officer trying to prevent smuggling of aliens or other character of smuggling, and what is the obligation of a person when he sees a sign with sufficient light upon it, with the words, written in large letters, upon it, "U. S. Immigration Officers—Stop"?

Mrs. OWEN. Obviously the duty of the immigration officer is if possible to search the car, but I do not think it is the duty of an immigration officer to shoot a man.

Mr. STAFFORD. Oh, no. The testimony shows that there was no attempt to shoot at the occupant of the car, but at the tires, and I believe the report further shows that before they struggled with him the officers passed him, so that Mr. Thomas had opportunity to know that they were very likely officials of the Government.

Mrs. OWEN. I see no reason to suppose that he would know that they were officers of the Government.

Mr. COLLINS. Was it in the daytime or at night?

Mrs. OWEN. At night.

Mr. LAGUARDIA. Were the officers convicted?

Mrs. OWEN. Yes; in the supreme court.

Mr. GREENWOOD. When I first read this report it was hard for me to determine which was the aggressor. The report says each side was shooting. Perhaps the officers were shooting in self-defense. But the report says that the deceased did not fire a gun at all, and it seems that more aggression was done by the officers than by the deceased.

Mr. STAFFORD. The statement of the gentlewoman from Florida seems to sustain the contention.

Mr. LAGUARDIA. What was the business of this man?

Mrs. OWEN. He was a traveling salesman.

Mr. LAGUARDIA. No alien was found in his car?

Mrs. OWEN. None.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of \$10,000 to Lamirah F. Thomas, of Fort Pierce, Fla., as compensation for the death of her husband, Perle S. Thomas, who was killed on the night of February 4, 1927, by certain officers of the United States.

With committee amendments as follows:

Page 1, line 6, strike out "\$10,000" and insert "\$5,000."

On page 1, line 10, 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."

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

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

A motion to reconsider the last vote was laid on the table.

GUY E. TUTTLE

The next business on the Private Calendar was the bill (H. R. 655) for the relief of Guy E. Tuttle.

There being no objection to its present consideration, the Clerk read the bill as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Guy E. Tuttle, out of any money in the Treasury not otherwise appropriated, the sum of \$302.50, together with interest thereon at the rate of 6 per cent per annum from and after the 12th day of December, 1925, in full payment for damages to lands owned by said Guy E. Tuttle inflicted thereon by the Government while using said lands in connection with an Army training camp at Camp Kearny, Calif.

With a committee amendment as follows:

Page 1, line 6, after the figures "\$302.50" strike out all down to and including the figures "1925" on line 8.

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

The committee amendment was agreed to.

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

A motion to reconsider the last vote was laid on the table.

R. E. MARSHALL

The next business on the Private Calendar was the bill (H. R. 5962) for the relief of R. E. Marshall.

The title of the bill was read.

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

Mr. BACHMANN. Reserving the right to object, Mr. Speaker, will the gentleman from Virginia [Mr. MOORE] tell us whether or not the payment of \$75 was accepted by this claimant in full settlement of the claim?



Mr. MOORE of Virginia. The claimant accepted the payment tendered to him, but it was not a satisfactory settlement; and it was admitted that the full amount due him was \$262. The \$75 paid to him was based on the theory that that was the proper amount to be paid as representing the value of supplies actually used by the troops but it did not take into account any damage done to his property. The \$75 was accepted as the value of the supplies used. The balance of \$187 represents the damage done to this man for his crop being taken by the soldiers without permission of their commander.

I know the claimant, and there is no doubt whatever that he suffered the damage.

Mr. BACHMANN. What I am trying to get at is this: As to this settlement in 1902 it seems the claimant only accepted that settlement as one for supplies taken. This bill asks for damages in the amount of \$187. Does this represent any more property than that provided for in 1902?

Mr. MOORE of Virginia. He was paid \$75 pursuant to the agreement with the commanding officer.

Mr. BACHMANN. I think the bill should be amended so that there can be no coming back again for another settlement.

Mr. MOORE of Virginia. If the gentleman offers an amendment, it should read, "in full payment."

Mr. BACHMANN. I have no further objection.

Mr. STAFFORD. I think that the author of this bill will agree that in a legal forum this claimant would be estopped from making any further claim after accepting the finding of the board.

Mr. MOORE of Virginia. But he accepted the finding of the board only in a formal way. The evidence shows that \$75 was paid to him, and he claimed an additional amount. He had no other resort but to Congress. The committee has gone fully into the evidence and has unanimously reached its conclusion.

Mr. BACHMANN. At the time this happened there were a number of other claimants whose property was damaged and taken. I understand the compensation was provided for all claims for damages to property.

But as to this particular claim there was some misunderstanding that grew up in the board of investigation. That board recommended \$75, and then there was another finding made. This particular claim was separated from the rest of the claims that were settled.

Mr. STAFFORD. I would like to hear from the gentleman who made the report on the bill.

Mr. SINCLAIR. The first board that appraised the damages recommended \$262. They did not pay that. Two years later another board came along and authorized \$75 for supplies. They said they were not authorized to pass upon the loss or damage to the property. Fences were torn down, a corn crop destroyed, and much other damage done to this man's property because the soldiers camped on his land. Consequently, the committee felt that these damages were as much a part of the claim as were the supplies that he had given to them off of his farm.

Mr. STAFFORD. The gentleman from North Dakota [Mr. SINCLAIR], who has reported this bill, confirms the statement of the facts given to the House by the author of the bill, and I will not interpose any objection, although I was inclined to do so originally.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to R. E. Marshall the sum of \$607 for property belonging to said R. E. Marshall in Fairfax County, Va., which was destroyed by soldiers of the United States Army during the war with Spain.*

With the following committee amendment:

Page 1, line 6, strike out "\$607" and insert "\$187."

The committee amendment was agreed to.

Mr. BACHMANN. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from West Virginia [Mr. BACHMANN] offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BACHMANN: Page 1, line 6, after the figures "\$187," strike out the word "for" and insert the words "in full payment for all damage."

Mr. STAFFORD. Will the gentleman yield?

Mr. BACHMANN. I yield.

Mr. STAFFORD. I would like to have the attention of the gentleman from Virginia [Mr. MOORE]. There will be no ques-

tion with the adoption of the amendment offered by the gentleman from West Virginia [Mr. BACHMANN] that this claimant will not come back again and say that he has not been fully recompensed in the amount of \$75 for the property that was taken?

Mr. MOORE of Virginia. Not while I am in Congress.

Mr. STAFFORD. I regret to say that we are going to lose the valuable services of the gentleman from Virginia. He will have the record at least show that his successor will not press any bill for any other claim of this character.

Mr. BACHMANN. I had the same thing in mind. This is the second time this claim for a little over \$200 has been here.

Mr. MOORE of Virginia. I will give that guaranty for the claimant, who is a personal friend of mine.

The amendment was agreed to.

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

A motion to reconsider was laid on the table.

ROBERT R. STRELOW

The next business on the Private Calendar was the bill (H. R. 7464) for the relief of Robert R. Strelow.

The Clerk read the title of the bill.

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

Mr. COLLINS. Mr. Speaker, reserving the right to object, I do not understand why we should pay for the loss of baggage simply because a man is wearing a uniform.

Mr. SINCLAIR. I have not read the report recently, and do not just recall the facts.

Mr. COLLINS. He just lost his baggage, and he wants the Government to pay for it. The only excuse is that because he is an Army officer.

Mr. SINCLAIR. No. As I recollect the case, he was not permitted to take his baggage with him when he was ordered overseas.

Mr. COLLINS. If he were wearing overalls, we would not pay for his lost baggage.

Mr. SINCLAIR. This was equipment that was apparently necessary and useful for the officer in camp.

Mr. COLLINS. Oh, I suppose he had his Gillette razor and such articles as we all carry with us in traveling.

Mr. SINCLAIR. He was afterwards ordered overseas, and, as I recollect, this property was not permitted to go along or he was not permitted to take it along.

Mr. COLLINS. I do not see why we should take our admiration of Army and naval officers to the point of worship.

Mr. GREENWOOD. Suppose these goods were stolen. The Government is not responsible in any way for theft.

Mr. COLLINS. Stolen or lost, the case is the same.

Mr. SINCLAIR. If they were left in the safe-keeping of the Government, I would say the Government would be responsible.

Mr. GREENWOOD. What is meant in the report by the language "the property lost was certified by the Secretary of War"? What is the meaning of that?

Mr. SINCLAIR. That is property or equipment that the War Department regulations require an officer to have.

Mr. GREENWOOD. In other words, it is proper clothing and baggage for him to have?

Mr. SINCLAIR. Yes.

Mr. GREENWOOD. Nothing outside of the regulations?

Mr. SINCLAIR. No, sir. It was the regular equipment and clothing. I do not know if it was clothing either, but it was such that he had to have as an officer.

Mr. GREENWOOD. To what extent does the War Department undertake to be responsible for the clothing of officers, any officer in the Army or Navy en route, or traveling from one post to another? Does the department always assume responsibility for that?

Mr. SINCLAIR. I think possibly not, but this stuff was left in camp, and was left under the control of and in the safe-keeping of the War Department.

Mr. GREENWOOD. Did not the enlisted man leave it there at his own peril?

Mr. SINCLAIR. No; I think not. I believe he left it there feeling confident that it would be taken care of, and that he would get that property when he came back.

Mr. COLLINS. I imagine it would be better to let this go over without prejudice.

The SPEAKER pro tempore. Is there objection?

Mr. COLLINS. I object unless it goes over.

The SPEAKER pro tempore. Is there objection?

Mr. COLLINS. I object.

LAURA A. DEPODESTA

The next business on the Private Calendar was the bill (H. R. 1759) for the relief of Laura A. DePodesta.

The Clerk read the title of the bill.

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

Mr. COLLINS. Mr. Speaker, reserving the right to object, I would like to ask someone on the committee if the gentleman knows about the Lucy B. Knox case?

Mr. KELLY. I do not think I am familiar with the Lucy Knox case.

Mr. COLLINS. That case is on all fours with this case. The Secretary of the Navy stated in connection with the Lucy Knox case that the cost of these claims would aggregate \$3,331,569, and recommended to the Naval Affairs Committee that if they wanted to pay such claims they should pass general legislation on the subject. I quite agree with him. If we are going to pay one of these claims, we should pay them all.

Mr. KELLY. When I introduced this bill I had thought of having some kind of compensation in line with the compensation law, but the committee took the Navy Department recommendation and fixed it for a 6-month period which he would have received had he been in the regular service.

It is hardly fair to say that because of his status as a reserve officer his widow should not have any payment whatever.

Mr. LINTHICUM. Will the gentleman yield?

Mr. KELLY. I yield.

Mr. LINTHICUM. I would like to say to the gentleman, since the gentleman mentions the Lucy B. Knox case, which was my bill, there are at least seven or eight precedents for that bill and for the gentleman's bill in which these funds have been given to the widows of men who died in the service during the time when the law was in abeyance.

Mr. STAFFORD. This bill, as the gentleman's bill, relates to the payment of a six months' gratuity for a reserve officer.

When I read this bill and the other bills on the calendar I questioned the propriety of the Committee on Claims taking jurisdiction over a matter which relates directly to the Committee on Military Affairs. At this session of Congress our committee has not given any consideration to any policy concerning the widows of reserve officers. I know my friend, the chairman of the Committee on Claims, has sufficient work and does not wish to encroach upon the work of any other committee; yet his committee has taken jurisdiction of this claim, and I submit to him whether it would not be better to have claims of this character—which involve a policy with reference to a branch of the Government like the Army—considered by the Committee on Military Affairs.

Mr. IRWIN. I think the gentleman is right, but then it would be necessary to have an appropriation carried in a general appropriation bill to cover these cases, while many of these bills are sent to the Claims Committee because that committee has the right to make a direct appropriation. That is the only reason these bills are sent to us.

Mr. STAFFORD. I do not recall that the question has been considered as to whether we should extend the gratuity feature of six months' pay to other than the officers of the Navy and of the Army.

Mr. KELLY. That is the recommendation of the department in this case.

Mr. STAFFORD. I do not so understand. Where is there any support of that assertion?

Mr. KELLY. The letter from the Secretary of War indicates that.

It is recommended that this bill be changed to provide for the payment of an amount equal to six months' pay at the rate received by Lieutenant DePodesta at the time of his death.

Mr. STAFFORD. In the same paragraph the Secretary of War uses this language:

The War Department can see no valid reason why the widow of an officer of the Reserve Corps should in effect receive a greater pension than that provided for a widow of an officer of the Regular Army under like conditions.

Mr. IRWIN. We are not providing a greater pension.

Mr. KELLY. That was the original bill.

Mr. COLLINS. In the Lucy Knox case we have this:

In view of the above, and for the further reason that this proposed legislation is individual in character and is not for the general good of the naval service, the Navy Department recommends that the bill H. R. 1406 be not enacted.

At this point I will insert all of the letter written by the Secretary of the Navy on December 23, 1927.

The letter referred to follows:

NAVY DEPARTMENT,  
Washington, December 23, 1927.

The CHAIRMAN COMMITTEE ON NAVAL AFFAIRS,

House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: Replying to the committee's letter of December 12, 1927, relative to the bill (H. R. 1406) granting six months' pay to Lucy B. Knox, I have the honor to advise you as follows:

The purpose of this bill is to authorize payment to Lucy B. Knox of six months' pay at the rate received by her husband, the late Lieut. Commander Forney Moore Knox, United States Navy, at the time of his death. The records show that this officer died at Annapolis, Md., on February 16, 1920, as the result of pneumonia.

The act approved May 18, 1908, which was repealed by the act of October 6, 1917, provided for the payment to the beneficiary of an officer or enlisted man of the Navy or Marine Corps, who died as the result of wounds or disease contracted in the line of duty, of an amount equal to six months' pay at the rate received by her late husband at the time of his death. This provision of law was reenacted under the act of June 4, 1920 (41 Stat. 824-825; U. S. C., title 34, sec. 943), but at the time of Lieutenant Commander Knox's death there was no law in effect that authorized the payment of the gratuity in question to his widow.

Had Lieutenant Commander Knox's death occurred on or after June 4, 1920, his widow would have been entitled to six months' pay at the rate received by her late husband at the time of his death. However, the date of this officer's death precludes payment of the gratuity to his widow under the law, and it seems pertinent here to remark that there are many other deserving claims of a similar nature.

The Navy Department is of the opinion that legislation of this kind is meritorious; however, the total cost of legislation granting six months' pay to the dependents of all officers and enlisted men who died while on active duty between October 6, 1917, and June 4, 1920, would be \$3,331,569, which is an expense that the Naval Establishment can ill afford to bear at this time, and for this reason the Navy Department would not recommend the enactment of such general legislation.

The bill H. R. 1406, if enacted, will result in an additional cost to the United States of \$2,370.

A bill (H. R. 1110, 69th Cong.) similar to the bill H. R. 1406 was referred to the Bureau of the Budget with the information that the Navy Department contemplated making an unfavorable recommendation on the bill, and under date of March 12, 1926, the Navy Department was informed that this report would not be in conflict with the financial program of the President.

In view of the above, and for the further reason that this proposed legislation is individual in character and is not for the general good of the naval service, the Navy Department recommends that the bill H. R. 1406 be not enacted.

Sincerely yours,

CURTIS D. WILBUR,  
Secretary of the Navy.

Mr. LINTHICUM. Admiral Leigh said it was a meritorious bill and did not make any very serious objection to it but did feel there should be a bill passed to cover all of these cases.

Mr. IRWIN. The policy of the committee in reporting out these bills was that we should treat all of these cases alike and not wait for a general bill, even though the department feels there should be such a bill passed to cover all of these cases. The committee felt they should all be treated alike.

Mr. COLLINS. If you are going to do that you should have the Committee on Naval Affairs bring in a bill for \$3,331,567 and pay them all. That would only cover the amount of such naval claims. I do not know the amount of such claims for the Army.

Mr. IRWIN. We are not asking the Naval Affairs Committee to pass legislation. We are passing on the legislation that comes to our committee, and as the War Department said this was a just claim we were willing to accept that recommendation.

Mr. GREENWOOD. In this instance I am inclined to support the committee. I will agree there ought to be general legislation to cover all these cases, but in the absence of general legislation we have here the case of a widow whose husband lost his life in line of duty. I do not care whether the officer was a reserve officer or in the Regular service. If he lost his life in line of duty I believe his widow should receive what all ought to receive under a general law.

Mr. IRWIN. That is the view the committee took with reference to this particular bill.

Mr. COLLINS. I do not know why you should extend your sympathies to one case. If we have hundreds of these cases we ought to treat them all exactly alike.

Mr. GREENWOOD. I agree with the gentleman.

Mr. COLLINS. And should let everybody walk up to the table and take a slice of the pie.



Mr. KELLY. Why penalize this widow who deserves this relief and, according to the War Department, should have it?

Mr. COLLINS. I do not believe we should single out certain individuals and give them a gratuity and not give it to the rest of them. I object.

BRUCE BROS. GRAIN CO.

The next business on the Private Calendar was the bill (H. R. 1944) for the relief of Bruce Bros. Grain Co.

The Clerk read the title of the bill.

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

Mr. BACHMANN. Mr. Speaker, reserving the right to object, will the gentleman from Missouri [Mr. HOPKINS] explain to the committee how there is any liability on the Government in this particular case?

Mr. HOPKINS. I will be pleased to add some facts and to amplify some of the facts contained in the report. I think, in considering the background, the gentleman must take into consideration the procedure that was followed in the establishment of the Federal grain inspection service. Under the Federal grain inspection service, when wheat is purchased, ready for shipment by commission men from one center to another, it is graded by a State grader and an appeal certificate is then taken by the Federal inspector, so that the shipper will know he is paying the farmer or the dealer the right price, and that he can ship that to the commission man or to the firm to which he is selling it in the other city. This was done in this case. Both the State and the Federal inspection service agreed that this was No. 2 hard winter wheat. The purchaser paid the price on No. 2 hard winter wheat and sold it to a Minneapolis dealer as No. 2 hard winter wheat and shipped it.

The Department of Agriculture instituted about this time a new service, a review board, in which they would review these Federal grade certificates, as the Secretary states here, to advise them on certain things. However, the review board was not to act unless requested by the shipper or by the purchaser. This was not done in this case, but inadvertently, and by error, the board of review acted, nine days after the wheat had been shipped to Minneapolis. The certificate got there in time, however—

Mr. BACHMANN. I understand all those facts, but the man who was selling this wheat was selling it as No. 2 hard winter wheat, and that is what the contract called for. The wheat did not belong to the Government, and it turned out that it was No. 2 yellow wheat instead of No. 2 hard winter wheat.

Mr. HOPKINS. No; it did not turn out that it was No. 2 yellow.

Mr. BACHMANN. It was either one or the other. It was either No. 2 hard winter wheat or it was No. 2 yellow wheat.

Mr. HOPKINS. When it got to the commission man he agreed that it was No. 2 hard winter, but he had to sell it again, and the final certificate from the Government said it was No. 2 yellow, and therefore it had to be sold on that basis.

Mr. BACHMANN. I can not see why the Government should reimburse this grain company for this amount of money when the Government itself did not own the wheat and did not have anything to do with it. The man who was selling the wheat was selling it as No. 2 hard winter, and when it reached the man he sold it to it turned out to be No. 2 yellow.

Mr. HOPKINS. No; it did not.

Mr. BACHMANN. And now he wants the Government to reimburse him for this amount of money, although it turns out that the Government is not responsible for it.

Mr. IRWIN. Will the gentleman yield?

Mr. BACHMANN. Yes.

Mr. IRWIN. I would like to say in reference to this case that an inspector of the Government inspected this wheat, and he graded it a little higher than what it turned out to be when it got to Minneapolis.

Mr. BACHMANN. I understand the first inspection was made by the State inspector.

Mr. HOPKINS. The first one was made by the State inspector and the second one by the Federal Government.

Mr. BACHMANN. I understand that, but the Government had nothing to do with the ownership of this wheat. They were simply making the inspection and the board of review in Chicago, in reviewing it, found that it was not No. 2 hard winter wheat, and the man refused the shipment because there was a difference in the price of the two kinds of wheat. Now, why should the Government pay this grain company this amount of money? I can not see as a legal proposition how the Government has any liability here.

Mr. HOPKINS. I do not believe the gentleman from West Virginia has the points quite clearly in mind. The first inspec-

tion is made by the State and the second inspection is made by the Federal Government, and in this case they were exactly the same.

Mr. BACHMANN. Now, let me interrupt the gentleman right there. The State inspector said it was No. 2 hard winter wheat, and then the Federal inspector came along and found the same thing. Now, the Government and the State are both in the same situation that far. Why should you come in now and ask the Government to make this reimbursement? Why do you not go to the State of Missouri?

Mr. HOPKINS. Because the State never changed its opinion. It was the Federal Government that changed its certificate.

Mr. STAFFORD. Is this company in dire financial distress?

Mr. HOPKINS. If the gentleman will permit, I would like to make a complete answer first to the gentleman from West Virginia.

The Federal Government assumes the authority or the responsibility of saying whether wheat is hard winter No. 2 or hard yellow or whatever it happens to be. They made an error in this case, not in saying it was No. 2 hard winter, but in saying it was No. 2 yellow hard. When it got to Minneapolis the purchaser there thought it was No. 2 hard winter, but the final and unauthorized certificate of the board of review said it was No. 2 yellow, and there was nothing else to do but sell it as that. They would have had to wait nine or more days for an appeal, and the demurrage or the freight back would have more than eaten up the difference. So they had to sell it there and they had to sell it according to the final certificate.

Mr. BACHMANN. The mistake in the first instance was that the man sold it as No. 2 hard winter wheat instead of No. 2 yellow.

Mr. MOUSER. Regular order, Mr. Speaker.

The SPEAKER pro tempore. The regular order is demanded. Is there objection?

Mr. BACHMANN. I object.

MARY R. LONG

The next business on the Private Calendar was the bill (H. R. 887) for the relief of Mary R. Long.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Reserving the right to object, if no one calls for the regular order before I get through with my questions I want to say that I notice in the reading of the report that the claimant suffered a fall through the negligence of the nurse after the original injury, and perhaps this second fall was largely accountable for the death and the injury suffered. I will yield to the gentleman from Illinois, who is not only chairman of the committee, but an illustrious doctor of the House.

Mr. IRWIN. I will let the gentleman from Indiana, Mr. LUDLOW, the author of the bill, make a statement.

Mr. LUDLOW. Mr. Speaker, I do not think there is a soul in the world that would object to this bill if he understood it as I understand it. This old lady was standing on the sidewalk in the city of Indianapolis, where she had a right to be, totally oblivious of danger, waiting to cross to Massachusetts Avenue, a busy thoroughfare, and while standing there suddenly an Army truck swerved across the sidewalk, struck her, dragging her a long distance and very seriously injuring her. She was in the hospital a long time. When she got out she was a permanent cripple, one limb being 1 inch shorter than the other.

Mr. STAFFORD. During that time had not a nurse been guilty of a faux pas or default in neglecting to support her, and thereby she fell and suffered another fracture?

Mr. LUDLOW. That has nothing to do with this claim against the Government. An Army board was convened and found that the accident was due to defective brakes. The truck was driven by a soldier. There was not the slightest contributory negligence on the part of this woman. She was rendered a cripple for life. The only trouble with this bill is that it does not provide enough.

Mr. STAFFORD. I suppose the gentleman would be in favor of \$100,000?

Mr. LUDLOW. No; but I would be in favor of \$10,000. My colleague from Wisconsin [Mr. SCHAFER] thoroughly and conscientiously investigated the case.

Mr. STAFFORD. I know that my colleague from Wisconsin is very conscientious on one subject. [Laughter.]

Mr. LUDLOW. He was on this case, and he thought that \$10,000 would not be too much, but it was the consensus of the committee that \$5,000 would be an appropriate amount.

Mr. STAFFORD. The only question I had was whether the second fall, or the second injury, shortly after the first, on July 16, 1924, while attempting to use crutches the nurse let her fall and refractured her left leg, as to how much of her injury

was due to the second fall—how much was due to the original accident and how much was due to the second.

Mr. LUDLOW. All of her troubles came from the original injury.

Mr. GREENWOOD. The committee might have taken that into consideration in the reduction of the amount from \$10,000 to \$5,000.

Mr. STAFFORD. I thought that \$5,000 was the limit allowed in such cases.

Mr. IRWIN. No; not for injuries; that depends on each individual case.

Mr. STAFFORD. I suppose, Doctor, in a case like this, if you had the facts well before you, would you recommend more than \$5,000?

Mr. IRWIN. Not in a woman of her age.

Mr. STAFFORD. Well, Mr. Speaker, I will not press my objection any further.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Mary R. Long the sum of \$10,000 in full settlement against the Government for personal injuries received at Indianapolis, Ind., on April 24, 1924, through no fault or negligence of said Mary R. Long, but through the carelessness and negligence of a driver of a United States Army truck.

With the following committee amendment:

On page 1, line 5, strike out the figures "\$10,000" and insert "\$5,000."

The committee amendment was agreed to.

Mr. LUDLOW. I think the gentleman from Wisconsin [Mr. SCHAFER] had in mind another amendment which he desired to offer, limiting attorneys' fees.

Mr. STAFFORD. Mr. Speaker, I move to strike out the last word. I offer the following as an amendment to conform with the suggestion made by the author of the bill and the recommendation of the committee.

The SPEAKER pro tempore. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. STAFFORD: At the end of the bill 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 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 SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

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

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

LAURA A. DEPODESTA

Mr. KELLY. Mr. Speaker, I ask unanimous consent to return to Calendar No. 389, H. R. 1759, for the relief of Laura A. DePodesta.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent to return to Calendar No. 389. Is there objection?

Mr. GREENWOOD. Mr. Speaker, reserving the right to object, is it agreeable to the gentleman from Mississippi [Mr. COLLINS]?

Mr. KELLY. The gentleman from Mississippi [Mr. COLLINS] agreed to the consideration of the bill.

Mr. STAFFORD. The gentleman has withdrawn his objection?

Mr. KELLY. Yes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Laura A. DePodesta the sum of \$100 per month during her lifetime, as compensation for the death of her husband, Anthony DePodesta, late a Lieutenant, Officers' Reserve Corps, Air Service,

United States Army, who was killed in an airplane accident while in the line of duty at Langley Field, Va., on July 17, 1925.

With the following committee amendments:

Line 5, after the word "DePodesta," strike out the words "the sum of \$100 per month during her lifetime, as compensation for the death of her husband" and insert the words "widow of"; and line 11, insert the words "the sum of \$1,575, being a gratuity equal to six months' pay at the rate received by Lieutenant DePodesta at the time of his death."

The committee amendments were agreed to; and the bill, as amended, was ordered to be engrossed and read a third time, was read the third time, and passed.

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

DAVID M'D. SHEARER

The next business on the Private Calendar was the bill (H. R. 1825) for the relief of David McD. Shearer.

The Clerk read the title of the bill.

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

Mr. STAFFORD. Mr. Speaker, I have given more than casual consideration to this bill, as the Secretary of War has reported adversely against certain provisions of it.

As I understand the bill as reported, it seeks to have the Government pay not only for the use of the patent, but for its adoption and virtual ownership. I question very much whether the Government should be obliged to pay for the full value of a patent. I quite agree that it should be obliged to pay for the use of any patent. I ask the author of the bill whether he would be willing to strike out in line 4, page 1, the words "adoption and," so that it will read:

That the claim of David McD. Shearer for compensation for the use by the Government—

And so forth.

Next, on page 2, line 10, I suggest striking out the words "either before or." In that connection I wish to say that I question very much whether the Government should be obliged to pay for the use of the patents before letters of patent are issued. Next, I suggest striking out the paragraph in italics, beginning in line 13, down to the words "United States" in line 25, on page 2. Then, on page 3, in line 3, I suggest the striking out of the clause "and transfer of said patent." Lastly, on page 4, I suggest the striking out of all of lines 4, 5, and 6 which read as follows:

And the payment of such judgment shall vest the full and absolute right to said patents, and each of them, in the United States.

I take the position that the Government should not be compelled to buy this patent.

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

Mr. STAFFORD. Yes.

Mr. BOX. Does the gentleman construe this bill as compelling the Government to buy?

Mr. STAFFORD. Virtually, yes.

Mr. BOX. Does the bill not contain this language?—

The Court of Claims shall ascertain whether or not it is to the interest of the Government of the United States to use such patents, or any of them, after the date of said adjudication.

Mr. STAFFORD. I do not think the Court of Claims should determine whether it is to the interest of the United States Government to use a certain patent. That should be determined by the department using it.

Mr. BOX. Does not the gentleman assume that the Court of Claims will do that only upon issue made and evidence furnished it? It does not ascertain anything except upon presenting issues raised by pleading and evidence, and if the War Department does not make the showing, of course, the court will not hold that the title to the patents should be passed to the Government.

Mr. STAFFORD. Why should we leave it to a court to determine whether the Government should appropriate exclusively a patent? This is not that character of patent which the Government alone can use.

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

Mr. STAFFORD. Yes.

Mr. COLLIER. Who else can use it?

Mr. STAFFORD. I suppose private contractors might use it. I appreciate that it is for revetment work. Why should not the bill be restricted to such use by the Government of this patent as is the rule in all other such cases?

Mr. COLLIER. This patent is on a device for the purpose of revetting banks on navigable streams which are under the jurisdiction of the War Department, and practically all the



work that is done under this patent is done by the War Department. That department has done a great deal of work under this patent. It is a plan of concrete revetment in place of the old wooden revetment, made out of willow trees. This man invented this, it is true, while in the employ of the Government, but I have his assurance that he paid out of his own pocket for every penny's worth of material in it, and he put in his time on this invention when he was not engaged in Government work, and the engineer in charge, Major Slattery, had full knowledge of it and was more or less encouraging him.

The SPEAKER pro tempore. Is there objection?

Mr. COLLIER. By the peculiar conditions existing in this case, the Government is practically the only user of this patent. We are not asking to give the claimant 1 cent, but we are asking for him the same right which is accorded to the humblest individual in this land, and that is a day in court, an opportunity to go to court and have the facts determined. If he can not prove what he hopes to, that is his misfortune; but the Government of the United States, as I take it, does not want to retain for itself rights and privileges that it does not accord to the humblest individual. That is all we ask. We ask only for the right to go into court to determine this matter. We are not asking the Government to provide a penny unless the court so determines.

Mr. STAFFORD. In the letter of the Secretary of War, dated March 1, 1927, besides raising other objections to this bill, he uses this language:

Furthermore, the effect of the bill as submitted is to compel the purchase of the patents in suit by the United States. It is, of course, obvious that compensation for the entire right, title, and interest in the patents would be greater than compensation for a mere license to practice the inventions, and, generally speaking, the War Department is interested in securing licenses only under patents it desires to use. The commercial value of patents for their use in other fields is of no concern to the Government.

Mr. COLLINS. I want to say right now that the bill has been rewritten since then.

Mr. BOX. If the gentleman from Wisconsin will look at the letter from which he has just read particularly, he will notice that it was written three years before this bill was reported. The committee did its best to meet the objections raised by the Secretary of War, and by its amendment requires the Court of Claims to ascertain whether or not it is to the interest of the Government to use that patent. That whole amendment was inserted in the bill to meet that objection.

Mr. STAFFORD. One of the purposes of the bill is that the Government shall have the exclusive use of the patent and pay for its use.

Mr. BOX. That is, if the Government decides to use it and the court finds that the interest of the Government justifies it.

Mr. STAFFORD. What I am pointing out particularly is that the bill is not in accordance with the recommendation of the department.

Mr. IRWIN. The committee looked into the matter very thoroughly. The matter was referred to the gentleman from Texas [Mr. Box], chairman of the subcommittee, and it was later submitted at three different meetings of the whole committee. We went into it very thoroughly. We felt that this bill should be reported out in the language contained in the bill.

Mr. GREENWOOD. I do not know much about the merits of this invention, but it seems the language is put in here for the benefit of the Government rather than that of the inventor.

Under the terms of the bill the Court of Claims will render judgment for the use the Government has already made of the patent, or the use it may make of it in the future. Then to prevent the Government from future use of this patent without payment, it seems the judgment ought to cover all, and that the patent should be transferred to the Government.

Mr. STAFFORD. The gentleman is taking a position counter to that of the Secretary of War. I am pointing out the language and indicating that one of the purposes of the bill is to purchase the patent. There is no occasion for the Government to purchase it. The Government has the right to pay a royalty for the use of it.

Mr. BOX. The gentleman from Wisconsin has overlooked the fact that the letter he refers to is 3 years old, having been written concerning another bill, not this one, as amended.

Mr. STAFFORD. The idea is that the Government shall purchase the patent. The Government does not wish to do that.

Mr. BOX. The whole question as to whether or not the Government is to take it over hereafter is submitted to the Court of Claims. Nobody else could declare upon that question but the Court of Claims, upon a presentation of the Government's desire and interest.

Mr. STAFFORD. The War Department does not wish to have the property. It only wishes to have the right to use it. But the bill as reported virtually compels the War Department to take it. I went over the entire bill carefully a night or two ago, and I have it carefully marked.

Mr. BOX. Does the gentleman believe that the bill requiring the court to ascertain whether or not the Government desires to use it, and whether it is in its interest to do it, proposes that to compel the Government to take it and pay for it. The Court of Claims, under the terms of the bill, is required to declare upon that issue.

Mr. STAFFORD. I do not think that question should be submitted to the Court of Claims.

Mr. GREENWOOD. The War Department has already been using the invention for three years.

Mr. STAFFORD. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

#### WAR DEPARTMENT APPROPRIATION BILL

Mr. BARBOUR. Mr. Speaker, by direction of the Committee on Appropriations, I submit for printing under the rule a conference report on the bill (H. R. 7955) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1931, and for other purposes.

#### FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

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

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

H. R. 666. An act authorizing the Secretary of the Treasury to pay to Eva Broderick for the hire of an automobile by agents of Indian Service;

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

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

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

H. R. 6142. An act to authorize the Secretary of the Navy to lease the United States naval destroyer and submarine base, Squantum, Mass.;

H. R. 10877. An act authorizing appropriations to be expended under the provisions of sections 4 to 14 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended; and H. J. Res. 343. Joint resolution to supply a deficiency in the appropriation for miscellaneous items, contingent fund of the House of Representatives.

The message also announced that the Senate had agreed with an amendment to the amendment of the House to a bill of the Senate of the following title:

S. 4182. An act granting the consent of Congress to the county of Georgetown, S. C., to construct, maintain, and operate a bridge across the Pee Dee River, and a bridge across the Waccamaw River, both at or near Georgetown, S. C.

The message also announced that the Senate had agreed to the amendment of the House to the bill (S. 3189) entitled "An act for the relief of the State of South Carolina for damage to and destruction of roads and bridges by floods in 1929."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7955) entitled "An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1931, and for other purposes."

The message also announced that the Senate insists upon its amendments to the joint resolution (H. J. Res. 181) entitled "Joint resolution to amend a joint resolution entitled 'Joint resolution giving to discharged soldiers, sailors, and marines a preferred right of homestead entry,' approved February 14, 1920, as amended January 21, 1922, and as extended December 28, 1922," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. NYE, Mr. WALSH of Montana, and Mr. KENDRICK to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 1578) entitled "An act to extend the times for commencing and completing the construction of a bridge across the Illinois River at or near Peoria, Ill."

## WATER SUPPLY, SALINA AND REDMOND, UTAH

The next business on the Private Calendar was the bill (H. R. 3203) to authorize the city of Salina and the town of Redmond, State of Utah, to secure adequate supplies of water for municipal and domestic purposes through the development of subterranean water on certain public lands within said State.

The title of the bill was read.

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

Mr. SPROUL of Kansas. Reserving the right to object, Mr. Speaker, there are different questions concerning this proposition which I should like to have time to look up and familiarize myself with.

They are not answered in the gentleman's report.

Mr. COLTON. I am thoroughly familiar with the facts. I wonder if I can give the gentleman the information he desires.

Mr. SPROUL of Kansas. I doubt if the gentleman can do so. I just ask that the bill go over until I can have an opportunity to look up the information.

Mr. COLTON. The only question involved is that these towns are without an adequate water supply, and this simply gives them an opportunity to drill for water on a tract of public land, and if they find water to protect this watershed. That is all there is to this bill.

Mr. SPROUL of Kansas. But I have opposition to the Government giving away property to municipalities such as we have been doing.

Mr. COLTON. This does not give it to them. It simply permits them to drill the ground for water. Everything is reserved to the Government except the right to take the water, if discovered, and protect it.

Mr. SPROUL of Kansas. It is withdrawn from alienation by process of law?

Mr. COLTON. It is already withdrawn and is within a forest reserve. It simply permits this higher use now. It is already withdrawn from private entry.

Mr. SPROUL of Kansas. I want to look into two or three questions. I do not mind stating to the gentleman what I want to look into. I want to know the size of these towns; I want to know something about the wealth of these people and their opportunity to get other sites for investigation besides this particular 1,200 acres.

Mr. COLTON. I will say that there are no other available water sources for these towns. They have exhausted every other practical means of getting water.

Mr. SPROUL of Kansas. That would be a conclusion, of course, unless you have the opinion of capable geologists.

Mr. COLTON. I have letters to that effect.

Mr. SPROUL of Kansas. Those are the things I would like to look into. If the gentleman cares to allow it to go over, very well, but in the absence of any information, I would like to have an opportunity to look it up.

Mr. COLTON. I would be glad to supply the gentleman with any information he desires.

Mr. SPROUL of Kansas. I think the gentleman might be able to do that.

Mr. HUDSON. Mr. Speaker, the regular order.

Mr. SPROUL of Kansas. Mr. Speaker, I ask unanimous consent that the bill may go over without prejudice.

The SPEAKER pro tempore. Objection is heard. The clerk will report the next bill.

## DALTON G. MILLER

The next business on the Private Calendar was the bill (H. R. 6209) for the relief of Dalton G. Miller.

The Clerk read the title of the bill.

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

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I wish to inquire of some member of the Committee on Agriculture the extent to which that committee gives consideration to private claims bills. This is a bill that could very properly have been considered by the Committee on Claims. I recognize that the Committee on Agriculture is a much overworked committee; much overworked, and I did not think they were cavorting with private claims, looking for extra work, if there was some other constituted committee of the House that would consider those private claims.

Mr. HAUGEN. The Committee on Agriculture always has jurisdiction over such claims.

Mr. STAFFORD. But that is not the question. I do not recall of any instance before where the Committee on Agriculture has disturbed its equanimity in the consideration of real legislation by the consideration of these little claim bills.

Mr. HAUGEN. Oh, yes. There are a number of instances at nearly every session of Congress.

Mr. STAFFORD. Well, if the Committee on Agriculture wishes to have the regular order of consideration of large questions of moment interrupted by the consideration of these small claims, I have no objection to its consideration of them.

Mr. HUDSON. Mr. Speaker, the regular order.

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

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the 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 \$16.90 to Dalton G. Miller, senior drainage engineer of the Bureau of Public Roads, in full settlement of all payments made by him for repairs to a truck belonging to the University of Minnesota, which was loaned to the Bureau of Public Roads for use in conducting a cooperative investigation during the fiscal year ending June 30, 1929, to determine the effect of soil alkali and acid upon drain tile.

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

A motion to reconsider was laid on the table.

## JOSEPH K. MUNHALL

The next business on the Private Calendar was the bill (H. R. 6210) to authorize an appropriation for the relief of Joseph K. Munhall.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$116.25 for payment to Joseph K. Munhall, of Corona, California, in full compensation for the value of equipment belonging to him destroyed in the burning of the Oak Grove ranger station house, Cleveland National Forest, California, on March 25, 1927.

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

A motion to reconsider was laid on the table.

## A. H. COUSINS

The next business on the Private Calendar was the bill (H. R. 6211) for the relief of A. H. Cousins, district fiscal agent, United States Forest Service.

The Clerk read the title of the bill.

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

There was no objection.

Mr. LEA. Mr. Speaker, I ask unanimous consent to substitute a similar Senate bill (S. 2245).

The SPEAKER pro tempore. The gentleman from California [Mr. LEA] asks unanimous consent to substitute a similar Senate bill. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

*Be it enacted, etc.,* That the Comptroller General of the United States is authorized and directed to adjust, settle, and certify to Congress the claim of A. H. Cousins, district fiscal agent, Forest Service, Department of Agriculture, for the sum of \$60, which amount he refunded to the Government on account of a disallowance in his disbursing account covering payment to Leonard Cooper in compensation for the loss of a horse accidentally killed at the Quartz Mountain Ranger Station in the Umpqua National Forest, Oreg., between August 1 and 3, 1926, while in possession of the Forest Service for official use.

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

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

## SUCCESSORS OF LUTHER BURBANK

The next business on the Private Calendar was the bill (H. R. 9169) for the relief of the successors of Luther Burbank.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the period of five years during which are set aside the lands granted to Luther Burbank, of Santa Rosa, State of California, and within which payment therefore must be made under the provisions of the act of Congress approved August 24, 1912, entitled "An act to patent certain semiarid lands to Luther Burbank under certain conditions," is hereby extended for an additional period of five years.



With the following committee amendment:

Strike out all after the enacting clause, down to and including line 9, page 1, and insert:

"That the time within which Luther Burbank, his heirs, or successors in interest, must make payment and comply with the other provisions of the act of Congress approved August 24, 1912, entitled 'An act to patent certain semilarid lands to Luther Burbank under certain conditions,' be, and the same is hereby, extended until five years from the passage of this act."

The committee amendment was agreed to.

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

A motion to reconsider was laid on the table.

JAMES T. MOORE

The next business on the Private Calendar was the bill (H. R. 4245) for the relief of James T. Moore.

The Clerk read the title of the bill.

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

Mr. STAFFORD. Mr. Speaker, reserving the right to object, in my reading of the bill and report I was inclined to think that there was very little merit in the position of the claimant in this case.

I see the distinguished former Governor of Virginia, who I believe is the author of the bill, ready to make some explanation of the bill. I wish to say that I can not see wherein this chaplain who entered the service in 1918 and was discharged by the plucking board on December 22, 1922, and received one year's pay, should now be granted this additional rank.

Mr. MONTAGUE. It is not an additional rank. It is a lower rank. We asked him to be retired at the rank of lieutenant. He was a captain at that time.

Mr. STAFFORD. The fact is he was discharged with many, many others.

Mr. MONTAGUE. That is very true.

Mr. STAFFORD. Under the operation of the so-called plucking board.

Mr. MONTAGUE. I do not know what board did it.

Mr. STAFFORD. If the gentleman will permit, in 1922 the Congress of the United States decided to reduce not only the enlisted personnel of the Army, but the enlisted officer personnel.

Mr. MONTAGUE. Will the gentleman permit me? The gentleman is generally accurate about these things and very faithful in his investigation of these cases, and I want to say to the gentleman that my point relates in no way to a reduction of the Army, but solely to the method by which that reduction is achieved, whether by discharging him or retiring him.

He was an officer of the Army and should have been retired under the law. I will be glad to answer any questions the gentleman may ask.

Mr. STAFFORD. The report of the War Department shows that at the time he was discharged he was physically sound.

Mr. MONTAGUE. Where is that report? Read that to me, please.

Mr. STAFFORD. I will read from the letter of the Acting Secretary of War, found on page 5 of the report:

I do not favor the passage of H. R. 4245, for the following reasons:

(a) From all of the information available, it appears that the pulmonary abscess in the case of the beneficiary of the bill had entirely healed at the time of his separation from the service, and the disabilities claimed by him were not found by the examining surgeon, the board of review, or the civilian physicians who examined him. The disabilities from which he was suffering at the time of his discharge were not considered as permanently incapacitating him for the performance of active duty, nor were they considered to be of such serious nature as to warrant his being ordered before a retiring board.

Mr. MONTAGUE. May I answer the gentleman there?

Mr. STAFFORD. Certainly.

Mr. MONTAGUE. That is in the report of the Acting Secretary of War, as found on page 5 of the report; but look at the report of the The Adjutant General of the Army, dated November 20, 1923, upon which report the Secretary's is based, and the gentleman will find a clear omission in the report of the Acting Secretary of War of a material item contained in the report of The Adjutant General, upon which the report of the Secretary of War was based. That report was:

5. Slightly pulmonary fibrosis, right middle lobe, X-ray reading.

Mr. STAFFORD. From what page of the report is the gentleman reading?

Mr. MONTAGUE. Page 3, section 5. Now, listen:

In view of occupation, he is 100 per cent disabled. Disability not of a permanent nature.

The gentleman does not find that statement in the letter written by the Secretary of War. It is omitted twice. I do not wish to criticize the Secretary of War, because the report made by the Secretary of War, of course, was based upon something written for him. But there is a clear omission of that essential fact, which destroys this man's rights and, therefore, this committee has simply given this man his day in court, the right to have himself examined by a retiring board to see whether or not he has any trouble.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Objection is heard.

SAMUEL PELFREY

The next business on the Private Calendar was the bill (H. R. 10310) for the relief of Samuel Pelfrey.

The Clerk read the title of the bill.

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

Mr. COCHRAN of Missouri. Mr. Speaker, reserving the right to object, and I do not propose to object, I simply desire to call the attention of the House to the fact that we are now considering bills reported by the Military Affairs Committee. The House has passed many bills from this committee on the Private Calendar, a hundred, I presume. I hold in my hand the Senate Calendar for to-day. On the Senate Calendar are six private claims bills. There are no private bills on the calendar reported from the Military Affairs Committee of the Senate nor from the Naval Affairs Committee of the Senate.

It is reasonable to assume that the bills passed by the House were bills of merit or they never would have been reported by the House committees. I understand that the old policy in the Senate Committee on Military Affairs of referring private bills to subcommittees has been done away with, and that if the committee takes up any private bills at this session of Congress they will be considered by the committee as a whole. Senate bills are always considered by House committees. The Private Calendar to-day contains a large number.

I merely want to call attention to the fact that I think it would be wise for some of the leaders of the House, who have influence in the other body, to call the Senators' attention to the fact that the House deals fairly with private bills passed by the Senate, and it seems to me that some of the bills I refer to which have been sent over by the House should be considered by the Senate committees and placed on the calendar, and passed by the Senate.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. COCHRAN of Missouri. Yes.

Mr. JOHNSON of Washington. Has not the other body done away with proceedings in the Committee of the Whole?

Mr. COCHRAN of Missouri. I am referring now to the committees of the Senate, the Committee on Military Affairs and the Committee on Naval Affairs. I say it is only fair that these committees consider private bills passed by the House.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers of the Volunteer Army Samuel Pelfrey, who was a member of Company H, Second Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 26th day of September, 1898: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

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

COHOES HISTORICAL SOCIETY

The next business on the Private Calendar was the bill (H. R. 48) donating bronze trophy guns to the Cohoes Historical Society, Cohoes, N. Y.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of War, in his discretion, is hereby authorized to deliver to the order of the Cohoes Historical Society two bronze trophy guns stored in the Watervliet Arsenal at Watervliet, N. Y., and marked "W. A. 240" and "W. A. 241," caliber, 4.125: *Provided,* That the United States shall be put to no expense in connection with the delivery of said guns.

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

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

F. D. HUBBEL RELIEF CORPS, NO. 103, OF HILLSBORO, ILL.

The next business on the Private Calendar was the bill (H. R. 4050) donating trophy gun to F. D. Hubbel Relief Corps, No. 103, Hillsboro, Ill.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of War, in his discretion, is hereby authorized to deliver to the order of the F. D. Hubbel Relief Corps, No. 103, Hillsboro, Ill., auxiliary to the Grand Army of the Republic, one trophy gun, stored in the Watervliet Arsenal at Watervliet, N. Y., and described as follows: Twelve pounder, weight 1,000 pounds, diameter bore 4½ inches, length 58½ inches, and marked 1862: *Provided*, That the United States shall be put to no expense in connection with the delivery of said gun.

With the following committee amendment:

Page 1, line 4, strike out the name "Hubbel" and insert the name "Hubbel."

The committee amendment was agreed to.

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

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

VARINA DAVIS CHAPTER, NO. 1980, UNITED DAUGHTERS OF THE CONFEDERACY

The next business on the Private Calendar was the bill (H. R. 6348) donating trophy guns to Varina Davis Chapter, No. 1980, United Daughters of the Confederacy, Macclenny, Fla.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of War, in his discretion, is hereby authorized to deliver to the order of the Varina Davis Chapter, No. 1980, United Daughters of the Confederacy, Macclenny, Fla., auxiliary to the Florida Division United Daughters of the Confederacy, two trophy guns, stored in the Watervliet Arsenal at Watervliet, N. Y., and described as follows: One 12-pounder, muzzle-loading, smooth-bore field gun No. 122; diameter of bore, 4½ inches; length over all, 58½ inches; approximate weight, 1,200 pounds, "Confederate"; and one 12-pounder, No. 105, muzzle-loading, smooth bore; length over all, 72 inches; diameter of the bore, 4½ inches; approximate weight, 1,200 pounds, "Confederate": *Provided*, That the United States shall be put to no expense in connection with the delivery of said guns.

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

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

DONATION OF BRONZE CANNON TO THE CITY OF MARTINS FERRY, OHIO

The next business on the Private Calendar was the bill (H. R. 9425) to authorize the Secretary of War to donate a bronze cannon to the city of Martins Ferry, Ohio.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of War is authorized and directed to donate, without expense to the United States, to the city of Martins Ferry, Ohio, a bronze fieldpiece, 12 pounder, cast muzzle loading, diameter of bore 4½ inches, now located at Watervliet Arsenal, Watervliet, N. Y.

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

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

FREDERICK SAMUEL GILBERT

The next business on the Private Calendar was the bill (H. R. 653) for the relief of Frederick Samuel Gilbert.

The Clerk read the title of the bill.

Mr. SWING. Mr. Speaker, I ask unanimous consent that this bill go off the calendar, the beneficiary named having died since the bill was reported.

The SPEAKER pro tempore. Without objection, the bill will be laid on the table.

There was no objection.

CHARLES H. HARLOW

The next business on the Private Calendar was the bill (H. R. 4660) to authorize the President to appoint Capt. Charles H. Harlow a commodore on the retired list.

The Clerk read the title of the bill.

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

Mr. COLLINS. Mr. Speaker, reserving the right to object, this is a congressional promotion, is it not?

Mr. WATSON. The gentleman may recall that Captain Harlow was promoted in the normal course to the rank of lieutenant in 1895, and while in that grade was advanced two numbers for eminent and conspicuous conduct in 1898, during the Spanish War, and by reason of this advancement in rank he became an extra number in grade, therefore could not be advanced to the rank of commodore at the time when commodores were appointed. Because of his conspicuous service it seems to be quite unfair that he should not be promoted as all others of that day and time. Captain Harlow made his application before the act of 1912 and was within the proper limits in making his application. Secretary Adams is of the opinion it would be unfair that Captain Harlow should not have the privilege of being promoted to commodore. He is the last man who can be a commodore under the law.

Mr. COLLINS. Of course, I would like to see them all admirals and commodores, but I think the question of promotion ought to be left with the department. I do not believe we are qualified to pass upon such questions.

Mr. WATSON. Commander Wilkinson, in giving his testimony before the committee, stated he was fully in accord with the purposes of this bill. Captain Harlow is the last officer who can be promoted to a commodore, and it seems to me that a man who gives extraordinary service to the Government ought to be fully recognized by Congress. The other officers contemporary with him have obtained this promotion.

Mr. COLLINS. I am just upholding the Navy Department in its promotions. I do not think the Congress knows enough about the subject to decide whether this man ought to be promoted to the rank of commodore or not.

Mr. WATSON. Does not the gentleman think the Naval Affairs Committee has some knowledge of that?

Mr. COLLINS. No; I do not think they know more about it than I do.

Mr. WATSON. Then, what is the use of having hearings?

Mr. COLLINS. I do not think they are any better qualified to determine the question of whether this man should be a commodore than I am. The question of promotion is a matter that should be decided by the Navy Department.

Mr. WATSON. How about the Secretary of the Navy; does he not know?

Mr. COLLINS. If the Secretary of the Navy wanted to promote him he should have promoted him. He should not ask Congress to promote him.

Mr. WATSON. The Secretary would promote him, but he has not the power. The bill authorizes the President to appoint Captain Harlow a commodore on the retired list.

Mr. COLLINS. I have uniformly objected to all congressional promotions.

Mr. WATSON. It seems to me very unfair when all the other officers of the same status and the same age of service have been promoted, because of the extra numbers which this officer received on account of conspicuous service, should he be ostracized?

Mr. COLLINS. Oh, I am not ostracizing him. That question is not involved here.

The regular order was demanded.

Mr. COLLINS. I object, Mr. Speaker.

DAVID M'D. SHEARER

Mr. COLLIER. Mr. Speaker, I ask unanimous consent to return to Calendar No. 392, the bill (H. R. 1825) for the relief of David McD. Shearer.

I have agreed to accept the amendment of the gentleman from Wisconsin [Mr. STAFFORD].

The SPEAKER pro tempore. The gentleman from Mississippi asks unanimous consent to return to Calendar No. 392, the bill H. R. 1825. Is there objection?

There was no objection.

The Clerk read the title of the bill.

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

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I understand the author of the bill, the gentleman from



Mississippi [Mr. COLLIER] is willing to accept the proposed amendments which I suggested a few minutes ago.

Mr. COLLIER. I will accept the amendments, yes; and let it go over to the Senate.

Mr. STAFFORD. With that understanding, I have no objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the claim of David McD. Shearer for compensation for the adoption and use by the Government of the United States of certain inventions relating to reinforced-concrete revetment and construction and laying of same, made by said David McD. Shearer, and for which Letters Patent of the United States, Nos. 1173879, 1173880, and 1229152, were issued to him, be, and the same is hereby, referred to the Court of Claims, which court is hereby vested with jurisdiction in the premises, and whose duty it shall be to hear and determine, first, whether the said David McD. Shearer was the first and original inventor of the inventions described in said Letters Patent or any of them; and if said court shall find that he was such first and original inventor of any of the same, then to determine, second, what amount of compensation, if any, he is justly entitled to receive from the United States for the use of his said inventions or any of them, either before or since the date of said Letters Patent, up to the time of adjudication, and for a full and entire transfer of said several patents to the United States, and in determining the amount of compensation, if any, for the use of said inventions and transfer of said patents, the court shall take into consideration, as bearing on the question of reducing or increasing such compensation, if and so far as the facts may warrant, the facts, if proved, that while said David McD. Shearer was engaged in perfecting the invention he was in the service of the United States as a junior engineer superintendent in charge of will bank revetment construction under the Mississippi River Commission, and whether and, if at all, to what extent said inventions or any of them were discovered or developed during the working hours of his Government service, and to what extent his said inventions for protection of river channels and banks differ from the methods previously used, in material, method of laying, permanency, and value, and whether, if at all, to what extent the expense of making experiments, trials, and tests for the purpose of perfecting said inventions was paid by the United States, and if any such expense was incurred by the United States, whether and, if at all, to what extent the United States received compensation for such expense.

Either party may appeal to the Supreme Court of the United States upon any such question where appeals now lie in other cases, arising during the progress of the hearing of said claim, and from any judgment in said case, at any time within 90 days after the rendition thereof; and any judgment rendered in favor of the claimant shall be paid in the same manner as other judgments of said Court of Claims; and the payment of such judgment shall vest the full and absolute right to said patents, and each of them, in the United States.

With the following committee amendments:

In line 1 on page 2, after the word "determine," insert the following words: "any statute limiting the time within which such an action may be brought to the contrary notwithstanding."

In line 2 on page 2, strike out the word "and," insert a comma after the word "first" in the same line, and insert the words "and sole" after the word "original."

In line 4 on page 2, strike out the word "and," insert a comma after the word "first" in the same line, and insert the words "and sole" after the word "original."

The committee amendments were agreed to.

And the following committee amendment:

In lines 9 and 10 on page 2, strike out the comma and insert a period after the word "adjudication," strike out immediately following the word "adjudication" the words "and for a full and entire transfer of said several patents to the United States," and insert in lieu thereof the following words:

"The Court of Claims shall ascertain whether or not it is to the interest of the Government of the United States to use such patents, or either of them, after the date of said adjudication and, if it shall find that the said David McD. Shearer was the first, original, and sole inventor of said inventions and that is to the interest of the Government of the United States to use said inventions, or any of them, after such adjudication, the Court of Claims shall render such judgment as will assure a full and entire transfer of said patents or such of them as should be so transferred and shall award to the said David McD. Shearer such compensation therefor as shall represent the value of the patent or patents awarded to the Government of the United States in determining whether or not said David McD. Shearer is entitled to compensation and"

Mr. STAFFORD. Mr. Speaker, I offer an amendment to the committee amendment to strike out of the committee amendment the first sentence of the inserted matter, beginning in

line 13, page 2, and ending with the words "United States" in line 25.

The SPEAKER pro tempore. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD to the committee amendment: Page 2, line 13, strike out, beginning with the words "The court," in line 13, down to and including the words "United States" in line 25.

The amendment to the committee amendment was agreed to.

The committee amendment, as amended, was agreed to.

And the further committee amendment:

Page 3, line 4, after the word "consideration," strike out the words "as bearing on the question of reducing or increasing such compensation."

The committee amendment was agreed to.

Mr. STAFFORD. Mr. Speaker, I offer an amendment, page 1, line 4, strike out the words "adoption and."

The SPEAKER pro tempore. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Page 1, line 4, strike out the words "adoption and."

The amendment was agreed to.

Mr. STAFFORD. Mr. Speaker, I offer another amendment, page 2, line 10, strike out the words "either before or."

The SPEAKER pro tempore. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Page 2, line 10, strike out the words "either before or."

The amendment was agreed to.

Mr. STAFFORD. Mr. Speaker, I offer another amendment, page 3, line 3, strike out the clause "and transfer of said patents."

The SPEAKER pro tempore. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Page 3, line 3, after the word "inventions," strike out the words "and transfer of said patents."

The amendment was agreed to.

Mr. STAFFORD. Mr. Speaker, I offer another amendment, page 4, strike out all of lines 4, 5, and 6.

The SPEAKER pro tempore. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Page 4, line 4, strike out all of lines 4, 5, and 6 and change the semicolon at the end of line 3 to a period.

The amendment was agreed to.

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

A motion to reconsider was laid on the table.

SAMUEL S. MICHAELSON

The next business on the Private Calendar was the bill (H. R. 10317) for the relief of Samuel S. Michaelson.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Postmaster General be, and he is hereby, authorized and directed to credit the account of Samuel S. Michaelson, postmaster at Montevideo, Minn., in the sum of \$696.95, due the United States on account of the loss resulting from the closing of the First National Bank, of Montevideo, Minn.

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

A motion to reconsider was laid on the table.

SALE OF BELL FORMERLY USED ON THE U. S. S. SYLPH

The next business on the Private Calendar was the bill (H. R. 6076) authorizing the Secretary of the Navy to sell to Frank Miller, of Riverside, Calif., the bell formerly in use on the U. S. S. Sylph.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Navy is hereby authorized to sell Frank Miller, of Riverside, Calif., for the sum of \$60, its appraised value, the bell which was formerly in use on the U. S. S. Sylph, but which is no longer being used by the Navy.

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

A motion to reconsider was laid on the table.

BARZILLA WILLIAM BRAMBLE

The next business on the Private Calendar was the bill (H. R. 573) for the relief of Barzilla William Bramble.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the claim against the United States of Barzilla William Bramble, a citizen of the State of Maryland, master and managing owner of the ram schooner *Cora Peake*, for damages alleged to have been caused by collision between the said schooner and the United States revenue cutter *Apache*, in the Chesapeake Bay, on the 2d day of August, 1919, may be sued for by Barzilla William Bramble in the United States District Court for the District of Maryland, sitting as a court of admiralty, and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such a suit and to enter a judgment or decree for the amount of damages, if any shall be found to be due against the United States in favor of the said Barzilla William Bramble, or against Barzilla William Bramble in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That such suit shall be brought and commenced within four months from the date of the passage of this act.

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

A motion to reconsider was laid on the table.

THELMA PHELPS LESTER

The next business on the Private Calendar was the bill (H. R. 764) for the relief of Thelma Phelps Lester.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. COLLINS. Reserving the right to object, what obligation is there on the part of the Government to pay for this casket?

Mr. IRWIN. This man was killed and so severely burned that proper embalming was impossible.

Mr. COLLINS. The Government furnished originally a hermetically sealed casket? Now the Congress is asked to pay for another.

Mr. IRWIN. Yes; but this happened in San Diego and at the time it got to Oklahoma it had been transferred three or four times and was in poor condition.

Mr. COLLINS. No; the report on the bill says that when it reached Oklahoma it was in good condition.

Mr. STAFFORD. The report shows that when it was delivered from the possession of the officials of the Government it was in good condition.

Mr. IRWIN. I understand that there was careless handling.

Mr. COLLINS. Even suppose that is so, the Government would not be responsible—the responsibility would be on the railroad.

Mr. IRWIN. While the Navy Department says that it was in good condition it was not shown that the body was perfectly embalmed and taken care of.

Mr. COLLINS. The report says that the man's condition was such that he had to be put in a hermetically sealed casket—that he could not be embalmed. This was done. There is no excuse for this claim except sentiment or that there is no limit to the depth of Uncle Sam's pocketbook.

Mr. IRWIN. The committee took the view that this man was killed in the line of duty.

Mr. COLLINS. And the Government furnished him a casket.

Mr. IRWIN. And that we should give him a Christian burial.

Mr. COLLINS. There is no dispute about that. There is no controversy between the gentleman and me about the Government giving him a casket, and this has been done. It is evident that this casket was injured after it reached its destination, and a new casket was purchased. There is no obligation on the part of the Government to pay for the second casket.

Mr. IRWIN. The widow felt that she wanted to take the body to the church and give him a Christian burial. The Senate has passed this bill.

Mr. COLLINS. That is no great argument in its favor.

Mr. IRWIN. The committee felt that the proper thing for the Government to do was to pay the \$200 in a case like this. He was killed in the line of duty at San Diego.

Mr. COLLINS. There is no use in the gentleman suggesting that. We are in accord that the Government ought to furnish him with a casket and with a proper casket, and the Government did that.

Mr. DYER. Will the gentleman yield?

Mr. COLLINS. Yes.

Mr. DYER. Should not the Government be obliged under the circumstances to furnish a casket to the grave and a proper one?

Mr. COLLINS. Suppose it was injured as the result of negligence on the part of the railroad company, does the gentleman think the Government should pay for damages incurred through negligence of the railroad company?

Mr. DYER. This man that lost his life was in the service of the Government, and his widow should not be held responsible for the carelessness of some railroad officials. The amount involved is very small and the claim is so just that it seems to me it ought not to be objected to.

Mr. COLLINS. There is no excuse why this claim should go through except we sympathize with the widow of this soldier.

Mr. IRWIN. It was shown that the Navy Department did not furnish a suitable casket. They should have taken into consideration that the body had to be transported from San Diego and be transferred three or four times before it got to Oklahoma. When the body got there it was in such condition that it could not be taken into the church, and the widow felt that she should give her husband proper burial.

Mr. COLLINS. Let us see if the gentleman is quite correct. The report says:

The naval escort personally supervised the necessary handling of the casket until it was unloaded at Oklahoma City, at which time it was in good condition.

Mr. IRWIN. Furthermore, the Comptroller General, after reviewing the facts, felt that it is a just claim.

Mr. COLLINS. I am not going to object to this bill, although I ought to. I do not think the gentleman's committee should report bills of this type.

Mr. IRWIN. We felt that this was an extraordinary case and had much merit in it.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to substitute for this bill the bill S. 286, a similar bill, which has passed the Senate.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle the claim of Thelma Phelps Lester for reimbursement of the cost of a casket for her deceased husband, Thelma Lester, former ensign, United States Navy, and to allow said claim in a sum not to exceed \$200. There is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, a sum not to exceed \$200 for payment of the claim.

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

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

J. C. PEIXOTTO

The next business on the Private Calendar was the bill (H. R. 2876) for the relief of J. C. Peixotto.

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

*Be it enacted, etc.,* That the United States Employees' Compensation Commission shall be, and it is hereby, authorized and directed to waive the statute of limitations in the application filed by J. C. Peixotto, a former employee in the medical and utilities division of the War Department at Fort McPherson, Ga., the provision of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, in order that he may receive the same consideration as though he had applied within the specified time required by law.

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

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

SILVER SERVICE, ETC., OF CRUISER "ST. LOUIS"

The next business on the Private Calendar was the bill (H. R. 9109) authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Jefferson Memorial Association



of St. Louis, Mo., the ship's bell, plaque, war record, name plate, and silver service of the cruiser *St. Louis* that is now or may be in his custody.

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

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I would inquire of some member of the committee whether it is the purpose of the committee to have the bill as reported conform to the recommendation of the department?

Mr. DYER. Mr. Speaker, if the gentleman will permit me to answer him, I am not a member of the committee, but am the author of the bill. The bill is reported with an amendment striking out all after the enacting clause, including the recommendation of the Secretary of the Navy.

Mr. STAFFORD. My purpose in rising is to have an explicit statement from some member of the committee as to whether it is the intention to have the bill as reported conform to the recommendation of the Navy Department. I notice in reading the report that it does not.

I direct the attention of the author of the bill and also of any member of the Committee on Naval Affairs to the fact that the Navy Department recommends that these articles be loaned to the Jefferson Memorial Association, whereas the bill, as reported in the committee amendment, carries a provision for delivering these articles over, using the same phraseology as in the original bill. I can see some reason why the Navy Department might wish to have a claim to this property. Perhaps some time later they might want to use it. They are willing for the time being to have the property transferred to this patriotic association, but unless there is a willingness on the part of the gentleman to accept an amendment to have it conform, or there is some explanation why it should not be so changed, I may have to object.

Mr. DYER. Mr. Speaker, I have no objection to changing the word "deliver" to the word "loan." All we desire is to have the custody of these mementos of the cruiser *St. Louis*, with the distinct understanding, of course, that they will be delivered back to the Navy Department any time they desire them, as they might want them for another cruiser or for an airplane or something that is named in honor of the greatest city in America.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. Without objection the Clerk will report the committee amendment.

There was no objection, and the Clerk read as follows:

Strike out all after the enacting clause and insert: "That the Secretary of the Navy be, and he is hereby, authorized, in his discretion, to deliver to the custody of the Jefferson Memorial Association of St. Louis, Mo., the ship's bell, builder's label plate, a record of war services, letters forming the ship's name, and silver service of the cruiser *St. Louis* that is now or may be in his custody: *Provided*, That no expense shall be incurred by the United States through the delivery of said articles."

Mr. DYER. Mr. Speaker, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment by Mr. DYER to the committee amendment: Page 2, line 3, after the word "to," strike out the words "deliver to the custody of" and insert in lieu thereof the words "loan to."

The amendment to the committee amendment was agreed to.

The committee amendment was agreed to.

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

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

The title was amended to read: "A bill authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Jefferson Memorial Association, of St. Louis, Mo., the ship's bell, builder's label plate, a record of war services, letters forming ship's name, and silver service of the cruiser *St. Louis* that is now or may be in his custody."

NORMAN A. ROSS

The next business on the Private Calendar was the bill (H. R. 348) to place Norman A. Ross on the retired list of the Navy.

There being no objection to its consideration, the Clerk read the bill, as follows:

*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 allowance of that grade.

The SPEAKER pro tempore. It seems a similar Senate bill is on the Speaker's table.

Mr. GARRETT. Mr. Speaker, I ask unanimous consent that the Senate bill, S. 218, be considered in lieu of the House bill.

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read as follows:

S. 218

A bill to place Norman A. Ross on the retired list of the Navy

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

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

WESLEY B. JOHNSON

The next business on the Private Calendar was the bill (H. R. 752) for the relief of Wesley B. Johnson.

The title of the bill was read.

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

Mr. COLLINS. Mr. Speaker, I ask unanimous consent that the bill go over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

LIEUT. COMMANDER CORNELIUS DUGAN (RETIRED)

The next business on the Private Calendar was the bill (H. R. 816) for the relief of Lieut. Commander Cornelius Dugan (retired).

The title of the bill was read.

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

Mr. LINTHICUM. Reserving the right to object, Mr. Speaker, I do it merely in order to mention the fact that this man is 91 years of age. He has had a remarkable career in the Navy.

Mr. STAFFORD. Is the gentleman aware of the fact that he has heretofore been recognized by Congress?

Mr. LINTHICUM. I recognize that; but he has had a very distinguished service in the Navy.

Mr. VINSON of Georgia. Mr. Speaker, this is to promote him on the retired list and to increase his pay. If he were a younger man the committee would not have recommended the reporting of this bill. There is only about \$500 involved in the bill.

Mr. STAFFORD. Has the gentleman considered the unfavorable letter of the Secretary of the Navy? Is it proper to set such a precedent?

Mr. VINSON of Georgia. I think this is a meritorious bill. When a man is 91 years of age we should not decline to recognize his remarkable service.

Mr. STAFFORD. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

RICHARD KIRCHHOFF

The next business on the Private Calendar was the bill (H. R. 851) for the relief of Richard Kirchhoff.

There being no objection to its consideration, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That in the administration of the laws relating to the benefits to be derived from service in the war with Spain Richard Kirchhoff, late of the United States Navy, shall hereafter be held and considered to have been honorably discharged from the naval service of the United States: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider the last vote was laid on the table.

EUGENE A. DUBRULE

The next business on the Private Calendar was the bill (H. R. 1155) for the relief of Eugene A. Dubrule.

There being no objection to its consideration, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That in the administration of the pension laws or of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers and sailors Eugene A. Dubrule shall hereafter be held and considered to have been honorably discharged from the Coast Guard Service of the United States as a seaman on the revenue cutter *Calumet*: *Provided*, That no pension shall accrue prior to the passage of this act.

With a committee amendment as follows:

On page 1, line 8, strike out the proviso and insert in lieu thereof the following: "*Provided*, That no bounty, back pay, pension, or allowances shall be held to have accrued prior to the date of passage of this act."

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

The committee amendment was agreed to.

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

A motion to reconsider the last vote was laid on the table.

GEORGE JOSEPH BOYDELL

The next business on the Private Calendar was the bill (H. R. 2626) for the relief of George Joseph Boyde.

There being no objection to its consideration, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged sailors George Joseph Boyde, who served as an enlisted man in the United States Navy, shall hereafter be held and considered to have been discharged honorably from the naval service of the United States as an enlisted man in the United States Navy.

With a committee amendment as follows:

After the word "Navy," on page 1, line 9, insert "*Provided*, That no bounty, back pay, pension, or allowances shall be held to have accrued prior to the date of passage of this act."

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

The committee amendment was agreed to.

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

A motion to reconsider the last vote was laid on the table.

LUCY B. KNOX

The next business on the Private Calendar was the bill (H. R. 2793) granting six months' pay to Lucy B. Knox.

The title of the bill was read.

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

Mr. ROWBOTTOM. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

FRANK J. HALE

The next business on the Private Calendar was the bill (H. R. 2951) granting six months' pay to Frank J. Hale.

There being no objection to its consideration, the Clerk read the bill, as follows:

*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 Frank J. Hale, dependent father of the late Francis Everett Hale, seaman (second class), United States Navy, who was killed in a launch of the U. S. S. *West Virginia* when it was rammed by a merchant vessel at San Pedro, Calif., July 3, 1928, an amount equal to six months' pay at the rate said Francis Everett Hale was entitled to receive at the date of his death: *Provided*, That the said Frank J. Hale establish to the satisfaction of the Secretary of the Navy the fact that he was dependent upon his son, the late Francis Everett Hale.

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

A motion to reconsider the last vote was laid on the table.

MARY A. BOURGEOIS

The next business on the Private Calendar was the bill (H. R. 2984) granting six months' pay to Mary A. Bourgeois.

The Clerk read the title of the bill.

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

There was no objection.

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent that a similar Senate bill, S. 1309, be considered in lieu of the House bill.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. VINSON] asks unanimous consent that a similar Senate bill be considered in lieu of the bill H. R. 2984. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

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

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

LIEUT. COMMANDER JAMES C. MONFORT

The next business on the Private Calendar was the bill (H. R. 3175) to authorize Lieut. Commander James C. Monfort, of the United States Navy, to accept a decoration conferred upon him by the Government of Italy.

The Clerk read the title of the bill.

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

Mr. COLLINS. Mr. Speaker, reserving the right to object, I have never yet found out what this man has done that warrants a nation decorating him.

Mr. VINSON of Georgia. If the gentleman from Mississippi will yield, I will send to the Clerk's desk and have read a letter stating the reason why the Government of Italy proposes to bestow upon this man the decoration of the Order of the Knight of the Crown of Italy. That gives all the information.

Mr. COLLINS. Does not the report give any information?

Mr. VINSON of Georgia. It should.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. VINSON] asks unanimous consent that the letter to which he referred be read by the Clerk. Is there objection?

There was no objection.

The Clerk read the letter, as follows:

SANTA CRUZ DEL SUR, CUBA, January 20, 1930.

HON. FLETCHER HALE,

House of Representatives, Washington, D. C.

MY DEAR MR. HALE: Commander Odlin to-day sent me a dispatch saying that I should write you a brief statement concerning the services rendered by me to General De Pinedo for which the Italian Government kindly bestowed upon me the decoration of Knight of the Crown of Italy. Briefly, then, the circumstances were as follows:

In the spring of 1927 General De Pinedo was engaged in making his so-called circuit of the Atlantic in a Savoia Marchetti seaplane. He had crossed the South Atlantic to Brazil; continued to the Argentine; back north across the Matto Grosso in Brazil; thence to the United States via Cuba. He started to fly to the west coast and stopped at the lake impounded by the Roosevelt Dam in Arizona. While here an unfortunate accidental fire destroyed his plane. The Italian Government promptly sent him another plane of the same type. This plane arrived in New York on the S. S. *Duilio*, and it was here that I was able to be of some service to General De Pinedo in enabling him to get his plane safely unloaded from the S. S. *Duilio*; transported to the base at Miller Field, Staten Island, N. Y.; set up and put in flying condition. I was at the time on duty in New York as general inspector of naval aircraft, eastern district. I was ordered by the Navy Department to render all possible assistance to General De Pinedo to enable him to commission the new seaplane and continue his flight. I took personal charge of the unloading and transportation of this plane to Miller Field where Lieutenant Elliott of the Army Air Service supervised its erection. As all navigational equipment had been lost in the original plane, I was able to assist General De Pinedo's pilot and navigator in procuring and checking his chronometers and in adjusting his compasses.

The above, I believe, covers the story in sufficient detail. If further information is necessary kindly let me know.

With very kindest personal regards and wishing for you every success, I am

Sincerely yours,

J. C. MONFORT.

The SPEAKER pro tempore. Is there objection?

Mr. COLLINS. Reserving the right to object, I still do not know of any great accomplishment of this officer. He met this Italian in New York and showed him around town and the



sights, and probably designated some warrant officer or enlisted man to look after his plane, but further than that I do not know of anything that he has done.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. COLLINS. I yield.

Mr. VINSON of Georgia. In the judgment of the Government of Italy that was sufficient to confer upon him the Order of the Knight of the Crown of Italy, and this bill is to ask Congress to permit him to accept it.

The SPEAKER pro tempore. Is there objection?

Mr. COLLINS. Still reserving the right to object, Mr. Speaker, it seems to me that the bill should be amended so as to let everyone who had anything to do with showing the Italian officer around share in this decoration. I do not know their names, but they could easily be secured, I am sure. I do not see any reason for the decoration, but all who showed the general around New York should share in its use.

Mr. VINSON of Georgia. If the gentleman from Mississippi will furnish the committee with the names of those to be included, I am perfectly willing to have them included. Does the gentleman from Mississippi know to whom he refers? I will state to the gentleman that oftentimes it has been the custom of foreign governments, when some of their distinguished officers are in this country and have been given the assistance and cooperation of our Army and Navy officers, to bestow upon them a medal of some kind. That is what this bill is for, to permit this officer to accept this medal. Of course, he can not accept it without an act of Congress.

The regular order was demanded.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That Lieut. Commander James C. Monfort be, and he is hereby, authorized to accept from the Government of Italy, the decoration of the Order of the Knight of the Crown of Italy, which decoration has been tendered to him, through the Department of State, by the Italian Government, in appreciation of service rendered the said Government of Italy.

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

A motion to reconsider was laid on the table.

GRANT R. KELSEY, ALIAS VINCENT J. MORAN

The next business on the Private Calendar was the bill (H. R. 5213) for the relief of Grant R. Kelsey, alias Vincent J. Moran.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, sailors, and marines, Grant R. Kelsey, alias Vincent J. Moran, who was a member of Company L, Twenty-seventh Regiment United States Volunteer Infantry, from September 8, 1899, to January 30, 1901; and of Company E, Nineteenth Regiment United States Infantry, from January 2, 1903, to January 5, 1905; and of Company D, Fourteenth Regiment United States Infantry, from January 6, 1905, to January 2, 1906, shall hereafter be held and considered to have been honorably discharged from the naval service of the United States as a landsman, U. S. S. *Wilmington*, on the 21st day of February, 1901: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider was laid on the table.

GEORGE CAMPBELL ARMSTRONG

The next business on the Private Calendar was the bill (H. R. 5824) for the relief of George Campbell Armstrong.

The Clerk read the title of the bill.

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

Mr. ARENTZ. Mr. Speaker, reserving the right to object, I would like to have the ear of the gentleman from Wisconsin [Mr. STAFFORD], the gentleman from Mississippi [Mr. COLLINS], and the gentleman from Indiana [Mr. GREENWOOD].

This bill proposes to give honorable discharge to a soldier who was in the service only 12 years ago. I want to know what policy is going to be pursued by the objectors on that side of the House, in view of the fact that Civil War veterans dishonorably discharged, were not considered for honorable discharge until 30 or 40 years after service. Spanish-American War veterans were not considered until the last two years.

Are we going to have this as a policy of giving honorable discharges to men who were dishonorably discharged in 1918 and 1919?

Mr. STAFFORD. Will the gentleman yield?

Mr. ARENTZ. I yield.

Mr. STAFFORD. I believe the gentleman is one of the honorable body who has been specially constituted by the leadership of the House to be one of objectors on the Republican side. I do not know whether up to this time the gentleman has qualified in that particular by ever objecting to a bill—

Mr. ARENTZ. Yes. I am rather glad I have not got the reputation in that regard that the gentleman from Wisconsin [Mr. STAFFORD] has.

Mr. STAFFORD. I do not believe the gentleman has any ground for any reputation at all, but I do not recall of his ever having objected to a bill.

Mr. ARENTZ. The gentleman has a good reputation for looking into bills very, very carefully, and if he sees even a scintilla of a shadow of doubt he resolves that doubt in favor of himself rather than in favor of the claimant.

Mr. STAFFORD. I will take the gentleman's word for it.

Mr. GREENWOOD. Whose record is this bill to correct?

Mr. ARENTZ. I am asking the gentlemen on that side. I just want to place you on record. That is all.

Mr. STAFFORD. As far as the policy of the Committee on Military Affairs is concerned—and I can only speak as one member of that committee—the committee has reported out bills to remove the charge of dishonorable discharge against persons who saw service in the World War, particularly if they had very worthy records on the battle front. We have also reported out bills where persons have had successive services, where they have had several honorable discharges, perhaps, and then there have been little lapses and discharges without honor, for drunkenness and the like. The committee views the frailties of humankind, and where a man has a really honorable record, we report, in order to give him the consideration he deserves, a bill placing him on a pensionable status. We can not remove the dishonorable discharge, but as far as we can we do not wish that stigma to attach to him under those circumstances.

Now, I do not know whether this case has much merit or not. It is reported by the Committee on Naval Affairs. As shown by the report, this man enlisted as an apprentice seaman on January 3, 1918. He was born in 1899, so that at the time of his enlistment he was about 19 years of age. During this period of service he was twice tried and convicted by summary court-martial, in both instances, of absence from station and duty after leave had expired. In accordance with the terms of the sentence of the second court, he was discharged from the naval service with a "bad conduct" discharge, on March 6, 1919, after the termination of the war. Both offenses of unauthorized absence were committed while the United States was still in a technical state of war.

All this bill does is to seek to confer upon him a pensionable status.

The regular order was demanded.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent to consider a similar Senate bill, S. 3586, in lieu of the House bill.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. VINSON] asks unanimous consent to consider a similar Senate bill, S. 3586, in lieu of the House bill. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

*Be it enacted, etc.,* That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged seamen George Campbell Armstrong, who enlisted in the United States Navy as apprentice seaman on January 3, 1918, shall hereafter be held and considered to have been honorably discharged from the naval service of the United States as seaman, second class, on or about the 6th day of March, 1919.

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

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

STEPHEN W. DOUGLASS

The next business on the Private Calendar was the bill (H. R. 6693) for the relief of Stephen W. Douglass, chief pharmacist, United States Navy, retired.

The Clerk read the title of the bill.

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

Mr. COLLINS. Mr. Speaker, reserving the right to object, is not this a congressional promotion?

Mr. LUCE. I do not so gather from the nature of the case.

Mr. COLLINS. This man is being promoted by act of Congress and not in the regular way.

Mr. LUCE. It seems to me that is a rather forced interpretation of the circumstances.

Mr. COLLINS. Is not that the result?

Mr. LUCE. The result is that he gets the benefits he would have secured, by reason of his very long service in the Army, if the changes in the status of the various ranks had been made in time for him to be able to complete 20 years before retirement.

Mr. COLLINS. He has to come to Congress to get the promotion?

Mr. LUCE. He has to come to Congress to get relief.

Mr. COLLINS. He can not get it in the War Department?

Mr. LUCE. So I understand by the letter from the War Department.

Mr. COLLINS. I am going to have to object, because I have objected to all these congressional promotions.

The SPEAKER pro tempore. Objection is heard.

FRANK WOODEY

The next business on the Private Calendar was the bill (H. R. 830) for the relief of Frank Woodey.

The Clerk read the title of the bill.

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

Mr. COLLINS. Mr. Speaker, reserving the right to object, I do not see the necessity of having a Naval Reserve if we are going to have it scattered all over the universe. This bill, as I understand it, permits this man to remain in the Naval Reserve while he is living in China.

Mr. VINSON of Georgia. I suggest to the gentleman from Mississippi that as the author of the bill is not present that he let the bill go over without prejudice.

The SPEAKER pro tempore. Objection is heard.

WILLIAM H. BEHLING

The next business on the Private Calendar was the bill (H. R. 5611) for the relief of William H. Behling.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Navy is hereby authorized and directed to cause to be paid, from appropriations for beneficiaries of officers who died while on the active list of the Navy, to William H. Behling, father of William Charles Behling, late chief carpenter's mate, United States Navy, an amount equal to six months' pay at the rate said William Charles Behling was receiving at the date of his death.

With the following committee amendment:

Page 1, line 9, after the word "death," insert: "Provided, That William H. Behling's dependency upon his son, William Charles Behling, shall be established to the satisfaction of the Secretary of the Navy."

The committee amendment was agreed to.

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

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

SETH J. HARRIS

The next business on the Private Calendar was the bill (H. R. 669) for the relief of Seth J. Harris.

The Clerk read the title of the bill.

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

Mr. BACHMANN. Mr. Speaker, reserving the right to object, I notice in the report, on page 5, there is a letter from the petitioner's attorney referring to the case of Jimmie Lou Martin. I was wondering why that is necessary in the report on this particular case.

Mr. TARVER. I am not able to inform the gentleman, unless it is for the purpose of showing that everyone who was damaged by the occurrence has been compensated with the exception of this claimant.

Mr. BACHMANN. Is there an attorney involved in this case?

Mr. TARVER. There is no attorney involved in this case.

Mr. BACHMANN. I was going to suggest that if there was the usual amendment ought to be carried.

Mr. TARVER. I am in a position to assure the gentleman that there is no attorney involved.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury of the United States is hereby directed to pay, out of any money in the Treasury not otherwise appropriated, to Seth J. Harris, of Marietta, Ga., in full settlement against the Government, the sum of \$10,000, in payment of his claim growing out of the death of his wife, Lillie Harris, who was killed August 8, 1917, by the explosion of a shell fired by United States soldiers in target practice at Kennesaw Mountain, Ga.

With the following committee amendment:

Page 1, line 7, strike out "\$10,000" and insert "\$4,000."

The committee amendment was agreed to.

Mr. BACHMANN. I will say to the gentleman from Georgia that it would be well to carry the usual provision with reference to the payment of attorneys' fees.

Mr. TARVER. There is no reason that I can conceive of why such a provision should be carried.

Mr. BACHMANN. That is the usual custom.

Mr. TARVER. I have assured the gentleman that there is no attorney involved in this matter.

Mr. BACHMANN. I am satisfied with the gentleman's assurance, but I think the usual provision should be carried.

Mr. TARVER. What is the provision the gentleman desires to put in the bill?

Mr. BACHMANN. That not more than 10 per cent of the amount may be paid to any attorney.

Mr. TARVER. I would prefer that the amendment would provide that no amount shall be paid to any attorney, because there is no attorney involved.

Mr. BACHMANN. I will say to the gentleman that it is my intention to offer the usual amendment.

Mr. TARVER. I have no objection to an amendment providing that no amount shall be paid to any attorney.

Mr. BACHMANN. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from West Virginia offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BACHMANN: At the end of the bill add 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."

Mr. TARVER. Mr. Speaker, I move to amend the amendment offered by the gentleman from West Virginia by striking out the words "in excess of 10 per cent" wherever they occur in the amendment. The effect of my amendment would be to prohibit the recovery of any attorney's fees whatever.

The SPEAKER pro tempore. The gentleman from Georgia offers an amendment which the Clerk will report.

The Clerk read as follows:

Mr. TARVER moves to amend the amendment offered by Mr. BACHMANN by striking out the words "in excess of 10 per cent thereof."

Mr. TARVER. Wherever those words occur in the amendment offered by the gentleman from West Virginia.

Mr. CHINDBLOM. Mr. Speaker, I hope the gentleman will not press his amendment to the amendment. Legislative provisions conceived at the moment with reference to a peculiar situation that may have arisen in the course of legislative procedure very often become bad precedents.

I will say to the gentleman that personally I think the people who render services as agents and as attorneys are entitled to collect and receive reasonable fees, and action of this kind sets a new precedent which I do not think has the general approval of the House.

Mr. TARVER. I think if the gentleman will listen to the explanation which I made, I think, before he came in—

Mr. CHINDBLOM. No; I was here.

Mr. TARVER. Then I want to call the gentleman's attention to the fact that no attorney has had anything at all to do with this claim and the incorporation of an amendment of this character in the bill would be an invitation to some attorney to come in and claim that he had had something to do with the claim and insist on receiving 10 per cent. If anything is to be said about attorneys' fees at all in the bill, I want it to be provided that no amount shall be collected as attorneys' fees, because I know that no attorney has had anything to do with it and I do not want some fellow coming in and claiming



that he has had something to do with it and then try to collect 10 per cent of this amount.

Mr. STAFFORD. Is not that a very good argument that in this particular case the amendment offered by the gentleman from West Virginia [Mr. BACHMANN] should not be incorporated at all?

Mr. TARVER. I do not think it should be incorporated.

Mr. STAFFORD. We have the assurance of the gentleman that there can be no claim for attorneys' fees. The gentleman knows the circumstances and we should accept his statement.

Mr. SCHAFER of Wisconsin. If the gentleman will permit, if he would follow many of these bills considered by the Claims Committee he would find that when an accident occurs, in many instances, ambulance-chasing lawyers get to the injured party and get a 40 per cent contract signed, go through the maneuver of presenting the claim before the department, knowing that the department has no authority to make a settlement. Later on the case is brought to a Member of Congress, who introduces a special act bill, and in the records of the Claims Committee, as well as in the records of the Member of Congress, there is no indication of any attorney; but if the bill passes without any attorney-fee limitation, the attorney will resurrect his contract and exact the 40 per cent from the beneficiary. I have had a number of attorneys contact me with respect to claims, admitting they had a 40 per cent contract when they had not done sufficient work on the case to warrant a fee of one-half of 1 per cent. As one member of the Committee on Claims I have always maintained that we should have a limitation in these cases to protect the claimant and not pass these special bills apparently for the benefit of the claimant but in fact for the benefit of some ambulance-chasing attorney.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. CHINDBLOM. Mr. Speaker, I ask unanimous consent to proceed for five minutes more.

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

There was no objection.

Mr. CHINDBLOM. Mr. Speaker, I have no objection to a limitation of the kind proposed by the gentleman from West Virginia, and if it is to be imposed in one case it should be imposed in every case and should be a part of every bill of this character. The fact that in this particular case there may not be any attorneys involved should not make any difference.

Mr. TARVER. Will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. TARVER. The incorporation of this amendment in the bill, when as a matter of fact there has been no attorney connected with it, is an implied invitation for some shyster to come in and insist that he has rendered some sort of service and then claim 10 per cent.

Mr. BACHMANN. Will the gentleman yield?

Mr. TARVER. Yes.

Mr. CHINDBLOM. Let me ask the gentleman a question. I am controlling the time.

Does the gentleman think that the claimant here would be in any better position if there was no provision whatever? Suppose some so-called shyster does come in and claim he has rendered services and has the right to collect something and there is no limitation, then, of course, he would not be subject to the penalties of this provision.

Mr. TARVER. I think no lawyer is likely to come in unless you impliedly invite him by putting this amendment in the bill, and if you should put it in, in justice to the claimant and to myself, in view of the statement I have made that there is no attorney involved, you ought to amend it so as to provide that no attorneys' fees shall be paid.

Mr. BACHMANN. Will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. BACHMANN. The committee is endeavoring to follow a uniform practice as near as it can in matters of this kind.

Mr. TARVER. But when the practice does not fit the case—

Mr. BACHMANN. The gentleman can control the matter in this particular case, and when he notifies his constituent of the result it will be very easy to make it clear to his constituent that he needs no attorney in the case, which will amply take care of the suggestion which the gentleman has made; and if we are going to have uniformity in these matters, it is appropriate for the House to follow a uniform course, so we may all know just what we are doing in matters of this kind, and I am insisting on the amendment.

Mr. CHINDBLOM. Mr. Speaker, the gentleman has expressed my views entirely. I think we ought to have a uniform practice with respect to this matter. I do not think it is a reflection on the claimant, on the gentleman who introduced the bill, or

any one else, for the House to follow its usual practice and adopt the usual provision in regard to attorneys' or agents' fees.

Mr. TARVER. Mr. Speaker, I rise in support of my amendment to the amendment offered by the gentleman from West Virginia [Mr. BACHMANN].

I want the House to thoroughly understand just exactly what the situation is. The amendment which I have offered provides that the language "in excess of 10 per cent," wherever it occurs in the amendment offered by the gentleman from West Virginia, shall be stricken out, which will leave the amendment providing that no attorneys' fees at all shall be paid in this case, and I insist that if any reference at all is to be made to attorneys' fees, in a case where it is admitted that no attorney has rendered any service, it ought to be a provision of this character.

There ought not to be inserted here a provision that attorneys shall not be paid in excess of 10 per cent, for the reason that someone may come in and make the pretense of a claim at a later date. It is an implied invitation to some shyster to mulct the claimant in the amount of 10 per cent of his claim.

Mr. GREENWOOD. I agree that we ought to have a uniform provision, but the gentleman from Georgia is willing to limit it beyond that and surely Congress ought not to object to its being limited as provided by his amendment. This will be no precedent.

Mr. BACHMANN. I appreciate the gentleman's position and his fairness, and I am satisfied to accept his word that no attorneys have any claim. But I am interested in a uniform proposition. I think it is for the protection of the private bills and the House itself. I think we ought to have a uniform provision for all these bills.

Mr. TARVER. I do not think it is good practice where there is no attorney at all, and I believe my amendment should be adopted. Without it I think the effect will be to stir up claims of this sort. I hope the House will adopt my amendment to the amendment.

The SPEAKER pro tempore. The Clerk will report the amendment to the amendment, as corrected.

The Clerk read as follows:

Amendment to the amendment by Mr. BACHMANN: Strike out the words wherever they occur in the amendment "in excess of 10 per cent thereof."

The SPEAKER pro tempore. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

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

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

JOHN PANZA AND ROSE PANZA

The next business on the Private Calendar was the bill (H. R. 917) for the relief of John Panza and Rose Panza.

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

*Be it enacted, etc.,* That there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$1,200, and that the said sum be paid to John Panza and Rose Panza, as just compensation and in full settlement and satisfaction of their damages and loss incurred and suffered by reason of the use and occupation of their building and land by the United States Government for hospital purposes.

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

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

GLEN D. TOLMAN

The next business on the Private Calendar was the bill (H. R. 936) for the relief of Glen D. Tolman.

The SPEAKER pro tempore (Mr. SNELL). Is there objection?

Mr. STAFFORD. Mr. Speaker, I move to strike out the last word. The House to-day has passed many bills providing for a considerable amount in full settlement of a claim. Here is one for \$5,000. No attempt is being made to place on the bill an amendment calling for a limitation of attorneys' fees. If we are going to have a uniform policy, why not put it on this bill?

Mr. SPROUL of Illinois. Mr. Speaker, I am quite willing to have the amendment placed on the bill.

Mr. STAFFORD. I know the gentleman is, but the gentleman from West Virginia [Mr. BACHMANN] and my colleague from Wisconsin [Mr. SCHAFER] have been insisting that we ought to have a uniform policy.

Mr. ROWBOTTOM. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. ROWBOTTOM: At the end of the bill 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 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 SPEAKER pro tempore. The question is on agreeing to the amendment.

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

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

THOMAS SELTZER

The next business on the Private Calendar was the bill (H. R. 1546) for the relief of Thomas Seltzer.

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

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Thomas Seltzer, of Philadelphia, Pa., the sum of \$3,543.91. Such sum represents the amount of Liberty and Victory bonds of the face value of \$3,000 together with coupons in the amount of \$543.91, deposited by Thomas Seltzer with the District Court of the United States for the Northern District of Illinois to secure his appearance in such court.

With the following committee amendments:

Line 6, strike out "\$3,543.91" and insert "\$537.66."

Line 7, after the word "of," insert the words "the coupons of the."

Line 8, after the "\$3,000," strike out the comma and the words "together with coupons in the amount of \$543.91."

Line 11, after the word "court," insert "less the amount of the court costs."

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

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

THERESA M. SHEA

The next business on the Private Calendar was the bill (H. R. 1699) for the relief of Theresa M. Shea.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. ARENTZ. Mr. Speaker, I wish to offer to this bill the usual amendment limiting attorneys' fees.

Mr. STAFFORD. Oh, wait just a minute. We have not reached that stage yet. I reserve the right to object. Will the chairman of the committee, or some other member, please give some explanation as to the merits of the bill? As I read it, the claimant on a rainy day with an umbrella hoisted was crossing the street in the rear of an automobile, the umbrella being more or less a blind, and she ran into an automobile going at a moderate rate of speed. If such are the facts, where is there any liability on the part of the Government of the United States to pay her anything whatever?

Mr. IRWIN. The committee after investigating this, from the evidence they had and the affidavits of eyewitnesses, believed it proven that the driver of the Government truck was going at an excessive rate of speed on a rainy day. This woman, as I understand it, was in the middle of the street.

Mr. STAFFORD. She was crossing the street between crossings mid-block.

Mr. IRWIN. She was struck while in the middle of the street.

Mr. STAFFORD. I read from the letter of the acting postmaster in Brooklyn, printed with the report of the committee:

At the time of the accident, chauffeur who drove Government truck No. 2211 was traveling on Broadway approaching Willoughby Avenue, and at a point not a street crossing a young woman with an umbrella open came from behind a standing auto and walked against the side of the mail truck. The chauffeur in charge of the mail truck, under the circumstances, could not prevent the accident.

It is true that the truck may have been going at an inordinate rate of speed, but that was between crossings. Anyone ac-

quainted with traffic in New York City knows that when the signals are free they go at an inordinate rate of speed, even at the crossings.

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

The SPEAKER pro tempore. The regular order is demanded. Is there objection?

Mr. COLLINS. Mr. Speaker, I object.

ROSE LEA COMSTOCK

The next business on the Private Calendar was the bill (H. R. 1888) for the relief of Rose Lea Comstock.

There being no objection to its consideration, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Rose Lea Comstock, out of any money in the Treasury not otherwise appropriated, the sum of \$40 for reimbursement of undertaker's expenses incurred by reason of the naval training station at Great Lakes, Ill., erroneously advising her of the death of her brother, Grover Cleveland Tanner.

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

A motion to reconsider the last vote was laid on the table.

GREAT WESTERN COAL MINES CO.

The next business on the Private Calendar was the bill (H. R. 2175) for the relief of the Great Western Coal Mines Co.

The title of the bill was read.

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

Mr. COLLINS. Mr. Speaker, I reserve the right to object.

Mr. GREENWOOD. Mr. Speaker, reserving the right to object, in view of the amount asked for here, I think the gentleman from Utah [Mr. COLTON] should make an explanation.

Mr. COLTON. I would be very glad to do that. The circumstances of this case are these: R. Leo Bird made a coal entry several years ago of 160 acres and paid \$16,600 for it. Later on, and in good faith—and I say those words advisedly, because that was the point raised by the department—the entry was transferred to a company incorporated for developing the coal mines in that section.

However, the charge was made that the entry was not made in good faith. A hearing was had, and at the first hearing it was suggested that if the applicant relinquished he could get a lease on the same ground and could get his money back. The leasing bill had just passed. Accordingly he relinquished and made application for a refund of his money. He was later required to make a showing that there was no fraud; he accepted that responsibility, and proved that there was no fraud.

Mr. COLLINS. The question is whether this man bought this property for resale. He bought it on September 15 and sold it on October 29. He certainly had in his mind when he bought it that he was going to resell it. In that case he should not have a refund.

Mr. COLTON. I happen to know the circumstances of the case. There was no fraud committed by Bird. I can vouch for the integrity of these men and for the good faith of this matter all the way through. The men involved are all good citizens.

Mr. COLLINS. That is the point I had in mind.

Mr. STAFFORD. Mr. Speaker, I notice a statement in the report and in the recommendation of the Commissioner of the General Land Office, that the question was raised that if the entry was in good faith, why did not the claimants retain and not surrender their entry?

Mr. COLTON. It was simply because of the representations made that the advantages would be about equal, if not greater, by relinquishing and getting the money back and taking a lease on the property.

Mr. STAFFORD. I have no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk 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 Great Western Coal Mines Co., out of any money in the Treasury not otherwise appropriated, the sum of \$16,600, in full satisfaction of its claim for refund of purchase money paid by Richard L. Bird in connection with coal-land entry No. 025342, title to the lands covered thereby having been relinquished to the United States by the Great Western Coal Mines Co. as assignee of such Richard L. Bird.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I have an amendment to offer after the section.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Wisconsin.



The Clerk read as follows:

Amendment offered by Mr. SCHAFER of Wisconsin: At the end of the bill add a new section, as follows:

"SEC. 2. *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 SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

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

A motion to reconsider the last vote was laid on the table.

#### WATER SUPPLY, SALINA AND REDMOND, UTAH

Mr. COLTON. Mr. Speaker, I ask unanimous consent to return to the bill H. R. 3203, No. 393 on the calendar. A little while ago, when that was reached, the gentleman from Kansas [Mr. SPROUL] asked to have it passed over for a short time.

The SPEAKER pro tempore. The Chair will decline to recognize the gentleman at this time for that purpose. After the calendar is finished the Chair will recognize the gentleman.

#### J. A. LEMIRE

The next business on the Private Calendar was the bill (H. R. 2432) for the relief of J. A. Lemire.

The title of the bill was read.

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

There was no objection.

Mr. EVANS of Montana. Mr. Speaker, there is a similar Senate bill on the Speaker's table.

The SPEAKER pro tempore. Yes; the Chair understands that a similar bill is on the Speaker's table.

Mr. EVANS of Montana. I ask unanimous consent that the Senate bill 2524 be considered in lieu of the House bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read as follows:

#### S. 2524

##### A bill for the relief of J. A. Lemire

*Be it enacted, etc.*, That the Postmaster General be, and he is hereby, authorized and directed to credit the account of J. A. Lemire, former postmaster at Ronan, Mont., in the sum of \$586.10, and certify said credit to the General Accounting Office, being the amount of official funds lost through the failure of the First National Bank of Ronan, at Ronan, Mont., without fault or negligence on the part of the former postmaster: *Provided*, That the said postmaster shall assign to the Postmaster General any and all claims he may have to dividends arising from the liquidation of said bank.

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

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. Without objection, the similar House bill will be laid on the table.

There was no objection.

#### EDWARD R. EGAN

The next business on the Private Calendar was the bill (H. R. 7484) for the relief of Edward R. Egan.

There being no objection to its consideration, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Edward R. Egan, who served in Troop L. Fourteenth Regiment United States Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said organization on October 5, 1915: *Provided* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider the last vote was laid on the table.

#### EUGENIA A. HELSTON

The next business on the Private Calendar was the bill (H. R. 3935) for the relief of Eugenia A. Helston.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Joseph Helston, who was a member of the Second Regiment Illinois Volunteer Cavalry, shall hereafter be held and considered to have been mustered in July 1, 1861, and honorably discharged October 17, 1865, from the military service of the United States as a member of that organization: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider was laid on the table.

#### PARKE, DAVIS & CO.

The next business on the Private Calendar was the bill (H. R. 328) for the relief of Parke, Davis & Co.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund the payment by Parke, Davis & Co., of Detroit, Mich., of the sum of \$70.70, being the amount of duties demanded by the Treasury Department on certain bales of orange peel imported from Belgium and later rejected at Detroit in the month of March, 1927.

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

A motion to reconsider was laid on the table.

#### ELLA E. HORNER

The next business on the Private Calendar was the bill (H. R. 692) for the relief of Ella E. Horner.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, in full settlement against the Government, to Ella E. Horner, the sum of \$240 as compensation for injuries received on September 16, 1922, at Auburn, N. J., when she was struck by a truck operated by the United States Army.

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

A motion to reconsider was laid on the table.

#### S. A. JONES

The next business on the Private Calendar was the bill (H. R. 1964) for the relief of S. A. Jones.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any funds in the Treasury of the United States not otherwise appropriated, to S. A. Jones the sum of \$136.35 on account of the destruction of his personal property by fire in the Lassen National Forest, Calif., while he was employed by the United States Forest Service as a forest guard in fighting said fire on September 20, 1928.

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

A motion to reconsider was laid on the table.

#### DR. CHARLES F. DEWITZ

The next business on the Private Calendar was the bill (H. R. 2776) for the relief of Dr. Charles F. Dewitz.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Dr. Charles F. Dewitz, out of any money in the Treasury not otherwise appropriated, the sum of \$109.60, being the amount due him for services to Federal prisoners in the Erie County (N. Y.) jail during the fiscal year 1928.

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

A motion to reconsider was laid on the table.

KATHERINE ANDERSON

The next business on the Private Calendar was the bill (H. R. 2810) for the relief of Katherine Anderson.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Katherine Anderson, the sum of \$10,000, in full settlement of her claim against the Government of the United States for injuries sustained and for reimbursement of expenses incurred as a result of being negligently shot and seriously injured on November 1, 1925, by a regularly enlisted soldier of the United States Army then and there on duty as a sentry at Fort Snelling, Minn.

With the following committee amendment:

Page 1, line 6, strike out "\$10,000" and insert "\$4,000."

The amendment was agreed to.

Mr. SCHAFFER of Wisconsin. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. SCHAFFER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SCHAFFER of Wisconsin: Add a new section at the end of the bill, as follows:

"SEC. 2. 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 as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

LOWELL OAKLAND CO.

The next business on the Private Calendar was the bill (H. R. 2849) for the relief of the Lowell Oakland Co.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Lowell Oakland Co. the sum of \$100: *Provided*, That such sum shall be in full settlement and relief to the Lowell Oakland Co. from the forfeiture of a Buick automobile, engine No. 836015, seized at Charlestown, Vt., for violation of the customs revenue laws.

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

A motion to reconsider was laid on the table.

MILDRED L. WILLIAMS

The next business on the Private Calendar was the bill (H. R. 2887) for the relief of Mildred L. Williams.

The Clerk read the title of the bill.

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

Mr. COLLINS. Mr. Speaker, reserving the right to object, I can see some reason why the widows of these men who are on 1-year details might be permitted to get this six months' gratuity, but I can not see why we should extend this gratuity to those in the reserve. If we do, we will have to extend it to the National Guard, to the citizens military training camps, to

the Reserve Officers' Training Corps, and there will be no end to it.

Mr. SWANSON. The War Department makes no objection to this bill. This man was in the World War, in the Aviation Service, and after he got out of the service he went into the Reserve Corps. Then he was called into active duty, was on active duty for eight months, and was killed in line of duty in the Air Service. I think it is a proper case.

Mr. COLLINS. The law relating to six months' gratuity does not relate to the reserve, and there is no wisdom in extending it to the reserve by piecemeal. If it is necessary to pass a general law, it will be satisfactory to me, but we ought not by special legislation to extend it. Why not face the subject as we ought to and decide if we wish to include these additional classes?

Mr. SWANSON. I will agree with the gentleman there ought to be a general law, but there is no such general law.

Mr. COLLINS. I am not advocating a general law, but I say if it is to be done it ought to be done by general law.

Mr. SWANSON. The War Department believes there ought to be some general legislation along this line.

Mr. COLLINS. I shall have to object to this bill.

Mr. SWANSON. If the gentleman will withhold his objection, just a few moments ago a bill was passed which is on all fours with this bill, H. R. 1759. The gentleman objected to it but withdrew his objection and the bill was passed. That bill related to a first lieutenant who was in the Air Service, was in the reserve, and was killed in line of duty. The gentleman withdrew his objection to that bill, and I do not see why this case should not receive the same consideration.

Mr. COLLINS. That is the result of my mistake in withdrawing my other objection.

I might as well begin somewhere. I regret exceedingly I have to begin with the gentleman whom I admire very much.

Mr. SWANSON. This case is a meritorious case. This widow has a child in high school dependent upon her, and if there ever was a case where help was needed, it is this case. I ask the gentleman to withdraw his objection.

Mr. COLLINS. I object.

WATER SUPPLY, SALINA AND REDMOND, UTAH

Mr. COLTON. Mr. Speaker, I ask unanimous consent to return to Calendar No. 393, H. R. 3203, to authorize the city of Salina and the town of Redmond, State of Utah, to secure adequate supplies of water for municipal and domestic purposes through the development of subterranean water on certain public lands within said State. When this bill was reached a while ago, the gentleman from Kansas [Mr. SPROUL] asked to have it go over until he could make an investigation. He now advises me he has no objection to the passage of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah to return to No. 393 on the calendar?

There was no objection.

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

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That to enable the city of Salina and the town of Redmond, State of Utah, to secure adequate supplies of water for municipal and domestic purposes through the development of subterranean sources by wells or other facilities, the southwest quarter and south half southeast quarter section 1; east half southeast quarter section 2; northeast quarter northeast quarter section 11; and all of section 12, township 21 south, range 2 east, Salt Lake meridian; and the northwest quarter and north half southeast quarter section 7, township 21 south, range 3 east, Salt Lake meridian, are hereby withdrawn from all forms of entry and appropriation under the land laws of the United States, and authority is hereby granted said city and town to conduct drilling operations within the area described and to occupy so much of it as may be necessary for the storage or transportation of water derived from such drilling operations.

With the following committee amendments:

Page 2, line 4, insert: "subject to any valid existing rights initiated under the public land laws."

Page 2, line 10, after the word "operations," insert a proviso as follows: "*Provided*, That the operations hereby authorized shall be commenced within five years from the date of this act: *Provided further*, That the lands hereby withdrawn shall be used for the purposes herein indicated, and if the said lands shall cease to be so used said lands shall revert to the status occupied prior to the date of this act."

The committee amendments were agreed to.



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

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

#### BRIDGE ACROSS THE ALLEGHENY RIVER AT KITTANNING, PA.

Mr. DENISON. Mr. Speaker, at the request of the gentleman from Pennsylvania [Mr. COCHRAN] I ask unanimous consent for the immediate consideration of the bill (H. R. 12131) granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Allegheny River, at or near Kittanning, Armstrong County, Pa., due to an emergency which is quite urgent. The gentleman from Pennsylvania spoke to the Speaker about the bill.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill as follows:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge and approaches thereto across the Allegheny River, at a point suitable to the interests of navigation, at or near Kittanning, Armstrong County, Pa., 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 ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

#### EXCHANGE OF LAND IN MOBILE, ALA.

Mr. DENISON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 4481) authorizing the exchange of certain real properties situated in Mobile, Ala., between the Secretary of Commerce on behalf of the United States Government and the Gulf, Mobile & Northern Railroad Co., by the appropriate conveyances containing certain conditions and reservations, a similar House bill having been reported and now on the calendar, and consider the same in the House as in Committee of the Whole.

This is a bill upon which there is no controversy, and I may say the matter is quite urgent.

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

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of Commerce is hereby authorized to convey by quitclaim deed to the Gulf, Mobile & Northern Railroad Co. the Choctaw Point Lighthouse Reservation, Mobile County, Ala., described by metes and bounds as follows:

A tract of land situated in the southeast corner of sec. 37, T. 4 S., R. 1 W., St. Stephens meridian, Alabama, the northern boundary of which is 4.845 chains true south of a point 4 chains north 82° 12' west true from the eastern end of the northern boundary of section 37. From the above-mentioned point on the northern boundary of the lighthouse tract, said northern boundary being a true east and west line, the northeast corner of the lighthouse tract is 3.381 chains true east. Beginning at the northeast corner of the tract marked by a wooden post set at the water's edge, the northern boundary extends true west 7 chains to the northwest corner marked by a 1-inch gas pipe; thence true south 11.03 chains to the water's edge, also marked by a 1-inch gas pipe; thence by meanders of shore line, north 83° 53' east, 5.56 chains to a point by triangulation; then north 7° 19' east, 6.52 chains, 1 chain of which is along sand beach and remainder along wooden retaining wall of south edge of pier; thence north 10° 7' east, 1.14 chains across wharf to north edge at shore; thence north 8° 47' east to a wooden stake at the northeast corner of the tract, containing 6.67 acres, all as per survey of October 20-31, 1911, executed by R. M. Towson, of the United States General Land Office, approved December 5, 1911.

SEC. 2. The tract of land described in the foregoing sections is to be given in exchange for, and dependent upon, the Gulf, Mobile & Northern Railroad Co. conveying to the United States, by warranty deed and such abstracts and certifications as may be necessary to convey a title acceptable to the Attorney General of the United States, the following property, consisting of a parcel of land and a pier 1,020 feet long, described in paragraphs (a) and (b) of this section.

(a) A parcel of land embraced within the boundary of the above-mentioned lighthouse reservation, the initial point of which is 227.65 feet south 7° 45' west from the northeast corner of the Choctaw Point Lighthouse Reservation and is at the intersection of the West bulkhead line of Mobile River and the center line of the Gulf, Mobile

& Northern Railroad Co.'s Pier No. 3. From the initial point of the parcel the boundary extends north 7° 45' east (true) along said west bulkhead line a distance of 115 feet to a point; thence to the left with angle of 90° 80 feet to a point; thence to the left with an angle of 90° and parallel to said west bulkhead line a distance of 190 feet to a point; thence to the left with an angle of 90° 80 feet to a point in said west bulkhead line; thence north 7° 45' east along said west bulkhead line a distance of 75 feet to the point of beginning, containing 0.348 acre.

(b) A pier of pile and timber construction, mentioned above and known as the Gulf, Mobile & Northern Railroad Co. Pier No. 3, extending south 81° 48' east true from shore, or from the line of bulkhead as it now exists, approximately 1,020 feet long, with all tracks and improvements thereon.

SEC. 3. The said warranty deed shall contain the following provisions:

(a) No pier or wharf, exclusive of the present Pier No. 2, which shall remain in its present position and shall not be extended, shall be maintained closer than 300 feet northward of Pier No. 3.

(b) No pier or wharf parallel to Pier No. 3 shall be built within 300 feet southward of it, other than the pier which the said railroad company reserves the right to build and maintain, commencing on its shore end within 200 feet of Pier No. 3 at the bulkhead, and extending in a straight line which would bring its outer end, or the prolongation of the line, 400 feet southward of the end of Pier No. 3.

(c) The United States shall have free access at all times across the tracks of said railroad company by the most convenient route to be determined by the Lighthouse Service and the said railroad company for pedestrians and vehicles, and the said railroad company shall provide a road therefor which will be shown on a map to be recorded in the office of the judge of probate of Mobile County, Ala. No change shall be made in the route presently used and shown on said map without the consent of the Lighthouse Service.

(d) The said railroad company shall continue to maintain railroad switch-track privileges to Pier No. 3 as the needs of the Lighthouse Service reasonably require and so long as such Lighthouse Service continues.

(e) The said railroad company shall carry fire insurance for two years on Pier No. 3 in the sum of \$30,000, payable to the United States Government, until July 31, 1931.

(f) The said railroad company may use or permit the use of, for a period that shall expire not later than July 31, 1931, the north side of Pier No. 3 for a distance of 500 feet from the bulkhead for the accommodation of vessels and boats to be loaded or unloaded: *Provided*, That the maintenance and repair of Pier No. 3 and the dredging of the water approaches thereto for Lighthouse Service vessels shall hereafter be at the expense of the Lighthouse Service.

SEC. 4. The lease of the Choctaw Point Lighthouse Reservation granted under the act of Congress approved April 23, 1902 (Public, No. 80, 57th Cong.; 32 Stat. 119), shall be automatically terminated upon completion of the conveyances herein authorized.

Mr. STAFFORD. Will the gentleman make some explanation of the bill? This is not a bridge bill.

Mr. DENISON. No; it is not a bridge bill. It is an exchange of certain property, and I will state to the gentleman that this is a bill prepared by the Director of the Lighthouse Bureau of the Department of Commerce and is urged by the department. It has been very carefully considered by the Committee on Interstate and Foreign Commerce, and I know of no opposition or objection to it from any source.

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

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

#### BRUCE BROS. GRAIN CO.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent to return to calendar No. 390, the bill (H. R. 1944) for the relief of Bruce Bros. Grain Co.

This is a bill which the Claims Committee subcommittee, of which I am the chairman, has carefully considered. It was reported out by the Claims Committee by unanimous vote. One of the Members of the House objected to the bill to-day, and I find that upon further consideration he realizes that the bill is one that should pass.

Mr. COLLINS. Reserving the right to object, what is the bill?

Mr. SCHAFER of Wisconsin. It is a bill for the relief of the Bruce Bros. Grain Co., providing for an appropriation of \$279.90 to pay an actual loss suffered by that company due to the admitted negligence of Government officials.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to returning to the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$279.90 to the Bruce Bros. Grain Co. to cover loss sustained by said company on a car of wheat, car No. 96110, Chicago, Burlington & Quincy, shipped from St. Joseph, Mo., July 15, 1921, to Minneapolis, Minn.

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

There was no objection.

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

A motion to reconsider was laid on the table.

#### OSKEECHOBEE FLOOD CONTROL PROJECT

Mrs. OWEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a statement made by me before the Commerce Committee of the Senate.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mrs. OWEN. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following statement made by me before the Commerce Committee of the Senate:

STATEMENT OF HON. RUTH BRYAN OWEN, REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Representative OWEN. Mr. Chairman and members of the committee, Congressman DRANE and I share the Lake Okeechobee region between us. The east half of the lake is in my district and the west half is in the district of Congressman DRANE.

I am very glad to have the privilege of saying a few words to you to-day, because ever since 1928 this problem of Lake Okeechobee has been on my mind constantly. I realize that I can not add in respect of the engineering features of the problem anything to the very clear statement which has been made by Mr. George B. Hills, and I realize that in presenting the financial problem that confronts our State you have in the statement of Mr. Howard Selby a very accurate picture of the situation. I wish, however, I could convey to you the pictures in my memory and the thoughts that have been in my mind and heart ever since the storm swept over this district of mine.

Immediately the word reached Miami that the Lake Okeechobee region had been swept by a hurricane, all of us there knew what the situation must be, because only two years before we had undergone a similar experience. All of the sympathy, all the assistance we could give poured down to the Red Cross headquarters, and for the first 10 days after the storm I was myself working at the central clothing depot, where we were trying to carry forward the work of coordinating the various agencies who were collecting clothing and supplies and sending them up to the storm area.

Ten days after the storm I went to Belle Glade. You see by your map that Belle Glade is there at the southern end of the lake, down at the intersection of the two lines at the bottom of your map.

I just want to suggest to you what it was to drive from Palm Beach to Belle Glade when at that time more than 20 miles of the road was under water still, so much so that we had to gage the position of the road by the distance from the telegraph poles and hope not to drop off the raised roadway into a canal.

When we reached the town of Belle Glade, we found that there was practically nothing left of the community. One house had been swept 5 miles before it had anchored, tipped up against the side of the raised road. Houses were folded together like a pack of cards. Some places you would see a foundation protrude without walls; here and there were houses upside down.

We met the military force on guard as we entered the town. It was under martial law. The people were still hunting for bodies. As many as had been recovered in the early days, many hundreds of them were sent in to the coast, where the land was a little higher, at Palm Beach. But very soon it became impossible, as the condition of the bodies was such that they could not be sent across for burial when found, and I believe Mr. Selby gave the first order for the burning of bodies.

Mr. SELBY. Yes.

Mrs. OWEN. It soon became evident they would have to burn the bodies as they were found, and they were piled in piles and covered with oil and burned.

There was a community in a state of desolation and destruction that I think is seldom paralleled in the history of disasters. It is not necessary to any more than suggest such a picture to you to have you know just what impression it would have on the mind of the person who visited the storm area, with its families disrupted, its people searching for their loved ones who were lost. The extent and completeness of the destruction stunned and horrified the beholder.

Just a year after that I went back to Belle Glade. My first visit I bore with controlled emotion, but when I went back to this little town of Belle Glade and found that just one year after they had built up their houses again; and had a meeting in their city meeting place, called

Victory Hall—it was a poignant experience. They had planted a row of little palmetto palms along the main street, bordered by a new cement curbing; they had built a traffic island, where the traffic turns in the main street, and planted it also with brave little palmettos.

It went to my emotions as the actual disaster had not, because in the storm you saw nature destroying the hopes of human beings; one year later you saw something in the pioneer American spirit that a storm can not defeat; something stronger than the wind and the waves. It was the courage of our people, their perseverance, their optimism, which impelled them to go back to that same spot again and rebuild their little community. There was the main street; there were the stores and the houses, and the fields were being cultivated.

The first question they asked was what the Government was going to do to protect them. I outlined the plans that we had made to present to Congress. I told them what we hoped we would be able to do, and at the close of the meeting one of the men who had acted as chairman said, "We feel safer when we know that the officials at Washington are making plans to protect us."

Now, can you see why this has been on my mind day and night since I have been in Washington, and why every move that has been made in the committee to give consideration to this problem and the solution to it has been a matter that has been very close to my heart?

In a great many projects that are brought before you, you have the success of commerce to consider; you have the material advantage. Here, too, you have the development of a tremendously rich country, which means an asset to our whole Nation as well as to the people immediately around the lake. You have the safeguarding of the investment of millions of people over our country who are interested in Florida, a great many thousand who are actually financially interested in this particular locality. You have that commercial advantage to consider, but beyond it all you have something in this project, I think, that separates it from most projects that come to this committee for consideration—you have the lives of thousands of pioneer American citizens who are drawn back by the promise of that soil, to live around the edge of that lake. And when by one project you can provide a waterway that is essential for the development of that country, an economically sound project; and at the same time safeguard the lives of those citizens, I feel sure that the sympathy and the interest of this committee will be assured.

I feel that we only ask for a just consideration when we ask Congress and the Senate to reduce the amount required from the State of Florida. You have reviewed the amount Florida has contributed in the past. It seems only just that those contributions toward navigation and flood control should be considered as contributions toward this general project. Florida has paid her millions without, until now, asking anything from the Federal Government.

When we ask for the lowering of our contribution and for such concessions as you are able to make in the matter of making more easy the financial payment of our share, I feel it is justice we ask and not mercy. But even if we were asking special concessions, if we were asking you to consider Florida, to show mercy to us in this situation, if we were asking the Government to give us what we had not actually met by State contributions, I should feel myself justified, because in these last five years Florida has been visited by a series of almost unparalleled calamities. These calamities have put a burden on the people of my State, and they have borne that burden with the greatest courage and fortitude, and now when they are not able financially to bear this cost of a project to develop the inland waterways and at the same time safeguard their own lives, I feel a special consideration from our Government could be justly given to Florida.

We are very grateful for the privilege of presenting our requests to you, and I hope that if the request, Mr. Chairman, for accepting of our bonds in lieu of cash has no precedent, you will keep in mind the fact that our disasters also are without precedent.

#### COMPENSATION OF DISABLED EX-SERVICE MEN OF THE WORLD WAR

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. PATMAN. Mr. Speaker, I can not vote for adjournment of this session of Congress until the bill to compensate disabled ex-service men of the World War and their dependents has passed and received the approval of the President.

It has already been said on the floor of the House that a vote to adjourn before the passage of this legislation is a vote against the interests of these disabled veterans and their dependents.

To-day tens of thousands of ex-service men are helpless and bedridden by reason of disabilities incurred in line of duty during the World War and are not drawing 1 penny of compensation from the Government. The proposed Johnson-Rankin law will remove the red tape and legal technicalities and permit these disabled veterans and their families to receive the relief to which they are entitled.



Within the next 10 days the tariff bill will probably become a law. It levies a tax on practically everything that goes into the home of an American citizen, including food, clothing, and other conveniences and necessities of life. It will take each year \$1,000,000,000 from the people of the United States and deliver it to the owners of a few industries. The large income-tax payers have already received from this Congress a huge refund amounting to almost \$200,000,000. The ocean-shipping interest has received enormous subsidies from the United States Treasury. Special interests have been liberally and generously taken care of by this Congress. I hope that every friend of the veterans of the World War in this Congress will vote against adjournment until a bill for the relief of the disabled veterans has become a law.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. KVALE. Mr. Speaker, I ask unanimous consent that to-morrow morning, immediately after the reading of the Journal and the disposition of business on the Speaker's table, I may be permitted to address the House for five minutes.

Mr. LEAVITT. Mr. Speaker, reserving the right to object, on what subject?

Mr. KVALE. I wish to address myself, I will say to the gentleman, to a memorandum that was issued by the Department of the Interior on Monday of this week.

Mr. LEAVITT. With regard to what subject?

Mr. KVALE. With regard to the disposition of the Flathead power site.

Mr. LEAVITT. I shall object, Mr. Speaker, unless I can have a like amount of time to follow the gentleman.

Mr. TILSON. Mr. Speaker, let us not start a controversial matter to-morrow—

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

#### INDIAN EDUCATION

Mr. SPROUL of Kansas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of Indian education and to include therein a short bill on the subject.

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

There was no objection.

Mr. SPROUL of Kansas. Mr. Speaker, Indian education is a subject of momentous importance. The right type of education, properly administered, is of the greatest importance to the Indians, and of very great importance to the Federal Government also.

The courts have held that the Federal Government is the guardian of the Indians until they are declared by the agencies of the Government to be qualified for independent citizenship. It is the duty of the Government through its agencies, when that time comes in the education and development of the Indians, to emancipate them by a written declaration of competency and freedom from further guardianship. On such date it also is the duty of the Government to deliver to such competent, emancipated Indian his property. In short, it is the duty of the Government to educate the Indians, as it is the duty of parents to educate their children.

The Indians have been under governmental domination and control for approximately 150 years. They now are represented by something like 190 to 200 tribes and in population number about 350,000. Up to this time the Government has not had a well-defined standard and curriculum for educating, training, and developing the Indians.

The Indian race of people has at least two prominent characteristics which our other citizens do not have. The one is natural and peculiar to the race and the other is largely acquired through their paternalistic treatment by the Federal Government. The first characteristic is that of reluctance to engage in active, arduous, and continuous labor. The Indian prefers hunting and fishing, racing and sports of various kinds to the character of industries engaged in by other citizens. The second characteristic of the Indians, which is the result of the Government's paternalistic care of them, is a feeling on their part that the Government owes the Indians an everlasting paternalistic care; that the white people have taken their land and country, and out of it have grown wealthy, and for this reason owe the Indians a care and support. These two conditions in the Indian mind and make-up constitute a real handicap to the Government in educating, training, and qualifying the Indians for self-reliant and capable citizenship. It is largely to overcome these two handicaps that our special educational program is designed.

It now costs the Government from \$15,000,000 to \$18,000,000 per year to care for the Indians. There are many hundred

Government employees spending their time in Indian affairs work. The number of employees is growing larger every year. The money required is increasing every year. The Indian problem is growing bigger every year, and yet substantially nothing toward ending it is being done. The Indians should be emancipated first for their own welfare, and, secondly, for the welfare of the Federal Government. To accomplish such purpose the following bill was introduced to-day:

A bill providing for teaching, training, developing, qualifying, and emancipating the Indians of the United States for independent citizenship, and for other purposes, within the period of 50 years

*Be it enacted, etc.,* That it is hereby declared to be the policy and purpose of the Congress to provide for teaching, training, developing, and qualifying the Indians of the United States, as early as possible, to become industrious, self-reliant, qualified, independent, and self-maintaining citizens of the United States. And it is further declared to be the policy and purpose of the Congress to at once provide for entering upon and continuing such intensive and comprehensive training, developing, and qualifying of said Indians for capable, independent citizenship that within the period of 50 years further guardianship by the United States over the Indians and their property shall be unnecessary and, therefore, discontinued.

SEC. 2. That in order to carry out the purposes of this act a commission on Indian education is hereby created, which shall be composed of the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Labor, the Commissioner of Indian Affairs, and the Commissioner of Education, of which commission the Secretary of the Interior shall ex officio be chairman.

SEC. 3. That such commission on Indian education shall cause to be prepared such curriculum, course of teaching, study, and training as in its judgment will be necessary for use in teaching, training, and developing the Indians to be independent, self-supporting, qualified citizens.

SEC. 4. That to carry out the purposes set forth in this act, special training or normal schools shall be provided for Indian teachers at such places and for such length of time as may be determined necessary by said commission on Indian education for qualifying said teachers to teach, train, and develop the Indian students in accordance with such curriculum and course of teaching and training as shall from time to time be provided by or under the direction of the commission on Indian education.

SEC. 5. That the said commission on Indian education shall select and employ such normal training teachers to specially instruct the Indian teachers of the Indian schools what and how to teach, to develop, and to train the Indian students to become qualified for independent, self-reliant, self-supporting citizens of the United States in accordance with the purposes of this act. And the said commission shall fix and determine the salaries to be paid said normal training instructors, which salaries shall be paid as the salaries of other Indian teachers.

SEC. 6. That among the elements embraced in the qualifications for citizenship sought by this act to be developed in the Indian students and which shall be taught are: Industry, continuity of effort, loyalty, efficiency, perseverance, ambition, economy, business administration, neatness, sobriety, truthfulness, integrity, self-preservation and protection, law observance, self-reliance, self and family support, participation in governmental activities, mental growth and development, and love of country.

SEC. 7. That 50 years from and after the approval of this act the United States shall cease to be the guardian of the Indians, and all Indians shall then and thereafter be regarded as independent, qualified citizens of the United States, with the same liberties, privileges, immunities, and responsibilities of other citizens.

SEC. 8. That as the Indians become qualified for independent citizenship, as determined by the Secretary of the Interior, such Indians shall upon their application, or upon the initiative of the Secretary of the Interior, be given a certificate of independence and competency.

SEC. 9. That the special education, training, and development of the Indians, as herein provided for, shall continue until all the Indians become qualified for self-support and citizenship, or until the expiration of 50 years, in 1980.

SEC. 10. That it shall be the duty of the Secretary of the Interior to preserve and protect all the property of each Indian, and upon such Indian arriving at the state of competency for independent citizenship, the Secretary of the Interior shall deliver over said property to such Indian when he shall have received his competency papers.

SEC. 11. The Secretary of the Interior shall make all necessary rules and regulations for carrying out the purposes of this act.

#### ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, I ask unanimous consent that at to-morrow's session, bills on the Private Calendar unobjected to, may be considered in the House as in Committee of the Whole, beginning where the call left off to-day.

The SPEAKER pro tempore. The gentleman from Connecticut asks unanimous consent that it be in order to-morrow to

consider bills on the Private Calendar unobjected to, in the House as in Committee of the Whole, beginning where we left off to-day. Is there objection?

Mr. MAPES. Mr. Speaker, reserving the right to object, does that mean that no other business will be in order except bills on the Private Calendar?

Mr. TILSON. There will be conference reports and privileged matters of that sort in order, but with respect to any new business not on the Speaker's table and without reference to conference reports, it is not the intention to call up any new business.

Mr. MAPES. Of course, that could be prevented by making only the Private Calendar in order, if the gentleman wanted to do that.

Mr. TILSON. I doubt if that should be done, but I know of no important matter that is on the Speaker's desk that will be called up.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to—

Mr. NOLAN, for three weeks, on account of business.

Mr. ROBINSON, for an indefinite period, on account of the death of his mother.

#### SENATE JOINT RESOLUTIONS REFERRED

Joint resolutions of the Senate of the following titles were taken from the Speaker's table and under the rule referred as follows:

S. J. Res. 161. Joint resolution to suspend the authority of the Interstate Commerce Commission to approve consolidations or unifications of railway properties; to the Committee on Interstate and Foreign Commerce.

S. J. Res. 176. Joint resolution transferring the functions of the radio division of the Department of Commerce to the Federal Radio Commission; to the Committee on the Merchant Marine and Fisheries.

#### ENROLLED BILLS SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 26. An act for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital;

H. R. 4293. An act to provide for a ferry and a highway near the Pacific entrance of the Panama Canal;

H. R. 7390. An act to authorize the appointment of an assistant Commissioner of Education in the Department of the Interior;

H. R. 7933. An act to provide for an assistant to the Chief of Naval Operations;

H. R. 7962. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at Mound City, Ill.;

H. R. 9805. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at Cairo, Ill.; and

H. R. 9939. An act authorizing the Secretary of the Interior to lease any or all of the remaining tribal lands of the Choctaw and Chickasaw Nations for oil and gas purposes, and for other purposes.

#### BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 26. An act for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital;

H. R. 3975. An act to amend sections 726 and 727 of title 18, United States Code, with reference to Federal probation officers, and to add a new section thereto;

H. R. 4293. An act to provide for a ferry and a highway near the Pacific entrance of the Panama Canal;

H. R. 6807. An act establishing two institutions for the confinement of United States prisoners;

H. R. 7390. An act to authorize the appointment of an Assistant Commissioner of Education in the Department of the Interior;

H. R. 7412. An act to provide for the diversification of employment of Federal prisoners, for their training and schooling in trades and occupations, and for other purposes;

H. R. 7933. An act to provide for an assistant to the Chief of Naval Operations;

H. R. 7962. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at Mound City, Ill.;

H. R. 9805. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at Cairo, Ill.;

H. R. 9939. An act authorizing the Secretary of the Interior to lease any or all of the remaining tribal lands of the Choctaw and Chickasaw Nations for oil and gas purposes, and for other purposes; and

H. R. 11196. An act to extend the times for commencing and completing the construction of a bridge across the White River at or near Clarendon, Ark.

#### ADJOURNMENT

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

The motion was agreed to; accordingly (at 4 o'clock and 41 minutes p. m.) the House adjourned until to-morrow, Saturday, May 24, 1930, at 12 o'clock noon.

#### COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Saturday, May 24, 1930, as reported to the floor leader by clerks of the several committees:

#### COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Second deficiency bill.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

482. A communication from the President of the United States, transmitting a draft of a proposed provision pertaining to an existing appropriation for the Treasury Department (H. Doc. No. 412); to the Committee on Appropriations and ordered to be printed.

483. A communication from the President of the United States, transmitting a draft of a proposed provision pertaining to an existing appropriation for the Treasury Department (H. Doc. No. 413); to the Committee on Appropriations and ordered to be printed.

484. A communication from the President of the United States, transmitting two supplemental estimates of appropriation for the Navy Department for the fiscal year ending June 30, 1930, amounting to \$82,500 (H. Doc. No. 414); to the Committee on Appropriations and ordered to be printed.

485. A communication from the President of the United States, transmitting supplemental estimate for the General Accounting Office for the fiscal year 1930 amounting to \$12,500 (H. Doc. No. 415); to the Committee on Appropriations and ordered to be printed.

486. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Employees' Compensation Commission for the fiscal year 1930, amounting to \$400,000, in lieu of and to be substituted for the estimate of \$275,000 (H. Doc. No. 416); to the Committee on Appropriations, and ordered to be printed.

487. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the United States Veterans' Bureau for the fiscal year ending June 30, 1930, amounting to \$2,200,000 (H. Doc. No. 417); to the Committee on Appropriations, and ordered to be printed.

488. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Department of Commerce for the fiscal year ending June 30, 1930, amounting to \$350,000, to remain available until June 30, 1931 (H. Doc. No. 418); to the Committee on Appropriations, and ordered to be printed.

489. A communication from the President of the United States, transmitting an estimate of appropriation submitted by the Secretary of Commerce to pay a claim for damage occasioned by collision with a vessel of the Lighthouse Service (H. Doc. No. 419); to the Committee on Appropriations, and ordered to be printed.

490. A communication from the President of the United States, transmitting a list of judgments rendered by the Court



of Claims, which have been submitted by the Attorney General through the Secretary of the Treasury and require an appropriation for their payment, amounting to \$80,629.24 (H. Doc. No. 420); to the Committee on Appropriations and ordered to be printed.

491. A communication from the President of the United States, transmitting records of judgments rendered against the Government of the United States district courts, as submitted by the Attorney General through the Secretary of the Treasury, amounting to \$31,358.57 (H. Doc. No. 421); to the Committee on Appropriations and ordered to be printed.

492. A communication from the President of the United States, transmitting schedules covering certain claims allowed by the General Accounting Office, as shown by certificates of settlements transmitted to the Treasury Department for payment, amounting to \$6,350.72 (H. Doc. No. 422); to the Committee on Appropriations and ordered to be printed.

493. A communication from the President of the United States, transmitting an estimate of appropriation submitted by the Navy Department to pay claims for damages by collision with naval vessel, in the sum of \$8,395.39 (H. Doc. No. 423); to the Committee on Appropriations and ordered to be printed.

494. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Department of Agriculture fiscal year 1931, for an additional amount for the construction of forest roads and trails, and for an additional amount for the eradication or control of the so-called phony peach disease, in all \$3,580,000 (H. Doc. No. 424); to the Committee on Appropriations and ordered to be printed.

495. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Navy Department for the fiscal year 1930, amounting to \$5,367.87 (H. Doc. No. 425); to the Committee on Appropriations and ordered to be printed.

496. A communication from the President of the United States, transmitting estimates of appropriations submitted by the several executive departments and independent offices to pay claims for damage to privately owned property amounting to \$19,547.17 (H. Doc. No. 426); to the Committee on Appropriations and ordered to be printed.

497. A letter from the Secretary of War, transmitting a draft of a bill to authorize appropriation for construction at Carlisle Barracks, Pa.; to the Committee on Military Affairs.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. JOHNSON of Washington: Committee on Immigration and Naturalization. S. 51. An act to amend subdivision (c) of section 4 of the immigration act of 1924, as amended; with amendment (Rept. No. 1594). Referred to the House Calendar.

Mrs. RUTH PRATT: Committee on Banking and Currency. S. 4096. An act to amend section 4 of the Federal reserve act; without amendment (Rept. No. 1595). Referred to the House Calendar.

Mr. QUIN: Committee on Military Affairs. H. R. 6871. A bill to amend the acts of March 12, 1926, and March 30, 1928, authorizing the sale of the Jackson Barracks Military Reservation, La., and for other purposes; with amendment (Rept. No. 1596). Referred to the Committee of the Whole House on the state of the Union.

Mr. McSWAIN: Committee on Military Affairs. H. R. 2030. A bill to authorize an appropriation for the purchase of land adjoining Fort Bliss, Tex.; with amendment (Rept. No. 1599). Referred to the Committee of the Whole House on the state of the Union.

Mr. McLEOD: Committee on the District of Columbia. H. R. 11194. A bill to determine the contribution of the United States to the expenses of the District of Columbia, and for other purposes; with amendment (Rept. No. 1600). Referred to the Committee of the Whole House on the state of the Union.

Mr. QUIN: Committee on Military Affairs. H. R. 11405. A bill to amend an act approved February 25, 1929, entitled "An act to authorize appropriations for construction at military posts, and for other purposes"; without amendment (Rept. No. 1601). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. R. 12059. A bill to provide for the appointment of an additional judge of the District Court of the United States for the Eastern District of New York; without amendment (Rept. No. 1602). Referred to the Committee of the Whole House on the state of the Union.

Mr. WURZBACH: Committee on Military Affairs. S. 3965. A bill to authorize the Secretary of War to grant an easement

to the Wabash Railway Co. over the St. Charles Rifle Range, St. Louis County, Mo.; without amendment (Rept. No. 1603). Referred to the House Calendar.

Mr. CHRISTOPHERSON: Committee on the Judiciary. H. R. 5624. A bill to amend section 83 of the Judiciary Code, as amended; with amendment (Rept. No. 1606). Referred to the Committee of the Whole House on the state of the Union.

Mr. TEMPLE: Committee on Foreign Affairs. H. J. Res. 255. A joint resolution authorizing the appropriation of the sum of \$871,655 as the contribution of the United States toward the Christopher Columbus Memorial Lighthouse at Santo Domingo; without amendment (Rept. No. 1607). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAWLEY: Committee on Ways and Means. H. J. Res. 340. A joint resolution extending the time for the assessment, refund, and credit of income taxes for 1927 and 1928 in the case of married individuals having community income; without amendment (Rept. No. 1608). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAWLEY: Committee on Ways and Means. H. R. 12440. A bill providing certain exemptions from taxation for Treasury bills; without amendment (Rept. No. 1609). Referred to the Committee of the Whole House on the state of the Union.

Mr. NELSON of Maine: Committee on Interstate and Foreign Commerce. S. 941. An act to amend the act entitled "An act to regulate interstate transportation of black bass, and for other purposes," approved May 20, 1926; with amendment (Rept. No. 1610). Referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. DOXEY: Committee on Claims. H. R. 9354. A bill for the relief of Okaw Dairy Co.; with amendment (Rept. No. 1590). Referred to the Committee of the Whole House.

Mr. MARTIN: Committee on Foreign Affairs. H. R. 3131. A bill for the relief of Ellwood G. Babbitt and other officers and employees of the Foreign Commerce Service of the Department of Commerce, who, while in the course of their respective duties, suffered losses of Government funds or personal property by reason of theft, catastrophes, shipwreck, or other causes; without amendment (Rept. No. 1591). Referred to the Committee of the Whole House.

Mr. ESICK: Committee on War Claims. H. R. 8953. A bill for the relief of Thomas C. Edwards; without amendment (Rept. No. 1592). Referred to the Committee of the Whole House.

Mr. WURZBACH: Committee on Military Affairs. H. R. 9280. A bill to authorize the Secretary of War to grant a right of way for street purposes upon and across the Holabird Quartermaster Depot Military Reservation, in the State of Maryland; without amendment (Rept. No. 1593). Referred to the Committee of the Whole House.

Mr. ENGLEBRIGHT: Committee on the Territories. H. R. 7338. A bill for the relief of John H. Hughes; with amendment (Rept. No. 1604). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 5813. A bill for the relief of Harold M. Reed; with amendment (Rept. No. 1605). Referred to the Committee of the Whole House.

#### ADVERSE REPORTS

Under clause 2 of Rule XIII,

Mr. HARE: Committee on War Claims. H. R. 7115. A bill for the relief of certain persons formerly having interests in Baltimore and Harford Counties, Md. (Rept. No. 1597). Laid on the table.

#### PUBLIC BILLS AND RESOLUTIONS

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

By Mr. CELLER: A bill (H. R. 12570) to authorize the construction and use of an underground pneumatic tube service; to the Committee on the Post Office and Post Roads.

By Mr. McLEOD: A bill (H. R. 12571) to provide for the transportation of school children in the District of Columbia at a reduced fare; to the Committee on the District of Columbia.

By Mr. MOORE of Virginia: A bill (H. R. 12572) to provide for an investigation as to the location and probable cost of a southern approach road to the Arlington Memorial Bridge, and for other purposes; to the Committee on Roads.

By Mr. HALL of Indiana: A bill (H. R. 12573) to amend the District of Columbia traffic act, approved March 3, 1925, as amended; to the Committee on the District of Columbia.

By Mr. ENGLEBRIGHT: A bill (H. R. 12574) to add certain lands to the Modoc National Forest in the State of California; to the Committee on the Public Lands.

By Mr. JOHNSON of Washington: A bill (H. R. 12575) to extend the time for completing the construction of a bridge across the Columbia River between Longview, Wash., and Rainier, Oreg.; to the Committee on Interstate and Foreign Commerce.

By Mr. SPROUL of Kansas: A bill (H. R. 12576) providing for teaching, training, developing, qualifying, and emancipating the Indians of the United States for independent citizenship, and for other purposes, within the period of 50 years; to the Committee on Indian Affairs.

By Mr. CRAMTON: Joint resolution (H. J. Res. 345) prohibiting location or erection of any wharf or dock or artificial fill or bulkhead, or other structure, on the shores or in the waters of the Potomac River within the District of Columbia without the approval of the Commissioners of the District of Columbia and the Director of Public Buildings and Public Parks of the National Capital; to the Committee on the District of Columbia.

By Mr. WOOD: Joint resolution (H. J. Res. 346) to supply a deficiency in the appropriation for the employees' compensation fund for the fiscal year 1930; to the Committee on Appropriations.

#### PRIVATE BILLS AND RESOLUTIONS

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

By Mr. AYRES: A bill (H. R. 12577) for the relief of James H. Covert; to the Committee on Military Affairs.

By Mr. BEERS: A bill (H. R. 12578) granting an increase of pension to Sarah Alice Hane; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12579) granting an increase of pension to Tillie M. Schmittell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12580) granting an increase of pension to Henrietta Johnson; to the Committee on Invalid Pensions.

By Mr. CARTER of Wyoming: A bill (H. R. 12581) validating application for entry upon public lands; to the Committee on the Public Lands.

By Mr. CHASE: A bill (H. R. 12582) granting an increase of pension to Fannie A. McFeeters; to the Committee on Invalid Pensions.

By Mr. COYLE: A bill (H. R. 12583) to further amend the act of March 4, 1925, as amended March 3, 1926, and April 6, 1926, and to amend the act of February 16, 1929, to further carry out the provisions of the award of the National War Labor Board of July 31, 1918, and the action of the War Department Claims Board of July 6, 1921, and for reimbursing Bethlehem Steel Co. for additional compensation paid by it to certain of its employees in compliance with such award; to the Committee on Claims.

By Mr. DENISON: A bill (H. R. 12584) granting a pension to Charles Lasswell; to the Committee on Invalid Pensions.

By Mr. HUDSPETH: A bill (H. R. 12585) for the relief of Alfred Frank Wagoner; to the Committee on Naval Affairs.

By Mr. LA GUARDIA: A bill (H. R. 12586) granting an increase of pension to Josefa T. Philips; to the Committee on Pensions.

By Mr. LAMBERTSON: A bill (H. R. 12587) for the relief of Charles W. Peppers; to the Committee on Claims.

By Mr. MANLOVE: A bill (H. R. 12588) granting a pension to Judah Wormington; to the Committee on Pensions.

By Mr. McFADDEN: A bill (H. R. 12589) granting an increase of pension to Emma Raymond; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12590) granting an increase of pension to Alma E. Brown; to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 12591) for the relief of Stillwell Bros. (Inc.); to the Committee on Naval Affairs.

By Mr. MOUSER: A bill (H. R. 12592) granting a pension to Martha L. Hume; to the Committee on Pensions.

By Mr. O'CONNOR of Oklahoma: A bill (H. R. 12593) granting a pension to John Eigel; to the Committee on Pensions.

By Mr. RUTHERFORD: A bill (H. R. 12594) for the relief of Truman E. Pound, deceased; to the Committee on Military Affairs.

By Mr. SANDERS of New York: A bill (H. R. 12595) for the relief of Jacob G. Ackerman; to the Committee on Claims.

By Mr. STOBBS: A bill (H. R. 12596) for the relief of Susan A. Margerum; to the Committee on Military Affairs.

Also, a bill (H. R. 12597) granting an increase of pension to Eliza A. Gleason; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 12598) for the relief of Leslie E. Babcock; to the Committee on Military Affairs.

#### PETITIONS, ETC.

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

7353. By Mr. BLOOM: Petition of the Philip Bernstein Sick Benefit Association, opposing the enactment of the said voluntary alien registration bill now before Congress, or any other legislation requiring the registration of aliens, whether voluntary or compulsory, for the reason that such legislation will infringe the rights and liberties of foreign-born citizens as well as of every citizen of the United States and will subject every citizen of the United States to investigations and make it almost imperative for every person to carry with him either a certificate of naturalization or some other evidence of citizenship, in order to save himself annoyance and possible arrest, and such a law would become a source of espionage, provocation, corruption, and graft; to the Committee on Immigration and Naturalization.

7354. By Mr. BRUNNER: Resolution of the National League of Women Voters, expressing to the President of the United States its appreciation of the statement in his annual message recommending to Congress that the purpose of the Sheppard-Towner Act should be continued through the Children's Bureau for a limited period of years, and urging the passage of adequate and immediate legislation for the promotion of maternal and child hygiene, with provision for cooperation between the health and educational agencies of the Federal Government and for the administration of the act by the United States Children's Bureau; to the Committee on Interstate and Foreign Commerce.

7355. By Mr. CELLER: Petition of the Brooklyn Hebrew Home and Hospital for the Aged, at Brooklyn, N. Y., protesting the enactment into law of bills now pending in Congress providing for the registration of aliens in any form, whether compulsory or voluntary; to the Committee on Immigration and Naturalization.

7356. Also, petition of the veterans of the World War, honorably discharged from the United States Army or Navy, and holding service certificates, petitioning the Members of Congress to unanimously pass the bill providing for immediate payment of the face value of all service certificates of veterans at present outstanding, believing that, due to the great unemployment situation now prevailing throughout the United States, this is the opportune time to get this money into circulation; to the Committee on Ways and Means.

7357. Also, petition of the Brooklyn section of the National Council of Jewish Women, opposing the bills now pending before Congress, known as the Aswell bill, H. R. 9109, the Cable bill, H. R. 10207, and the Blease bill, S. 1278, which provide for the registration of aliens; to the Committee on Immigration and Naturalization.

7358. Also, petition of the Eastern Parkway section of Ivriab of Brooklyn, N. Y., opposing the bills now pending before Congress, known as the Aswell bill, H. R. 9109, the Cable bill, H. R. 10207, and the Blease bill, S. 1278, which bills provide for the registration of aliens; to the Committee on Immigration and Naturalization.

7359. By Mr. CLARKE of New York: Petition of Woman's Christian Temperance Union of Johnson City, N. Y., favoring Federal supervision of motion pictures in interstate commerce; to the Committee on Interstate and Foreign Commerce.

7360. By Mr. ENGLEBRIGHT: Petition of Fresno County Chamber of Commerce, California, indorsing House bill 8000; to the Committee on the Public Lands.

7361. By Mr. HOWARD: Petition signed by Mrs. Frank E. Tripp, route 1, Creighton, Nebr., and other members of the Women's Civics Club, of Creighton, Nebr., urging immediate consideration of the Robison-Capper educational bill; to the Committee on Education.

7362. By Mr. KORELL: Memorial of the council of the city of Portland, Oreg., urging the preservation of the old post-office building at Portland, Oreg.; to the Committee on Public Buildings and Grounds.

7363. By Mr. LINDSAY: Petition of Brooklyn Council, Kings County, Brooklyn, N. Y., petitioning that the Sabbath measure granting Philippine independence be favorably acted upon; to the Committee on Insular Affairs.

7364. By Mr. O'CONNOR of New York: Resolutions of the New York Board of Trade (Inc.), indorsing the report of the Port of New York Authority recommending that the New York Quarantine Station be opened 24 hours of the day and that the same quarantine fees for special services should apply at the port of New York as now apply at other ports, and that additional personnel and modern equipment be furnished at the quarantine station; to the Committee on Interstate and Foreign Commerce.



7365. By Mr. ROBINSON: Petition signed by Mrs. F. H. Reuling, president, and Mrs. Charles M. Young, secretary Chapter F. E. of P. E. O., Waterloo, Black Hawk County, Iowa, urging the passage of legislation for the Federal supervision of motion pictures establishing higher standards before production for films that are to be licensed for interstate and international commerce; to the Committee on Interstate and Foreign Commerce.

7366. Also, petition signed by the president, Mrs. William Briden, and the secretary, Mrs. John D. Theimer, of the Oak Ridge Woman's Christian Temperance Union, Cedar Falls, Black Hawk County, Iowa, urging the passage of legislation for the Federal supervision of motion pictures, establishing higher standards before production for films that are to be licensed for interstate and international commerce; to the Committee on Interstate and Foreign Commerce.

7367. By Mr. SWANSON: Petition of the Woman's Christian Temperance Union of Villisca, Iowa, favoring Federal supervision over motion pictures in interstate and international commerce; to the Committee on Interstate and Foreign Commerce.

7368. By Mr. WELCH of California: Petition of members of Veterans' Welfare Workers and members of sundry other organizations of San Francisco and vicinity, urging the speedy enactment of House bill 8371; to the Committee on Ways and Means.

7369. By Mr. YATES: Petition of W. G. Grady, president Fonies Manufacturing Co., Decatur, Ill., protesting against the Wagner bill, S. 3000, which passed the Senate; to the Committee on Labor.

## HOUSE OF REPRESENTATIVES

SATURDAY, May 24, 1930

The House met at 12 o'clock noon and was called to order by Mr. SNELL, Speaker pro tempore.

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

Merciful God, our Father, we thank Thee that we are brought together again upon this day; Thy mercies are so constant and abundant. We are grateful that Thou art not an avenging God. Thou art infinitely above man, for all Thy judgments are administered in compassion and goodness. Though an infinite Creator, yet Thou dost love us all. Even the universe claims the devotion of our souls. So long as there is a flower to lift its face toward the sun; so long as there is a bird to sing away the selfishness of man; so long as there is a sunlit breast to feel the pulsations of redeeming love; so long as there is a wandering vagabond, wearing the scarred image of the Father, there will be everlasting love in the heart of the Almighty. Through Jesus Christ our Lord. Amen.

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

### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Crockett, its Chief Clerk, announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

S. 1164. An act authorizing and directing the Secretary of Agriculture to investigate all phases of crop insurance;

S. 1918. An act for the relief of Irene Strauss;

S. 2218. An act to authorize an appropriation for the relief of Joseph K. Munhall;

S. 2231. An act to reserve certain lands on the public domain in Arizona for the use and benefit of the Papago Indians, and for other purposes;

S. 2332. An act for the relief of Milburn Knapp;

S. 3156. An act providing for the final enrollment of the Indians of the Klamath Indian Reservation in the State of Oregon;

S. 4195. An act for the relief of Samuel W. Brown;

S. 4235. An act to prohibit the sending of unsolicited merchandise through the mails;

S. 4531. An act authorizing a survey by the Surgeon General of the United States Public Health Service in connection with the control of cancer;

S. J. Res. 9. Joint resolution for the amendment of the acts of February 2, 1903, and March 3, 1905, as amended, to allow the States to quarantine against the shipment thereto, therein, or through of livestock, including poultry, from a State or Territory or portion thereof, where a livestock or poultry disease is found to exist, which is not covered by regulatory action of the Department of Agriculture, and for other purposes; and

S. J. Res. 76. Joint resolution authorizing the Secretary of the Treasury to purchase farm-loan bonds issued by Federal land banks.

### THE REPUBLIC OF GREECE

The SPEAKER pro tempore laid before the House the following communication from the Assistant Secretary of State:

DEPARTMENT OF STATE,

Washington, May 23, 1930.

Mr. WILLIAM TYLER PAGE,

Clerk of the House of Representatives, Washington, D. C.

SIR: This department is in receipt of a note from the minister of Greece, at this Capital, requesting that his sincere thanks and highest appreciation be transmitted to the House of Representatives for its good wishes and congratulations on the one hundredth anniversary of the independence of Greece.

I take pleasure in inclosing a copy of the Greek minister's note herewith.

Very truly yours,

For the Secretary of State:

WILBUR CARE,

Assistant Secretary.

(Inclosure: Copy of note from the Greek minister.)

MAY 16, 1930.

EXCELLENCY: I have the honor to acknowledge the receipt of your letter inclosing the resolution adopted by the House of Representatives on May 5, 1930, extending to the Republic of Greece the best wishes and congratulations of the House of Representatives on the one hundredth anniversary of the independence of Greece.

In expressing my deepest appreciation for this communication I should be exceedingly obliged if your excellency were kind enough to transmit to the House of Representatives my sincere thanks, as well as my highest appreciation, for their good wishes and congratulations on the occasion of the one hundredth anniversary of Greece's independence, with the assurance that this resolution will be immediately brought to the knowledge of my Government.

Accept, your excellency, the renewed assurances of my highest consideration.

His Excellency Mr. HENRY L. STIMSON,

Secretary of State, etc., etc., Washington, D. C.

THOMAS L. BLANTON

Mr. GARNER. Mr. Speaker, the Member elect from the seventeenth district of Texas, Mr. BLANTON, is in the Hall, and I ask unanimous consent that he be sworn in at this time. I will state in this connection that his opponent, Mrs. Lee, has conceded his election and there is no contest from that district.

Mr. TILSON. Will the gentleman yield?

Mr. GARNER. Certainly.

Mr. TILSON. I understand that the credentials have not been received?

Mr. GARNER. I do not think that they have, but there is no question of Mr. BLANTON's election.

The SPEAKER pro tempore. The Chair is informed that the credentials have not been received. There is serious doubt in the Chair's mind about the authority of the Speaker pro tempore to administer the oath to a Member, and the present occupant of the chair will request the gentleman to present his request on Monday.

Mr. GARNER. Very well.

### THE TARIFF

Mr. CROWTHER. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

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

There was no objection.

Mr. CROWTHER. Mr. Speaker and Members of the House, we have had in connection with all our tariff bills a constant flood of criticism from the free-trade and low-tariff advocates. For years they have been predicting disaster and ruin if the policy of protection should be adopted.

The attacks on the Hawley-Smoot bill are the most vicious and untruthful that have ever been published. The oft-repeated charge that it will cost the consumers a billion dollars is without foundation, and those who persist in disseminating this type of false doctrine ought all to be made charter members of the Ananias club.

The great triumvirate that seems to be indissolubly linked together for the purpose of discrediting the Hawley-Smoot bill is made up of the Democratic Party, the international bankers, and the importers. Their objective is that of the pirates of long ago—"scuttle the ship" of protection and let her sink with captain and crew.

This year they have another group that has crept into the picture, a group of so-called economists who teach the youthful students at our colleges and universities that free trade is the specific cure for all industrial ills.