pression of the activities of bolshevik, anarchist, and kindred organizations; to the Committee on the Judiciary.

905. By Mr. WEBSTER: Petition of S. Elizabeth Robie and 259 other citizens of the city of Spokane, Wash., and vicinity, indorsing and urging the favorable consideration of House bill 7, commonly known as the Smith-Towner bill; to the Committee on Education.

SENATE.

FRIDAY, *January 16, 1920.*

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

Almighty God, we seek Thy blessing at the beginning of a new day. When we come to the higher levels of life we come into unity of purpose and plan with God. We work together when we work with Thee. We come with our hearts open to the divine impression this morning that we may be enabled to work together with God for the betterment of this great land. Guide us in our deliberations, counsels, and efforts to bring about Thine own honor through our work. For Christ's sake. Amen.

On request of Mr. SMOOT, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with and the Journal was approved.

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

The PRESIDENT pro tempore. The Secretary will call the roll.

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

Ashurst	Gay	McLean	Simmons
Borah	Gronna	McNary	Smith, Ga.
Brandegee	Harris	Moses	Smith, S. C.
Calder	Harrison	Nelson	Smoot
Capper	Henderson	New	Spencer
Chamberlain	Hitchcock	Norris	Sterling
Colt	Johnson, Calif.	Nugent	Sutherland
Culberson	Jones, N. Mex.	Overman	Walsh, Mass.
Cummins	Kellogg	Owen	Walsh, Mont.
Curtis	Kendrick	Phipps	Watson
Dial	Kenyon	Pomerene	Williams
Dillingham	Kirby	Sheppard	
Fernald	Lodge	Sherman	
Frelinghuysen	McKellar	Shields	

Mr. MOSES. I announce the absence of my colleague [Mr. KEYES] on account of illness in his family, and ask that the announcement may stand for the day.

Mr. MCKELLAR. The Senator from Florida [Mr. FLETCHER] and the Senator from Virginia [Mr. SWANSON] are detained by illness in their families.

The Senator from Delaware [Mr. WOLCOTT] and the Senator from Maryland [Mr. SMITH] are absent on official business.

Mr. GAY. I wish to announce that my colleague, the senior Senator from Louisiana [Mr. RANSDELL], is necessarily absent from the Senate. I ask that this announcement stand for the day.

Mr. CURTIS. The Senator from Maine [Mr. HALE], the Senator from Michigan [Mr. NEWBERRY], the Senator from Illinois [Mr. MCCORMICK], the Senator from Nevada [Mr. PITTMAN], and the Senator from Florida [Mr. TRAMMELL] are detained at a meeting of the subcommittee of the Committee on Naval Affairs.

The PRESIDENT pro tempore. Forty-eight Senators have answered to their names. There is a quorum present.

TREATY OF PEACE WITH GERMANY.

Mr. HITCHCOCK. Mr. President, I ask to have incorporated in the RECORD the item in the Washington Post of this morning from the Associated Press, giving a synopsis of the intercollegiate vote, so far as it has been canvassed, in something over 300 colleges of the country, on the subject of the League of Nations.

I will state that this synopsis reveals the fact that so far as canvassed 46,259 students voted for unqualified ratification; 33,304 voted for a compromise between the Lodge reservations and the Democratic reservations; 23,577 voted in favor of ratification with the Lodge reservations; and 11,690 voted against ratification in any form. While the count is not completed yet, it strikes me as a very remarkable result.

A ballot with four blanks was placed before the students and faculties of something over 400 colleges of the country. The four blanks read as follows:

First. "I favor the ratification of the league and treaty without reservations and amendments."

Second. "I am opposed to ratification of the league and treaty in any form."

Third. "I favor the ratification of the treaty, but only with Lodge reservations."

Fourth. "I favor a compromise between the Lodge and the Democratic reservations in order to facilitate the ratification of the treaty."

The blank ballots were revised and approved by Senator LODGE and myself.

Two arguments in printed form were placed before the students of these colleges. One was prepared by the Senator from Massachusetts [Mr. LODGE]; the other was prepared by me.

The argument by the Senator from Massachusetts was in favor of ratification, but only with the Lodge reservations. I did not contend for ratification without compromise; I did not contend for ratification without qualifications. I opposed the Lodge reservations, but I stated that reservations had become inevitable. The only practical question in the Senate was what reservations. I urged a compromise between the Lodge reservations and the Democratic reservations.

In spite of the fact that no argument was presented in favor of unqualified ratification, the largest vote polled, something like 45 per cent, was for unqualified ratification. About 30 per cent voted for compromise reservations, and only about 20 per cent voted for the Lodge reservations, while less than 10 per cent voted against ratification in any form.

To my mind this shows a sentiment in the country in favor of uncompromising and unqualified ratification much stronger than I had supposed it to be. It shows that among this class of young men, coming from all parts of the country and representing all classes of people, the sentiment is so strong for unqualified ratification as to cause amazement.

Mr. President, in addition to this recapitulation from the Washington Post, which I ask to have incorporated in the RECORD, I also ask to have inserted in the RECORD the form of ballot that was used and a tabulated statement showing the vote in the 19 larger colleges of the country, headed by Cornell and ending with Smith, and polling 31,876 votes; also a tabulated statement on each proposition by the faculty and by the students in all of the States of the Union, so far as they have been canvassed; and then a final summary showing the detailed vote of the students and the faculty on each of the propositions, making a total vote, as far as canvassed at the time this tabulated statement was made up yesterday, of 92,466.

I will say, by way of explanation, that the item in the paper this morning covers 114,000 votes, but it is not detailed. The tabulated statement made up yesterday morning only covers 92,466 votes and is in detail.

The PRESIDENT pro tempore. Without objection, the request of the Senator from Nebraska is granted.

The matter referred to is as follows:

COLLEGE VOTE 45 PER CENT FOR NO RESERVATIONS.

"NEW YORK, *January 15.*

"Advocates of ratification of the peace treaty without amendment or reservation forged ahead to-day in the intercollegiate referendum. More than 100,000 votes have been counted, cast by the students and faculties of 475 colleges and universities. Of these, 46,259 were cast in favor of unreserved ratification and 33,304 favored ratification by compromise. The remaining vote was divided between 23,577 supporters of the Lodge reservations and 11,690 voters who did not wish the treaty ratified in any form.

"On request from Washington the intercollegiate treaty referendum committee, which is tabulating the returns here, telegraphed the results to date to-day to Senator LODGE and Senator HITCHCOCK. No returns will be received after to-morrow, and the final vote will probably be made public to-morrow night."

TREATY ELECTION RETURNS AT 5 P. M. WEDNESDAY.

"The first official reports, verified and compiled to-night at headquarters of the intercollegiate treaty referendum committee, 165 Broadway, New York City, give the national results by wire from approximately 375 colleges and universities throughout the country.

"The returns are not yet complete. The figures in the attached tables give the result of the vote in many of the larger colleges and universities and the number of votes cast in each State that has reported.

"The following was the form of the ballot used at the college polls:

INTERCOLLEGIATE TREATY REFERENDUM.

"I am in favor of one of the following propositions (vote for one):

"Proposition I. I favor the ratification of the league and treaty without reservations and amendments.

"Proposition II. I am opposed to ratification of the league and treaty in any form.

"Proposition III. I favor ratification of the treaty, but only with Lodge reservations.

"Proposition IV. I favor a compromise between the Lodge and the Democratic reservations in order to facilitate the ratification of the treaty."

Vote in larger colleges already reported.

University.	Proposition.				Total votes.
	1	2	3	4	
Cornell	924	227	464	700	2,315
Vassar	384	14	115	467	980
Boston College	3	113	587	16	719
Wellesley	177	32	567	533	1,309
Yale	250	85	331	1,085	1,751
Radcliffe	65	12	22	212	311
Johns Hopkins	375	100	106	278	859
Harvard	693	131	462	1,169	2,455
Columbia	1,483	444	474	2,076	4,477
Texas	937	115	111	508	1,671
New York University	559	776	877	1,655	3,867
Wisconsin	631	324	620	895	2,470
Idaho	83	128	117	288	616
Buffalo	102	72	461	80	715
Maine	122	179	328	401	1,030
Tufts	204	64	452	316	1,036
Rutgers	127	51	113	266	557
Michigan	714	345	774	1,116	2,949
Smith	341	21	162	1,265	1,789
Total	8,174	3,233	7,143	13,326	31,876

Votes in each State that has reported.

State.	Votes according to propositions.								Total number voting.	
	Faculty.				Students.				Faculty.	Students.
	1	2	3	4	1	2	3	4		
Arkansas	8	14	18	6	144	122	66	34	46	356
Arizona	115	2	8	52	78	69	58	95	179	300
California	31	18	9	11	166	98	31	187	69	480
Colorado	19	....	....	11	602	175	85	613	30	1,475
Connecticut	81	9	25	222	432	115	569	1,332	337	2,508
Delaware	11	....	....	4	130	23	51	133	15	337
Florida	11	2	22	29	180	31	63	220	64	494
Georgia	83	2	9	17	502	38	149	44	114	735
Illinois	71	9	46	162	357	230	343	1,370	288	2,312
Idaho	18	4	11	30	106	137	213	278	63	734
Indiana	37	8	46	65	608	352	969	902	155	2,891
Iowa	52	4	21	89	498	55	115	522	166	1,190
Kansas	77	12	32	149	484	217	453	912	270	2,066
Kentucky	170	2	23	35	1,129	78	179	371	230	1,757
Louisiana	252	2	13	31	367	54	207	512	298	1,140
Maine	172	7	30	93	542	252	425	742	305	2,161
Maryland	39	5	10	46	690	182	200	497	100	1,559
Massachusetts	245	55	98	459	1,782	994	2,852	4,928	857	10,556
Michigan	106	13	45	118	773	362	846	1,173	282	3,154
Minnesota	46	2	31	75	416	93	285	1,298	158	2,092
Mississippi	69	2	2	9	821	6	7	64	82	898
Missouri	68	17	47	103	832	416	751	168	235	467
Montana	6	1	....	3	4	27	14	15	10	60
New Jersey	51	4	30	97	510	135	484	418	182	1,541
New Hampshire	28	1	9	47	283	101	107	629	85	1,129
New York	308	44	216	467	3,352	1,862	2,567	5,761	1,035	13,542
Nebraska	3	....	....	13	4	3	1	32	16	40
North Carolina	93	12	33	104	1,027	177	101	612	242	1,917
North Dakota	25	5	....	25	85	34	.....	167	55	286
Ohio	218	51	67	268	2,628	843	1,248	2,638	604	7,357
Oklahoma	18	6	11	24	23	33	21	46	59	123
Oregon	3	....	1	19	48	12	48	20	23	108
Pennsylvania	171	24	60	193	956	361	866	1,592	448	3,775
South Carolina	24	....	3	33	624	32	78	688	60	1,422
South Dakota	15	....	2	17	52	12	33	44	34	141
Tennessee	21	2	....	39	275	234	77	597	62	1,183
Texas	172	21	43	87	1,634	200	156	578	323	2,568
Utah	20	3	7	29	50	71	107	168	59	396
Virginia	303	1	15	122	1,580	138	306	531	441	2,555
Vermont	....	3	5	6	3	29	22	37	14	91
Washington	20	28	27	59	218	203	163	285	134	869
West Virginia	13	....	1	4	6	1	2	11	18	20
Wisconsin	110	25	20	136	868	530	905	1,305	291	3,608

SUMMARY.

	Students.	Faculty.	Total.
Proposition 1	25,869	3,046	29,275
Proposition 2	9,146	420	9,566
Proposition 3	16,223	1,099	17,322
Proposition 4	32,691	3,612	36,303
Grand total			92,463

Mr. SMOOT. Mr. President, in this connection I think it proper to state that I have not any question of doubt that if the vote on the peace treaty with Germany had been taken one month after the treaty was presented to the Senate, out of the 114,000 referred to by the Senator from Nebraska, there would have been about 103,000 in favor of unqualified ratification of the treaty and the League of Nations. I am quite surprised to see the change of sentiment which has taken place among the students of the universities of the United States, as shown by the returns just presented by the Senator from Nebraska. It was conceded by all, and it has been stated time and time again, that not 10 per cent of the students of the universities of the United States were opposed to the ratification of the treaty as it was presented to the Senate. It now develops, however, that that percentage favoring that course has fallen from 90 per cent to 40 per cent. Therefore I can not see any great cause for jubilation upon the part of the Senator from Nebraska in the vote which he has just presented to be recorded in the RECORD, if he himself desires the ratification of the treaty as it was presented to the Senate.

Mr. HITCHCOCK. Mr. President, I desire to say in reply to the Senator from Utah that he is mistaken in his figures. The figures never showed 90 per cent of any university in favor of the unqualified ratification of the treaty.

Mr. SMOOT. That is not what I said.

Mr. HITCHCOCK. I will finish, if the Senator from Utah pleases.

The figures which I have given this morning show that for unqualified ratification and for a compromise which the Democrats desire, 79,563 have voted, and that constitutes about 75 per cent of all the votes cast. On the other hand, for the position occupied by the Republican side of the Chamber, for the Lodge reservations, only 20 per cent of the voters in the colleges cast their votes in favor of the Lodge reservations.

Mr. President, in addition I wish to have inserted in the RECORD a ballot taken by the Rochester Times-Union, of Rochester, N. Y. It was taken a few days ago and was brought to me in person by one of the representatives of the paper. It is certified as correct by the editor, Mr. Frank E. Gannett. I will say that the Rochester Times-Union is a combination of two newspapers, one Democratic and one Republican.

In favor of the ratification of the treaty without reservations the vote was 1,706; in favor of ratification of the treaty with reservations acceptable to President Wilson, 789; in favor of ratification of the treaty with the Lodge reservations, 166; in favor of a compromise on reservations, 122; in favor of the rejection of the treaty, 39.

Mr. President, I may say that that also corresponds quite closely with the poll which is now being taken by the Journal, in Portland, Oreg., and from day to day the Senator from Oregon [Mr. CHAMBERLAIN] has introduced those figures, which show a proportion as overwhelming in favor of the unqualified ratification of the treaty as the figures given by the Rochester Times-Union.

I defy any Senator who supports the Lodge reservations to bring into the Chamber any test vote from sources equally reliable that will show any favorable showing for the Lodge reservations. No Senator will find that in any fair test anywhere the Lodge reservations can poll more than 25 per cent of the votes cast in any test ballot.

The PRESIDENT pro tempore. Without objection, the request of the Senator from Nebraska is granted.

The matter referred to is as follows:

"ROCHESTER TIMES-UNION AND ADVERTISER,
"*Rochester, N. Y.*

"Final count on treaty votes:

"1. In favor of ratification of the treaty without reservations, 1,706.

"2. In favor of ratification of the treaty with reservations acceptable to President Wilson, 789.

"3. In favor of ratification of the treaty with the Lodge reservations, 166.

"4. In favor of a compromise on the reservations, 122.

"5. In favor of rejection of the treaty, 39.

"I hereby certify that the above is correct.

"FRANK E. GANNETT,
"*Editor Times-Union.*

"Total vote, 2,822."

TRAVEL OF EMPLOYEES OF AGRICULTURAL DEPARTMENT (H. DOC. NO. 608).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a statement showing the travel of employees of the Department of Agriculture from Washington to points

outside the District of Columbia during the fiscal year 1919, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

CHESAPEAKE & POTOMAC TELEPHONE CO.

The PRESIDENT pro tempore laid before the Senate the annual report of the Chesapeake & Potomac Telephone Co. for the year ended December 31, 1919, which was referred to the Committee on the District of Columbia and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a bill (H. R. 11578) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. CURTIS. I present resolutions adopted by the Legislature of Kansas relative to the return of the railroads to private control. I ask that the resolution be printed in the RECORD and referred to the Committee on Interstate Commerce.

There being no objection, the resolutions were referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

House resolution 10.

Whereas the President of the United States has by a proclamation declared that the railroads of the country are to be released from Government control and restored to their owners on March 1, 1920; and

Whereas there is an effort being made by certain persons and organizations favorable to Government ownership of railroads to postpone their release and to delay their return to private ownership and operation: Therefore be it

Resolved by the House of Representatives of the State of Kansas, That we oppose the further continuance of Government control of the railroads and urge our Senators and Members of Congress to insist on their prompt return to private control on March 1 next, and to oppose any further postponement.

Adopted January 9, 1920.

W. P. LAMBERTSON,
Speaker of the House.
CLARENCE W. MILLER,
Chief Clerk of the House.

Mr. CURTIS presented a memorial of Pleasant View Grange, No. 1596, Patrons of Husbandry, of Ottawa, Kans., remonstrating against the passage of the so-called Smoot land-bank bill, which was referred to the Committee on Banking and Currency.

Mr. CAPPER presented a petition of Local Lodge No. 775, Benevolent and Protective Order of Elks, of Coffeyville, Kans., praying for the acquisition of the Mammoth Cave in Kentucky and its establishment as a national park, which was referred to the Committee on Public Lands.

He also presented petitions of the Friends Church of Liberal and of sundry citizens of Corning, in the State of Kansas, remonstrating against compulsory military training, which were referred to the Committee on Military Affairs.

Mr. GRONNA. I present resolutions adopted by the General Council of the Red Lake Band of Chippewa Indians, of Minnesota, in which they request that all features pertaining to the Red Lake Band of Chippewa Indians contained in legislation now pending before Congress to aid in winding up the affairs of those Indians be eliminated, for the reason that they were not consulted and that the proposed legislation does not represent their wishes. I move that the resolutions be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. GRONNA. I also present resolutions adopted by the General Council of the Red Lake Band of Chippewa Indians, of Minnesota, stating that these Indians had designated, appointed, and authorized a delegate to proceed to Washington to represent them in all tribal matters and affairs, and so forth. I move that the resolutions be referred to the Committee on Indian Affairs.

The motion was agreed to.

FORT BERTHOLD INDIANS.

Mr. SPENCER, from the Committee on Claims, to which was referred the bill (H. R. 4382) to confer on the Court of Claims jurisdiction to determine the respective rights of and differences between the Fort Berthold Indians and the Government of the United States, asked to be discharged from its further consideration and that it be referred to the Committee on Indian Affairs, which was agreed to.

THE COMMITTEE ON THE LIBRARY.

Mr. CALDER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 232, submitted by Mr. BRANDEGEE on November 18, 1919, reported it favorably without amendment, and it was considered by unanimous consent and agreed to:

Resolved, That the Committee on the Library, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-sixth Congress to send for persons, books, and papers; to administer oaths, and to employ a stenographer, at a cost not exceeding $1 per printed page, to report such hearings as may be had in connection with any subject which may be before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

BILLS INTRODUCED.

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

By Mr. GRONNA:

A bill (S. 3735) granting an increase of pension to James A. Lucas; to the Committee on Pensions.

By Mr. REED:

A bill (S. 3736) making appropriation for the construction and completion of an addition to the central post-office building at St. Louis, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. OWEN:

A bill (S. 3737) to carry out the provisions of an act approved July 1, 1902, known as "An act to accept, ratify, and confirm a proposed agreement submitted by the Kansas or Kaw Indians of Oklahoma, and for other purposes," and to provide for a settlement to Addie May Auld and Archie William Auld, who were enrolled as members of the said tribe after the lands and moneys of said tribe had been divided; to the Committee on Indian Affairs.

GOVERNMENT STORE IN THE DISTRICT OF COLUMBIA.

Mr. SHERMAN. Mr. President, I introduce a bill which I send to the desk, and I ask the indulgence of the Senate for a few moments to explain its provisions.

The bill is a departure from the ordinary course of affairs. It provides for the creation of a joint District committee composed of the Senate Committee on the District of Columbia and the like committee of the House. The clause of it appropriating money ought to originate in the House, and I only inserted it for the purpose of directing the attention of the House to it, as well as the attention of Senators, in the hope that it will take the proper course when it is considered.

The bill provides, in substance, for the creation of a general store in the District of Columbia, together with the creation of a certain number of branch stores, for the sale of merchandise to the employees of the Government residing in the District. I am as far from socialism, probably, as any Member of the Senate, but the price of merchandise has reached the point where to the employees it is made a reason for the increase of compensation. That, in turn, calls for an increase in appropriation and becomes a part of the endless, vicious circle in the upward trend of prices. This is not a socialistic proposal. It is applying in concrete form what we already practice in the purchase of stationery and supplies from the supply stores of the two Houses of Congress.

The middleman is a useless appendage wherever he can be eliminated, anyhow. The wholesaler or jobber is not indispensable if the service can be otherwise performed.

In private enterprise there seems to be no way of eliminating a large number of middlemen. There is no reason, however, why the packers should sell to meat-market men and grocers in the District of Columbia, and especially to meat-market men who have practically no capital at stake in the business, and who net as high as eight or ten thousand dollars a year with a thousand dollars investment in a cold-storage box and a chopping block and a place to do business. A large part of that money is expended by the employees of the Government, who pay all the way from 33⅓ per cent to 200 per cent profit to these unnecessary middlemen. That in turn renders necessary—and it will be urged here, no doubt, when the Classifications Commission makes its report—an increase in compensation, and that will run literally into the hundreds of millions of dollars for the 104,000 Government employees in the District.

I propose a practical remedy. I propose that the Government shall buy at cost from wholesalers, manufacturers, producers, and jobbers and sell to the employees of the Government in the District at cost. That is one way of bringing the prices to a legitimate level. It is another way of notifying several middlemen that their services can be dispensed with, and that the Government will enter upon a course here in the District which will either curb their profits or dispense with their occupation entirely.

If these several gentlemen concerned, like Othello, find their occupation gone, it will be their fault.

I think it is entirely practicable for the Government to do this, and I think the experiment ought to be made. With that end in view I introduced a bill, providing for an appropriation of a half million dollars to put it in force, and that the money arising from the sale of merchandise for cash at cost shall be covered into the Treasury and reappropriated in the annual appropriation bill for the District of Columbia. I am aware that that is not allowed in the matter of appropriations, but I am offering it here for the purpose of calling the attention of the House District Committee and its members to the proposition, and further, that when some appropriation bill may be pending here I can properly offer this bill as an amendment, and it will then be in order.

I again notify the dealers of this District that they are profiteering upon helpless Government employees to a degree that ought not to be longer tolerated without some practical action upon the part of Congress.

Every once in a while I hear gentlemen here, before committees and elsewhere, asking for the creation of a State out of the District of Columbia. I am willing to give them the right to elect Delegates so that on the floor of each House of Congress they may have their interests properly presented, as nobody now particularly represents the District outside of the District Committees. But I notify these gentlemen that the creation of a State would afford a degree of independence of the control of the District in such matters as I propose in this bill that might be carried to a very dangerous extent. As it is now, Congress governs the District of Columbia because Washington is the Capital City, and was created for that purpose and for no other. It was not created as a place where middlemen and merchants could congregate for the purpose of preying upon the residents, as a predatory occupation that has risen to the dignity here of the grossest form of profiteering upon the employees of the Government who are compelled to live in the District and render service to the Government.

Washington being in the control of Congress as a Capital City, and as a District area in which we have full power, there can be no question about the right of Congress to engage in such an enterprise, and if profiteering landlords and profiteering retail merchants think this District and the Government employees are helpless to be relieved, I propose to call into exercise the powers of the Government in this way to bring them to their senses.

I will state, Mr. President, that if the Ball Act, known as the landlord and rent regulation act, should be attacked as a part of this series of measures, I shall propose an occupation tax upon the various occupations in this District, the proceeds of that occupation tax to be kept as a separate fund to relieve cases of hardships caused by eviction.

Only a few days ago, here in the District of Columbia, a rear admiral of the Navy, known as Rear Admiral Grayson, evicted a tenant from one of his rented properties and put her upon the street because she would not pay an advanced rent. I commend that to the public in Washington for their respectful consideration, as showing that the profiteers begin with Government officers and go all along through the line; and with this pernicious example, what right have we to rebuke the profiteer in private life who preys upon helpless tenants?

Another thing, Mr. President, a judicial officer having jurisdiction when the Ball rent act shall be attacked by property owners who claim the right to a certain degree of profit, before whom they will necessarily go for a hearing, or some one of his associate judges, has been reported by credible authority from credible sources to me, to have said that the Ball rent act is not worth the paper it is written upon, as it is entirely unconstitutional. With no case brought before him, no pending controversy calling for the expression of a judicial opinion, he still goes so far as to prejudge it before it is before him for a hearing and for determination. If that could be established, such a judicial officer ought to be impeached by Congress and removed from office. I await further evidence upon that subject, and if I obtain satisfactory evidence, it will be presented for the consideration of the Senate as to further steps to be taken, and in the House as well.

I introduce this bill, Mr. President, and ask that it be referred to the Committee on the District of Columbia. I am offering it in good faith, and I propose to devise through it and the kindred agencies some method by which a person can live and serve the Government in the District of Columbia without having his salary doubled in order that it may be a fund for the predatory cormorants who are hanging about this Capitol.

The bill (S. 3734) to create and establish a Government store in the District of Columbia was read twice by its title and referred to the Committee on the District of Columbia.

INTERNATIONAL FINANCIAL CONFERENCE.

Mr. OWEN. Mr. President, I wish to call the attention of the Senate to a matter which I regard as of very great national and international importance. It is a proposal on the part of the leading business men of the United States and of the Governments of Europe for an international conference for the purpose of bringing about a readjustment of the credits of the world.

The American dollar has lost in its purchasing power in an important way during the last few years; that is, in terms of commodities, but not in terms of gold.

The reasons why the American dollar has lost in its purchasing power I wish to call to the attention of the Senate.

First, it is due to a great world shortage of commodities arising from the destruction incident to the war, the stoppage of the processes of production and distribution of goods during the war, and the extraordinary demand from Europe for the products of this country; second, great gold imports in exchange for goods, about $1,100,000,000; third, the expansion of credits in the United States. We have issued an enormous amount of bonds. Not only has the United States expanded its bond issues on a very large scale, amounting to over $26,000,000,000, but our municipalities and our States have expanded these forms of credit. Such bonds in the hands of the people are readily converted into money under our system.

The expansion of bank deposits, easily converted into money, other stocks and bonds, easily salable on the stock exchange and convertible into money, and in America these dollars are exchangeable for gold, and the holder of a note can obtain gold at his option.

The same thing has happened abroad; there has been in the Old World an expansion of credits in the form of bonds and other securities on a gigantic scale, and, still worse, a huge inflation of paper currency, no longer redeemable in gold.

As a currency increases in quantity it diminishes pro rata in its purchasing power, in its power to obtain goods by exchange of money for goods.

I call attention to the fact that the so-called resources, and liabilities as well, of the national banks have increased from $10,000,000,000 to $21,000,000,000 in the last half dozen years—since 1913. The expansion of the so-called resources, which means also liabilities, upon the part of all of the banks of the United States, including all classes of banks, have increased from $25,000,000,000 to $47,000,000,000. The same kind of expansion has been going on in Europe. Because of these factors the American dollar has lost a part of its purchasing power in America, and the purchasing power of the currency of Europe has been still further diminished, measured in terms of American gold, because of the inflation there. The German mark has gone down to from approximately 24 cents in gold to 1.8 cents in gold; the same currency in Poland is worth 0.8 of a cent; in Roumania, 0.7 of a cent; and in all other countries which have been torn by war the expansion of currency has diminished the purchasing power of that currency, as with the French franc and the Italian lire; so that when you come to exchange these forms of currency for the American dollar the exchange rate has gone down so severely that the pound sterling, which has always been regarded as the standard currency of the world, if I may use such an expression. The pound sterling is bringing $3.73 instead of $4.86; the French franc, instead of exchanging 5.18 francs for $1—a dollar of this diminishing purchasing power—is exchanging at the rate of 11.50 francs for the dollar, and the Italian lire 13 and a fraction for the dollar. The consequence is that the export business of the United States—and I call the attention of the Senate to its responsibility in this matter—is being tremendously interfered with.

I have appealed from time to time to the administration to try to bring about an adjustment of this matter by an international conference, and, without pausing to read it, I place in the RECORD a letter which I addressed to the President of the United States on November 6 last, one of a series of efforts which I have made to attract the attention of the Senate and the attention of this Government to the importance of this question.

The PRESIDENT pro tempore. Without objection, the letter will be printed in the RECORD.

The letter referred to is as follows:

NOVEMBER 6, 1919.

The PRESIDENT,
The White House.

MY DEAR MR. PRESIDENT: Will you not permit me again to call your attention to the importance of stabilizing international exchange? Our excess commodity shipments over imports have fallen from six hundred millions in June to one hundred and fifty-eight millions in September. Our export houses are in distress and the exchange rates are going down to the lowest recorded point.

Francs, 9.05; lire, 11.07; sterling, 4.15.

The British sterling was sustained by a recent loan of two hundred and fifty millions placed in the United States.

British currency, French currency, Italian currency have gone through a serious inflation, and their paper money is not on a gold par basis. The Italians buying American goods must pay the present high prices plus very high transportation charges; for example, $28 a ton on coal plus twice the total in lire. It is obvious that this is ruinous to our foreign commerce with Italy and is making it impossible for our allies to get back to normal production as promptly as we had hoped.

The Europeans can not sell credits in the terms of their currency, because they are not only not on a gold basis but there is reason to fear further inflation in the absence of a declared policy to the contrary.

The gold standard is temporarily broken down and ought to be promptly restored. It can be done.

The investing public of the United States is able and would be willing to extend the credits necessary to finance our foreign exports, provided the mechanism were available and sound economic policies were declared by the Governments whose trade is involved.

The problem is well understood by many men, but apparently is not well understood by the men and officials responsible for government.

I regard this question as of the first magnitude and I respectfully request you to invite an international exchange conference to be held in Washington City with representatives of the leading nations of Europe present to meet with your representatives here.

I request that this suggestion be submitted to the Secretary of the Treasury, the governor of the Federal Reserve Board, and the Secretary of Commerce for an immediate report to you.

Yours, very respectfully,

ROBT. L. OWEN.

Mr. OWEN. I ask to place in the RECORD, without reading, the action taken in New York on the 14th of January, as reported in the New York Times of the 15th of January, in which the representative men of the United States and of Great Britain, of Holland, of Switzerland, of Denmark, Norway, and Sweden urged an international conference. In order to have the Senate realize that this is a very urgently important matter, I call the attention of the Senate to the names of some of these men, including Edwin A. Alderman, of the University of Virginia; Robert L. Brookings, of St. Louis; Cleveland H. Dodge, of New York; Charles W. Eliot, of Cambridge, Mass.; James B. Forgan, of Chicago; Arthur T. Hadley, of Yale College; Myron T. Herrick, of Cleveland; Herbert Hoover, of San Francisco; Darwin P. Kingsley, of New York, president of the New York Life Insurance Co.; George H. McFadden, a great cotton exporter of Philadelphia; A. W. Mellen, of the Mellen Bank of Pittsburgh; J. P. Morgan, of Morgan & Co., New York; George M. Reynolds, of Chicago; Elihu Root, of New York; Charles H. Sabin, of New York, president of the Guaranty Trust Co., and a large number of others.

I am not going to read the statement made by these men, but I put it in the RECORD, and I appeal to Senators who are interested in the commerce of this country to look at it and see what it means. I think it is of the greatest possible importance that the stability of the credits of the world should be brought about as speedily as possible.

Mr. GRONNA. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from North Dakota?

Mr. OWEN. I yield to the Senator.

Mr. GRONNA. I am aware of the fact that the Senator from Oklahoma has given this matter a great deal of study. I should be very much pleased to have the Senator outline or suggest the remedy.

Mr. OWEN. The remedy, Mr. President, is not very easy, and it is easier to ask the question than it is to answer it, but I will undertake to answer it.

Mr. GRONNA. I ask the question, and I think I have a right to ask it, for the reason that only a short time ago the Senator from Oklahoma and other Senators argued that the passage of a certain measure which was then before the Senate would remedy the situation. The Senator knows as well as I know, and perhaps better, that it has not remedied the situation.

Mr. OWEN. I prefer the Senator should not state what the Senator from Oklahoma knows, because he might exceed the mark. I will make the observation to the Senator, however, that I stated repeatedly that the Edge bill was only a palliative in a small degree. I favored it only on that ground; but it was all the Republican Senators would agree to and it is inadequate. I offered other remedies that were refused support; it did not at all meet the requirements which I thought were necessary.

In order to bring back the world to a condition of stability many things are necessary; it will be necessary to deflate the currency, which at present is being expanded by the printing press without responsibility in some countries. Russia has gone to such an extent that the Russian ruble is put out by the billions upon top of billions, without any intention of ever redeeming it, with a steadily diminishng value.

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

Mr. OWEN. I yield to the Senator from North Dakota.

Mr. GRONNA. I am sure the Senator has given this matter more attention than I have; but, if he will permit me, I will say that, so far as I am concerned, I do not agree with him that we should help to deflate the currency, nor do I believe that that is a remedy. In my humble judgment the remedy is to help Europe produce more, so as to enable her to offset her debts, her obligations, with her products. That will regulate it, and not any act to deflate the currency, either in this country or in any other country.

Mr. OWEN. The Senator has not permitted me, of course, to answer the question he originally propounded. He has answered it himself in part, and I agree with him in the answer he has made, so far as to assert it is absolutely necessary that Europe be put back upon production. Men must work, economize, and create values, but the mechanism of exchange, the moneys of the world, must be put on a basis of stability, on a known basis of value, and men must not use the printing press to issue securities without intention of redemption nor without the ability to redeem. These countries, however, in order to be put back on a condition of stabilized credit, must stop inflating their currency and must put their currency back upon a basis which will be approximately the same basis—the gold basis or some other agreed basis—which is common to the whole world.

The European nations must adjust their budgets to their income from taxes and keep within their income because until they do the inflation will continue in currency and in bonds.

They must bring their currency back to par of gold and do it by an arbitrary adjustment at the present relative value of such currency.

They must adjust their war bonds to the same standards and issue new bonds payable in gold on long time and low rate so that the taxpayers shall only pay the present gold value of such bonds and not be required to pay from three to ten times the present gold value of such bonds.

Mr. KIRBY. Mr. President——

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

Mr. KIRBY. I understand the condition as stated by the Senator from Oklahoma. I do not understand, however, whether the remedy suggested or that might be suggested by the conference would be one that would enhance the value of the dollar on the other side or reduce the value of the dollar on this side. In other words, I understand that both our dollars have become cheap in the way of purchasing commodities, but on the other side of the world their money has become so much more cheap that they have to pay two or three times in products the price of our dollar in order to trade with us, and on that account trade languishes. Now, would we increase the price of the dollar on the other side; and if so, how can it be done unless at the expense of our own dollar?

Mr. OWEN. In order to arrive at a just understanding of this matter it is necessary to observe what the foreign exchanges really mean. Take, for instance, the exchanges of Norway and of Sweden and of Holland and of Switzerland. While they are affected by the excess of commodity shipments from the United States, they are not affected by an inflation of their currency. The same thing is true of the exchanges with regard to Spain. Spain being upon a gold basis and the commodity shipments being somewhat in excess to Spain in our favor, the Spanish peseta is a little below par; but side by side, across an invisible line, you enter into France, and there the French franc is worth only one-third of a peseta, approximately, although nominally each is equal to 19.30 cents in gold, showing that the inflation of the currency in France has affected the value of the currency, in addition to the balance of trade being against them. The balance of trade affects all of Europe, of course; but it is shown by the currency of Holland and the currency of Norway and Sweden and Switzerland and Spain that they are only comparatively slightly affected by the balance of trade in our favor, while Great Britain is more seriously affected, because it has inflated its currency, and France still more, because the inflation there has gone to a point where they have

outstanding now 38,000,000,000 francs, amounting to approximately $200 per capita of money in circulation, while here we have $56 as a gross, and about $46 per capita, considering the amount which is sequestered in the reserve banks.

The following table will make this clear:

Foreign exchanges.

	Normal rate.	To-day's rate.	Discount.	
			Per ct.	
London	$4.83	$3.72	24	Currency inflated.
Paris	5.18 francs per dollar.	11.50 francs	55	Do.
Belgium	5.18 francs per dollar.	11.40	54	Do.
Italy	5.18 lire to dollar.	13.20	62	Do.
Germany	$23.83	$1.75	90	Currency grossly inflated.
Russia	$51.44	$3	95	Do.
Holland	$40.20	$37.37	9	Currency near normal.
Switzerland	$5.18	$5.56	7	Do.
Spain	19.30 cents	19.10 cents per peseta.	1	Currency normal.

Great Britain has doubled its currency during the war and more than doubled the deposits, and gold bought with English money costs 110 shillings an ounce instead of 79 shillings, the normal rate, before the war—a discount of 25 per cent in the purchasing power of English paper money.

Neither Great Britain, France, Belgium, Italy, Austria, Germany, Russia, nor any of the east European belligerents are on a gold basis.

It will take world action to put them into production and world credits. They can not buy; they can not pay unless assisted by international and internal reconstruction legislative action. If they do not buy and do not pay, it will seriously threaten our financial and commercial stability. Our foreign exports must cease.

Our banks holding great amounts in foreign securities and credits will be put in serious danger and industrial disturbances of a grave nature may be anticipated. No time should be lost. Much valuable time has been lost already.

The peace treaty should be ratified at once with or without reservations.

I want to call the attention of Senators to this matter, because it vitally affects every single State in the Union. It affects the value of the manufactured products of New England, and of the cotton of the South, and of the wheat of the West, and of the mineral ores of our various States; and you gentlemen who are responsible to this country ought to understand this and ought to consider it. Now, here the business men of the country are going to call an international conference of the first magnitude and bring the leading business men of the whole world together to try and solve this problem, so that they with their combined forces can appeal to the statesmen of the world to take the steps necessary to stabilize the world and to reconstruct the world and to put it upon a basis of stability and credit, so that our merchants and manufacturers can interchange their commodities, because after all it is an interchange of commodities or an interchange of the products of labor. What the Senator from North Dakota said was truly said, that the remedy at last is work, orderly work, and avoiding extravagance in government and extravagance in private life. The remedy is to restore the world by personal economy and by personal production and by improving the processes of distribution, but the mechanism of exchange and of currency is absolutely essential to the conduct of international business.

The Governments of Europe must act and put their budgets in order; must deflate their currency; must readjust their war debts; must arrange to underwrite the loans needed to buy raw material and seed and supplies to start production; and the nations able to furnish the raw material and credits should do so by opening the doors to the investment public and having the loans properly secured by the nations seeking credits for their citizens.

When a convention is called to arrange these details, the representatives of labor should be present; and, above all, the representatives of the highest rank in the various Governments should participate to see that justice is done to the people who will meet the burdens of these readjustments.

The PRESIDENT pro tempore. The request of the Senator from Oklahoma is granted.

The matter referred to is as follows:

[From the New York Times of Thursday, Jan. 15, 1920.]

POWERS TO CONFER ON WORLD FINANCE—SIMULTANEOUS APPEAL TO NATIONS TO CALL INTERNATIONAL ECONOMIC CONFERENCE—NATIONAL LEADERS SIGN IT—PLAN PROPOSALS TO LIMIT CREDITS AND FORCE THE PEOPLE TO REHABILITATE EUROPE—PRIVATE AID IS SUGGESTED—LESSENING OF THE FINANCIAL DEMANDS ON GERMANY AND AUSTRIA MADE IN TREATY PROPOSED.

"A request that representatives be appointed as soon as possible to an international economic conference is being made simultaneously to-day to the Governments of Great Britain, France, Holland, Switzerland, Denmark, Norway, and Sweden to the United States Government, the reparations commission, and the United States Chamber of Commerce. The request is in the form of a memorandum, which sets forth, in brief outline, the ideas of the various signatories as to how the work of relmbilitating the world's financial and commercial structure should be undertaken.

"The precise origin of this movement has not been disclosed. Leading American financiers who are interested in it declined yesterday to say whether or not the matter had first been broached by them or by some interests in Europe. However, great stress was laid on the widespread demand for such a conference, and it was said that within the last few weeks what virtually amounted to spontaneous petitions for such a conference had been received by the leading financial and commercial representatives of all the countries which have become parties to the memorandum.

"Abroad, the request is directed to the several Governments. They, according to the plan, are to appoint the delegates to the proposed conference. In the United States a somewhat different procedure is being adopted. The United States Chamber of Commerce is asked to appoint the American delegates, partly because of its Nation-wide affiliations and partly because here it is desired to have participation in the conference kept on an unofficial basis. The American signatories feel that the problems outlined in the memorandum should be met, as far as is possible, through private initiative, but with the United States Government extending its moral support.

OPPOSED TO PAISH CREDIT PLAN.

"The memorandum takes issue squarely with the scheme, recently attributed to Sir George Paish, of an international credit arrangement in which all of the leading Governments should take active part. Quite the opposite position is assumed by emphasizing the necessity of encouraging to the greatest extent possible 'the supply of credit and the development of trade through normal channels.'

"The proposed conference will be composed of representatives of the leading countries, both belligerent and neutral, of Europe, the central European countries, Japan, and the chief exporting countries of South America. These representatives, it is further purposed, will bring with them all pertinent information, and it is expected that as a result of the conference recommendations will be made as to what measures may best be taken in the various countries in order to revive and maintain international commerce.

"One of the American signatories, in commenting on the request for the conference, said:

"'One might sum up the document as a call to the people to return to prewar standards of reason, an appeal to the reparation commission for wise moderation as to the best business policy for all concerned; an appeal to Governments to arrest inflation and meet inevitable burdens by increasing their revenue rather than by further increasing their debts; an appeal to the people to work and to save; and, finally, an appeal to leaders of commerce and finance to get together in order to study the problem dispassionately and take it up as a business proposition, relying on independent action rather than Government intervention. Governments must be relied upon, however, to remove as rapidly as possible the obstacles that impede such a course.'

MEMORANDUM TO THE GOVERNMENT.

"The full text of the memorandum submitted to the United States Government, the reparations commission, and the United States Chamber of Commerce follows. It is substantially the same as the documents submitted abroad:

"'The undersigned individuals beg leave to lay before their Government, the reparations commission, and the Chamber of Commerce of the United States the following observations and to recommend that the Chamber of Commerce of the United States designate representatives of commerce and finance to meet forthwith (the matter being of the greatest urgency) with those of other countries chiefly concerned, which should include the United Kingdom and the British dominions, France, Belgium, Italy, Japan, Germany, Austria, the neutral countries of

Europe, the United States, and the chief exporting countries of South America, for the purpose of examining the situation briefly set forth below and to recommend upon the basis of authentic information what action in the various countries is advisable among the peoples interested in reviving and maintaining international commerce.

"'They venture to add to the above recommendation the following observations:

"'The war has left to conqueror and conquered alike the problem of finding means effectively to arrest and counteract the continuous growth in the volume of outstanding money and of Government obligations, and, its concomitant, the constant increase of prices. A decrease of excessive consumption and an increase of production and taxation are recognized as the most hopeful, if not the only, remedies. Unless they are promptly applied, the depreciation of money, it is to be feared, will continue, wiping out the savings of the past and leading to a gradual but persistent spreading of bankruptcy and anarchy in Europe.

THE PERILS OF INFLATION.

"'There can be no social or economic future for any country which adopts a permanent policy of meeting its current expenditure by a continuous inflation of its circulation and by increasing its interest-bearing debts without a corresponding increase of its tangible assets. In practice, every country will have to be treated after careful study and with due regard to its individual conditions and requirements. No country, however, is deserving of credit, nor can it be considered a solvent debtor, whose obligations we may treat as items of actual value in formulating our plans for the future that will not or can not bring its current expenditure within the compass of its receipts from taxation and other regular income. This principle must be clearly brought home to the peoples of all countries, for it will be impossible otherwise to arouse them from a dream of false hopes and illusions to the recognition of hard facts.

"'It is evident that Germany and Austria will have to bear a heavier load than their conquerors, and that, in conformity with the treaty of peace, they must bear the largest possible burden they may safely assume. But care will have to be taken that this burden does not exceed the measure of the highest practicable taxation and that it does not destroy the power of production, which forms the very source of effective taxation.

"'For the sake of their creditors and for the sake of the world, whose future social and economic development is involved, Germany and Austria must not be rendered bankrupt. If, for instance, upon close examination the commission des réparation finds that, even with the most drastic plan of taxation of property, income, trade, and consumption the sums that these countries will be able to contribute immediately toward the current expenses of their creditors will not reach the obligations now stipulated, then the commission might be expected to take the view that the scope of the annual contribution must be brought within the limits within which solvency can be preserved, even though it might be necessary for that purpose to extend the period of installments.

"'The load of the burden and the period during which it is to be borne must not, however, exceed certain bounds; it must not bring about so drastic a lowering of the standard of living that a willingness to pay a just debt is converted into a spirit of despair and revolt.

"'It is also true that among the victorious countries there are some whose economic condition is exceedingly grave, and which will have to reach the limits of their taxing powers. It appears, therefore, to the undersigned that the position of these countries, too, should be examined from the same point of view of keeping taxation within the power of endurance and within a scope that will not be conducive to financial chaos and social unrest.

THE PROBLEM OF CAPITAL.

"'When once the expenditure of the various European countries has been brought within their taxable capacity, which should be a first condition of granting them further assistance, and when the burdens of indebtedness as between the different nations have been brought within the limits of endurance, the problem arises as to how these countries are to be furnished with the working capital necessary for them to purchase the imports required for restarting the circle of exchange, to restore their productivity, and to reorganize their currencies.

"'The signatories submit that, while much can be done through normal banking channels, the working capital needed is too large in amount and is required too quickly for such channels to be adequate. They are of opinion, therefore, that a more comprehensive scheme is necessary. It is not a question of affording aid only to a single country, or even a single group of countries which were allied in the war. The interests of the whole of Europe, and indeed of the whole world, are at stake.

"'It is not our intention to suggest in detail the method by which such international cooperation in the grant of credit may be secured. But we allow ourselves the following observations:

"'1. The greater part of the funds must necessarily be supplied by those countries where the trade balance and the exchanges are favorable.

"'2. Long-term foreign credit, such as is here contemplated, is only desirable in so far as it is absolutely necessary to restore productive processes. It is not a substitute for those efforts and sacrifices on the part of each country, by which alone they can solve their internal problem. It is only by the real economic conditions pressing severely, as they must, on the individual that equilibrium can be restored.

"'3. For this reason, and also because of the great demands on capital for their own internal purposes in the lending countries themselves, the credit supplied should be reduced to the minimum absolutely necessary.

"'4. Assistance should as far as possible be given in a form which leaves national and international trade free from the restrictive control of Governments.

"'5. Any scheme should encourage to the greatest extent possible the supply of credit and the development of trade through normal channels.

"'6. In so far as it proves possible to issue loans to the public in the lending countries, these loans must be on such terms as will attract the real savings of the individual; otherwise inflation would be increased.

"'7. The borrowing countries would have to provide the best obtainable security. For this purpose it should be agreed that—

"'a. Such loans should rank in front of all other indebtedness whatsoever, whether internal debt, reparation payment, or interallied governmental debt.

"'b. Special security should be set aside by the borrowing countries as a guarantee for the payment of interest and amortization, the character of such security varying perhaps from country to country, but including in the case of Germany and the new States the assignment of import and export duties payable on a gold basis, and in the case of States entitled to receipts from Germany a first charge on such receipts.

MUTUAL HELPFULNESS PARAMOUNT.

"'The outlook at present is dark. No greater task is before us now than to devise means by which some measure of hopefulness will reenter the minds of the masses. The reestablishment of a willingness to work and to save, of incentives to the highest individual effort and of opportunities for every one to enjoy a reasonable share of the fruit of his exertions must be the aim toward which the best minds in all countries should cooperate. Only if we recognize that the time has now come when all countries must help one another can we hope to bring about an atmosphere in which we can look forward to the restoration of normal conditions and to the end of our present evils.

"'In conclusion the signatories desire to reiterate their conviction as to the very grave urgency of these questions in point of time. Every month which passes will aggravate the problem and render its eventual solution increasingly difficult. All the information at their disposal convinces them that very critical days for Europe are now imminent and that no time must be lost if catastrophes are to be averted.'

AMERICAN SIGNATORIES.

"The American signatories are: Edwin A. Alderman, University of Virginia; Frank B. Anderson, San Francisco; Julius H. Barnes, Duluth; Robert L. Brookings, St. Louis; Emory W. Clark, Detroit; Cleveland H. Dodge, New York; Charles W. Eliot, Cambridge, Mass.; Herbert Fleischhacker, San Francisco; James B. Forgan, Chicago; Arthur T. Hadley, Yale College; R. S. Hawkes, St. Louis; A. Batron Hepburn, New York; Myron T. Herrick, Cleveland; Lolis W. Hill, St. Paul; Herbert Hoover, San Francisco; H. E. Judson, University of Chicago; Darwin P. Kingsley, New York; George H. McFadden, Philadelphia; Alfred E. Marling, New York; A. W. Mellen, Pittsburgh; A. L. Mills, Portland, Oreg.; J. P. Morgan, New York; William Fellowes Morgan, New York; F. H. Rawson, Chicago; Samuel Rea, Philadelphia; George M. Reynolds, Chicago; R. G. Rhett, Charleston, S. C.; Elihu Root, New York; Levi L. Rue, Philadelphia; Charles H. Sabin, New York; Jacob H. Schiff, New York; Edwin R. A. Seligman, Columbia College; John C. Shedd, Chicago; John Shmerwin, Cleveland; James A. Stillman, New York; Henry Susalle, University of Washington; William H. Taft, New Haven; F. H. Taussig, Harvard University; Frank A. Vanderlip,

New York; Festus J. Wade, St. Louis; Paul M. Warburg, New York; F. C. Watts, St. Louis; Harry A. Wheeler, Chicago; Daniel Willard, Baltimore.

"The names of the European signers of the memorandum, classified as to country, are given below. The list of French signatories has not been received here, due to a delay in cable service:

GREAT BRITAIN.

"Sir Richard Vassar Smith, Bart., chairman of Lloyds Bank; Lord Inchcape, G. C. M. G., K. C. S. I., chairman National Provincial & Union Bank and chairman Peninsula & Oriental Steam Navigation Co; Walter Leaf, chairman London County & Westminster Bank; Right Hon. Reginald McKenna, P. C., chairman London Joint City & Midland Bank; Sir Robert Kindersley, K. B. E., chairman National Savings Committee, director Bank of England, partner Lazard Bros.; Sir Charles Addis, chairman Hongkong & Shanghai Banking Corporation, director Bank of England; Edward Charles Grenfell, senior partner Messrs. Morgan, Grenfell & Co., director Bank of England; Hon. Robert Henry Brand, C. M. G., formerly chairman Supreme Economic Council of the Allies, formerly assistant secretary of state for foreign affairs; Right Hon. Herbert Henry Asquith, P. C., formerly prime minister; Right Hon. Sir Donald Maclean, K. B. E., leader, Liberal Party in House of Commons; Right Hon. John Henry Thomas, M. P., leader of Labor Party; Right Hon. John Robert Clynes, M. P., leader of Labor Party; Viscount Bryce, G. G., V. C., ex-ambassador to the United States.

HOLLAND.

"Dr. G. Vissering, president, Bank of the Netherlands; C. E. ter Meulen, banker, member of firm Hope & Co; Joost van Vollenhoven, manager Bank of the Netherlands; Jonkheer Dr. A. P. C. van Karnebeek, minister of state, president Carnegie Foundation; J. J. G. Baron van Voorst tot Voorst, president first chamber of Parliament; Dr. D. Fock, president second chamber of Parliament; Jonkheer Dr W. H. de Savornin Luhman, president high court of justice; A. W. F. Idenburg, formerly governor general Dutch East Indies, formerly minister of colonies; S. P. van Eeghen, president Amsterdam Chamber of Commerce; E. P. de Monchy, president Rotterdam Chamber of Commerce; C. J. K. van Aalst, president Amsterdam Bankers' Association; G. H. Hintzen, banker, member of firm R. Mees & Zoonen, Rotterdam; F. M. Wibaut, alderman of Amsterdam; G. M. Boissevain, economist; E. Heldring, manager Royal Dutch Steamship Co.

SWITZERLAND.

"Gustave Ador, president International Red Cross; Eduard Blumer, president National Council; Alfred Fery, president Swiss Federation of Industry and Commerce; Rodolphe de Haller, vice president Banque Nationale; Jean Hirter, president Banque Nationale; Dr. Ernst Laur, secretary Swiss Agricultural Union; Auguste Pettarel, president State council; Ernest Picot, Federal judge; Guillanme Pictet, banker; Alfred Sarasin, president Swiss Bankers' Association; Michel Schnyder, president Swiss Press Association; Dr. Hans Tschumi, president Union Suisse des Arts et Letiers.

DENMARK.

"C. C. Andersen, chairman of the Socialist Party in the Landsting; F. I. Borgbjerg, member of the committee of the Social Group of the Rigsdag; I. C. Christensen, chairman of the Liberal Party of the Folketing; C. C. Clausen, chairman of the Merchants' Guild; C. M. T. Cold, chairman of the Danish Steamship Owners' Society; Alex. Voss, chairman of the Chamber of Manufacturers' Association; E. Glueckstadt, managing director of the Danske Landsmandsbank; Johan Knudsen, chairman of the Conservative Party in the Folketing; Thomas Madsen Mygdal, chairman of the United Danish Agricultural Societies; A. Tesdorpf, member of the board of directors of the Royal Danish Agricultural Society; A. Nielsen, president of the Board of Agriculture; I. P. Winther, I. Lauridsen, C. Ussing, Marcus Rubin, and Westy Stephensen, managing directors of the National-Banken in Kopenhagen; Jorgen Pedersen, chairman of the Liberal Party of the Landsting; L. G. Piper, chairman of the Conservative Party of the Landsting; C. Slengerik, chairman of the Radikal Liberal Party of the Folketing; Herman Trier, chairman of the Radikal Liberal Party of the Landsting.

NORWAY.

"Otto B. Halvorsen, speaker of Parliament; Jens Tandberg, bishop of Christiania; Fridtjof Nansen, professor and explorer; Hakon Loeken, governor of Christiania; Bernt Holtsmark, party leader; A. Jahresn, party leader; J. L. Lemovinkol, party leader; K. Bomhoff, president Bank of Norway; Alf Buercke, Thune Larnsen, Carl Kierulf, Victor Plahte, Carl Kutcherath, Chr. E. Lorentze, Son H. Aarensen, T. Fearnly, Chr. Platou, presidents of financial, industrial, and commercial associations; Thore Myrvang, president Farmers' and Smallholders' Association; Patrick Volckmar, president Norske Handelsbank.

SWEDEN.

"J. C. A. af Jochnick, president Sveriges Riksbank; V. L. Moll, first deputy Sveriges Riksbank; C. E. Kinander, president national debt office; J. H. R. C. Kjelberg, president Swedish Bankers' Association; H. L. F. Lagercrantz, president Swedish Exporters' Association, ex-minister to America; A. F. Vennersten, president Swedish Industrial Association, ex-secretary of the treasury, member of Parliament; K. A. Wallenberg, president chamber of commerce, Stockholm, ex-foreign minister; M. Wallenberg, manager Enskilda Bank; Oscar Rydbeck, manager Skandinaviska Kredit Aktiebolaget; C. Frisk, manager Svenska Handelsbanken; K. H. Branting, member of Parliament, ex-secretary of the treasury, deputy Sveriges Riksbank; Count R. G. Hamilton, deputy chairman of the lower house of Parliament; S. A. A. Lindenman, member of Parliament, rear admiral, ex-premier, ex-foreign minister; S. H. Kvarnzelius, member of Parliament, director national debt office; Ernst Trygger, member of Parliament, ex-justice of the supreme court; K. G. Cassel, professor of political economy; David Davidson, professor of political economy; E. F. K. Sommarin, professor of political economy."

Mr. OWEN. Mr. President, I submit with my remarks the report of the committee on foreign trade of the American Economic Association. I ask the privilege now of having it printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

JANUARY 9, 1920.

REPORT OF THE COMMITTEE ON FOREIGN TRADE OF THE AMERICAN ECONOMIC ASSOCIATION.

This, the second report of the committee on foreign trade, will cover the effect of the war on the volume, direction, and the constituent commodities of international trade, and will attempt to analyze some of the conditions that affect the outlook.

I. The effects of the war.

The war had a very profound effect upon the trade of the world. In belligerent countries normal production was curtailed and therefore exports declined. The domestic production of commodities needed by the warring nations was insufficient, and these had to be imported. The excess of imports was financed by shipments of gold, the sale of securities, and by borrowing. The trade currents prevailing before the war were upset.

A. THE VOLUME OF TRADE.

The countries at war greatly increased their exports in amount and to a less extent in tonnage. The countries on the American Continent, on the whole, greatly increased their exports. Japan did likewise. The countries blockaded, Germany and Austria, experienced a tremendous decline in trade. The trade of Holland, Spain, and Russia, declined as an incident to the blockade. Because of the long sea voyage involved and the shortage in shipping, the trade of British India, Australia, and South Africa also fell in volume.

B. COMMODITIES OF TRADE.

Because the belligerents of Europe needed enormous quantities of war materials and other goods for consumption, their imports of manufactures increased relatively and the imports of raw materials decreased relatively. Western Europe was cut off from its sources of food supply in Russia and Southeastern Europe, and the entire burden of producing food for the western European countries was thrown upon the Americas. Australia and India were too far removed to permit the utilization of much needed tonnage for the long ocean trip. Because Germany was under blockade, the countries which she had supplied with chemicals, dyestuffs, porcelain, machinery, electrical goods, toys, and specialties had to turn to other countries like Switzerland, the United States, and Japan for their supply. Trade in luxuries was much reduced. Japan, the United States, and in general the neutrals increased their imports of raw materials and increased their exports of manufactured goods.

There was an increased demand for commodities of all kinds from countries that were readily accessible to Europe, and they, therefore, suffered from a shortage of goods. On the other hand, the demand upon the countries far removed from Europe slackened so that there was a glut of goods, as of wheat in Australia, wool in New Zealand, and sugar in Java.

C. TRADE CURRENTS.

The war resulted in the transfer of millions of men to France, where they had to be maintained under conditions which increased their consumption over that of peace. Shipping routes were therefore focused upon western Europe and created a

ship shortage in other lanes of trade, which was aggravated by submarine warfare. The tonnage passing through the Suez Canal in 1913 was 20,000,000 tons and in 1917 only 8,300,000 tons. Because of the shortage in shipping, supplies for Europe had to be brought from the nearest available center of production. Tonnage was conscripted for the trans-Atlantic service. There was an increase of exports to Europe and a decrease of imports from Europe.

Furthermore, trade between near-by countries increased; for example, the trade among the northern neutrals of Europe, between Japan and the countries skirting the Pacific and Indian Oceans, between the United States and the countries of North and South America and of Asia. The trade on the Pacific greatly increased. The countries of Asia, East Africa, and the west coast of the Americas traded with each other to a greater extent than before the war.

Because of the shortage in shipping, heavy commodities were eliminated to a large extent, and wherever possible home sources of supply were developed. The lack of those goods which were manufactured chiefly in central Europe stimulated the establishment of new branches of industry in the non-European countries.

D. ENTREPÔT AND TRANSSHIPMENT TRADE.

The European countries which were at war had controlled the shipping of the world and determined the course of commodity movements. Trade prestige and established custom were important determinants of the route of trade and of the location of entrepôt centers before the war. During the war the blockade and economy of shipping were the deciding factors. American cotton was sent to Holland direct instead of by way of Bremen and Liverpool. Dutch colonial produce reached the United States directly instead of by way of Amsterdam. African produce could no longer be shipped by way of Belgium or France. The United States obtained Australian goods across the Pacific, and not by way of London. Trade routes which were temporarily expedient have in some cases proven to be permanently efficient.

Hamburg and Bremen were closed tight during the blockade, and the transshipment and entrepôt trade which they had conducted were eliminated. The European countries which had traded with the outside world through the medium of Germany now traded directly. The trade of Switzerland, Italy, the Baltic States, and Spain with the overseas countries greatly increased. Furthermore, new centers of transshipment developed during the war. Copenhagen, Bergen, and Goteborg rose as ports of transshipment and as entrepôts supplying Germany and the north of Europe.

E. ECONOMIC DECENTRALIZATION.

For four years the countries dependent upon Europe have been compelled to seek new sources of manufactured goods and new outlets for their raw materials or else to establish some local industries to satisfy their needs. The industries of the world, hitherto concentrated chiefly in Europe, have been temporarily disrupted and to some extent permanently decentralized. The transshipment of goods from the Orient to America or from South Africa to North America by way of Europe has been partly replaced by direct trade. The international jobbing business has been reduced and in some lines eliminated. Countries were compelled to become self-sufficient. The old creditor nations, clustered in Europe, have become borrowers of widely scattered countries, as the United States, Japan, and Argentina, hitherto their debtors. The world has hastened toward a stage of economic development which it might have taken generations to attain. The predominance of Europe in trade has declined, and new commercial spheres have become defined in America and in the Far East, centering about the United States and Japan.

Agricultural countries and regions producing raw materials develop eventually into centers of industry and trade. The war hastened this process. It has hastened the growth of industrial self-sufficiency, the decentralization of trade, and the lessened dependence upon Europe of the rest of the world. The war has hastened the disintegration not only of political imperialism but of commercial imperialism as well.

Decentralization is the prerequisite of federalism. In a more than superficial sense, therefore, the war has prepared the world for an inevitable League of Nations of some sort. As the backward countries of the world become more industrialized, as the density of their population tends to increase by migration, the economic dominance of Europe will probably decline still further, but the interdependence of the nations of the world will increase. The process of economic decentralization will prepare for ultimate world federalism. More extensive interdependence of the nations will vitalize a League of Nations.

II. The outlook in international trade.

A. THE PREWAR BALANCE OF TRADE.

Before the war the countries of Europe, with the exception of Russia, had an excess of imports. On the other hand, the countries of the American Continent, with the exception of Canada, and most of the partly developed countries, such as British India, and South Africa, had an excess of exports.

The excess of imports of the European countries was paid for by services, such as shipping and banking, by interest on foreign investments, by the expenditures of non-European tourists in Europe, and by the remittance of European nationals in foreign countries to their friends and families in Europe.

B. THE WAR-TIME BALANCE OF TRADE.

The countries of Europe, on the whole, increased their imports greatly. The non-European countries, on the other hand, had a large excess of exports, particularly during the later years of the war.

Europe paid for the increased excess of imports less by banking and shipping services, more by the shipment of gold, and the sale of securities, and most of all by loans.

C. THE IMMEDIATE FUTURE.

1. Europe needs credit: Europe, in part, is devastated and everywhere is short of goods. The war-ravaged countries need food and machinery. But even the neutrals need raw materials. Without food and raw materials Europe may fall into chaos, which may react upon us industrially and perhaps politically. Europe must have goods, and to get them she needs our credit.

But for purely selfish reasons we must lend. In order to balance our international debits and credits, the courses before us are to curtail exports, increase imports, or to lend. Reduction of our exports seems inevitable. However, to curtail our foreign sales suddenly would mean stagnation of industry and consequent unemployment in many lines, although in some cases the satisfaction of demands at home deferred during the war would absorb the slack in production as prices decline. We can not at present buy more, for Europe has less to sell now than before the war. As a temporary expedient the course open to us is to lend. For the economic welfare of the country credits of some sort must be advanced in order to move American goods.

2. The supply of short-term credit. Some European statesmen thought that they could borrow from America sufficient funds to restore the devastation quickly. Unfortunately, that is not the case. The credit needed is of two kinds, long term and short term. The neutrals and the belligerents not devastated by the war will not need long-term credit to any great extent. The machinery for supplying short-term credit for exports consists of the facilities afforded by the Federal Reserve System. However, should a scarcity of short-term credit for exporters arise, there are untapped reserves in the discount houses which may accept drafts up to several times their capital. To a great extent these institutions would relieve the banks of deposit of the risk of too heavy commitments on account of foreign acceptance liabilities in addition to their ordinary commercial risks. Several of these have been established.

3. The supply of long-term credit: Six months' credit, even with a renewal, would hardly provide for the needs of countries in which factories and even cities will have to be rebuilt and reequipped.

(a) Government advances: During the war the United States Government made advances to other Governments to the extent of about $10,000,000,000. These advances cease with the proclamation of peace. The sentiment in the United States is averse to further loans by our Government. Our Government has a floating debt of over three billions. This is a revolving debt and is responsible in part for the inflation of prices and the high cost of living. The Government could loan to Europe by issuing more bonds. Congress would hardly authorize such loans, and the public would hardly take such loans if authorized. Conceivably conditions in Europe might compel a change of sentiment in the United States. The evils of inflation may be less menacing than industrial debility in Europe attended perhaps by political disturbances.

(b) Indirect Government aid: The United States has, however, undertaken to aid the exporter indirectly, through the War Finance Corporation, which may make advances to the extent of $1,000,000,000 for periods of not exceeding five years, to exporters or bankers upon the promissory notes of the borrower. However, the difficulty inherent in the act under which the War Finance Corporation operates is that while the country as a whole benefits by the export of goods, the burden of the present unusual risk is placed entirely upon the exporter. Nevertheless, the facilities of the corporation are being utilized.

(c) Private means: The financing of foreign trade by the Government may lead to further inflation. The financing of exports through private channels can be accomplished only through savings, past or present. The alternative of war financing, namely, inflation versus savings, faces us again during the transition. Possibly the gravity of the after-war situation may compel a compromise as in war time between these two methods of financing.

At present Europe is being financed by private income. Private aid is being extended to individual enterprises, whose conditions meet the credit standards of bankers. The methods of private long-term finance are various. Either Europe's holdings of neutral securities might be liquidated in the United States, or else a foreign importer, if his credit is good, might float a loan here.

The member banks of the Federal Reserve System have been permitted to invest 5 per cent of their capital and surplus in subsidiary corporations engaged in the financing of foreign trade. The Edge law would authorize the establishment and incorporation under Federal charter of companies to engage in international financial operations under the supervision of the Federal Reserve Board.

Furthermore, investment trusts might be established. These institutions would invest in foreign securities and issue their own obligations against their holdings, which might be either Government bonds, industrials of the borrowing country, or the pledged securities of a third country or of the industries.

Finally the listing on the stock exchange in the United States of outstanding foreign securities, under proper restrictions and with adequate safeguards of the American investors, would help greatly in accelerating the flow of trade.

(d) The essentials of an acceptable foreign security: If advances are to be made to countries fiscally weak or to industries already under heavy taxation charges, a priority of lien will be needed to assure the safety of interest and principal of the new loan as compared with the old ones. If new loans to weak countries are to be junior liens, funds for Europe will be difficult to obtain. Just as a private company that has good prospects may secure credit through the issue of receiver's certificates, so the weak European countries will have to give priority of lien of principal and interest of new money as against old loans.

The rate of interest on loans to foreign governments or industrials will have to be competitive with domestic rates. The marketability of securities based on foreign loans depends upon suitable publicity, and whether or not the public will avoid waste and gather funds for investment, and whether or not they are favorably disposed toward the investments from the viewpoint of safety and adequacy of return.

In order not to be the lone and sole creditor of the nations of Europe, the United States might raise a loan jointly with other powers, or with the participation of other powers to a sufficient extent morally to insure payment by the borrower. The indorsement of the European banker, and the guaranty of the foreign government may be essential to secure the funds from American investors.

Such credits as are granted to Europe should be devoted to industrial and not governmental uses. They should be utilized not for meeting current Government expenses, not for the balancing of their budgets, where there is a lack of adequate measures of taxation, and not for the artificial maintenance of their inflated currencies at parity in the exchange market. Credits should be devoted to increasing production. The import into Europe of essentials and not of luxuries should be financed. If industry in Europe is benefited the security underlying our loans, new and old, will be strengthened. As industry in Europe revives, world-wide economic conditions should benefit.

D. THE OUTLOOK IN THE UNITED STATES.

What is to be the future of our foreign trade? The theoretical analysis indicates that during the early stages of lending a country has an excess of exports. After this process has continued for many years the lending country has an excess of imports.

Our present position has been obtained not as a result of the slow process of economic development but as a result of the sudden shifting of trade during the war. However, our readjustment can not be as sudden. It will take years. Europe took our exports and gave us promissory notes in payment. She can not liquidate her debt in gold, because European countries wish to retain their gold supply in anticipation of a return to a gold basis. Because of the development of American facilities for financing trade and because of the creation of the American merchant marine, Europe will not be able to pay us with these services even to as great an extent as before the war. Securities with which to pay us are either not available or else will not be sold by Europe because of the commercial prestige which attaches to foreign investments.

Ultimately Europe must pay us in goods. A mortgage on her fixed assets is not feasible politically, because of the anti-alien laws of Europe and the fear of economic penetration. Europe will therefore eventually have to pay in merchandise. The annually accruing interest on the debt to the United States will depress the exchange rate of the debtor country and thus stimulate exports and restrict imports. On the other hand, the annual credit of the United States for interest will tend to raise our exchange above par, to stimulate imports, and to restrict exports. Ultimately our excess of exports must decline and probably change to an excess of imports—a feature which before the war characterized the trade of the creditor countries of Europe.

Immediately Europe may be unable to pay in goods. Her debt to us for interest must be postponed or met temporarily by further loans to her. The need of additional goods from America will need to be financed in the same way. Loans by us would make possible a continuation of our reports until the productive capacity of Europe is restored sufficiently to permit the resumption of exports by Europe. The annual investment of a sum equal to our excess of exports and the reinvestment of the interest on loans, both outstanding and to be placed, would, if compounded, reach a huge figure in a generation. Our balance of trade would thereafter probably be an excess of imports.

In the present unsettled state of Europe there are many factors which would qualify these conclusions. If Europe falls into chaos exports from the United States will be greatly reduced. If the principal and interest of our present loans is thus wiped out, the conditions which would call for an ultimate excess of imports will cease to exist.

DAVID FRIDAY.	JASON A. NEILSON.
WESLEY FROST.	J. RUSSELL SMITH.
A. BARTON HEPBURN.	O. M. W. SPRAGUE.
PHILLIP B. KENNEDY.	F. W. TAUSSIG.
THOMAS W. LAMONT.	ELISHA M. FRIEDMAN.
	Chairman.

PAYMENTS FOR COMMANDEERED COAL.

Mr. SUTHERLAND. Mr. President, I send to the desk and ask to have read the following telegram.

The PRESIDENT pro tempore. Without objection, the Secretary will read the telegram.

The Assistant Secretary read as follows:

MORGANTOWN, W. VA., *January 15, 1920.*

Hon. HOWARD SUTHERLAND,
United States Senate, Washington, D. C.:

It is with pronounced regret we are compelled to annoy and apparently put your high office in position of collecting agency; however, we feel that it is not the intention of our Government to arbitrarily ruin us financially. We have complied with all requests of the Railroad Administration in rendering our invoices and have had the matter up with Mr. Hines and Mr. Spencer, without results. Furthermore, Railroad Administration refuses to purchase coal, but are again confiscating, with the result our customers are refusing to do business with us. Your continued efforts in our behalf will be highly appreciated.

DAVIS COAL CO.

Mr. SUTHERLAND. Mr. President, during the time of the coal strike it became necessary, of course, for the Railroad Administration to confiscate coal for the public good. That was done, however, in such a manner as to cause great embarrassment to the coal operators. The coal was confiscated in transit and diverted from its original consignees to other consignees, and up to this time very little of it has been paid for. Some of the larger companies could stand this drain upon their resources without ruin, but to some of the smaller ones it has meant almost absolute ruin; they have not been able to meet their pay rolls.

I received a telegram a few days ago from one of the coal operators stating he was sending out a special agent with 1,000 notices of diverted coal all over the West and Southwest in an endeavor to secure payment for that coal. Apparently no effort has been made, nor is any cooperation now given by the Railroad Administration, toward securing payment for this diverted coal. They seem to think that their public duty in the matter was fulfilled when they diverted the coal from these coal operators and sent it to some other consignee, leaving the coal operator to struggle as best he can to secure the money in payment for this coal.

Of course, when the monthly or semimonthly pay rolls come due they are unable to meet them. I find that this practice, as attention is called to it in the telegram, is continuing in some parts of the State. They are not only diverting coal sent to various consignees without notice to the shipper, thereby greatly embarrassing the consignees, who are thus deprived of the coal which they are expecting, which they have ordered,

and which is necessary for the continuance of their business, but, in addition to that, practically putting out of business the shippers of this coal, and it seems to me that this coal should be diverted with some due regard to the business necessities of these men.

On that account I have had this telegram read and have desired to call the attention of the Senate to it.

THE PANAMA RAILROAD CO.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, ordered to be printed, and, with the accompanying paper, referred to the Committee on Interoceanic Canals:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, the seventieth annual report of the board of directors of the Panama Railroad Co. for the fiscal year ended June 30, 1919.

WOODROW WILSON.

THE WHITE HOUSE,
16 January, 1920.

HOUSE BILL REFERRED.

H. R. 11578. An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes, was read twice by its title and referred to the Committee on Post Offices and Post Roads.

LIVING CONDITIONS OF TRAINMEN.

Mr. SMITH of Georgia. Mr. President, on the 5th of January I introduced a resolution requesting the Interstate Commerce Commission to investigate and report upon living conditions of trainmen who are compelled to lie over between trips at terminals of railroads, and also to investigate the feasibility on the part of railroad companies of furnishing to their men accommodations. By my request the resolution was referred to the Committee on Interstate Commerce. I am advised that if we should pass the resolution the commission can probably furnish us some information that might be valuable both to the Senate and to the conferees on the railroad control bill. I therefore ask unanimous consent to withdraw the resolution from the Committee on Interstate Commerce with a view of asking the Senate to adopt it.

The PRESIDENT pro tempore. Without objection, the Committee on Interstate Commerce will be discharged from the further consideration of Senate resolution 267.

Mr. SMITH of Georgia. I should state that I consulted with the chairman of the committee, and that this action is agreeable to him.

The PRESIDENT pro tempore. Does the Senator from Georgia ask for the immediate consideration of the resolution?

Mr. SMITH of Georgia. I do, Mr. President.

The resolution (S. Res. 267) was considered by unanimous consent and agreed to, as follows:

Resolved, That the Interstate Commerce Commission be, and it is hereby, requested to investigate and report upon living conditions of trainmen who are compelled to lie over between trips at terminals of railroads, and also to investigate the feasibility on the part of railroad companies of furnishing to their men accommodations suitable to their needs at such terminals.

COAL CORPORATION INCOMES.

Mr. HARRIS. Mr. President, I ask for the consideration of Senate resolution 247.

Mr. SMOOT. I object.

Mr. HARRIS. I move that the Senate proceed to the consideration of the resolution.

Mr. HITCHCOCK. I should like to know what the resolution is.

The PRESIDENT pro tempore. The Secretary will state the resolution.

The ASSISTANT SECRETARY. Senate resolution 247, submitted by Mr. HARRIS December 4, directing the Secretary of the Treasury to furnish the Senate certain detailed information secured from income and profit tax returns of the taxable year 1918 as to relative incomes of corporations engaged in mining bituminous coal and lignite coal.

Mr. SMOOT. Mr. President——

Mr. NORRIS. A parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Nebraska will state his parliamentary inquiry.

Mr. NORRIS. Is the pending motion debatable in the morning hour?

The PRESIDENT pro tempore. In the opinion of the Chair the motion is not debatable at this time.

The motion was agreed to; and the Senate proceeded to consider the resolution, which was read, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to furnish the Senate the following information, to be secured from the income and profits tax returns for the taxable year 1918 of all corporations engaged, exclusively or principally, in the mining of bituminous and lignite coal:

Capital stock; invested capital; net income; tax (1) income, (2) excess profits, (3) total; per cent of total tax to net income; net income, after deducting tax; per cent of net income to capital stock; per cent of net income to invested capital; per cent of net income, after deducting tax, to capital stock; per cent of net income, after deducting tax, to invested capital; capital stock, 1917; net income, 1917; per cent of net income to capital stock, 1917; excess of the per cent of net income to capital stock for 1918 above the percentage for 1917.

Also a statement showing the dividends paid by corporations engaged in the mining and production of bituminous coal within the United States for the years 1917 and 1918; that if such information is not already in the possession of the Secretary of the Treasury he be requested to procure the same and furnish it to the Senate as promptly as may be practicable.

That the information be transmitted in form similar to that obtaining in Senate Document No. 259, Sixty-fifth Congress, second session, which contains the information transmitted by the Secretary of the Treasury in response to the resolution of the Senate of June 6, 1918, and that the corporations be listed in the same sequence and under the same symbols, as far as possible, as obtain in Senate Document No. 259.

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

The PRESIDENT pro tempore. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hale	McNary	Sheppard
Beckham	Harris	Moses	Simmons
Calder	Harrison	New	Smith, Ga.
Capper	Henderson	Newberry	Smith, S. C.
Chamberlain	Hitchcock	Norris	Smoot
Colt	Jones, N. Mex.	Nugent	Spencer
Cummins	Kendrick	Overman	Sterling
Curtis	Kenyon	Owen	Sutherland
Dial	Kirby	Page	Townsend
Dillingham	Lodge	Phipps	Trammell
France	McCormick	Pomerene	Walsh, Mass.
Frelinghuysen	McCumber	Reed	Walsh, Mont.
Gay	McKellar	Robinson	Williams

Mr. NUGENT. I desire to announce that the junior Senator from Utah [Mr. KING] is absent from the Senate on official business. He is a member of the subcommittee of the Committee on Naval Affairs now inspecting the construction of a Navy dock at Charleston, S. C.

The PRESIDENT pro tempore. Fifty-two Senators having answered to their names, there is a quorum present.

Mr. POMERENE. I move to amend the pending resolution in line 5, before the word "bituminous," by inserting the word "anthracite."

I will state the reason why I offer the amendment. Of course, information of this kind will be of value, but it seems to me that those who are interested in the subject will be interested in having the same data with respect to anthracite coal that is called for in relation to bituminous or lignite coal.

The PRESIDENT pro tempore. The question is upon the amendment proposed by the Senator from Ohio.

Mr. NORRIS. I could not hear what the Senator said and I could not hear the amendment proposed by him.

The PRESIDENT pro tempore. The Secretary will state the proposed amendment.

The ASSISTANT SECRETARY. On page 1, line 5, before the word "bituminous," it is proposed to insert the word "anthracite," so as to read:

In the mining of anthracite, bituminous, and lignite coal.

Mr. NORRIS. I do not see any objection to that amendment, as it simply broadens the scope of the resolution and makes it apply to anthracite as well as to other varieties of coal.

Mr. POMERENE. Yes. My thought was that those who were interested in the subject would also like to have some information with regard to anthracite coal.

Mr. NORRIS. I agree with the Senator as to that.

Mr. SMOOT obtained the floor.

Mr. REED. May I make an inquiry in regard to this matter?

Mr. SMOOT. I yield to the Senator.

Mr. SUTHERLAND. I desire to ask the status of the resolution submitted by the Senator from Georgia [Mr. HARRIS].

The PRESIDENT pro tempore. The resolution is before the Senate for consideration.

Mr. REED. I desire to ask the Senator from Nebraska if there are other kinds of coal than lignite, bituminous, and anthracite.

Mr. NORRIS. I do not know of any.

Mr. REED. Then, why not strike out all qualifying adjectives in the resolution and simply use the word "coal"?

Mr. NORRIS. I have not any objection to that, but the pending resolution is not my resolution, I will say to the Senator from Missouri. So far as I am concerned, however, the resolution can not be made too broad to suit me.

Mr. REED. I should like to ask the Senator who has submitted the resolution if he is not willing to accept my proposition as an amendment?

Mr. HARRIS. I am quite willing to do so.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Missouri will be stated.

The SECRETARY. On page 1, line 5, before the word "coal," it is proposed to strike out the words "anthracite, bituminous, and lignite," so that it will read "in the mining of coal."

The PRESIDENT pro tempore. The Chair understands that the Senator from Ohio [Mr. POMERENE] accepts the amendment proposed by the Senator from Missouri [Mr. REED] and that the Senator from Georgia [Mr. HARRIS] also accepts the amendment. In the absence of objection, the amendment of the Senator from Missouri will be agreed to.

Mr. REED. I desire to make an inquiry, with the permission of the Senator from Utah [Mr. SMOOT]. Is it the intention of the author of the resolution to limit the inquiry as to profits strictly to the matter of the mining of coal or is it intended that we shall learn the profits that are made by the proprietor of the coal mine and also by the company which may be handling the coal in a large, wholesale way?

Mr. HARRIS. The resolution is intended to include both, but particularly the profits of the coal operators.

Mr. SMOOT. Mr. President, in the first place, I desire to say that the pending resolution virtually undertakes to repeal an act of Congress, though it is only a Senate resolution. If this position taken by me meets with the approval of the Senate, I think there can be no question that the Senator from Georgia will either have to change the resolution to a joint resolution or the Senate certainly can not consider it.

I wish now, if Senators will follow me, to read the law as it is upon the statute books to-day, in reference to this subject matter, and in connection with that I ask Senators to read the pending resolution. I have no objection whatever to securing the information asked for by the resolution, but, in my opinion, it must be done under existing law or a law repealing it. The resolution reads as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to furnish the Senate the following information to be secured from the income and profits tax returns for the taxable year 1918 of all corporations engaged, exclusively or principally, in the mining of bituminous and lignite coal:

Capital stock; invested capital; net income; tax (1) income, (2) excess profits, (3) total; per cent of total tax to net income; net income, after deducting tax; per cent of net income to capital stock; per cent of net income to invested capital; per cent of net income, after deducting tax to capital stock; per cent of net income after deducting tax to invested capital; capital stock, 1917; net income, 1917; per cent of net income to capital stock, 1917; excess of the per cent of net income to capital stock for 1918 above the percentage for 1917.

Then follows this provision:

That the information be transmitted in form similar to that obtaining in Senate Document No. 259, Sixty-fifth Congress, second session, which contains the information transmitted by the Secretary of the Treasury in response to the resolution of the Senate of June 6, 1918, and that the corporations be listed in the same sequence and under the same symbols, as far as possible, as obtain in Senate Document No. 259.

Mr. President, if Senators will examine Senate Document No. 259, they will notice that the date on which that document was referred to the Committee on Finance in order to be printed was July 5, 1918. The law at that time was quite different from the law existing to-day, for in the tariff act of October 3, 1913, we find the following provision:

SEC. 3167. It shall be unlawful for any collector, deputy collector, agent, clerk, or other officer or employee of the United States to divulge or to make known in any manner whatever not provided by law to any person the operations, style of work, or apparatus of any manufacturer or producer visited by him in the discharge of his official duties, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any income return by any person or corporation, or to permit any income return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law; and it shall be unlawful for any person to print or publish in any manner whatever not provided by law any income return or any part thereof or the amount or source of income, profits, losses, or expenditures appearing in any income return; and any offense against the foregoing provision shall be a misdemeanor and be punished by a fine not exceeding $1,000 or by imprisonment not exceeding one year, or both, at the discretion of the court; and if the offender be an officer or employee of the United States, he shall be dismissed from office and be incapable thereafter of holding any office under the Government.

Mr. President, there is nothing in Document No. 259 that violated that law in any way; the law was complied with strictly; but the pending Senate resolution provides:

That the information be transmitted in form similar to that obtaining in Senate Document No. 259, Sixty-fifth Congress, second session, which contains the information transmitted by the Secretary of the Treasury in response to the resolution of the Senate of June 6, 1918.

Mr. President, the resolution of June 6, 1918, was not in violation of the law, but in the act to provide revenue, and for other purposes, approved February 24, 1919, a subsequent act to the tariff act of October 3, 1913, there is a specific provision in relation to returns being made public records. I call now the attention of the Senate particularly to section 257 of that act, which reads as follows:

That returns upon which the tax has been determined by the commissioner shall constitute public records, but they shall be open to inspection only upon order of the President and under rules and regulations prescribed by the Secretary and approved by the President.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER (Mr. FRELINGHUYSEN in the chair). Does the Senator from Utah yield to the Senator from Nebraska?

Mr. SMOOT. I yield.

Mr. NORRIS. Mr. President, the Senator has just read the law——

Mr. SMOOT. I was not through with the law.

Mr. NORRIS. I understand the Senator has not read all of the section, but he has read every particle of the section which has any application to this matter; the remainder of it consists of exceptions. Unless the Senator merely wants to take up time, there is no occasion to read the remainder of it.

Mr. SMOOT. That may be the Senator's opinion, but it is not mine.

Mr. NORRIS. I wish to ask the Senator now if we pass this resolution will not the legal effect be that the President, not being required under the law to permit this information to be made public, can instruct the Secretary not to supply the information? If, however, the President wants to give the information and desires to comply with the resolution of the Senate, then there is not any reason why he should not do so, because the law specifically gives him that authority; so that the effect would be that we are asking something by Senate resolution that, as a matter of law, we are not entitled to unless the President consents to it. Will not that be the legal effect?

Mr. SMOOT. No, Mr. President; the Senator is mistaken——

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

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Georgia?

Mr. SMOOT. I will yield, but I should like first to answer the Senator from Nebraska.

Mr. HARRIS. Very well; then I will not interrupt the Senator.

Mr. SMOOT. I will yield to the Senator and answer both Senators later if I can.

Mr. HARRIS. The Senator from Utah raised this objection to my resolution some weeks ago to me personally. I thereupon went to see the Secretary of the Treasury and asked his opinion, and I will say that the Secretary differs from the Senator from Utah as to the law on this question.

Mr. SMOOT. That does not make any difference to the Senator from Utah, and it should not make any difference to other Senators in this Chamber. If they will read the law and see exactly what it is, they can construe the law as well as can the Secretary of the Treasury and perhaps a little softer.

Mr. President, in answer to the Senator from Nebraska, I will say that if the wording of the law were qualified as he has suggested, then, of course, there would be no objection to the passage of the resolution, but the Secretary of the Treasury has not under the act of Congress issued rules and regulations which have been approved by the President of the United States, and until they are issued and approved the law stands as it was written, and positively prohibits the information to be given, unless by order of the President of the United States.

If the Secretary of the Treasury a month ago, or yesterday, or at any time after the passage of the act to which I have referred, had issued rules and regulations in relation to making this information public, and they had been approved by the President, then there would be no question that this resolution would have been in order, and I would not for a moment have been found standing upon this floor objecting to it.

Let me again read from section 257 of the law for the information of the Senators who are listening:

That returns upon which the tax has been determined by the commissioner shall constitute public records; but they shall be open to inspection only upon order of the President, and—

Not "or"—

and under rules and regulations prescribed by the Secretary and approved by the President.

I say now, without a moment's hesitation, that the Secretary of the Treasury has not issued any rules and regulations for making these returns public; and those rules and regulations,

not being issued, certainly could not be approved by the President of the United States.

If the Senator from Georgia wants to make this a joint resolution, which would be virtually repealing the existing law, that is another question; but I take it that no Senator will hold that a law now in force, passed by Congress and signed by the President of the United States, can be repealed by a simple Senate resolution. If there are Senators who believe that that can be done, they will vote for the resolution; but there is not a question of doubt in my mind that there is not a Member of the Senate or a Member of the House or even a Secretary of the Treasury who would hold that such a thing could be done, and that is what this resolution is—nothing more nor less.

Why, Mr. President, there is no requirement in the act of October 3, 1919, for any rules and regulations on the part of the Secretary of the Treasury. There was no requirement there that those rules and regulations should be approved by the President, but the law is different to-day than it was then.

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

Mr. SMOOT. Yes; I yield.

Mr. HITCHCOCK. I am rather surprised at the construction the Senator puts on that language. As I remember, when that law was passed the purpose was to protect individuals and corporations from the exposure of their private affairs, and it was considered to be proper to give either to the President or to the Congress, on proper application, information as to various classes of business that might be of use in framing other laws or in construing existing laws. Now, the Senator, as I understand, makes the point that this information, which is in the office of the Commissioner of Internal Revenue, and which would not expose the individual affairs of any corporation or individual, can not be published because the President has not made regulations for its publication. But is it not quite possible that after the request was made and the President realized that the Senate desired the information, he would make such a regulation as would enable the commissioner to give it?

Mr. SMOOT. The trouble with that is the rules and regulations should be made before the resolution is passed; and therefore rules and regulations made after the passage of the pending resolution certainly could not apply to the pending resolution.

Mr. HITCHCOCK. It could be very easily applied if the President desired. It is not compulsory. If it is a violation of existing law, the information will not be given. If, on the other hand, it can be made consistent with the regulations of the President, we will get the information; and certainly the intent of the law is that Congress, or either branch of Congress, at any time shall have accessible to it the information in the Treasury Department, providing it does not expose the private concerns of either any individual or any corporation.

Mr. SMOOT. The Senator says that he knew what the intent of the law was. I suppose the Senator will grant to me the same right that he claims for himself. I was a member of the committee that had this very provision in charge. I know the discussion that took place in the committee, and I know the reason for the passage of the law, and I know the reason why the change was made from the law of 1913; and I say to the Senator now that the changes that were made in this law were made for the very purpose of placing entirely in the hands of the President of the United States the right to give the information contained in the returns upon which the tax of any individual or corporation or, I suppose, class of individuals or class of corporations, may have been determined.

There is no difference of opinion as to whether or not they should get this information. That is not what I am talking about at all. I am saying now that the pending resolution is in absolute disaccord with the present law as contained in section 257 of the act of February 24, 1919. If this were a joint resolution, I would not say a word about it, because I think Congress has a perfect right to repeal one law by a subsequent bill or joint resolution.

Mr. HITCHCOCK. Oh, undoubtedly, Mr. President; there is no dispute about that; but can the Senator give any reason why there should be secrecy with regard to information of this sort, except for the purpose of protecting the individual or the corporation from having his or its private affairs exposed?

Mr. SMOOT. This would expose the affairs of corporations and private individuals in such a way that every competitor would know just exactly the condition of the business of all others engaged in the same business.

Mr. HITCHCOCK. I differ with the Senator there. No names are to be mentioned. It is merely the classifications.

Mr. SMOOT. I will say to the Senator that I can take Senate Document No. 259, and turn to the classes of business under almost any head, and there are few of them but what the symbol number will tell the well informed the company making the report. Under the head of automobile manufacturers I can name to you nearly every automobile manufacturer that is reported in the document. I can tell you the names of many of the railroads that are reported, or any other class of business in the United States, and so can anyone who has given the question any study at all.

Mr. HITCHCOCK. Can the Senator find my business there?

Mr. SMOOT. I do not think newspaper businesses are in this document.

Mr. HITCHCOCK. Oh, yes; they are.

Mr. SMOOT. They may be.

Mr. HITCHCOCK. I will confess that I have sought my own, and have been unable to identify it.

Mr. SMOOT. That may be, Mr. President; but it is quite different with newspapers than with other lines of business, where the general practice is to give a complete statement of the business the widest publication, so that everyone can learn the exact financial condition of the company for any quarter of a year or any year in the history of the company.

Mr. SIMMONS rose.

Mr. SMOOT. Does the Senator from North Carolina wish to interrupt me?

Mr. SIMMONS. I was simply going to say to the Senator from Nebraska, but he has left the Chamber, that these returns are formulated and published by the commissioner under a code number.

Mr. SMOOT. Certainly.

Mr. SIMMONS. And unless he knows the code number, of course, he can not find his business.

Mr. SMOOT. In small business, perhaps, and the newspaper business, probably as the latter is quite different from all of the other businesses of this country; but there is not any question that I can take the document and I can point out Mr. Ford's return, I can tell what Marshall Field's business was, and I can go to the code number and pick out the United States Steel Corporation, and I can select almost all businesses of any size or extent. True, the name is not given in this report; but we have used this report before the Finance Committee time and time again in the discussion of what rates should be imposed, not because the name was mentioned but because we all knew, or if we did not all know the expert of the committee knew, the business the code number referred to.

Mr. FRELINGHUYSEN. Mr. President, will the Senator suffer an interruption?

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Does the Senator from Utah yield to the Senator from New Jersey?

Mr. SMOOT. Yes; I yield.

Mr. FRELINGHUYSEN. I will say to the Senator from Utah that I have no objection to any Senator procuring any further information upon the question of coal operators' profits; but I feel, as chairman of the committee which at the present time is making an exhaustive investigation of this subject, that I should like to know the object of making public at the present time the profits of these coal operators.

Mr. WILLIAMS. To expose the profiteers, of course.

Mr. FRELINGHUYSEN. I will say to the Senator who suggests that it is because they are profiteering that the committee intends to ascertain directly from these bituminous coal operators, represented through the National Coal Association—and there are 7,000 of them in this country—whether or not they are profiteering; but I object, and seriously object, to the utilization of any general statement made by the Secretary of the Treasury or any other official tending to give the general impression that universally and uniformly these coal operators are profiteering, unless in those statements it is shown to the public what the losses have been. I object for the reason that at the present time there has been imposed upon the public—the consumer—in the wages of the miners, many of whom are earning as much as $4,000 a year, an additional burden of 14 per cent, which is supposed to be imposed upon the operators on the ground that they are profiteering and can pay that advance, but it does not work out that way. That 14 per cent advance placed upon the consuming public over and above the 58 per cent advance given by Dr. Garfield in the wages of the miners, which increased the cost of coal and fixed a load in the commodity of approximately $275,000,000, added another $107,000,000 to the cost of the commodity, on the ground that the mine operators were profiteering and could stand this increase. But do the mine operators pay it? In some few instances, yes; but in the majority of instances, no.

In my State alone the public service corporation of that State has made a protest to the committee of which I have

the honor to be chairman against the 14 per cent advance, on the ground that it will cost them $500,000 a year additional for their coal, and I asked them why, in view of the statement of Dr. Garfield and Attorney General Palmer that the operators would bear these increases. They said it was because, under the contract, any change in prices or increase in wages or costs was to be imposed upon the consumer. That is their contract, and this public utility corporation of my State is taxed $500,000, and through them indirectly the consumer is taxed.

I do not want to take too much of the time of the Senator from Utah, but I am deeply interested, because the subcommittee of the Committee on Interstate Commerce is earnestly trying to get at the bottom of this thing and make a report to the Senate. We have been sitting now for two months and a half.

Mr. HARRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Georgia?

Mr. FRELINGHUYSEN. I yield.

Mr. HARRIS. This resolution, if adopted, would be of great assistance to the committee if they want to get the real facts.

Mr. FRELINGHUYSEN. I have no objection to the Senator's resolution, but I prefer to get the facts in my own way directly from the operators. I wish briefly to present a few figures in relation to this report, if the Senator from Utah has no objection.

Mr. SMOOT. If it will not take the Senator too long, I will be glad to yield.

Mr. FRELINGHUYSEN. I wish to call attention to a statement of Mr. McAdoo in a public telegram to Fuel Administrator Garfield, wherein he gave the impression that the bituminous-coal operators in 1917 had made shocking and indefensible profits. It occurred to me to ask why the Secretary of the Treasury had not made that public before, if he knew it. He said that their returns showed earnings upon capital stock ranging from 15 to 2,000 per cent, although he admitted that he did not know what the profits were in 1918 or 1919.

I made some investigation of that. On page 130 of Mr. McAdoo's letter, printed as Senate Document No. 259, Sixty-fifth Congress, second session, will be found the details upon which the former Secretary undertakes to justify these statements. The first company mentioned is symbol 132, on page 131, which appears to have earned 3,954 per cent on its capital stock in 1917 before taxes were paid.

Mr. SMOOT. That is on the capital stock.

Mr. FRELINGHUYSEN. The capital stock reported for that company, however, was only $10,000, while the capital invested in the company was $569,286, and the average percentage earned on that capital, after Federal taxes were paid, was 35.47 per cent. There are other charges, in addition to that, that must be taken out of those earnings.

Mr. SMOOT. In this connection the Senator might well say that everybody knows the company, and everybody knows that it was one of the most profitable concerns mining coal in the United States.

Mr. HARRISON. Mr. President, may I ask who has the floor?

Mr. SMOOT. I have the floor.

Mr. HARRISON. Will the Senator yield for me to ask a question of the Senator from New Jersey?

Mr. SMOOT. I will yield for that purpose.

Mr. HARRISON. The Senator from New Jersey says that for two and a half months his subcommittee has been investigating this question. What has the subcommittee done?

Mr. FRELINGHUYSEN. I will be very glad, if the Senator from Utah will yield, to tell the Senator from Mississippi what the subcommittee has done.

Mr. HARRISON. The reason why I ask that question is because the Senator said he preferred to get his information from the operators themselves in his own way. I want to know how he expects to get it and what he meant by that statement.

Mr. FRELINGHUYSEN. I will be very glad to tell the Senator. The Senator has asked me two questions. First, as to what the subcommittee has done and has been doing. I will tell the Senator. When we entered upon this investigation we found that there was a condition in production which pointed to a coal famine in the country during the coming winter, even without a strike; that after the war, and after the armistice, the consumers were not buying coal, that there was no market; that the director general had not repaired the cars, and that there were 115,000 idle cars; that there was a shortage at the mines; that the average production per week was 6,000,000 tons, when, according to the production of the previous year, it should have been 10,000,000 tons.

We also found that many of the mines were closed down because they could not get the cars. The committee cooperated with Director General Hines, who placed his car-service division at the accommodation of the committee, and through the committee we furnished them with information where at the various mines there was a shortage of cars, and during August, September, and October, and until the strike, we built that production, through that clearing-house system, up to 13,000,000 tons. It was by reason of that activity of the committee that there was a large surplus of coal when the coal miners of this country struck in violation, in my opinion, of their contract and threatened to freeze and starve the people of this country.

Mr. HARRISON. Mr. President——

Mr. FRELINGHUYSEN. Now, let me go on. The Senator has asked me two questions.

Mr. HARRISON. I wanted to find out if the Railroad Administration could not have gotten that information other than from the subcommittee investigating the subject.

Mr. FRELINGHUYSEN. Yes; the Railroad Administration might have gotten it; but they did not, and the subcommittee did.

The Senator asked me why I prefer to procure this information in my own way.

Mr. HARRISON. No; I did not ask the Senator that. The Senator said that he preferred to get this information from the operators themselves, in his own way. I thought that statement was a little peculiar. I wanted to know why he did not want to confer with anyone else.

Mr. FRELINGHUYSEN. I admit it might have been a peculiar statement; but I intend to explain to the Senator what I meant. He asked me.

Mr. HARRISON. Go ahead.

Mr. FRELINGHUYSEN. Very often when a body of this character is considering a financial statement, the general impression might be given regarding profits or losses, without any investigation of the details or figures, that either excessive profits or excessive losses are made. I prefer to take that statement and analyze it and find out how those profits are made, and what is chargeable against them, and not the general statement which has been made by some of our bureaus, such as the Federal Trade Commission and others, that the coal-mine operators were losing 50 per cent or making 50 per cent, when they had not charged off the proper items, and it was not a correct financial statement.

There are five members of the Interstate Commerce Committee on this committee, and we have had no counsel, we have had no one to assist us. The Senator from Michigan and myself have been carrying on these hearings, and if the Senator from Mississippi wishes to inform himself further as to what we have done, I should like to have him read the hearings and see the information we have procured. I will say to the Senator that we intend to recommend legislation to correct some of these evils that exist in coal-mining operations in this country.

Mr. HARRISON. The Senator has said that they had no attorney, I believe. Has the subcommittee had any accountant to look over the books of the operators? Have the books been investigated?

Mr. FRELINGHUYSEN. No; not at all.

Mr. HARRISON. If the books have not been investigated, the only statement that the subcommittee has had is from the operators themselves as to their profits. Is that right?

Mr. FRELINGHUYSEN. The subcommittee began in the anthracite field, and they have made some investigation of the statements of the companies, and have placed them upon their records; and they have themselves asked some questions. I myself know something about figures, but I should like to have assistance, and I shall ask the Senate to give it to me, not only counsel but accountants.

Mr. HARRISON. The Senator said that he had not himself looked over the books of the operators.

Mr. FRELINGHUYSEN. I have not looked over the books.

Mr. HARRISON. So when the Senator said that he preferred to get the information himself from the operators, in his own manner, he meant by merely questioning the operators——

Mr. FRELINGHUYSEN. Not at all.

Mr. HARRISON. Without looking over their books, without having any special accountants investigate them, from the returns made by them to the Treasury.

Mr. FRELINGHUYSEN. Not at all. I have compelled every operator who came before us to file a full statement of his profits and his production costs, and that has gone on the record, and the committee fully intends to make a thorough investigation of those figures. We have asked them for statements more complete than any statement that this resolution will produce.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from West Virginia?

Mr. SMOOT. I yield to the Senator.

Mr. SUTHERLAND. I was going to suggest to the Senator that it might be possible to amend this resolution to a form similar to the resolution that was adopted June 6, 1918, to which Senate Document 259 is a reply, requesting information in regard to the incomes of all corporations having a percentage of income over a certain fixed amount, say 20 per cent.

This resolution, originally adopted here, to which this document is a response, called for the incomes of corporations having an income in excess of 15 per cent. That would enable us to get at the figures of these institutions that have been getting excess profits over and above the fair figure of 20 per cent without discrimination.

Mr. SMOOT. Mr. President, the Senator, I suppose, has prepared his amendment, and when the resolution comes up the next time for consideration I expect he will offer it.

Mr. SUTHERLAND. Very well.

Mr. SMOOT. The Senator from New Jersey [Mr. FRELINGHUYSEN] called attention to symbol 132, with a capital stock of $10,000, with an invested capital of $569,286, showing a profit, not on the invested capital but on the capital stock, of 3,189 per cent. That is not the extreme case in this document, Mr. President. I find symbol No. 162, with a capital stock of only $10,000, with an invested capital of $1,274,364, showing a percentage of profit of 5,983 on the capital stock, $10,000.

There is a company reported with a capital stock of $1,800, with an invested capital of $177,095.

Mr. McAdoo, the Secretary of the Treasury, referred to cases of this kind as showing the exorbitant rates that have been made upon the mining of coal in the United States. I do not know whether the Secretary gave the statement out the way the papers reported it or not, but if he did it was unfair for him to do so, and I have had too much confidence in the Secretary of the Treasury to believe that he ever tried to mislead the public in the way that they were misled. I am fearful, Mr. President, that it came through the press not as he stated it but as those persons receiving the information from him desired to have it spread from one end of the country to the other. I think it is unwise for any business in the world to have a capital of $10,000 with $1,274,364 invested in the business, not by way of capital stock but by way of invested capital. The only reason I can think of, Mr. President, why a company would do that is that the act of 1913, which Senators will remember, imposed a tax of 50 cents on each thousand dollars of capital stock.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 3315.

AMERICANIZATION OF ALIENS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3315) to promote Americanization by providing for cooperation with the several States in the education of non-English-speaking persons and the assimilation of foreign-born residents, and for other purposes.

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

The PRESIDING OFFICER. The Secretary will call the roll.

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

Beckham	Harrison	Myers	Simmons
Brandegee	Henderson	New	Smith, Ga.
Capper	Hitchcock	Newberry	Smith, S. C.
Chamberlain	Johnson, Calif.	Norris	Smoot
Colt	Jones, N. Mex.	Nugent	Sutherland
Culberson	Kendrick	Page	Townsend
Curtis	Kenyon	Phelan	Underwood
Dial	Lenroot	Phipps	Walsh, Mass.
France	Lodge	Pomerene	Walsh, Mont.
Frelinghuysen	McCormick	Reed	Watson
Gay	McCumber	Robinson	Williams
Gronna	McKellar	Sheppard	
Harris	McNary	Shields	

Mr. UNDERWOOD. My colleague, the senior Senator from Alabama [Mr. BANKHEAD], is detained on official business.

Mr. GRONNA. I was requested to announce the absence of the senior Senator from Wisconsin [Mr. LA FOLLETTE], due to illness. I ask that this announcement may stand for the day.

Mr. NEWBERRY. I was requested to announce the absence of the Senator from Maine [Mr. HALE], the Senator from Florida [Mr. TRAMMELL], and the Senator from Nevada [Mr. PITTMAN] on business of the Senate.

The PRESIDING OFFICER (Mr. NUGENT in the chair). Fifty Senators having answered to their names, a quorum is present.

[Mr. KENYON addressed the Senate. After having spoken for an hour and three-quarters he closed his remarks for the day.]

Mr. KENYON. I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 50 minutes p. m.) the Senate ajourned until to-morrow, Saturday, January 17, 1919, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 16, 1920.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Once more our Father in heaven, we approach Thee in prayer, and we pray with open minds and hearts, that we may be tractable to the sacred influences, within and without, and thus be inspired to clear perceptions of right and truth and duty.

We bless Thee that this day marks the progress of a nation. Under the Constitution, prohibition goes into effect at twelve o'clock to-night. It will be a blessing to millions and will hurt no one. Help us as law-abiding citizens to uphold and support this humane law; and Thine be the praise, through Jesus Christ our Lord. Amen.

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

LEAVE OF ABSENCE.

Mr. EVANS of Nebraska, by unanimous consent (at the request of Mr. ANDREWS of Nebraska) was granted leave of absence, indefinitely, on account of a death in his family.

MUNICIPAL COURT, DISTRICT OF COLUMBIA.

Mr. VOLSTEAD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 10074, a bill to increase the jurisdiction of the municipal court.

The SPEAKER. The gentleman from Minnesota, chairman of the Committee on the Judiciary, asks unanimous consent for the present consideration of the bill H. R. 10074, which the Clerk will report.

The Clerk read the title, as follows:

A bill (H. R. 10074) to enlarge the jurisdiction of the Municipal Court of the District of Columbia, and to regulate appeals from the judgments of said court, and for other purposes.

Mr. CLARK of Missouri. Mr. Speaker, I would like to make an inquiry about this bill. Nobody knows what it is.

The SPEAKER. The Clerk is going to report it.

Mr. CLARK of Missouri. Let it be read.

The SPEAKER. The Clerk will again report it.

The title of the bill was again read.

Mr. CLARK of Missouri. Does this simply apply to the District of Columbia?

Mr. VOLSTEAD. Yes; it simply applies to the District of Columbia. The Committee on Rules have reported a rule making it in order.

Mr. CLARK of Missouri. It does not make any difference about the rule, I am inquiring about the bill. What does it do?

Mr. VOLSTEAD. It increases the jurisdiction of the municipal court in cases up to $1,000 and enlarges to some extent the scope of the jurisdiction of the court. At present they have got exclusive jurisdiction only of cases amounting to $20. This bill would give jurisdiction of cases in amount up to $1,000.

Mr. DYER. Also, if the gentleman will yield, I will say to my colleague that it makes them a court of record, and takes away what is known now as the justice of the peace court, with an appeal to the supreme court, when the cases are tried de novo. This bill would now give them jurisdiction over certain cases and appeals only to the court of appeals, makes them a court of record, permits jury trials, and brings the amount up to $1,000 of cases of which they shall have jurisdiction.

Mr. CLARK of Missouri. Does the gentleman think it will expedite justice in the District?

Mr. DYER. I think it will. I will say to my colleague there is a great deal of work in the Supreme Court of the District of Columbia. The judges are unable to keep up with the work. They are away behind, several years behind, and one of the causes is that these cases from the municipal court go

to the supreme court on appeal and are tried de novo, which takes immeasurable time from the judges. This will relieve that.

Mr. CLARK of Missouri. This bill does not increase the number of judges in the District?

Mr. DYER. It does not increase the number of judges and it does not increase the salaries.

Mr. WALSH. It does increase the salaries.

Mr. DYER. It does not increase the salaries and does not increase the number. The gentleman is mistaken.

Mr. GARD. Reserving the right to object, Mr. Speaker, this bill is rather of wider significance and application than has been stated by either gentleman. I do not think it should be considered by unanimous consent, inasmuch as the matter is already prepared for by the application to the Committee on Rules. I object.

The SPEAKER. Objection is made.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Kansas submits a privileged report from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

Mr. CAMPBELL of Kansas, from the Committee on Rules, submits the following report:

The Committee on Rules, to which was referred House resolution 435, submits a privileged report on said resolution, with the recommendation that the same be agreed to.

House resolution 435.

"*Resolved*, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 10074, being a bill 'To enlarge the jurisdiction of the Municipal Court of the District of Columbia and to regulate appeals from the judgments of said court, and for other purposes.' That there shall be not to exceed one hour's general debate, one-half to be controlled by the chairman of the Committee on the Judiciary and one-half by the ranking member of the minority of said committee. At the conclusion of the general debate the bill shall be read for amendment under the five-minute rule; whereupon the bill shall be reported to the House with the amendments, if any, and the previous question shall be considered as ordered on the bill, and all amendments thereto to final passage without intervening motion, except one motion to recommit."

Mr. CAMPBELL of Kansas. Mr. Speaker, this rule was agreed to unanimously by the Committee on Rules, in response to the request of the Committee on the Judiciary, on the information to the Committee on Rules that the bill had been unanimously reported by that committee. It is for the purpose of expediting the business of the House that the rule has been reported. I do not care to discuss the matter, inasmuch as it has already been discussed under the reservation made by the gentlemen here on the request for consideration by unanimous consent.

Mr. GARD. I am not sure if I heard correctly. Was the time for general debate limited to one hour?

Mr. CAMPBELL of Kansas. The time for general debate was limited to one hour.

Mr. GARD. Is that enough general debate, in the opinion of the chairman of the committee?

Mr. CAMPBELL of Kansas. The Committee on Rules thought, and the chairman of the Committee on the Judiciary thought, that that would be sufficient. The discussion under the five-minute rule will add to the information of the House.

Mr. CLARK of Missouri. Mr. Speaker, I would like to ask the gentleman a question.

Mr. CAMPBELL of Kansas. I yield for a question.

Mr. CLARK of Missouri. How much does this bill increase salaries?

Mr. CAMPBELL of Kansas. My information is that it does not increase salaries at all.

Mr. CLARK of Missouri. It increases the expense?

Mr. CAMPBELL of Kansas. The only expense that would be added, I think, would be in the administration of the law, in calling for a jury. Now the municipal courts are not permitted to have juries. These courts would be permitted to call juries, and the expense of the jury would be the only additional expense, and the expense incident to the jury.

Mr. CLARK of Missouri. The leader of the Republicans, Mr. MONDELL, of Wyoming, stated yesterday that he was going to effect economies amounting to $1,000,000,000. Now, if you go on increasing the expenses of everything, how are you going to effect an economy of $1,000,000,000?

Mr. CAMPBELL of Kansas. A part of this expense will be on the litigants in civil actions, I assume, as it is in most of the States. The costs of the case will include the jury expenses, which will be paid by the defeated litigant.

Mr. CLARK of Missouri. And three-fourths of the defendants in these cases are insolvent, if not nine-tenths of them.

Mr. DYER. Will the gentleman yield to me?

Mr. MANN of Illinois. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I yield to the gentleman from Illinois for a question.

Mr. MANN of Illinois. The gentleman said, as I understood, that this would increase the expenses by the payment of the jurors in this court. Is it not a fact that the cases that will be tried in this court by jury will be tried in the Supreme Court of the District of Columbia by a jury if this bill does not pass, and that the expense there will be greater than in the municipal court?

Mr. CAMPBELL of Kansas. That is undoubtedly true.

Mr. DYER. That is just what I wanted to call the attention of the gentleman to. In my judgment there will be less expense in administering the law if this bill is passed than there now is in administering the law in these cases in the Supreme Court of the District of Columbia.

Mr. CAMPBELL of Kansas. Unless there is a request for time——

Mr. GARD. Will the gentleman yield for a question?

Mr. CAMPBELL of Kansas. I yield for a question.

Mr. GARD. What is to be the division of time in general debate?

Mr. CAMPBELL of Kansas. The time is to be equally divided between those favoring and those opposing the bill.

Mr. Speaker, I move the previous question on the adoption of the rule.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. VOLSTEAD. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 10074.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 10074) to enlarge the jurisdiction of the Municipal Court of the District of Columbia and to regulate appeals from the judgments of said court, and for other purposes, with Mr. TREADWAY in the chair.

Mr. VOLSTEAD. Mr. Speaker, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. VOLSTEAD. Mr. Chairman, I shall occupy only a few minutes in the discussion of this bill, for the reason that in the preliminary consideration considerable information has already been obtained by the House as to the necessity for this legislation.

For many years the Supreme Court of the District of Columbia and the citizens of the District of Columbia have insisted that we furnish some relief to that court. This court has general jurisdiction for the trial of all classes of cases outside of matters confined to the police court, the juvenile court, and the municipal court.

The Supreme Court of the District of Columbia is at the present time some two or three years behind in its work. It is said that an ordinary lawsuit, such as we aim to confer the power on the municipal court to try, can not ordinarily be tried in less than three years, and in scarcely any instance in less than two years after the issues are made up. This, of course, is a practical denial of justice. We have had bills before us time and again for the purpose of increasing the number of judges in the Supreme Court of the District of Columbia. The Judiciary Committee in the last Congress reported a bill granting two additional judges to that court, but it failed of passage.

On an examination of the situation in the District, I concluded that the proper thing would be to give to the municipal court enlarged jurisdiction. Under the existing law it is a municipal court in name only. It has exclusive jurisdiction only in cases where the amount in controversy is $20 or less. Nominally, it has exclusive jurisdiction of cases up to $100; but as the Constitution provides that a person is entitled to a jury trial in all cases where the amount in controversy exceeds $20, a person can secure a transfer from the municipal court to the supreme court simply by filing an affidavit.

It is proposed by this bill to give to the municipal court jurisdiction up to $1,000. As I drew the bill, the jurisdiction was fixed at $2,000. The bill in this form had the approval of the Supreme Court of the District of Columbia, the municipal court, the chamber of commerce, and, so far as I know, of everyone in the District who was interested in the subject, except that there was a demand for an increase of the limit of

jurisdiction to $3,500 instead of $2,000. The Judiciary Committee, on consideration of the matter, cut this amount from $2,000 to $1,000. They did so largely because in many cities of the size of Washington municipal courts have jurisdiction only up to $1,000. Possibly there is some reason why in this city it should be more, but it is for this committee to determine what that jurisdiction should be.

This will not materially—though it will to some extent—increase the expense of the administration of justice in the District. We hope, if this bill is passed, that in the near future a great many actions can be tried that otherwise would be delayed. By that delay the expense would, of course, be spread over more years, so that the actual annual cost in the immediate future will be a little more if this bill passes; but we can not afford to say to the people of this District that they ought to be denied the opportunity to try their cases for that reason. The increase in the expense would be very much greater than those incurred under this bill if we should furnish the two additional judges of the supreme court asked for by the citizens and by that court. The judges of the supreme court draw salaries, I believe, of $7,500 each. Two additional judges would mean $15,000 additional expense. By giving the judges of the municipal court the necessary jurisdiction and clerical force to carry on their work, they are in a position to do a large amount of work which the Supreme Court of the District would otherwise be required to do.

It seems to me we ought to give relief in this way. We are giving it then in line with what cities generally are doing. In this court cases can be tried more readily and inexpensively, under less technical rules, than in the Supreme Court of the District. We have now five judges in the municipal court. They draw salaries of $3,600 apiece. I am told that they are men of high character and ability. The law requires that they must be lawyers who have practiced at least five years in this District. I can see no good reason why these men should not try these cases just as well, efficiently, and fairly as they can be tried in the supreme court; and, as the people of the District ask for this relief and the relief is so greatly needed, we ought to pass this bill.

Mr. DOWELL. Will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. DOWELL. On page 2 I note a provision for the transfer of cases. May I inquire what that has reference to?

Mr. VOLSTEAD. It has reference to cases now pending in the supreme court. If those cases are within the jurisdiction that we contemplate conferring on the municipal court, they may be transferred to the municipal court instead of allowing them to remain in the supreme court.

Mr. DOWELL. The language of the section does not carry out that meaning to one who understands it. If it said that all cases now pending in the supreme court may be transferred, it would mean what the gentleman suggests.

Mr. VOLSTEAD. The gentleman can present his views when we come to that part of the bill.

Mr. BRAND. Will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. BRAND. Is it the chairman's understanding that if we pass this bill they will not ask for the additional judges of the supreme court?

Mr. VOLSTEAD. They may ask for it, but if we furnish this relief the chances are that we will not grant it.

Mr. IGOE. Will the gentleman yield?

Mr. VOLSTEAD. Certainly.

Mr. IGOE. So that it may be clear to the House, I ask the gentleman if it is not true that this bill meets with the approval of the District Supreme Court judges, the District Municipal Court judges, the bar association, and the chamber of commerce?

Mr. VOLSTEAD. It does, and this bill was drawn at their suggestion and approved by all those bodies.

Mr. DOWELL. Will the gentleman further yield?

Mr. VOLSTEAD. I will.

Mr. DOWELL. What is the jurisdiction of the municipal court?

Mr. VOLSTEAD. It has exclusive jurisdiction of sums up to $100, and concurrent jurisdiction with the supreme court of sums up to $500.

Mr. DOWELL. And this bill gives the municipal court exclusive jurisdiction up to $1,000?

Mr. VOLSTEAD. Yes; and furnishes them a jury.

Mr. SMITH of Michigan. And as to the right of appeal——

Mr. VOLSTEAD. The right of appeal to the supreme court is cut out, and the appeal will go directly to the Court of Appeals of the District.

Mr. LONGWORTH. Will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. LONGWORTH. Who appoints the judges of the municipal court?

Mr. VOLSTEAD. The President of the United States.

Mr. LONGWORTH. With the advice and consent of the Senate?

Mr. VOLSTEAD. I am not sure about that. We make no changes in appointment of the judges.

Mr. FAIRFIELD. Will the gentleman yield?

Mr. VOLSTEAD. I will.

Mr. FAIRFIELD. What is the condition of the business in the municipal court to-day? Is it congested?

Mr. VOLSTEAD. No; they have very little to do. There is no objection on the part of the judges of the municipal court to assuming these additional duties.

Mr. RAMSEYER. Is this bill the unanimous report of the Committee on the Judiciary?

Mr. VOLSTEAD. It is the unanimous report.

Mr. RAMSEYER. How are the judges paid, by fees or salaries?

Mr. VOLSTEAD. The municipal judges are each paid a salary of $3,600 annually.

Mr. RAMSEYER. And appointed for how long?

Mr. VOLSTEAD. For four years.

Mr. BRAND. Will the gentleman yield?

Mr. VOLSTEAD. I will.

Mr. BRAND. The gentleman says the jurisdiction is limited to $1,000. What is the objection to increasing it to $3,000 or $5,000?

Mr. VOLSTEAD. Personally I would have been willing to leave it at $2,000, but the Judiciary Committee thought that this ought to be limited to about the amount usual to cities of this size, which is about $1,000. There are conditions here that might perhaps justify an increase beyond $1,000.

Mr. BRAND. Would not more relief be given to the supreme court if you increase it $1,000?

Mr. VOLSTEAD. There is no doubt about that, it would take care of a great many more cases, and I think it might be better.

Mr. BRAND. Does the supreme court or the city government or the bar association object to increasing it to $2,000?

Mr. VOLSTEAD. No; the representative of the chamber of commerce asked that it be made $3,500.

Mr. RAMSEYER. Will the gentleman state what are the qualifications of a municipal judge?

Mr. VOLSTEAD. He must be a man learned in the law and have been in active practice for five years in this District.

Mr. WATSON. Will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. WATSON. How much more will this cost under this bill if it becomes a law?

Mr. VOLSTEAD. There is no increase in the salary of the judges nor in the number of judges. There is a provision for the appointment of two clerks at $1,200 apiece, and the court is given a jury. At present there are no juries in the municipal court. Of course, if you are going to furnish necessary juries to the municipal court so that the people can try their suits, it will mean some little additional expense, but the people are entitled to a trial by jury, whether the trial takes place in the municipal court or the supreme court.

Mr. WATSON. The rules must be enlarged in order to conduct proceedings in the municipal court under this bill.

Mr. VOLSTEAD. Yes; and there is a provision authorizing the judges in banc to make the necessary rules.

Mr. WATSON. Is this expense to be borne under the 50-50 proposition?

Mr. VOLSTEAD. Yes; the half-and-half provision applies to this as it does to everything else. Mr. Chairman, I reserve the balance of my time.

Mr. GARD. Mr. Chairman and gentlemen of the committee, it may be well to understand what this measure is, and therefore I crave your attention in order that I may discuss certain provisions in the bill with respect to proper amendments thereto.

In the first place, the chairman of the Committee on the Judiciary has said that this bill is to relieve the necessity for additional judges of the Supreme Court of the District of Columbia. I have the report of the hearing on this case, pages 12 and 13, in which it appears on the hearing held before the chairman of subcommittee No. 2, of which Mr. DYER, of Missouri, is chairman, that inquiry was made as to whether or not the passage of this act would do away with the necessity of additional judges for the District of Columbia Supreme Court, and Mr. DYER, speaking to the principal witness, who was Mr. Chapin Brown, I believe, said:

Mr. DYER. If Congress did that—

And he was referring there to the passage of this bill in the sum of $3,000 as the exclusive jurisdiction—

would it relieve the work of the supreme court sufficiently so as not to necessitate appointment of additional judges?

Mr. BROWN. No; I think not; no, sir. They would need those two judges. They ought to be appointed right now. They would need them even with this change.

So that we get now to a consideration of just what this bill is, what the law was before, and what the change contemplated amounts to. The judges of the municipal court are embraced under the municipal code, section 1 and section 2. Section 2 provides, first, that the judicial power of the District shall continue as at present—

To be vested in, first, inferior courts, viz, justices of the peace and the police court, and, second, superior courts, viz, the Supreme Court of the District of Columbia, the Court of Appeals of the District of Columbia, and the Supreme Court of the United States.

It may be interesting to note, too, that section 1 of this act provides that—

The common law, all British statutes in force in Maryland on the 27th day of February, 1801, and the principles of equity in admiralty, and all general acts of Congress, etc., shall be applicable in the District of Columbia.

The primary limitations were the common law and the British statutes in force in Maryland in the year 1801. Therefore, the municipal court, in its old name, in its old authority, was a court of justices of the peace. This was changed in 1909 so that this language was used:

That the inferior court known as justices of the peace in the District of Columbia shall remain as now constituted but shall hereafter be known as the municipal court of the District of Columbia.

That law provided that the said court and each member thereof should exercise the same jurisdiction as was vested in them as justices of the peace immediately before the passage of the act and no more, and that they shall be governed by the laws then in force. That act sought to dignify by a new appellation a court known as justices of the peace. The present bill seeks now to give additional authority and additional dignity to the municipal court which in reality is a court of justices of the peace, and I desire to discuss briefly whether that be advisable under present conditions or not.

Justices of the peace, as everyone knows, are called the people's courts. The courts known as justices of the peace the country over are courts wherein the small actions which occur between man and man may be taken up for immediate adjudication. A complaint is filed, notice is issued, and the case is usually heard in three or four days. That is the object of this court here in the District of Columbia. It has taken the place of justices of the peace.

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

Mr. GARD. Yes.

Mr. BEE. In that connection, in the analogy of justices of the peace, does this law require that these judges of the municipal court shall be practicing lawyers, and name the length of years they shall have practiced before they are eligible to appointment?

Mr. GARD. No; I think not. It requires that they shall have been a judge or a resident of the District for five years.

Mr. VOLSTEAD. Mr. Chairman, if the gentleman will permit, the law does require that they shall be men learned in the law and engaged in the practice of the law for five years, except as to those judges who were judges at the time the act was passed. An exception was made in favor of them.

Mr. BEE. It occurs to me that a man holding such an important office here should be a lawyer. I understand that in one State of the Union, under a clause of the constitution providing that a man shall be learned in the law, a gentleman who has followed the business of merchandizing all of his life became the chief justice of the State.

Mr. GARD. I do not think the phrase "learned in the law" can be conclusive even to those who are practicing attorneys.

Mr. BEE. I do not think so either, but the presumption is in their favor.

Mr. GARD. What I was about to speak of was this: We changed the character of this court, and I desire to call the attention of the chairman of the Committee on the Judiciary to this fact. Section 2 of this bill provides that instead of its being a court of justices of the peace it shall now be a court of record; that it shall have the same terms as those that now obtain. In other words, the hearing will be an entirely different hearing. Instead of the immediate hearing guaranteed to litigants, in small cases, we will now have the hearing by terms, to be arranged by the court itself or by the supreme court, and the language there is so uncertain that it is difficult to tell just what it means.

Mr. VOLSTEAD. If the gentleman will pardon me, I think he is entirely mistaken as to that.

Mr. GARD. I am not.

Mr. VOLSTEAD. This bill provides that the judges in banc may make rules and regulations for themselves, and it is merely contemplated that they can carry on this business in the same way that they are doing now.

Mr. GARD. I know what it provides and I shall call attention to it. The old law provided in the municipal code certain elements of jurisdiction, and this bill provides for an increase of the elements of jurisdiction, and those elements are so uncertain that the language certainly needs amendment to enable correctness of understanding. The bill we have before us provides that it shall have jurisdiction over causes which it had immediately prior to the passage of the act—

and in action for the recovery of damages for assault, assault and battery, slander, libel, malicious prosecution, and breach of promise to marry.

At the end of the section it provides—

said municipal court shall also have jurisdiction of all civil causes transferred to it for trial and disposition by order of said supreme court.

So that now it has an original jurisdiction in the sum of $1,000, and then the jurisdiction for assault, assault and battery, slander, libel, and so forth, and then a jurisdiction by transfer of all civil causes, no matter what they may be, no matter how large they may be, no limitation on amount—all civil causes referred by the supreme court to the municipal court. If it is the intention of those who have this bill in charge to create five new additional judges of the supreme court, then that is what they are doing; but I do not believe that was the original intention of the Committee on the Judiciary. I believe the intention was to increase the jurisdiction of this court to $1,000, so that the smaller litigations might be taken care of without the continuous appeal which has embarrassed the supreme court. But we go beyond that. We not alone take away the appeals under small amounts that we now have, but we say that any civil cause the supreme court might want to get rid of, or any number of them, may be transferred to the municipal court. The supreme court may transfer half its docket down there. It is well for us to have an understanding. Here are five judges of a municipal court, five justices of the peace. We take away the jurisdiction of the justices of the peace, and we give these justices of the peace the jurisdiction of the judges of the Supreme Court of the District of Columbia.

That is exactly what this bill proposes to do, and the minute you do that, the minute you make transfer of a lot of causes from the Supreme Court of the District to the municipal court, you will come in with five municipal judges who will say, "We are doing the same work as the Supreme Court of the District of Columbia and our salaries of $3,600 are inadequate to our 'learned-in-the-law' experience, and therefore we say that our salaries should be placed at least on a parity with the judges of the supreme court."

Mr. DOWELL. Will the gentleman yield?

Mr. CRAMTON. Will the gentleman yield?

Mr. GARD. I yield first to the gentleman from Iowa and then to the gentleman from Michigan.

Mr. DOWELL. Under the provisions of this bill the gentleman would not argue it would be possible for the supreme court to refer a case to the municipal court that involved more than $1,000?

Mr. GARD. I would, unquestionably.

Mr. DOWELL. Why, the strict provisions of this bill prevent any hearing before this court beyond that amount.

Mr. GARD. Oh, no. I know if the gentleman will read carefully he will see there is an entire disassociation between the $1,000 and the last paragraph.

Mr. DOWELL. I concede the last paragraph of section 1, about which I asked the chairman of the committee, is incorrect, but I can not understand how you can base an argument that even under that section the court could be given jurisdiction over cases above $1,000.

Mr. GARD. I think I am entirely right on that proposition, although I do not question the good faith and judgment of the gentleman from Iowa. Now I yield to the gentleman from Michigan.

Mr. CRAMTON. In any event, does the gentleman from Ohio think that the supreme court would be any more ready to surrender jurisdiction in any particular case—except it be a very exceptional case where such a course was very necessary—that it would be any more likely to surrender jurisdiction than one committee of the House is inclined to surrender jurisdiction of a measure to another committee?

Mr. GARD. I do not know how jealously they guard their dockets.

Mr. CRAMTON. Well, human nature the world over is human nature, and courts are likely to be as jealous of their jurisdiction as the committees of the House are jealous of theirs, and they are somewhat jealous.

Mr. GARD. My observation, and it has been somewhat, has been that human nature is such that it does not object to the shifting of responsibility and of work, especially if the same financial return for a smaller amount of work be obtained. I now yield to the gentleman.

Mr. MOORE of Virginia. I was about to say to the gentleman that I think he was unquestionably right in his statement made a moment ago, that there would be no limitation at all upon the power of the Supreme Court of the District to transfer causes to this municipal court if the bill should be enacted in its present terms. Personally I do not object to giving the supreme court that broad discretion; nevertheless it is certainly true the court would have the right to transfer equity cases and admiralty cases and patent cases and other suits of which the supreme court may have jurisdiction.

Mr. KITCHIN. Irrespective of the amount.

Mr. MOORE of Virginia. Irrespective of the amount. If that is the purpose, the purpose is carried out by this language.

Mr. GARD. Yes; I think it is very true, as stated by the gentleman from Virginia, but it is entirely a matter of purpose. If it is the purpose of this committee to do that, then this language is all right. On the other hand, if it is the purpose to extend the jurisdiction of this court to sums of $1,000, then this language is entirely wrong. Now, I desire to call the attention of the chairman of the Committee on the Judiciary, if he has finished his conference with the gentleman from Illinois, for a moment to the consideration of section 3. Section 3 provides—

That hereafter when the value in controversy of any action pending in certain municipal courts shall exceed $20, and in all actions for the recovery or possession of real property, either party may demand a trial by jury.

I call the attention of the gentleman who introduced the bill to the fact that section 1 of the bill nowhere provides that this court shall have the right to try actions for the recovery of possession of real property. The old law was this, and I read from it, that this court—justice of the peace court—had jurisdiction of a certain amount, not exceeding $300, including proceedings of attachment, replevin, and so forth, except in cases involving the title to real estate, actions to recover damages for assault or assault and battery, or for malicious prosecution, or actions against justices of the peace or other officers for official misconduct, or actions for slander, libel, and for cases of breach of promise to marry. Now, there was an exception in there of the things which are included here, and there was an additional exception of actions involving title to real estate.

Mr. VOLSTEAD. This does not permit trial involving title to real estate. This permits a trial as to the right of possession. It does not permit trial of title to real estate. It is a possessory action, simply. There is another provision in the District Code specifically authorizing the municipal court to try that class of cases, and they try a great many of those now.

Mr. GARD. Well, I do not know; it may be that the contention of the gentleman is correct. I have been examining this, and I desire, and my only purpose is, to have the bill a proper bill, and therefore I am calling the attention of the committee to this matter in the hope that it can be amended so that there will be no question about this particular law. The succeeding section in the bill provides for the impaneling of jurors. It was stated in the hearings that there would be one jury trial, one set of jurors of this court.

That is a very remarkable statement, since this law, in section 4, provides they shall draw 26 persons as directed by law. Judge Gould and Judge Aukam, who appeared before the committee, said that the idea was to have one jury in this municipal court. Now, here are five judges, paid $3,600 a year—justices of the peace are what they are—whose dignity is by this law to be so increased and their jurisdiction so elevated, in their own scheme, at least, that they are resolved into a court of terms, and they have one jury.

Mr. VOLSTEAD. If the gentleman will pardon me, in the discussion between some of these gentlemen, and some members, at least, of the Judiciary Committee, it was thought perhaps it would be necessary to have two juries at the same time, but no provision was made for certifying more than 26, and a provision was decided on that in case of a deficiency others might be added as certified from the supreme court. So that the idea is to have at least two judges try jury cases when necessary.

Mr. GARD. Now, this is the law about that as you have it here in section 4: You provide that jurors may be drawn or selected under the law as it now is, by the mode of filling deficiencies in a panel. Now, here you have it further:

Deficiencies in any panel of any jury may be filled according to the law applicable to juries in said supreme court, and for this purpose any judge of said municipal court shall possess all the powers of a judge in said supreme court and of said court sitting as a special term.

In other words, you transfer and elevate, or increase, the jurisdiction of these ordinary justices of the peace in the District of Columbia, not alone to that of supreme court judges of the District of Columbia but as a court sitting as a special term.

The gentleman said a moment ago that there was some question about the rule. Let me tell him about that. Section 3 provides that the trial judge shall conduct such jury trial according to the course of the common law and according to the practice and procedure now obtaining, or as hereafter modified, respecting the Supreme Court of the District of Columbia. So it is not true that this municipal court can make its own rules about jury trials. This provides they shall try it according to the course of common law. What that means I do not know.

Mr. VOLSTEAD. There is another section that expressly provides for this. If you will turn to section 11 you will find that is expressly provided for.

Mr. GARD. I am calling your attention to this section:

The trial judge shall conduct such jury trial according to the course of the common law.

Probably rules. It says further:

According to the practice and procedure now obtaining, or as hereafter modified, respecting the Supreme Court of the District of Columbia.

That does not mean anything. It means in the Supreme Court of the District of Columbia. But you do not say that there. Now, in another place, you say that the members of this court, sitting in banc, may establish rules and regulations, but is not that conference of power at odds with this express provision that the conduct of a jury trial must be conducted as provided in section 3? In other words, there can be no reconciliation of these two sections, since one section provides for rules of their own and the other section provides for particular rules to be given by the supreme court.

That is the thing I desire to call the gentleman's attention to. Now, there is another thing that it is well to inform the membership of the committee about, and that is in section 10. It appears here that—

The municipal court shall have power to appoint two additional assistant clerks, to be known as jury clerks, at an annual salary of $1,200 each, payable in monthly installments—

And note what they have to do—

and the said clerks shall note the attendance of each juror, administer oaths when required, and perform such other duties as the trial judge shall direct.

That is only one thing that this law is trying to do. It provides for one jury panel of 26 men, and we authorize the appointment by the municipal court judges of two jury clerks in addition to what they have now. What duties this assemblage of jury clerks might have I confess I do not know.

I call attention to these matters in no spirit of criticism, but merely that the membership of this committee may understand. It is well to know that this bill came to the Committee on the Judiciary practically on an adoption. It was prepared by the chamber of commerce, composed of some 900 men, who wanted this bill to be made $3,000 or $3,500—I have forgotten which. In other words, they wanted to create an exclusive limitation of $3,500. The Committee on the Judiciary did not think that such an exclusive limitation in that amount was wise and restricted it to $1,000. Three thousand dollars, I am told, is what was asked for. The chairman of the committee said it was $3,500, but I am inclined to believe it was $3,000. So I am calling attention to these matters.

Now, I call attention to section 8, which manifestly needs rewriting. It says:

That suits may be prosecuted by poor persons in the discretion and upon the order of the court.

What is manifestly intended is, that if a person is indigent and finally unable to make deposit fees, the court in his discretion may permit the prosecution. But to say that suits may be prosecuted by poor persons is an assumption that possibly poor persons may have no right in this court unless this particular section 8 is passed.

There are a number of other things in the bill which I desire to call attention to and shall do so under the five-minute rule.

Mr. Chairman, how much time have I used?

The CHAIRMAN. The gentleman has used 28 minutes.

Mr. DOWELL. Will the gentleman yield for one further question?

Mr. GARD. I will yield, very gladly.

Mr. DOWELL. I note the gentleman has criticized section 3, relative to the provision for the recovery of possession of real property. Now, under section 1, I think, the gentleman has called attention to the fact that this was not included in section 1.

Mr. GARD. It is not.

Mr. DOWELL. Does the gentleman believe this court should have jurisdiction over the title of real estate?

Mr. GARD. I do not.

Mr. DOWELL. And should not this paragraph of section 3 be stricken out entirely and action in reference to real estate remain in the particular court where it now is?

Mr. GARD. I think all questions involving title to real estate should remain in the supreme court.

Mr. MOORE of Virginia. I will ask the gentleman this: Would not that very much curtail the present jurisdiction of the municipal court—a provision of that character?

Mr. GARD. As the chairman of the committee said a few moments ago, as to possessory actions, the actions that we call unlawful retainer, and so forth, why should not the municipal court have jurisdiction to try possessory actions?

Mr. MOORE of Virginia. I think it would; but I think there is a distinction between possessory actions and actions to try titles. I should say that the trial of possessory actions should be had in the municipal court, and title actions should be tried in the supreme court.

Mr. DOWELL. Might not the title be involved in this controversy?

Mr. GARD. That is what I thought when I called the matter to the attention of the Committee on the Judiciary.

The CHAIRMAN. The time of the gentleman from Ohio has expired. The gentleman from Minnesota [Mr. VOLSTEAD] is recognized.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. GREEN of Iowa. I assume that in the District of Columbia the distinction between law cases and equity cases or chancery cases was maintained.

Mr. VOLSTEAD. Yes; quite generally.

Mr. GREEN of Iowa. I notice in the last part of section 1 this provision:

> Said municipal court shall also have jurisdiction of all civil causes transferred to it for trial and disposition by order of said supreme court.

Is it the expectation that after the passage of this bill all of these cases involving less than $1,000, of the nature specified in this section, will be transferred to the District municipal courts?

Mr. VOLSTEAD. That is the object of the provision.

Mr. GREEN of Iowa. I so understand it. It seems to me, however, that the provision might authorize any kind of a case to be transferred from the supreme court, although I would not expect the supreme court to take such action.

Mr. GARD. Mr. Chairman, may we have the benefit of the colloquy that is going on between the two gentlemen? We can not hear over here.

Mr. GREEN of Iowa. I have no objection to gentlemen on the other side being permitted to hear. If the disorder would subside I think the gentleman could hear.

The CHAIRMAN. The committee will be in order.

Mr. GREEN of Iowa. I was speaking with reference to the last sentence of the first section, which authorizes the transfer of all civil causes—it says "all civil causes"—to the municipal court, and I was just remarking that I did not suppose that the supreme court would transfer anything but law cases; but at the same time the provision apparently would authorize the transfer of equity and chancery cases, and it would seem to me that there ought to be some limitation there.

Mr. GARD. That is true.

Mr. GREEN of Iowa. Now, I would like also to say, if the chairman of the committee will yield——

Mr. VOLSTEAD. I yield.

Mr. GREEN of Iowa. I also notice in the last part of section 2 the following sentence:

> A memorandum of each action by the court shall be noted by the clerk on the docket, and shall be a sufficient record thereof.

Now, I think it is obvious to any attorney that this mere memorandum would not constitute a proper record of the cases. All courts keep this kind of a memorandum, which they call their "docket memorandum" or the "appearance docket" or memorandum or something of that kind. It is, of course, very necessary that this memorandum should be kept, in order that the attorneys might have something to refer to, as to the proceedings in the case, without going through the complete record. But it is still more necessary that there should be a proper record of the case, because if there were not, as the gentleman can easily see, there would be no real judgment entered in the case.

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

Mr. GREEN of Iowa. I will.

Mr. GARD. The idea of the gentleman is that there should be a final record?

Mr. GREEN of Iowa. Yes.

Mr. GARD. This provides simply for a daily memorandum or record.

Mr. VOLSTEAD. Let me call the gentleman's attention to the fact that this was evidently put in with the idea of not requiring the great formality that is required, for instance, in the supreme court. The idea is that this court shall be able to try cases expeditiously, so as to get rid of a lot of these cases. That is why they are given the power to make their own rules, so that with these smaller cases they can go on and try them as they try them now, except in those cases where a jury trial is required.

Mr. GREEN of Iowa. My friend from Minnesota is too good a lawyer not to realize that there are certain constitutional limitations in the way of a proceeding of that kind. There are certain things that must be shown of record in order to make up a judgment.

Mr. VOLSTEAD. There is not anything in that particular sentence that limits the character of that entry. It may be just as complete as it would be in the supreme court. It says:

> A memorandum of each action by the court shall be noted by the clerk on the docket, and shall be a sufficient record thereof.

Mr. GREEN of Iowa. But a memorandum is very different from a complete entry of a judgment. At least it would be usually so understood.

Mr. VOLSTEAD. That is all you have in a justice's court. It is a memorandum on the docket of the justice, and that memorandum is in effect the judgment and the whole record of the case.

Mr. GREEN of Iowa. The gentleman will pardon me. Notwithstanding the informality or license that is granted to the justice's court by all other courts, by which certain matters may be considered that are not in the record, there are still certain requisites of a judgment in a justice's court, and if he does not get them in there there will be no judgment.

Mr. VOLSTEAD. There is nothing in this language to indicate that it should not go in, and it is provided that the court shall make its own rules as to what that memorandum shall contain.

Mr. GREEN of Iowa. The word "memorandum" has a perfectly definite meaning, and I do not see how the gentleman can write into it or get into it something that the dictionary does not give.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments the bill (H. R. 3184) to create a Federal power commission and to define its powers and duties, to provide for the improvement of navigation, for the development of water power, for the use of lands of the United States in relation thereto, to repeal section 18 of "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved August 8, 1917, and for other purposes, had requested a conference with the House of Representatives on the bill and amendments, and had appointed Mr. JONES of Washington, Mr. NELSON, Mr. BANKHEAD, Mr. SMOOT, Mr. FALL, and Mr. MYERS as conferees on the part of the Senate.

MUNICIPAL COURT OF THE DISTRICT OF COLUMBIA.

The committee resumed its session.

Mr. VOLSTEAD. Mr. Chairman, I ask that the bill be read.

The Clerk read as follows:

> *Be it enacted, etc.*, That the municipal court of the District of Columbia shall have exclusive jurisdiction in the following cases of all claims and demands in which the value of the personal property claimed or the debt or damages claimed, exclusive of interest and cost, does not exceed $2,000, namely, in the classes of cases over which the court had jurisdiction immediately prior to the passage of this act, and in action for the recovery of damages for assault, assault and battery, slander, libel, malicious prosecution, and breach of promise to marry. The concurrent jurisdiction of the Supreme Court of the District of Columbia in any such case and the right to remove such cases to said supreme court by the statutory writ of certiorari are hereby

abolished. Said municipal court shall also have jurisdiction of all civil causes transferred to it for trial and disposition by order of said supreme court.

With a committee amendment:

On page 1, line 7, strike out "$2,000" and insert in lieu thereof "$1,000."

Mr. IGOE. Mr. Chairman, I offer a substitute by making it $3,000.

The CHAIRMAN. The gentleman from Missouri offers a substitute, which the Clerk will report.

The Clerk read as follows:

Substitute offered by Mr. IGOE: Page 1, line 7, strike out "$1,000" and insert in lieu thereof "$3,000."

Mr. IGOE. Mr. Chairman, I am in favor of this bill. The gentleman from Ohio [Mr. GARD] has pointed out some matters in the bill that might well be amended, certain language that might well be changed, and when we read those I presume that they will be properly taken care of.

The suggestion that was made that under the language contained in the bill the Supreme Court of the District of Columbia might transfer to this municipal court any action pending at this time is perhaps a correct one. I think it was intended that the supreme court might transfer to the municipal court any of those actions pending at the time this act takes effect which would be within the jurisdiction of the municipal court after the passage of this act. I do not think anything else was intended.

Now, it is true, as stated by gentlemen who appeared at the hearings, that this bill will probably not greatly relieve the supreme court, because the business of that court is increasing every month. But if this bill is not passed the congestion in that court will be so great that instead of waiting two years, as now, to get a trial, litigants will have to wait three or four years. A condition of that kind is absolutely intolerable. It is almost a complete denial of justice as things now exist. A plaintiff may file an action in the supreme court, and he can not hasten the trial. He may elect to bring his action in the municipal court, where that court now has jurisdiction, and the defendant against whom a judgment is obtained may appeal it to the supreme court, and so the matter again becomes delayed and the court docket congested. The testimony before the committee was that this municipal court pays into the Treasury of the United States or of the District of Columbia, whichever it may be, in excess of all the expenses of running the court, the sum of $100,000 a year, and I think we may well consider whether it is not proper and just to these litigants to provide the machinery necessary to give them prompt trial and justice, no matter what the expense may be.

Now, the limitation of $1,000 recommended by the committee is, I think, too small. I think rather that it should be increased to $3,000. The judges of the municipal court are appointed by the President. The law says that they shall be learned in the law; that they shall have been residents of this District for a certain length of time. Now, if these men are not competent to try these cases which come to them, some one has made a mistake. I believe we can get judges upon this bench who are capable of trying these cases; and, as far as I know, the men who are there now are competent and capable of trying them. It is true that the bill is presented by residents of the District of Columbia. There are many things in it relating to the practice which are peculiar to the District of Columbia. I am not competent to take the Code of the District of Columbia and the procedure and practice and write a bill which I am sure will be satisfactory to the practitioners at this bar or to the litigants who must submit their causes to the courts of this District.

The CHAIRMAN. The time of the gentleman has expired.

Mr. IGOE. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. IGOE. The practice in the District of Columbia is familiar perhaps to very few Members of this House. This bill was presented to the committee by men who are familiar with the practice here, by the judges of the supreme court, the judges of the municipal court, the members of the bar association, and the business men and others who are interested in these various associations here. It seems to me we might follow their suggestions upon matters of this kind, which affect their property rights, their money, and many of their other rights.

Mr. DOWELL. Will the gentleman yield for a question?

Mr. IGOE. I yield to the gentleman from Iowa.

Mr. DOWELL. I assume the gentleman has the information, but it seems to me that his argument is based entirely upon the proportion of business that will come to this court with this amendment adopted. Now, has the gentleman the information as to whether or not the judges in the municipal court will be able to care for all of the cases within the limit of $3,000?

Mr. IGOE. My understanding is that they will be; but I am frank to say that I believe that later on these judges, or some one for them, will ask for an increase of their salaries, and I think they ought to get it. If they are men who are capable and competent, they ought to get more money than $3,600 a year.

Now, the situation to-day is that there are 300 cases a year appealed from the municipal court to the Supreme Court of the District of Columbia, and retried when that court can get to them. After they get into the Supreme Court of the District of Columbia, it takes two years to get the trial there, and then when the Supreme Court of the District of Columbia gets through with them they may be appealed to the court of appeals. Why, a man can never get a case disposed of under the present system. There is not a lawyer or business man here who would want to be subjected to such delays as are now incident to trials in the District of Columbia, and some relief must be given. If this bill it not in the proper form let us amend it so that it will give to the people of the District of Columbia speedy trials. In the municipal court now you can get a trial, I understand, in some instances within a few days, but when the case is tried, if it is one that can be appealed, it goes to the Supreme Court of the District of Columbia, and there it is placed in cold storage for about two years before it is tried again. So I think some legislation of this kind must be provided.

The suggestion has been made that perhaps the supreme court will not be relieved, and I agree with that suggestion. I think the Supreme Court of the District of Columbia should have been given the two additional judges that have been asked for during the last several years, and that this House voted to give, but for some reason or another the law was not finally passed. As far as I am concerned, I repeat again that this Congress ought to give to the people of this District whatever legislation is necessary to provide a just system for the trial of cases, and that they ought to be speedily tried, so that litigants may know what their rights are and may recover that which is justly due them.

Mr. CRAMTON. Mr. Chairman, I am personally in favor of the amendment offered by the gentleman from Missouri [Mr. IGOE]; but, in any event, if the Committee of the Whole does not see fit to go as far as the gentleman from Missouri suggests, I believe it certainly should retain the figure of $2,000 in the bill as first presented.

I would like to suggest that, inasmuch as the people of the District have no representative upon the floor of this House, we are in duty bound to give consideration to the expression of sentiment in the District of Columbia when it comes to us from reputable sources and from organizations that legitimately represent the sentiments of the District. In that connection I want to call your attention to the fact that the Chamber of Commerce of Washington, through its committee, has given great study to this question, and its recommendation on this point was for a jurisdiction up to $3,500, which is $500 more than the gentleman from Missouri [Mr. IGOE] proposes. Perhaps it has been gone over, but I should like to emphasize that the judicial system here consists of five courts, the juvenile court and the police court, whose jurisdiction is indicated by their titles; the municipal court, which has heretofore been a court with very small jurisdiction and without a jury; the supreme court, which handles civil matters, important criminal matters, and a great many appeals from the municipal court; and the court of appeals.

As the gentleman has said, there has been great delay in the handling of cases before the supreme court, cases lying dormant two or three years before the trial, so that it amounts to a substantial denial of justice. I would like to emphasize this thought, that the denial of justice under those conditions inevitably rests most heavily upon those who can least afford to bear it.

The man who has means can give his bond and can wait his time for trial, but the man who has no means, if he is suing for $300 or $400 wages or damages, if he has to go into the supreme court either through an appeal from the municipal court or original jurisdiction, he is absolutely denied justice, because he can not wait two or three years.

The propositions before us now involve the question merely as to giving the municipal court jurisdiction in cases between $1,000 and $3,000 or between $1,000 and $2,000. I am advised

that for the last three months the cases that have been filed in the Supreme Court of the District average about $11,000. That is the average amount involved in the cases in the supreme court. There have been two cases involving half a million dollars each, and, eliminating them, still the average is $7,500. It is apparent from that that even if this jurisdiction is given to the municipal court and the figure is raised to $3,000, the jurisdiction retained by the supreme court will still be ample to leave it all the work it can do, but it will have proper time to try the important matters that they do retain. On the other hand, the five judges of the municipal court are satisfied that they can, for the present, handle the business with that limit of jurisdiction.

Let me also emphasize that as to these cases between $1,000 and $2,000, or $1,000 and $3,000, if they are tried before the municipal court instead of the supreme court, and there is a jury, it will be the same kind of a jury that you would have sitting in the case if the supreme court tried them, because it is a part of the supreme court panel; it is certified from the supreme court. So the same jury would try it in one court as in the other, except that it would be tried about two years sooner in the municipal court than in the supreme court.

Then, if there is an appeal, the appeal is not on questions of fact but is upon points of law, and, if there is any difference between the capacity of the municipal court and supreme court and their infallibility, the appeal from the municipal court on points of law would go to the Court of Appeals of the District, just the same as it would have gone from the supreme court to the court of appeals. But, again, it would reach that court long before it could have reached it in the present course of things. Therefore the cases will receive the same careful consideration that they would receive under present conditions, except that justice will be granted in season.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CRAMTON. Mr. Chairman, I ask for three minutes more.

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

There was no objection.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. GREEN of Iowa. The consideration of these cases will be better in the municipal court, because the supreme court has to hasten through their cases.

Mr. CRAMTON. It is not only that, if you wait two or three years the witnesses may die or remove, and conditions change. So really waiting two or three years is a denial of justice, whereas a prompt trial in the municipal court would be secured.

As to cases between $1,000 and $3,000 in amount, it is just as desirable to have prompt justice as if the amount was $999. Furthermore, if there is a case involving damages the complainant brings his suit, perhaps expecting to get $1,000 eventually—and no complainant ever asks when he brings his suit for just the amount he wants to get because he knows the habit of juries to scale things down—he will ask for $3,000, and therefore take it out of the jurisdiction given by the amendment—he is taken out of the jurisdiction of the municipal court and sent to the other court where he must wait two or three years, and eventually if the witnesses do not die, and he does not himself die, he will get a judgment for less than $1,000.

As to the capacity of the court it is my information that the members of this court must have been in practice for five years before they are appointed. In any event that is the fact as to the present court. They have been in active practice from 6 to 10 years. Their work has been so satisfactory that they are indorsed by the chamber of commerce, and furthermore there is no criticism heard anywhere. I submit that every consideration for the welfare of litigants in the District would increase the jurisdiction of the court above the thousand dollars. I would prefer it to go to $3,000, but in any event it should not go below $2,000.

Mr. HUSTED. Mr. Chairman, I have not heard any reason advanced for limiting the jurisdiction of this court to $1,000, except that that is the general average limit of jurisdiction in cities approximating the size of Washington for courts of this character. But that rule it seems to me should not obtain in this case. There is no basis for it here because these judges are appointed by the President of the United States and must be, as has been said, attorneys in active practice in the city for at least five years.

I believe the usefulness of this court can be greatly increased by increasing the jurisdiction to at least $3,000. I believe that the judges who are serving are fully competent to try such cases. I sincerely hope that the amendment of the gentleman from Missouri, increasing the jurisdiction to $3,000, will be adopted.

Mr. DEMPSEY. Will the gentleman yield?

Mr. HUSTED. Yes.

Mr. DEMPSEY. I see by section 6 that these judgments of the municipal court are to remain in force for only six years. This becomes a court of record under this act with a seal, and six years is the ordinary time that judgments of courts not of record are in force.

Mr. HUSTED. I think that section should be amended to conform with the change in the character of the court.

Mr. VOLSTEAD. They can be made judgments of the Supreme Court of the District by being filed there. If you do not file the transcript in the supreme court it only remains in force six years, but if you file the transcript in the supreme court it has the force and effect of a judgment of the supreme court.

Mr. DEMPSEY. Is there not this difference, that probably, in order to retain the force of your judgment, you would have to resue it in six years?

Mr. VOLSTEAD. Oh, no.

Mr. DEMPSEY. That is the result, as I understand it.

Mr. VOLSTEAD. No; when a judgment from a municipal court is filed in the supreme court it becomes practically a judgment of the supreme court. My understanding is that then the limitation that would apply to a judgment of the supreme court would apply to the municipal judgment. Where you do not file it, it expires in six years.

Mr. DEMPSEY. From decisions in the State of New York upon practically similar facts I should be inclined to doubt that, unless the gentleman had some other authority. I would say another word to the gentleman from New York [Mr. HUSTED] if I may. In addition to the arguments advanced by the gentleman from Michigan [Mr. CRAMTON] and the gentleman from New York [Mr. HUSTED] you have this state of facts: During the war we brought here an enormous number of people for temporary employment in the departments. Many of these people have causes of action arising out of accidents and other circumstances. They should have their causes of action tried while they remain residents of this District and not be compelled to come back here to enforce their causes of action after the forces in the departments have been reduced, and they have gone long distances from the city of Washington.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. WALSH. Mr. Chairman, I understand there is an amendment pending to increase the jurisdiction from $1,000, as provided by the committee, to $3,000 offered by the gentleman from Missouri [Mr. IGOE]. I hope the amendment will not prevail. Practically the only testimony heard by the committee—I think with a single exception—was from the judges who preside over this court, and who, of course, want to increase the dignity of their position. If you increase this jurisdiction to $3,000 you may as well merge this court into the Supreme Court of the District and do away with the municipal court—transfer all of the jurisdiction of the municipal to the Supreme Court of the District of Columbia, or else make this a division or branch of the Supreme Court of the District. This is a municipal court, and we have here in the District two appellate courts practically from that court, the supreme court and the court of appeals. I submit that by attempting to help out the supreme court, the docket of which is rather crowded, we ought to be a little bit slow in increasing the jurisdiction of the municipal court, because if you are not the result will be that you will find a mighty crowded docket in the municipal court, and we will be besieged as we have been in the last three or four years to appoint additional judges to that court and also to increase their salary. If we are going to attempt to take care of the municipal court needs of the District of Columbia I think we have gone far enough in increasing its jurisdiction to $1,000. I do not believe there are a half dozen States in the Union where a purely municipal court is vested with jurisdiction over causes of action amounting to $3,000.

As I recall it, there is one State where I think the jurisdiction is $2,500, but in most of the States it is either one or two thousand dollars. There has been no overwhelming amount of testimony presented to the committee as to why we should increase this jurisdiction for this amount proposed by the gentleman from Missouri. The committee heard a member of the bar association, one of the judges of the supreme court, and I believe one or two judges of the municipal court, and the committee, after full and careful consideration, although the bill

provided for a jurisdiction of $2,000, reduced that amount to $1,000. There is no good reason why even the amount provided in the bill should be increased by $1,000, and I certainly trust the amendment will not prevail.

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

Mr. WALSH. Yes.

Mr. HUSTED. Does not the gentleman think that the fact that the supreme court calendar is congested is a good and sufficient reason for increasing the jurisdiction of this court, if you have men who are competent and machinery which is capable of passing on those cases just as well as the supreme court?

Mr. WALSH. No; I do not. This cry of a congested calendar you can hear from every United States court throughout the country. The cry is that the calendar is congested; that they can not get rid of the cases; that they must have more judges or less work to do. The situation in the District is no different from what it is anywhere else.

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

Mr. WALSH. Yes.

Mr. GARD. I note on page 12 of the hearings, where Mr. Brown said that the desire was for the judges of the supreme court to have all of the time to give to the important cases of the Government, and that that should be the class of cases they should try. I submit that is not the usual idea in respect to the Supreme Court of the District.

Mr. WALSH. Certainly not. Their duty is to take care of all of the cases that come within their jurisdiction. The fact that the Supreme Court of the District has a congested calendar is no reason why we should enlarge the jurisdiction of an inferior court, in expectation that you are going to be able to take care of that class of cases. While I have not the honor of the acquaintance of any of these judges and never have seen any of them except the two who appeared before the committee—and I would not cast any reflection on their ability or integrity—yet I submit that as the general proposition, whether the judges be appointed by the governors or by the President, judges appointed to the position of municipal courts are not, as a rule, as capable as those who are nominated and appointed to superior courts or courts having jury trials or of appellate jurisdiction.

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

Mr. DEMPSEY. Mr. Chairman, the argument of the gentleman from Massachusetts [Mr. WALSH] seems to be directed, first, to the fact that the committee has not had sufficient hearings. What are sufficient hearings?

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

Mr. DEMPSEY. It is not necessary to have prolonged hearings——

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

Mr. DEMPSEY. In a moment.

Mr. WALSH. But the gentleman ought not to start off with a misstatement. I never said that.

Mr. DEMPSEY. The gentleman said they had very limited hearings.

Mr. WALSH. I did not make any such statement, as my remarks will show.

Mr. DEMPSEY. I was listening, and my understanding was that the gentleman's first criticism was in respect to the extent of the hearings. I say that hearings of a particular volume are not necessary. The only point to be reached by hearings is to convince the committee of the fact which is to be proven, and I did not hear the gentleman from Massachusetts question at all the statement, and it seems to be admitted by everyone here that the supreme court calendar is congested and that you have to wait from two to three years to get a case to trial, a very undesirable condition of affairs.

Mr. WALSH. Will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. WALSH. The hearings convinced the committee that the jurisdiction should be reduced from $2,000, as provided in the bill, to $1,000, as reported by the committee.

Mr. DEMPSEY. The hearings convinced the committee that the jurisdiction should be enlarged, and the committee reached the conclusion that it should be a certain amount. Now, the question before the Committee of the Whole is whether that committee reached a correct determination as to what the amount should be, and we find on discussing it that gentlemen here have convinced us that if you are to afford any genuine relief to the supreme court, if you are to enable these causes which are pending for trial and should be tried in justice to the claimant to be tried, you will have to enlarge your jurisdiction, make it more than $1,000; make it at least $3,000. This is plain from the testimony. It is immaterial that the committee as a whole may have reversed the subcommittee, and said it should be $1,000 instead of $2,000. The real question is what should the amount be, and a fair conclusion seems to be that the amount should be at least $3,000.

Mr. CRAMTON. Will the gentleman yield?

Mr. DEMPSEY. I will.

Mr. CRAMTON. The gentleman from Massachusetts having suggested that customarily judges of the greatest capacity are not found in the municipal courts, would it not be the fact that having made it a court of record and of greater jurisdiction and having given it a greater dignity, as a result the greater the capacity in the men we will be able to secure to serve on the court, and that all litigants before it will benefit therefrom?

Mr. DEMPSEY. I agree with the gentleman. I was going to come to that point in my discussion.

Mr. GREEN of Iowa. If the gentleman will yield further, the gentleman from Massachusetts made some statement in reference to the usual amount of jurisdiction. In my State municipal courts have a jurisdiction for any amount, and I have known causes involving $100,000 to be commenced there.

Mr. DEMPSEY. I am glad to hear that. Now, let us come to this point of the discussion of the gentleman from Massachusetts on the fitness and capacity of these judges to adjudicate causes which come before them. I say as to that, first, as to the judges who are in office there has been an investigation by the chamber of commerce or some other like body of the District, and upon an impartial investigation, conducted solely with the object of ascertaining fitness, without any bias or prejudice, having that object in view alone, they find that the present judges are fit for the duties which they will have to perform under this enlarged jurisdiction. Second, as to the future, as the gentleman from Michigan justly observed, the appointing power will take into consideration in making appointments the more arduous, the more important, duties to be performed by these judges, and they will make their selections in accordance with the duties to be performed. Another thing, and I briefly referred to it in my question to the gentleman from New York, we have taken on here a very large body of people who live here temporarily. They came here from the districts of all of us. They have had to reside in the District of Columbia. They have come into positions where they have causes of action which have been brought to my personal attention. Now, when they are soon to lose their positions, when they are certain to go to their distant homes, are they to be forced to one of two alternatives, either to lose an honest cause of action, to be deprived of a debt which is honestly owing them, or be obliged to come back here at a large and unnecessary expense to fight these actions which they can not have tried because we neglect this opportunity to confer adequate and proper jurisdiction upon this court?

The CHAIRMAN. The time of the gentleman has expired.

Mr. DYER. Mr. Chairman, I trust that the committee will sustain the amendment which the committee recommends. The main desire upon the part of the Committee on the Judiciary, endeavoring to speak for the people of Washington on this matter, is that there shall be created here a real municipal court. The one we have at the present time is hardly worthy of that name. It is nothing more than an ordinary justice of the peace court, that is well known in many of the States in this Union. We want to establish a real, genuine municipal court, something along the line of the one which is now established in the city of Chicago, and which every city in this Union ought to have at the earliest possible date.

The amount of jurisdiction, so far as this legislation is concerned, is secondary. After we have created here a real municipal court, one with real jurisdiction, with real authority to act, and where its acts will be of force and effect, and where it will not be necessary to take up the work and review it and try it over by the supreme court, thus relieving the supreme court of a great deal of work, it will then be an easy matter to increase the jurisdiction if it is found necessary. I believe that the Judiciary Committee in limiting this to $1,000, after we had heard those who appeared, ought to be sustained. The subcommittee of the Judiciary Committee, which first had this matter in charge, and of which I am the chairman, gave consideration to it carefully. We heard those who desired to be heard upon the matter, and it was again taken up in the full committee. It was the judgment of the committee that jurisdiction at the present time should be fixed at $1,000, with the understanding that if the municipal court becomes a real vehicle of justice and expedition of public business we can then easily increase jurisdiction to $2,000 or $3,000 if found necessary. At this time we ought not to do it, and the committee's recommendation of $1,000 ought to be sustained.

Mr. MOORE of Virginia. Mr. Chairman——

Mr. VOLSTEAD. Mr. Chairman, I would like to arrive at some agreement as to time.

Mr. MOORE of Virginia. I will ask for only a few minutes.

Mr. VOLSTEAD. I ask unanimous consent that at the end of 12 minutes the debate on this amendment and amendments thereto be closed.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that all debate on this amendment and amendments thereto close in 12 minutes. Is there objection? [After a pause.] The Chair hears none. The gentleman from Virginia [Mr. MOORE] is recognized.

Mr. MOORE of Virginia. Mr. Chairman, I have looked at the hearings, and, so far as the report furnished me discloses, there has been no effort whatever made by any of the judges of the municipal court to affect this legislation, directly or indirectly. I think my friend from Massachusetts [Mr. WALSH] is mistaken in assuming that there is any purpose, or desire, or gesture on the part of the municipal court or any of its judges to aggrandize power. Now, it is conceded that there ought to be an increase of the jurisdictional limit. And what is the evidence upon the question of amount? As I understand, the business interests of the District of Columbia advocate a higher limit than $1,000. The bar of the District of Columbia advocates a higher sum. Unless I misread the hearings, the distinguished chairman of the Judiciary Committee himself indicates a trend of mind in favor of more than $1,000. There does not seem to be a scintilla of evidence offered before the committee that combats the expediency of making the amount $3,000 or, at least, $2,000.

If that is the situation, why should not such an increase in the jurisdictional limit be provided? Are not the people of the District of Columbia entitled to be heard here and to have some consideration here upon a matter of this sort?

If we stop at $1,000 and at the same time provide that the court shall have authority to try certain torts, cases of assault and battery, malicious prosecution, and breach of promise, over which at this time it has no authority, the provision will be mere brutum fulmen, because plaintiffs having causes of action of that character will not go into a court whose jurisdiction is limited to $1,000.

We will do a vain thing if we pass legislation specifying $1,000. We will not accord any right of substantial value to litigants who have claims growing out of the torts enumerated in this section, or locate in any cases of that kind in the municipal court. Why should not the amount be $2,000 or $3,000, as asked by the people of the District of Columbia? The judges of the municipal court are men of capacity and character, and, as I understand, good lawyers, and that is just as apt to be true in the future as it is now. The judges are as well qualified and competent to try $2,000 or $3,000 cases as those who are serving as judges in the Supreme Court of the District of Columbia.

Mr. WALSH. Will the gentleman yield?

Mr. MOORE of Virginia. Yes, sir.

Mr. WALSH. Following the gentleman's line of argument, why not make the jurisdiction $10,000?

Mr. MOORE of Virginia. You can not decide these matters in any absolutely logical way. We have to employ our experience and general knowledge in determining the limit.

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

Mr. GARD. Mr. Chairman, this proposed amendment as made by the gentleman from Missouri brings us face to face with what is the attitude of this House as expressed in the Committee of the Whole. In other words, do we want to maintain a municipal court which was graduated into that title from a court of justices of the peace, or do we want to practically merge, as the gentleman from Massachusetts [Mr. WALSH] has said, the municipal court into the Supreme Court of the District of Columbia?

I think that the trouble in the District of Columbia regarding the accumulation of litigation is that the very small cases are allowed to be appealed directly from the municipal court to the supreme court, and from the supreme court to the court of appeals, so that necessarily the docket of the supreme court is apparently crowded with these small appellate cases.

Now, there is not much big litigation in the District of Columbia. The population here rather precludes such elements of large litigation; and the trouble that exists here is in the fact that if you start a small case the man who is aggrieved by the verdict or the judgment has a right to make appeal to the Supreme Court of the District of Columbia, and thence to the court of appeals, whereas there should be exclusive jurisdiction up to a reasonable amount in the first court. In other words, the municipal court should have the exclusive and conclusive jurisdiction except upon writs of error in all of these very small cases. Now, that is the idea the Committee on the Judiciary had in mind, I am frank to say to the members of the committee. On the other hand, if it is the temper of the House now to go beyond that, and to say these five municipal court judges——

Mr. DEMPSEY. Will the gentleman yield?

Mr. GARD. Very gladly.

Mr. DEMPSEY. Does not the gentleman find that throughout the several States the court of general jurisdiction and the county courts have a concurrent jurisdiction up to the limit of jurisdiction of the county courts? For instance, in the State of New York the supreme court has general jurisdiction and the county court has jurisdiction up to $2,000. So that to the amount of $2,000 the two courts have concurrent jurisdiction. And would not that be exactly what would be done if this amendment prevailed?

Mr. GARD. I am frank to say that my idea about this matter is this: I want to afford to the people of the District of Columbia every facility in the matter of courts—every possible facility. They are entitled to it, and they should have it; but what they need mostly is a municipal court which, up to $1,000, will have practically conclusive jurisdiction. Since now when the cases are tried—and they can be tried within a few days—they have the right of appeal, and cases are long-drawn out. But if these appeals were discontinued and those cases could be settled, they would not clutter up the docket of the Supreme Court of the District of Columbia.

That is the condition that confronts the District of Columbia to-day. It is not the big litigation which crowds the docket of the supreme court, but it is the little stuff that comes up from the municipal court on appeal, which is allowed to accumulate there by reason of the fact, doubtless, that they do not have the time to try these little things which should have been disposed of in the court below.

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

Mr. GARD. Yes.

Mr. ROSE. Do I understand the gentleman to say that up to a certain amount he would deny the right of appeal to a higher court?

Mr. GARD. Yes; to the Supreme Court of the District. This bill does it now. It gives them the right to appeal to the court of appeals, which is the second appeal.

Mr. ROSE. I merely wanted to say in this connection that I agree with the gentleman in that attitude.

Mr. GARD. If a man brings a suit for $10 in the District of Columbia now and a judgment is had against the defendant the defendant can appeal to the Supreme Court of the District of Columbia and have absolutely a new trial all over again. That practice clutters it all up. And after that is done he can go to the Court of Appeals of the District of Columbia and have a hearing there.

Mr. ROSE. I think it would be a step in the right direction, because if there is one thing that the lawyers of the country are up against it is the fact that the people are always complaining about the law's delay.

Mr. GARD. Yes.

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

Mr. VOLSTEAD. Mr. Chairman, as indicated by the hearings, I was in favor of $2,000 as the maximum. I believe that is where we ought to fix it for the present. I do think it should be more than $1,000. I want the committee to understand my position in reference to the matter. If it is made $2,000 and we should find later on that it ought to go beyond that, we can then amend the law. The chamber of commerce asked for $3,000, the judges of the municipal court and of the supreme court and the other bodies interested agreed on $2,000, and I introduced the bill with that amount as the maximum.

The CHAIRMAN. All time has expired. The question is on agreeing to the substitute amendment offered by the gentleman from Missouri [Mr. IGOE].

Mr. WALSH. Mr. Chairman, I submit an amendment to the substitute to strike out the figures "$3,000," in the Igoe amendment, and insert "$1,500."

Mr. IGOE. I make the point of order, Mr. Chairman, that a substitute is already pending.

The CHAIRMAN. A substitute is in order.

Mr. WALSH. Strike out "$3,000" and insert "$1,500."

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

The Clerk read as follows:

Amendment offered by Mr. WALSH as a substitute for the amendment by Mr. IGOE: Strike out "$3,000" and insert "$1,500."

Mr. DOWELL. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. DOWELL. The amendment suggested by the gentleman from Massachusetts is clearly an amendment to the one offered by the gentleman from Missouri. There can be no question about it. It simply changes the figures, and can only be designated as an amendment.

Mr. WALSH. It is a substitute.

Mr. DOWELL. Whatever you may term it, it is still an amendment.

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

Mr. DOWELL. Yes.

Mr. WALSH. Nobody is questioning but that a substitute is an amendment.

Mr. DOWELL. But this is in the third degree, and therefore it is not in order at this time.

Mr. MANN of Illinois. Oh, Mr. Chairman, the rules specifically provide for an amendment, an amendment to an amendment, a substitute for the original amendment, and an amendment to the substitute.

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

Mr. MANN of Illinois. They are all amendments. Certainly, I yield.

Mr. DOWELL. But under that you can not introduce an amendment in the third degree and call it a substitute simply to get through under the rule.

Mr. MANN of Illinois. You can introduce an amendment in the fourth degree under that and call it an amendment to the substitute, because the rule specifically provides for that method of amendment.

The CHAIRMAN. The Chair is ready to rule. Rule XIX is very specific in its definition of the right of amendment. The gentleman from Massachusetts [Mr. WALSH] states that the substitute he offers is actually an amendment. Under the rule this is perfectly proper and in order, as an amendment can be offered in the form of a substitute, which can also be amended. The Chair therefore overrules the point of order.

Mr. BRIGGS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BRIGGS. If the substitute to the amendment and the committee amendment should be voted down, that would bring the original bill before the committee, would it not—$2,000?

The CHAIRMAN. It would. The question is on agreeing to the substitute amendment offered by the gentleman from Massachusetts [Mr. WALSH].

The question was taken, and the substitute was rejected.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Missouri [Mr. IGOE].

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

Mr. WALSH. A division, Mr. Chairman.

The CHAIRMAN. A division is called for.

The committee divided; and there were—ayes 19, noes 22.

So the substitute was rejected.

The CHAIRMAN. The question now comes on agreeing to the committee amendment.

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

Mr. WALSH. A division, Mr. Chairman.

The CHAIRMAN. A division is called for.

Mr. DEMPSEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DEMPSEY. What are we voting on now?

The CHAIRMAN. On the amendment offered by the committee.

Mr. MOORE of Virginia. To make it $1,000.

The committee divided; and there were—ayes 9, noes 25.

The CHAIRMAN. On this vote the ayes are 9, the noes are 25, and the committee amendment is rejected.

Mr. WALSH. Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The gentleman from Massachusetts makes the point of no quorum. The Chair will count. [After counting.] Eighty-five gentlemen are present—not a quorum.

Mr. DYER. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Missouri moves that the committee do now rise.

The question being taken, Mr. DYER demanded a division.

Pending the division,

Mr. DYER. I ask for tellers.

Tellers were ordered, and the Chairman appointed Mr. DYER and Mr. IGOE.

The committee again divided; and the tellers reported—ayes 4, noes 103.

The CHAIRMAN. A quorum is present. The committee refuses to rise. The question now recurs on the committee amendment.

The question being taken, on a division (demanded by Mr. WALSH) there were—ayes 25, noes 26.

Accordingly the committee amendment was rejected.

Mr. GARD. I desire to offer an amendment.

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

The Clerk read as follows:

Amendment offered by Mr. GARD: Page 2, line 4, after the word "of," strike out the word "all" and insert after the word "causes" the words "now pending in the supreme court which are of the classes and amounts over which the municipal court had jurisdiction immediately prior to the passage of this act and actions included by this act."

Mr. GARD. Mr. Chairman, the purpose of this amendment is to clarify what I think is unquestionably the meaning of the committee, because under the law as it now stands the supreme court could transfer any class of cases—patent cases, Government cases, or any other cases—to the municipal court for trial. I do not think that was the intention of the committee. I do not think it should be the action of the House, and I offer this amendment to cover the hearing of cases which heretofore have been within the jurisdiction of the municipal court and are now in the supreme court, and the cases which come within its jurisdiction by reason of this amendment, so that the supreme court may transfer those down to the court below, assuming that it is an inferior court, for the purpose of being heard there.

Mr. DOWELL. Will the gentleman yield?

Mr. GARD. Yes.

Mr. DOWELL. Assuming that there is a case on appeal, would this amendment bring it back to the municipal court to be retried there as an appeal case?

Mr. GARD. No; this is simply to provide for the transfer of the class of cases included under the bill that we are now passing. It does not automatically transfer anything, but it gives permission to the court to transfer cases in these amounts and of these classes to the court below.

Mr. WALSH. Does the gentleman see any difficulty or obstacle in that sort of a legislative provision transferring a suit from a court which at the time the suit was entered had original or exclusive jurisdiction of that cause, transferring it to a later tribunal which is given exclusive jurisdiction of the cause?

Mr. GARD. I think the language is probably necessary, because there might be some causes now in the Supreme Court of the District of Columbia, pending cases which should be transferred by reason of the passage of this act.

Mr. WALSH. Does not the gentleman think that the parties ought to have something to say about that? They brought their suits in the supreme court, and they have a right to expect them to be tried there.

Mr. GARD. If we give the municipal court this increased jurisdiction, I think it is very proper to transfer the cases, because if we give them the jurisdiction, and they do not have any cases, then they will not have anything to do.

Mr. WALSH. We give them the jurisdiction for the future, not for the past.

Mr. GARD. Oh, no; for pending cases.

Mr. DEMPSEY. Will the gentleman yield?

Mr. GARD. Yes.

Mr. DEMPSEY. Is not the matter simply a question of a change of procedure? It does not change rights at all, and you have a perfect right to change procedure at any time, have you not?

Mr. GARD. I think that is what it amounts to.

Mr. DEMPSEY. For instance, you can change a statute of limitation—a pending right—can you not?

Mr. MOORE of Virginia. The transfer of cases from State courts to Federal courts or from Federal courts to State courts is a common thing, and no difficulty or embarrassment results in conducting the case in the tribunal which it finally reaches.

Mr. WALSH. If the gentleman will permit, it is very seldom that you hear of cases being transferred bodily from a superior court to an inferior court as the result of increasing the jurisdiction of the inferior court. The cases which at the time they were entered were within the exclusive jurisdiction of the court in which they were brought are usually tried in that court.

Mr. VOLSTEAD. If something of this kind is not done there will be no court to try these cases, because we give the municipal court exclusive jurisdiction of them. Consequently we ought to have some method of transferring these cases to some court that can try them.

Mr. WALSH. There is nothing in this to prevent the supreme court trying cases entered prior to the passage of this

act. This does not deprive that court of jurisdiction in pending cases.

Mr. VOLSTEAD. It gives the municipal court exclusive jurisdiction in certain cases.

Mr. WALSH. I know; but that is on cases filed in the future.

The CHAIRMAN. The question is on the amendment of the gentleman from Ohio [Mr. GARD].

The question being taken, on a division (demanded by Mr. WALSH) there were—ayes 20, noes 7.

Accordingly the amendment was agreed to.

The Clerk read as follows:

SEC. 2. That hereafter said municipal court shall be a court of record, shall have a seal, and shall have the same terms of court as those now obtaining, or as hereafter modified, respecting the circuit branches of the Supreme Court of the District of Columbia. A memorandum of each action by the court shall be noted by the clerk of the docket and shall be a sufficient record thereof.

With the following committee amendment:

Page 2, line 11, strike out the word "of" and insert in lieu thereof the word "on."

Mr. MANN of Illinois. Mr. Chairman, I should like to be heard on the committee amendment. It strikes out the word "of" and inserts the word "on." Yet you can not tell what it will mean after the committee amendment is agreed to, if it is agreed to. Here is a proposition to create a court of record which is not to keep records. While it is true the bill says that a memorandum of the action of the court noted on the docket shall be a record, the municipal court does that now. Every justice of the peace court anywhere keeps some kind of a docket and notes the action of the court on the docket, but that is not keeping a record of the court. How would you exemplify a record of this court? No judgment is entered excepting a memorandum on the docket, perhaps in pencil. Suppose you want to file a transcript of the judgment of the court to some other jurisdiction under the statutes of the United States. What will you find? What will the transcript consist of? A copy of the docket with a memorandum entered. I do not know what the memorandum will be. It may say "$500." That may be a memorandum noted by the clerk, or it may say a judgment for $500 entered on such and such a day.

Mr. DEMPSEY. Will the gentleman yield?

Mr. MANN of Illinois. Yes.

Mr. DEMPSEY. How would it do to strike out the words "a memorandum" and insert in place "minutes of the proceedings in." Then strike out "and shall be a sufficient record thereof," so that it will read:

Minutes of the proceedings in each action by the court shall be noted by the clerk on the docket.

Mr. MANN of Illinois. I do not know, but, after all, the methods of keeping the records of courts throughout the United States are very similar. I do not know what advantage there is to be gained by adopting some sloppy method of keeping records, which never will be kept accurately, over the present system of properly keeping the records of the courts.

Mr. DEMPSEY. My understanding of the proceedings in all courts of record, as to the keeping of the record, provides that the real record is supposed to be the judge's record of the proceedings as the case progresses. The clerk keeps the record as a matter of course, but is supposed to be under the direction of the judge. I do not think that this sentence is at all necessary.

Mr. MANN of Illinois. Ordinarily when a judgment is entered in court, formal entry is made as to the record of judgment, and is preserved. The dockets of the court may be preserved; they usually are for some length of time, but they contain only the notation of the proceedings of the court as the case progresses. The record of the judgment is a highly authenticated document. You get a transcript of the judgment of the record, and it recites that the court on such a day entered such a judgment, and that is a copy of the judgment entered. Here there is no copy, it is a "memorandum noted on the docket." Well, courts keep dockets, but the record is very different. I have not practiced law for so long that perhaps my judgment is not worth much of anything, but I do not believe that there is ever any advantage in trying to introduce informal methods of doing business, so that after they are introduced no one will be certain as to what has been done.

Mr. DEMPSEY. Mr. Chairman, my understanding of the method of keeping the records of courts of record is that the original record is supposed to be kept by the judge who presides at the particular term of court—of course, the clerk keeps the record of what transpires, under the direction of the court. But if there is any dispute as to what is the correct record we refer not to the minutes of the clerk but to the minutes of the judge. The record to which the gentleman from Illinois refers is a totally different record. It is a record which is entered in the office of the clerk upon formal judgment, and is filed after the case has been tried and determined. It is not my understanding that this bill deals with that record at all.

Mr. MANN of Illinois. If the gentleman will yield, I supposed that that was exactly what it did deal with. It says that "a memorandum of each action by the court will be noted by the clerk and shall be a sufficient record thereof." That means that he is not supposed to keep any other record.

Mr. DEMPSEY. I do not believe that it is intended for that purpose. If it is, I agree with the gentleman from Illinois that it is not proper. I do not see any necessity for the provision at all, and I think the act would be complete with that sentence stricken out. This is a court of record, and you will have a record kept. The formal judgment will be prepared by the attorney and entered in the proper office from the minutes kept by the clerk during the trial.

Mr. DOWELL. If the gentleman will strike out the language "it shall be a sufficient record thereof" and require the clerk to keep a memorandum——

Mr. DEMPSEY. I think it would be better to say a record of the proceedings of the court shall be kept by the clerk and stop right there.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. GARD. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 2, line 7, after the word "have," strike out the words "the same" and insert the word "such," and in line 8, after the word "court," strike out the balance of the section and insert the following: "for the transaction of business as it may prescribe," so that it will read:

"SEC. 2. That hereafter said municipal court shall be a court of record, shall have a seal, and shall have such terms of court for the transaction of business as it may prescribe."

Mr. GARD. Mr. Chairman, I offer this amendment to do away with the imperfect statement of what the court record shall be. It is idle to assume that a memorandum made on paper or a slate shall constitute a court record and be a sufficient record thereof in the way that a court record is generally understood by the courts of the United States, and they should be entirely competent within their own jurisdiction to determine what their record shall consist of. At any rate, the record should be so complete and final as to enable the reviewing court to determine the issue when it is brought to it for determination. Therefore, the amendment I have offered strikes out all language concerning the terms as relating to the circuit branch of the Supreme Court of the District of Columbia, strikes out the trivial stuff about memorandum, and provides that the court shall be a court of record, shall have a seal, and have terms of court for the transaction of its business, to be prescribed by it.

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

Mr. GARD. Yes.

Mr. WALSH. Does not the gentleman think that some terms ought to be prescribed by law rather than to let the court say when it will have its terms?

Mr. GARD. No; I think not. I think the court itself should have the power to determine.

Mr. WALSH. Why this court any more than the supreme court?

Mr. GARD. The supreme court, as I understand it, starts in with a term and recesses from time to time, the same term probably including the whole year.

Mr. WALSH. I mean the Supreme Court of the District of Columbia.

Mr. GARD. I thought the gentleman referred to the Supreme Court of the United States. This language would probably be modified by the language in section 4, which provides an additional term for a jury term, to be begun on the first Tuesday in August and terminate on the first Tuesday of the second month thereafter, but I am inclined to believe that the matter of the time of the beginning of the term can safely be left to the courts to determine.

Mr. WALSH. You will not relieve much congestion if you do that.

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

Mr. GARD. Yes.

Mr. HUSTED. Can the gentleman inform us whether the time of holding the terms of the supreme court in the District is fixed by law? Does not the supreme court fix the time of holding its own terms? If that is true, the gentleman's amendment certainly should be agreed to.

Mr. GARD. I have the Code of the District here, but unfortunately I am not familiar enough with it to turn immediately to that.

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

Mr. GARD. Yes.

Mr. DEMPSEY. Generally speaking, is it not a fact that courts of record in the several States do fix their own terms?

Mr. GARD. Yes; and I think they should.

Mr. WALSH. Generally speaking, they do not.

Mr. VOLSTEAD. The object is to have the terms of the municipal courts come at the same time as the terms of the supreme court. The gentleman can see the reason for that. There is a provision in this bill that the jurors are to be certified from the supreme court to the municipal court, and consequently the two courts should be in session at the same time, so that from time to time deficiencies may be made up in the panel of jurors that are sitting in the municipal court. For that reason I think it better not to change the language in question.

Mr. MOORE of Virginia. The Code of the District of Columbia seems to provide that there shall be a general term of the Supreme Court of the District, and gives the court discretion to fix such special terms as it thinks proper from time to time, and it has power to change those terms from time to time.

Mr. VOLSTEAD. I think in view of that fact it is better to leave the language as it is written in the bill.

Mr. GARD. I think the language of the amendment I suggest covers the situation.

Mr. VOLSTEAD. So far as the language in respect to the memorandum is concerned, I do not see any objection to it. The judges would order an entry of judgment, and the clerk make a memorandum of the order. It makes it unnecessary for the judges, as is customary in courts of record, to write out the order and file it. To expedite matters, whoever drew this bill—I did not draw it; I introduced it at the request of Judge McCoy and others—evidently thought that it would expedite matters and avoid a lot of unnecessary red tape.

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

Mr. MANN of Illinois. Mr. Chairman, I think the gentleman from Minnesota [Mr. VOLSTEAD] is in error as to what the proceeding would be. A judge ordinarily, if he enters judgment himself, or even where he enters judgment after a finding by a jury, will order a judgment to be entered for such and such an amount. He may or may not, and in most cases he does not, make the entry himself upon anything, either pencil minutes or otherwise. That is something that is done by the clerk. The clerk proceeds to enter the judgment in form. Take, for instance, the House here. We pass a bill. We do not in fact pass a resolution that the Senate be requested to concur in the bill, but we send a message to the Senate stating that we have done so and we enter it in that way in the Journal. That is a part of the duty of the Clerk of the House. Certain formal entries are made both in the House and in the Senate by the Clerk of the House and the Secretary of the Senate. When the judge says he gives a judgment for a certain amount of money in a court of record the clerk enters a formal judgment of record in a book that is kept for that purpose. I would have no objection whatever to saying that the clerk shall keep the minutes, and that is all this amounts to, but if you say that the keeping of the minutes by the clerk is a sufficient record of the court, that simply balls up everything.

Mr. HUSTED. Why does not the gentleman propose his amendment? We will all vote for it.

Mr. MANN of Illinois. I was going to say to the gentleman that I do not see the reason for this sentence:

A memorandum of each action by the court shall be noted by the clerk on the docket and shall be a sufficient record thereof.

The court will require the clerk to keep a memorandum of the action of the court, and then he would require the clerk to enter formal entries whenever necessary. I do not suppose this court has jurisdiction over chancery cases.

Mr. VOLSTEAD. It has not.

Mr. MANN of Illinois. I do not know whether it has or not, under the language of this bill.

Mr. TILSON. What does the gentleman understand a "sufficient record" to mean?

Mr. MANN of Illinois. It means that nothing else should be required.

Mr. TILSON. Required for what?

Mr. MANN of Illinois. A thing that is sufficient is enough for all purposes. That is all. That is what sufficient means. That is the reason I think it is inapplicable here.

Mr. DOWELL. Mr. Chairman, I am unable to understand just what construction the chairman of the committee has placed on this language. He stated a few moments ago that it was sufficient to have the clerk enter a judgment, and that this refers to the final action of the court. I can not conceive that this has any such meaning. It occurs to me its only purpose is to require the clerk to keep a docket of his cases. That can be done under order of court, as has been suggested by the gentleman from Illinois. I can not see any reason for any part of this language, and I can not understand how the chairman of the committee can misconstrue this language into the meaning that it is to be a final record of the court. I think he has entirely misunderstood this language. I think the one who framed this bill never intended this language should mean anything except to say to the clerk that he should keep a docket of the cases pending in the court. If we are to permit this court to take jurisdiction of cases involving $2,000, we should require the court to enter the judgment, the same as any other court, and this would be final and conclusive everywhere. I can not conceive that the chairman of the committee, if this language means what he has misinterpreted it to mean, would favor such a proposition, and I am certain that the language will not bear the construction that he has seen fit to place upon it, and I think the entire paragraph should be stricken out.

Mr. HUSTED. Mr. Chairman, I offer the following amendment to the amendment offered by the gentleman from Ohio.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Line 9, page 2, strike out the word "respecting," the second word in the line, and insert the word "of." Line 10, after the word "Columbia," strike out the balance of the line, and strike out lines 11 and 12.

Mr. GARD. May we have the section read as it will appear as amended?

The CHAIRMAN. If the gentleman will permit a suggestion from the Chair, it would seem to the Chair that the amendment offered by the gentleman from New York is more properly a substitute to the amendment offered by the gentleman from Ohio.

Mr. HUSTED. Then I offer it as a substitute.

The CHAIRMAN. The gentleman from New York offers a substitute for the amendment offered by the gentleman from Ohio, which the Clerk will report.

The Clerk read as follows:

Substitute for the amendment offered by Mr. GARD. Page 2, line 9, strike out the word "respecting" and insert in lieu thereof the word "of"; and, in line 10, after the word "Columbia," strike out the remainder of the section.

Mr. GARD. If the gentleman will permit a suggestion in that respect, if the gentleman desires to be technically correct in the use of language in his substitute, where he strikes out the word "respecting," would he not use the word "in" instead of the word "of"?

Mr. HUSTED. Well, we always speak of terms of court.

Mr. GARD. The preceding language is "those now obtaining, or as hereafter modified" by the circuit court.

Mr. HUSTED. Oh, yes; the gentleman is quite correct; I did not notice that. I ask unanimous consent to modify my amendment by substituting the word "in" for the word "of," in line 9.

The CHAIRMAN. The gentleman from New York asks unanimous consent to modify his amendment as indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. VOLSTEAD. Mr. Chairman, I ask for a division of the two propositions. The one in line 9 is separate and distinct from the one striking out the balance of the section after the word "Columbia," in line 10.

The CHAIRMAN. The Chair thinks there should be a division.

Mr. RAKER. There is an amendment before the House.

Mr. WALSH. Two of them.

The CHAIRMAN. There is an amendment and a substitute for the amendment.

Mr. RAKER. Which is the first one? I want to be heard on the amendment.

The CHAIRMAN. The question now arises on the substitute.

Mr. RAKER. Mr. Chairman, I would like to be heard on the substitute. In reading this bill I want to submit a question to some members of the committee, preferably the chairman, who has it in charge. I desire to ask him if it is not a sort of makeshift to add additional judges to the Supreme Court of the District of Columbia?

Mr. VOLSTEAD. No; this would not add new judges, but this takes a lot of work from the supreme court and transfers it to the municipal court.

Mr. RAKER. I will put it the other way. You have now a complete procedure of the courts properly constituted, known to the litigants, wherein they may go to the Supreme Court of the District of Columbia to have their rights adjudicated, fully known to all since the last amendment the gentleman had placed upon the law some time since. Now, it appears to me that by this you get the procedure mixed up, and it appears to me that by raising the jurisdiction of the municipal court, originally

$2,000 and now $1,000, you simply make it a misfit and create a municipal court a court of record with the intention of trying to relieve litigation.

Mr. CRAMTON. Will the gentleman yield?

Mr. RAKER. In an endeavor to relieve this congestion, do you not make it a sort of botched-up affair instead of placing, say, four more judges on the bench and creating that many more departments where business can be successfully transacted, and, I believe, with less expense than this system proposed here?

Mr. VOLSTEAD. This is just what they are doing all over the country. In every large city they have a court of this kind. This court has been created by the name common to that class of courts that we are trying to create here, and we are trying to give this court jurisdiction so that it may relieve the supreme court, which is very greatly in need of relief.

Mr. RAKER. Does not the relief come just the same in a State where you have a district court, or what answers for it, a superior court, and instead of trying to give a justice of the peace or a police magistrate added jurisdiction they increase the judges upon the circuit court or the superior court, whereby they will expedite the business instead of having this additional court?

Mr. CRAMTON. Will the gentleman yield?

Mr. RAKER. I yield.

Mr. CRAMTON. On that point possibly the gentleman would be interested in knowing that just prior to his arrival the jurisdiction of the court was increased from $1,000 to $2,000, by a majority of one.

Mr. RAKER. That makes it even worse. This is a practical fact, and there is no need of disguising it, that men are better satisfied and you get better results, the litigants are better satisfied, counsel are better satisfied, and above and beyond all—and that is what the legislation should always be for—is the quietude of the community and the satisfaction of the public that you have a court so ranking in standing and ability that if it is $1,000 or $10,000 each man has the right to have his case adjudicated by the same judge, in the same court, under the same law, instead of trying to adjudicate a man's case where the amount involved is a little less than $2,000—say it is $1,900—and many complications involved, many law questions, and you bring it down to the justices of the peace court or the municipal court and say, "Because you only have a claim of $1,900 you do not get the consideration of the man that has a little larger amount." That is the trouble with all the legislation of that kind. That is one thing that the people are opposed to. It is a discrimination that ought not to be tolerated. A man who has a claim of $1,000 ought to go into court with the same standing, over the country, and with the same judges on the bench and with the same sanctity surrounding him, as a claimant with a larger claim, and not try to pick out a little court for him and say that we are going to give him the same jurisdiction as in the other court.

Mr. CRAMTON. Would the gentleman be in favor of doing away with other courts, and have one court to handle juvenile and police court and civil cases of all sizes?

Mr. RAKER. There is no judicial system in which there is a municipal court, or a justice of the peace court, that has jurisdiction of amounts exceeding $300.

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

Mr. RAKER. I would like to have two or three minutes more.

Mr. VOLSTEAD. The gentleman is not talking on this amendment at all.

Mr. RAKER. I will come right down to the substitute. I would like just five minutes more.

The CHAIRMAN. The gentleman from California asks unanimous consent for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. And then classify all the jurisdiction that has been demonstrated to be the most successful, where all other jurisdiction, original and appellate, from the lower courts is conferred upon the higher courts—there is no question about it—where the court has jurisdiction of all criminal matters, of civil matters, including divorce, guardianship, and estates, and including writs of certiorari, habeas corpus, or whatever they may be. And all you have got to do then is to create additional judges and other departments whereby you keep a constant process on the work and on the matter——

Mr. VOLSTEAD. Mr. Chairman, I make the point of order that the gentleman is not proceeding to the amendment.

The CHAIRMAN. The gentleman will proceed in order.

Mr. RAKER. That is relating to the substitute. That all applies specifically to the substitute, for this reason. It says:

A memorandum of each action by the court shall be noted by the clerk on the docket and shall be a sufficient record thereof.

Think of that. What is the fact? What is the object of it? In any case brought in court we know the clerk files the complaint, and of necessity must enter it on a docket. He enters it on the docket in the clerk's office; he enters it on the trial docket after the demurrer or answer has been filed. It goes to the judge. He keeps the judge's docket up and the clerk's docket up. And why legislate upon a procedure and a practice that must be followed by the clerk in every matter? Having designated in the prior part of the section that this is a court of record, that ends the whole thing. Of course, the clerk then keeps the necessary record. Some clerks do a little better than others and some clerks a little poorer than others. But having designated that this is a court of record, there follows the usual procedure, where any citizen may go in and say, "What are the papers in the case No. 200?" And he can get the original papers and look them over. He goes to the docket and he finds when the complaint has been filed and the summons issued, and when the demurrer and the answer have been filed, and he has a complete record.

And, getting back again—and this shows the impracticability of it—this is a matter fundamentally of adding a makeshift to a court already constituted, with all the necessary legal procedure surrounding it, to the end that it might work out immediately or with rapidity justice to the citizens by a judge of known ability and standing, because, being a member of the supreme court, you get results. So I think this substitute ought to be agreed to and that particular language ought to be taken out.

Now, I trust that my dear friend the chairman of the committee will not get impatient. I have taken but a moment of time here, and the bill is worthy of consideration. It is matter of procedure. It applies to us, and this is a matter in which the people of the United States, no matter where they come from, are interested—in our home government, and that home government is the government of the District of Columbia.

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. VOLSTEAD. Mr. Chairman, I would like to have this debate closed, but first I desire to make an explanation of this proposition. It is evident to me that its purpose is misunderstood. This language to the effect that a memorandum of each action shall be noted on the docket by the clerk is designed to continue the ordinary justice-court practice. Everybody who is familiar with justice-court records will know what this means. In a justice's court you are not required to make written pleas. You may make your plea on the docket, and the clerk under this provision would act in the place of a justice and enter your complaint. The defendant would answer orally and the clerk enter the answer upon the docket.

No written pleas are required. Everything appears on the docket in that fashion. When the time comes for entering a judgment, it is entered by the justice upon the docket.

It is perfectly evident to me that that is the form of procedure sought to be preserved by this provision, so that a man can go into this court, at least in the minor cases, state his case orally, just as he has been in the habit of doing, then let defendant answer orally, and have the pleas entered in the form of a memorandum made by the clerk in the same way as it has been customary in the justice's court.

Mr. RAKER and Mr. HUSTED rose.

The CHAIRMAN. Does the gentleman yield; and if so, to whom?

Mr. VOLSTEAD. I will yield first to the gentleman from New York.

Mr. HUSTED. I would like to ask the gentleman if he has considered this merely a matter of practice, which would be carried out in any event, and that a statute is not necessary to do it?

Mr. VOLSTEAD. I think the object of it is to enable the court to do business in the old fashion, so as to save costs and expenses, because this is going to be a poor man's court, the same as it has been.

Mr. HUSTED. That could all be done by the court under the practice. Does not the gentleman think there is any danger in stating that this memorandum shall be a sufficient record of the proceedings in the case?

Mr. VOLSTEAD. It is a sufficient record in the justice's court, and the judgment will be a good judgment anywhere in this country where the law authorizes it, notwithstanding that this is made a court of record. We ought to leave this provision in so as to continue the old practice of having suits tried informally and with as little expense as possible. That is the only object of it. It does not mean that you always have to do it in that fashion.

The court may say, if the amount is large, that litigants file written pleadings, because there is a provision in this bill au-

thorizing the court to determine what the rules of practice shall be. It does not say that in every instance a court must authorize this sort of a record, but in these small suits why not let the court proceed in the way that is customary in justice's courts in this country?

Mr. MANN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. MANN of Illinois. The language of the bill is "it shall be noted by the clerk"; that that shall be a sufficient record. Does not that make it obligatory that this method shall be pursued in every case, no matter how much the amount involved may be?

Mr. VOLSTEAD. The court may determine the extent of that memorandum. It does not state what shall go into it; and, besides, we have later on a section in this bill providing that this court may prescribe what the practice and procedure shall be.

Mr. MANN of Illinois. Under this the court may tell the clerk to do something, and the clerk may or may not do it. The statute here tells what shall be done. It says here "a memorandum of the action shall be made," not a copy of the judgment, but "a memorandum of the action." You can not make a court of record out of the justice of the peace proceedings, and if you undertake to give a justice of the peace court the right to enter judgment in cases involving several thousand dollars, you ought to have it proceed on the basis of a court of record. You want to give validity to those proceedings.

Mr. VOLSTEAD. It would be valid just the same.

Mr. MANN of Illinois. I do not think it would be, if you wanted to take an exemplified copy. It is a sloppy way of doing business.

Mr. VOLSTEAD. You can get an exemplified copy of a judgment entered under this provision.

Mr. MANN of Illinois. Well, the gentleman has another guess coming. He can not do it.

Mr. VOLSTEAD. There is no difficulty about that at all.

Mr. MOORE of Virginia. Mr. Chairman, I submit to the committee that the criticism of this section by the gentleman from Illinois [Mr. MANN] is well founded, and that the amendment proposed by the gentleman from Ohio [Mr. GARD] or something equivalent to it ought to be adopted.

Now, let us see what this section proposes. It proposes, first, to make this municipal court a court of record, and we perfectly understand what that means.

Secondly, it proposes to authorize this court to use a seal. Nobody raises any question as to that.

Thirdly, it requires that the terms of this court shall correspond with the terms of the Supreme Court of the District of Columbia.

Now, in reference to what shall constitute the record in a case, we have here a provision that is exclusive and final, to the effect that "a memorandum of each action by the court shall be noted by the clerk on the docket, and shall be a sufficient record thereof." This excludes as a part of the record the pleadings, if there be any; it excludes the entries on the minute book; and for all purposes it confines the record to a mere memorandum entered upon the docket. Now, I do not think that anything of that sort was ever heard of before in establishing a court, or defining the procedure of a court, and I do believe that to retain the language used here might lead to doubt and difficulty and embarrassment in the municipal court and in appellate tribunals. It strikes me that we will do everything that is substantially necessary if we provide that this shall be a court of record; that it shall have a seal; and shall have authority to fix such terms for the transaction of business as it may think proper to prescribe. We can trust it to make terms, if desirable, that will correspond with the terms of the Supreme Court of the District of Columbia. If that is considered undesirable by the court, we will leave it free to make other terms. We unhesitatingly vest in the court increased jurisdiction so far as the amount is concerned, and we need not fear to place within the discretion of the court other matters to which this section applies, among them the power to fix the terms for the transaction of its business.

Mr. DEMPSEY. I agree with practically all of the very able argument of the gentleman from Virginia [Mr. MOORE]. I have only one suggestion to make. The chairman of the committee suggests that, owing to other provisions in the bill with regard to summoning jurors and sending them from one court to the other, the terms of the two courts should be identical. That would seem to present a practical obstacle to doing away with that particular provision. In all other respects I agree entirely with the gentleman's argument.

Mr. MOORE of Virginia. With deference to the distinguished chairman of the committee, I wish to say that it is doubtful whether he is correct in that view; but if he is correct in it, the practical consideration will appeal just as strongly to the judges of the municipal court as it appeals to him, and we can certainly leave the municipal court free to make its terms correspond with the terms of the Supreme Court of the District of Columbia.

Mr. SAUNDERS of Virginia. Mr. Chairman, I understand there is an amendment pending and a substitute. May we have the amendment and the substitute reported?

Mr. VOLSTEAD. Mr. Chairman, let us see if we can agree on closing the debate on this paragraph. I ask unanimous consent that debate on this paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that debate on this paragraph and all amendments thereto close in five minutes. Is there objection?

Mr. BANKHEAD. Reserving the right to object, let us have the amendment reported first.

The CHAIRMAN. Without objection, the Clerk will again report the amendment offered by the gentleman from Ohio [Mr. GARD] and the substitute offered by the gentleman from New York [Mr. HUSTED.]

The Clerk read as follows:

Amendment offered by Mr. GARD: Page 2, line 7, strike out the words "the same" and insert in lieu thereof the word "such," and, after the word "court," in line 8, strike out the remainder of the section and insert in lieu thereof the following: "for the transaction of business as it may prescribe."

Amendment offered by Mr. HUSTED as a substitute for the amendment of Mr. GARD: Page 2, line 9, after the word "modified," strike out the word "respecting" and insert in lieu thereof the word "in"; in line 10, after the word "Columbia," strike out the remainder of the section.

Mr. SAUNDERS of Virginia. That is, it is proposed to strike out the language beginning with the words "a memorandum of each action." That is what I wanted to get at. I wanted to make the same motion. It seems to me that language certainly ought to go out.

Mr. VOLSTEAD. Mr. Chairman, that substitute ought to be divided.

The CHAIRMAN. It is suggested that the substitute of the gentleman from New York be divided. The second part of the gentleman's substitute would cover the point made by the gentleman from Virginia. The Chair will put the question as suggested by the gentleman from Minnesota [Mr. VOLSTEAD]. The question is on the first portion of the substitute offered by the gentleman from New York [Mr. HUSTED].

Mr. MANN of Illinois. What portion? Let us have it reported.

The CHAIRMAN. Without objection, the Clerk will again report it.

The Clerk read as follows:

Page 2, line 9, after the word "modified," strike out the word "respecting" and insert in lieu thereof the word "in."

The CHAIRMAN. The question is on the portion of the substitute which has been read.

The question being taken, the amendment was agreed to.

The CHAIRMAN. The question is on the remainder of the substitute.

The amendment was agreed to.

The CHAIRMAN. The question now comes on the amendment offered by the gentleman from Ohio [Mr. GARD], as amended by the substitute of the gentleman from New York [Mr. HUSTED].

The amendment as amended was agreed to.

The Clerk read as follows:

SEC. 3. That hereafter when the value in controversy in any action pending in said municipal court shall exceed $20, and in all actions for the recovery of possession of real property, either party may demand a trial by jury. The trial judge shall conduct such jury trial according to the course of the common law and according to the practice and procedure now obtaining, or as hereafter modified, respecting the Supreme Court of the District of Columbia, and shall have the same power to instruct juries, set aside verdicts, arrest judgments, grant new trials, etc., as said supreme court.

With the following committee amendment:

Page 2, line 22, after the word "judgments" insert the word "and," and after the word "trials" strike out the words "and so forth."

Mr. RAKER. I move to strike out all of the section and to substitute in place thereof the following:

That the said municipal court shall be governed by the law——

The CHAIRMAN. The gentleman will please submit his amendment in writing.

Mr. BANKHEAD. A point of order against that amendment.

Mr. LONGWORTH. Has the committee amendment been adopted?

The CHAIRMAN. It has not.

Mr. LONGWORTH. I submit that it should first be adopted.

Mr. BANKHEAD. I desire to submit a perfecting amendment.

Mr. RAKER. This is a perfecting amendment.

Mr. BANKHEAD. Is not my perfecting amendment in order before the motion to strike out the entire section?

The CHAIRMAN. The Chair thinks so.

Mr. RAKER. Let my amendment be read. I move to strike out all of the section and offer as a substitute——

Mr. WALSH. A substitute is not in order.

Mr. RAKER. As an amendment then.

Mr. WALSH. We ought to act on the committee amendment first.

The CHAIRMAN. The Chair understood that the gentleman from California desired to offer a substitute for the committee amendment, but evidently he does not, and therefore the question is first on the committee amendment.

The question being taken, the committee amendment was agreed to.

Mr. RAKER. Now, I move to strike out the section and insert the following as a substitute.

Mr. BANKHEAD. I desire to offer a perfecting amendment to the original section, which I think has precedence.

Mr. RAKER. Let mine be read, and then the gentleman from Alabama can follow it.

The CHAIRMAN. The gentleman from California requests that his amendment be read for information. Then if the gentleman from Alabama [Mr. BANKHEAD] desires to submit a perfecting amendment, that will be in order. The gentleman from California [Mr. RAKER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. RAKER: Page 2, line 13, strike out all of section 3, and insert in lieu thereof the following as a new section:

"That the said municipal court shall be governed by the law, rules, and regulations now in force, and that may hereafter be enacted or adopted, relating to the Supreme Court of the District of Columbia."

Mr. BANKHEAD. I offer an amendment, in line 13, to strike out the word "value" and substitute the word "amount."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 13, strike out the word "value" and insert in lieu thereof the word "amount."

Mr. VOLSTEAD. The word "amount" would not cover it. If you say value or amount——

Mr. BANKHEAD. When you render a judgment on a controverted question of that sort you do not render it in value, you render it in a specific amount.

Mr. VOLSTEAD. When the value in controversy in any action is involved——

Mr. BANKHEAD. It is unusual and extraordinary language to use the word "value."

Mr. VOLSTEAD. If you used the words "value or amount in controversy," perhaps it would be well.

Mr. BANKHEAD. Mr. Chairman, I insist on my amendment.

Mr. RAKER. Mr. Chairman, I offer an amendment to the amendment. After the word "amount," add the word "claimed" and strike out the words "in controversy," so that it will read, "that hereafter when the amount claimed in any action," and so forth. I want to be heard on the amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 13, after the word "the," strike out the word "value" and insert in lieu thereof the words "amount claimed," so that it will read: "hereafter when the amount claimed in controversy," etc.

Mr. RAKER. I move to strike out the words "in controversy" and insert "in any action."

The Clerk read as follows:

Modified amendment by Mr. RAKER: Page 2, line 13, after the word "the," strike out the words "value in controversy" and substitute the words "amount claimed in any action."

Mr. RAKER. Mr. Chairman and gentlemen of the committee, I want to call attention to the effect of the amendment as it is. The amendment the gentleman offered is in the right direction, but the amount in controversy must be determined. It is the amount claimed in the complaint which will settle the question of jurisdiction. No matter what the value of the property is, if the complainant claims the amount, then that settles it. It is in every proceeding, every law in the United States, and that is the jurisdictional test.

Mr. WALSH. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. WALSH. What would be the amount claimed in a replevin case for a donkey?

Mr. RAKER. If he put the value at $19, the real value might be $100. He alleges what is the value, and that is the amount in controversy. If you want to get a case transferred from a State court to the Federal court, the amount claimed is the test.

Mr. MANN of Illinois. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. MANN of Illinois. Where a replevin suit is brought and you do not get possession of the property, the amount claimed is important. But suppose the plaintiff in a replevin suit fixes the value at $1 when in fact it is $10,000? If he gets possession of the property he does not care at what value he puts it. Under this amendment will the defendant have any chance for a jury trial?

Mr. RAKER. He must allege the value of the property and must give bond.

Mr. MANN of Illinois. If he gets possession of the property he does not care what the value is put at. If he does not get possession, the value is important; but what chance would the defendant stand for a jury trial?

Mr. RAKER. In a replevin suit the complainant alleges the value of the property.

Mr. MANN of Illinois. Of course; and he may allege it to be worth $10 when in fact its value is $10,000.

Mr. RAKER. He gives a bond, and if he wants to retain the property pending the suit the sheriff holds it a certain number of days, and if the defendant desires it he gives a bond to have it returned pending the suit.

Mr. MANN of Illinois. But if he gets possession of the property, the value cuts no figure.

Mr. RAKER. Let me call the gentleman's attention to this fact. If you use the word "value" how can anyone know the value of the property except by the declaration in the complaint? It is the value claimed.

Mr. MANN of Illinois. Everybody sees the point to that, but the gentleman has not answered my question, whether if the complainant alleges the value of the property to be $10, whereas in fact it is worth $10,000, whether that would prevent the defendant getting a jury trial.

Mr. RAKER. If the value of the property in fact is $10,000, and the plaintiff alleges it to be $19, and the property at the beginning of the action is replevined, the officer must hold the property 10 days—the time differs in different States—and the defendant by giving a bond twice the value of the property——

Mr. MANN of Illinois. The defendant does not give the bond.

Mr. RAKER. In most of the States he can. The plaintiff can not get possession of the property except through the officer. The officer holds it for a number of days, which the statute provides——

Mr. MANN of Illinois. The defendant does not give a bond in a replevin suit at all.

Mr. RAKER. Then he can not take the property.

Mr. MANN of Illinois. Of course, he can not take the property.

Mr. BANKHEAD. Mr. Chairman, I ask unanimous consent to modify my amendment.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to modify his amendment. Is there objection?

There was no objection.

Mr. BANKHEAD. Mr. Chairman, instead of striking out the word "value" I propose to modify the amendment by adding the words "amount or" before the word "value."

Mr. VOLSTEAD. I would accept that amendment.

The CHAIRMAN. The Clerk will report the modified amendment.

The Clerk read as follows:

Modified amendment by Mr. BANKHEAD: Before the word "value" insert the words "amount or."

The CHAIRMAN. The question now comes on the substitute offered by the gentleman from California.

The question was taken, and the substitute was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

Mr. MOORE of Virginia. Mr. Chairman, I suppose the committee used the language under discussion, following the seventh amendment to the Constitution of the United States. It is the language that is used in legislation of this character ordinarily and to which a very definite meaning attaches.

Mr. MANN of Illinois. Mr. Chairman, it may be necessary to make this change suggested by the gentleman from Alabama [Mr. BANKHEAD], but Article VII of the Constitution of the United States provides:

In suits at common law, where the value in controversy shall exceed $20, the right of trial by jury shall be preserved.

It may be that the makers of the Constitution did not know just what they were doing, because it has resulted in a lot of ridiculous trials by juries in the United States courts, but nevertheless that is the language used.

Mr. MOORE of Virginia. And may I say if it will not disturb the gentleman, that in the case of Callan against Wilson, the Supreme Court of the United States passed upon that provision of the Constitution with reference to jurisdiction of inferior tribunals in the District of Columbia, and that the reason why we are saying now that there must be a jury trial in every instance where the amount in controversy is over $20 is because of that decision.

Mr. MANN of Illinois. And because of that provision of the Constitution.

Mr. MOORE of Virginia. Exactly.

Mr. BANKHEAD. Mr. Chairman, in view of the citation of that argument, which had not occurred to me, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. REED of West Virginia. Mr. Chairman, I move to amend, in line 19, by striking out the word "respecting," after the word "modify," and substituting therefor the word "in," so that it may correspond with the other amendment in section 2.

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

The Clerk read as follows:

Amendment by Mr. REED of West Virginia: Page 2, line 19, after the word "modified" strike out the word "respecting" and insert in lieu thereof the word "in."

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia.

Mr. MOORE of Virginia. Mr. Chairman, it seems to me that section 3 might be amended so as to make it clear and simple and yet express what is meant by striking out the language of the last paragraph and inserting something of this sort:

Every jury trial shall be conducted and the verdict dealt with according to the law and procedure governing jury trials in the Supreme Court of the District of Columbia at that time, but this requirement is subject to the provision contained in section 11 of this act.

The proviso will be necessary, if you are going to maintain section 11 of the bill, because section 11 gives to the municipal court the right to make its own rules of practice and procedure. Except for section 11 the requirement of section 3 might be limited to the same sort of procedure obtaining in the supreme court, but I can understand it may be necessary for the municipal court to vary rules of procedure of the supreme court by adopting its own rules of practice, and the amendment that I suggest, which I am not going to press, as I am merely suggesting it for the consideration of the chairman of the committee, would simply require that the municipal court shall follow the procedure that obtains at the time the case is tried in the Supreme Court of the District of Columbia, as to conducting the trial and disposing of the verdict, unless that procedure is inconsistent with the rules of practice that the municipal courts may have meanwhile established under the authority granted in section 11.

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

Mr. MOORE of Virginia. Yes.

Mr. RAKER. The Supreme Court of the United States establishes equity rules for all of the courts in the United States.

Mr. MOORE of Virginia. Yes.

Mr. RAKER. Controlling 110,000,000 people; and here you are going to make a court of record to try cases that are tried now before the supreme court. Why should not the Supreme Court of the District of Columbia adopt these rules, and why should not the municipal court adopt them, instead of having one set of rules for one court and another set of rules for another court?

Mr. MOORE of Virginia. That might be desirable. What I have drafted is with a view of taking care of what is provided by section 11, where the right is given the municipal court to adopt rules of practice varying from the rules of the Supreme Court of the District of Columbia.

Mr. RAKER. Would not the adoption of section 11 be detrimental?

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia.

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

The CHAIRMAN. The question now comes on the substitute offered by the gentleman from California.

Mr. RAKER. Mr. Chairman, the purpose of the amendment is this: It seems to me that you have now jury trials in the supreme court and jury trials in the municipal courts, and that in view of that there should be one set of rules governing the trial of cases in the supreme court and in the municipal court. They ought to be the same. A man becomes familiar with the trial of a case before a court and jury in the supreme court and he is then familiar with the trial and procedure in the municipal court. Why should there be two sets of rules established? Why should we complicate and add to a system that is already to a certain extent somewhat complicated? It is clear enough, but it takes a great deal of time to get it into one's mind, and we now propose to change it and make it still more complicated. It seems to me that we are doing something that is quite unnecessary, and it would be merely taking up the time of the court and the time of the counsel unnecessarily.

Mr. CRAMTON. Will the gentleman yield?

Mr. RAKER. I will.

Mr. CRAMTON. Does not the section expressly provide that the trial shall be conducted according to the practice and procedure in the Supreme Court of the District? It provides exactly what the gentleman is arguing.

Mr. RAKER. Here you have a whole lot of complications. Why not substitute how the whole proceeding of the court from beginning to end shall be conducted?

The CHAIRMAN. The question is on the substitute.

The question was taken, and the substitute was rejected.

Mr. HUSTED. Mr. Chairman, I offer an amendment to section 3. Line 17, page 2, after the second word "trial," strike out the words "according to the course of the common law."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. HUSTED: Page 2, line 17, after the second word "trial," strike out the words "according to the course of the common law."

Mr. HUSTED. Mr. Chairman, I offer this amendment because I am informed the common law has been changed in the District, and this provision as it is in the bill might be dangerous. It would require the conduct of all suits in accordance with the course of the common law, which has been changed in many respects, and the provision might be open to interpretation that this reenacted the common law in the District.

The CHAIRMAN. The question is on agreeing to the amendment.

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

Mr. JOHN W. RAINEY. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I ask unanimous consent that I may proceed out of order for five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that he may proceed out of order. Is there objection?

Mr. VOLSTEAD. Mr. Chairman, I do not think——

Mr. JOHN W. RAINEY. I would ask the chairman not to object. I do not inflict myself upon the membership of the House very frequently, and I want at this time to get a statement in the RECORD. I shall not take more than about three minutes.

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

Mr. JOHN W. RAINEY. Mr. Chairman, some time ago I suggested to the membership of the House that the district I had the honor to represent was frequently the target of criticism, and when criticism was just I welcomed it, but when unjust attacks were made upon my district or upon my constituents I would resent same. I so advised the citizens and business men of my district, suggesting to them that at any time they felt unwarranted and unjust attacks had been made upon them or their industries to advise me, and I would see that the Members of the House and the people of the country would get the real facts. Swift & Co., one of the industries of my district, forwarded an answer to the statement made by Representative BENJAMIN F. WELTY, of Ohio, reported on page 988 of the CONGRESSIONAL RECORD of January 7. It is very short, and I am going to ask that it be inserted in the RECORD.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the way indicated. Is there objection? [After a pause.] The Chair hears none.

The statement is as follows:

[Answer to statements of Representative BENJAMIN F. WELTY, of Ohio, as reported on page 988 of the CONGRESSIONAL RECORD of January 7, by Swift & Co.]

Hon. BENJAMIN F. WELTY is quoted on page 988 of the CONGRESSIONAL RECORD of January 7 as follows:

"If I remember correctly, investigations were made at the close of the Spanish-American War because the Beef Trust killed hundreds of our soldiers by feeding them embalmed beef; but while the investigation was going on it was learned that a certain Senator from Ohio had sold one of his boats on the Great Lakes to the Government at a fabulous price, and for some reason nothing came of the investigation. No prosecutions followed, and I understand that the boat that the Senator from Ohio sold to the Government was sunk by Hobson, thus hoping to drown even the memory of the scandal."

This or similar charges have been brought to light periodically since the Spanish-American War, and it is likely that many Members of Congress would appreciate a statement of the facts as obtained from official records.

The subject of chemically processed meats first came to the attention of Army officers through copy of a letter dated May 25, 1898, in which Alexander B. Powell proposed to process meats for the Government by "purifying the germs of meats so that they will withstand the destroying elements of any climate and keep in perfect condition for from 4 to 10 days." He quoted as references the managers of various southern hotels who had used meats under the process. He proposed to treat meats at a price of one-half cent a pound for the Government.

There was a great deal of criticism directed by the public press at the administration for the unsatisfactory handling of the soldiers in camps and on transports. The correspondents, no doubt, came across the letter previously referred to, or had heard of it, and in their zeal for sensation magnified a supposition into a reality and permitted the impression to get out broadcast that all meats furnished the Government were chemically treated. The agitation of the public became so pronounced that Mr. Alger, then Secretary of War, requested President McKinley, under date of September 8, to appoint a commission empowered to investigate the conduct of the War Department in the War with Spain.

During the proceedings of the hearings before the commission there was only one testimony among hundreds submitted that did not agree that the quantity of food was not only abundant but also of unusually good quality.

The exception was the statement of Mr. W. H. Daly, major and chief surgeon, United States Volunteers, on staff of Gen. Nelson A. Miles, who supported Daly in his testimony. Dr. Daly's report of September 21, 1898, follows:

"I have the honor to report, in the interest of the service, that in several inspections made in the various camps and troop ships at Tampa, Jacksonville, Chickamauga, and Porto Rico that I found the fresh beef to be apparently preserved with secret chemicals, which destroys its natural flavor, and which I also believe to be detrimental to the health of the troops."

Gen. Miles stated before the commission:

"There was sent to Porto Rico 337 tons of what is known as so-called refrigerated beef, which you might call embalmed beef."

Dr. Daly testified that a sample of broth taken by him from a kettle of boiling beef on being analyzed exhibited the characteristics of boric and salicylic acids.

Testimony by Gen. Weston disposes of the charge that the beef seen by Dr. Daly at Tampa was furnished by contractors or issued to the troops. Gen. Weston testified that it was permitted to Messrs. Edwards & Powell, who were interested in a preserving process, to place a few carcasses of beef aboard the Comal at Tampa for a demonstration of the keeping qualities under severe tests, but that none of the meat so treated was rationed out.

Report by Brig. Gen. Charles P. Eagen, of the Subsistence Department: "Our investigation showed that rations were issued as per published schedules, and always on hand in abundance. The department exercised great vigilance in the inspection of all articles and obtained, so far as we can ascertain, the best quality for the price paid." (p. 151, Commission Report.)

There were also numerous tests made by outside chemists, at the instigation of the commission, of both fresh and canned beef, and reports throughout specified that no trace of preservatives was discovered.

These official reports prove that these accusations are without basis of fact. They merely demonstrate the damage which can result from the spreading of rumors and gossip without taking trouble to ascertain the facts.

Mr. JOHN W. RAINEY. Now, to reiterate, Mr. Chairman, whenever any of the citizens or industries of my district are unjustly or unwarrantably attacked, I am going to get the facts and present them to the Members of the House and to the country. [Applause.] I believe in justice, consequently both sides of the case should be presented.

The Clerk read as follows:

SEC. 4. That jurors for said municipal court shall be drawn and selected under and in pursuance of the laws now obtaining, or as hereafter modified, concerning the drawing, selection, term of service, mode of filling deficiencies in a panel; shall be subject to the same duties and liabilities, and shall receive the same compensation as petit jurors in the Supreme Court of the District of Columbia, as fully as if such laws directly referred to said municipal court, excepting that in said municipal court there may be an additional term of service to begin on the first Tuesday in August of each year, and to terminate on the first Tuesday of the second month thereafter. Section 73 of the Code of Law of the District of Columbia, relating to bills of exceptions, shall apply to said municipal court as well as to the Supreme Court of the District of Columbia. At least 10 days before the term of service of jurors shall begin, the clerk of the supreme court of said District shall certify to the said municipal court, for service as jurors for the then ensuing term, the names of 26 persons, drawn as directed by law. Deficiencies in any panel of any such jury may be filled according to the law applicable to jurors in said supreme court, and for this purpose any judge of said municipal court shall possess all the powers of a judge of said supreme court and of said court sitting as a special term.

Whenever the judges of the municipal court shall certify in writing that the business of said court requires the services of additional jurors and shall file such certificate in the office of the clerk of the Supreme Court of the District of Columbia, the justices of said supreme court shall direct the clerk of the said supreme court to certify to said municipal court for service as jurors for the then ensuing terms the names of such number of other persons as may be necessary for such service, which names shall be drawn as directed by law.

Mr. WALSH. Mr. Chairman, I move to amend by striking out in lines 9 and 10 the words "the second month thereafter," and insert in place thereof the word "October," and in line 17 strike out "26" and insert "36."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 9, strike out the words "the second month thereafter," and insert in lieu thereof the word "October," and in line 17, page 3, strike out "26" and insert in lieu thereof "36."

Mr. GARD. Will the gentleman yield?

Mr. WALSH. Yes; I yield to the gentleman from Ohio.

Mr. GARD. I will be glad to have the gentleman's observation in regard to the increase of the number of persons from 26 as set out in the bill?

Mr. WALSH. If we are going to preserve the right of trial by jury and transfer this large number of cases to the municipal court from the congested docket of the supreme court, it seems to me we will not make very much progress with a jury panel of 26 persons to draw from. I think we ought to have a sufficient panel, so that they might possibly have two jury trials going on simultaneously, and to do that they ought to have at least 36 persons. Now, it might be that it would be impossible to have more than one jury with only 26 on a panel.

Mr. GARD. I will state to the gentleman from Massachusetts it seems to be the opinion of those who spoke on behalf of the bill, those representing the bar associations and the bench, that but one jury would be used by this municipal court.

Mr. WALSH. Well, of course, we have increased the jurisdiction to $2,000 and we are providing that a lot of these cases are going to be transferred downstairs.

Mr. GARD. Does the gentleman think they are going to try many cases in Washington in the hot weather in August and September that this new term provides for?

Mr. WALSH. Well, no; I think perhaps if they had tried more in warm weather heretofore we would not have this legislation, perhaps.

Mr. SAUNDERS of Virginia. Will the gentleman from Massachusetts yield?

Mr. WALSH. I will.

Mr. SAUNDERS of Virginia. What is the reason for the suggestion of the use of the word "October" instead of the phrase "the second month"?

Mr. WALSH. Well, is not October the second month after the first Tuesday in August?

Mr. SAUNDERS of Virginia. It is; but what is the advantage of the phrase?

Mr. WALSH. Well, I thought it made it more explicit. It said "the first Tuesday in August," and then I found it said "the first Tuesday of the second month thereafter," and I thought we had better say "the first Tuesday in October."

Mr. SAUNDERS of Virginia. I figured that is practically the same, but I wanted to know if it was a question of phrasing.

Mr. WALSH. Yes.

Mr. SAUNDERS of Virginia. I could not figure out the difference in the meaning.

Mr. MANN of Illinois. The reason is that I first thought on reading the bill it meant September, and I think the gentleman offered the amendment in order to make it clear enough for me to understand.

Mr. SAUNDERS of Virginia. If he wanted to bring it within the comprehension of the gentleman from Illinois, it is all right.

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

Mr. CRAMTON. Mr. Chairman, I have an amendment to perfect the language. In lines 2 and 3, strike out in line 2 the comma after the word "service" and insert the word "and"; and in line 3, after the word "panel," strike out the semicolon and insert the word "and." It is simply to straighten out the language and make it a little clearer.

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

The Clerk read as follows:

Amendment by Mr. CRAMTON: Page 3, line 2, after the word "service," strike out the comma and insert the word "and"; page 3, line 2, after the word "panel," strike out the semicolon and insert the word "and."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GARD. Mr. Chairman, I move to strike out, on page 3, line 18, after the word "law," all the balance of the paragraph which includes the balance of the language on line 18, and the language in lines 19, 20, 21, and 22.

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

The Clerk read as follows:

Amendment by Mr. GARD: Page 3, line 18, after the word "law," strike out the remainder of the paragraph.

Mr. GARD. Mr. Chairman, it seems to me that the amendment offered by the gentleman from Michigan a moment ago served to very well clarify what is probably the true intent and meaning of the section—that there should be no question that the method of drawing juries and selection, and so forth, in filling deficiencies in a panel, should be under the laws of the Supreme Court of the District of Columbia. Now, in view of what I have said in regard to that language that I have offered to strike out, and the succeeding language, which

provides that they shall certify in writing, and so forth, that they require additional jurors, I do not see that the language I have moved to be excluded means anything in the general consideration of the section.

Mr. MANN of Illinois. Will the gentleman yield for a question?

Mr. GARD. Yes, sir.

Mr. MANN of Illinois. Suppose the court is endeavoring to empanel a jury where objection is made, and the jurors are excused. What would happen? How would they get a jury if this language was stricken out?

Mr. GARD. It would be like it says here, that the jury shall be drawn and selected under and in pursuance of the laws now obtaining, or hereafter modified, concerning the drawing, selection, term of service, mode of filling deficiencies in the panel, as it appears in lines 2 and 3, which was clarified by the amendment of the gentleman from Michigan. So to that should be coupled up the fact that the method was the method prescribed for drawing juries and supplying deficiencies in the Supreme Court of the District of Columbia.

Mr. MANN of Illinois. I am frank to say that I did not hear the amendment of the gentleman from Michigan. I was discussing another matter.

Mr. GARD. His amendment was to strike out the semicolon after the word "panel."

Mr. MANN of Illinois. Strike out the semicolon where?

Mr. GARD. After the word "panel," in line 3. So that the unquestioned intent in the drawing of a jury, the selection of term of service, and the filling of deficiencies should relate to the method in vogue in the Supreme Court of the District of Columbia.

Mr. MANN of Illinois. That has reference to the drawing of jurors, so as to make the panel required under the law?

Mr. GARD. Yes.

Mr. MANN of Illinois. But there is a subsequent provision in this section directing that there shall be certified a certain number of jurors to this municipal court from the supreme court. There is no authority to certify any more than that number from the supreme court. And it seems to me that governs the number that can be drawn from the supreme court. All this preliminary is really a recital of existing law as to the drawing of juries in the supreme court and does not give to this court, as I understand it, any jurisdiction over the empaneling of jurors at all. Now, suppose they are one man short of a full jury. How are they going to get him?

Mr. GARD. In the same manner as they do in the supreme court, because the word "panel," as used in line 3 and in line 18, and the word "deficiency," as used in the same connection, brought the idea to my mind that this language in lines 18 and 19, and so forth, was a mere repetition, which added nothing to the language of the section.

Mr. MANN of Illinois. Now, one thing of the two is quite certain, either that the language at the top of page 3 does not authorize the municipal court to draw jurors itself or else the language in the middle of page 3, directing the clerk of the supreme court to certify 36 jurors to the municipal court, ought not to be in there. If the municipal court is to select its own jurors, in the first place, there is no occasion for certifying jurors from the supreme court, it seems to me.

Mr. CRAMTON. Will the gentleman from Ohio yield for a suggestion?

Mr. GARD. Yes.

Mr. CRAMTON. It seems to me that section 4 is to be read as if, after the word "selected," in line 23, the words "by the supreme court" were written in. So that the meaning shall be that the jurors for said municipal court shall be drawn by said supreme court for the municipal court.

Mr. MANN of Illinois. I agree with the gentleman. The purpose of that language is to declare that these jurors, when certified by the clerk of the supreme court, have been legally drawn. But if there is a shortage of jurors and there is no authority to certify any more from the supreme court, and you are empaneling a jury and you have not any panel to draw from, what do you do? The court sends out and gets more men to serve.

Mr. GARD. That is very true.

Mr. MANN of Illinois. Without that authority, what can you do?

The CHAIRMAN. The time of the gentleman from Ohio [Mr. GARD] has expired. The question is on the amendment of the gentleman from Ohio [Mr. GARD].

Mr. WALSH. Mr. Chairman, may it again be reported?

The CHAIRMAN. Without objection, the amendment will again be reported.

The amendment was again read.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. VOLSTEAD. Mr. Chairman, I offer an amendment by inserting, after the word "of," in line 17, page 3, the words "not to exceed," so that it will read "not to exceed 26." It may be that you will not need 26 jurors, and consequently there should be a provision to authorize the drawing of a less number.

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

The Clerk read as follows:

Amendment offered by Mr. VOLSTEAD: Page 3, line 17, after the word "of," insert the words "not to exceed," so that the line will read "as jurors for the then existing term, the names of not to exceed 26 persons."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. WALSH. Mr. Chairman, I offer the following amendment: Page 2, line 25, after the word "selected," insert "by the supreme court."

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

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 2, line 25, after the word "selected," insert the words "by the supreme court."

Mr. BRIGGS. Of the District of Columbia.

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

Mr. WALSH. Yes.

Mr. IGOE. I have just glanced hastily over the section, and as I understand the law as to juries they are drawn by the clerk of the court under the direction of the court, and it seems to me that the language that is in there now, since it practically puts in force the present law, would sufficiently cover it.

Mr. WALSH. Mr. Chairman, I ask leave to withdraw my amendment.

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

There was no objection.

The CHAIRMAN. The Clerk will read.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. CRAMTON having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States, by Mr. Sharkey, one of his secretaries, informed the House of Representatives that the President had, January 10, 1920, approved and signed joint resolution of the following title:

H. J. Res. 263. Joint resolution extending the time for filing final report of the Joint Commission on Reclassification of Salaries, created by section 9, Public, No. 314, Sixty-fifth Congress, approved March 1, 1919, to a date not later than March 12, 1920.

ENLARGING THE JURISDICTION OF THE MUNICIPAL COURT OF THE DISTRICT OF COLUMBIA.

The commitee resumed its session.

The Clerk read as follows:

SEC. 5. That if neither party demand a trial by jury, or if the value in controversy shall not exceed $20, the case may be tried and determined by any member of the court, and his finding upon the facts, which may be either general or special, shall have the same effect as a verdict of a jury, with the same right of either party to take an exception to any ruling of the court, and have the same embodied in a bill of exceptions, as in case of a jury trial.

Mr. WALSH. Mr. Chairman, in line 10, page 4, I offer an amendment to strike out the word "member" and insert the word "judge."

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

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 4, line 10, strike out the word "member" and insert the word "judge."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. CAMPBELL of Kansas. Just a moment, Mr. Chairman. This court is made up of six judges. They are assigned in the morning to the cases they will try. Probably this language would change that rule.

Mr. WALSH. How?

Mr. CAMPBELL of Kansas. I am not sure how. I did not get the point just where the language came in.

Mr. MANN of Illinois. This is only doing what is invariably the case where a number of justices constitute a trial court. Each judge sits in the court.

Mr. WALSH. Instead of "any member of the court" it should read "any judge," which would be better phraseology.

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

The amendment was agreed to.

Mr. RAKER. Mr. Chairman, I offer the following amendment: In lines 11 and 12, page 4, strike out the words "which may be either general or special."

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

The Clerk read as follows:

Amendment offered by Mr. RAKER: Page 4, lines 11 and 12, strike out the words "which may be either general or special."

Mr. RAKER. Mr. Chairman, I hope the gentleman from Minnesota will agree with this amendment, because when a judge of a court settles a case without a jury he comes to a final determination and his findings are on the facts, and he disposes of it without any further complication. Will the gentleman give me the benefit of his study of this bill as to what that particular language means?

Mr. WALSH. To whom is the gentleman addressing his request?

Mr. VOLSTEAD. I suppose that is quite common. Unless the law expressly provides that it shall be special, a general finding is ordinarily all right. It seems to me you might as well leave it in this condition. This is the ordinary common-law rule.

Mr. RAKER. When the court settles the case he is not bringing in any special verdict, as a jury might, but he finally determines the case.

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

Mr. RAKER. I yield.

Mr. BRIGGS. As I understand it, the determination of causes under the courts may be by a general judgment or on a specific finding of facts upon which they base their conclusions of law. It would seem that it is under that that this provision of the bill is incorporated.

Mr. RAKER. When the court makes a finding on specific facts—not upon all the facts—he would do it on a specific fact, because the court in this instance, sitting in place of the jury, must make an ultimate finding of the whole case, so that the judgment might be rendered upon the facts, whether general or special, before the judgment is rendered.

Mr. BRIGGS. But there is nothing mandatory in this provision. It would not be assumed that the court in a $20 case would go to the trouble of setting out the specific findings. It might be that $2,000 is involved, and then the litigant might want the conclusions of the court.

Mr. RAKER. That might be so in the case of a larger amount. Mr. Chairman, I will withdraw my amendment under the circumstances.

The CHAIRMAN. The gentleman from California asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. SAUNDERS of Virginia. Mr. Chairman, I do not see any reason why the word "same" should be in line 13. You should give the right to either party and have the same embodied in a bill of exceptions.

Mr. MANN of Illinois. That is in the case of a jury trial.

Mr. SAUNDERS of Virginia. I do not see that the word "same" carries any necessary meaning.

Mr. MANN of Illinois. That would be the same as in a jury trial.

Mr. SAUNDERS of Virginia. If you should use the language "as in the case of a jury trial," it would carry the same meaning.

Mr. MANN of Illinois. "The same as" would carry the same meaning.

The CHAIRMAN. The Clerk will read.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. FORDNEY having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States, by Mr. Sharkey, one of his secretaries, informed the House of Representatives that the President had, on January 15, 1920, approved and signed bills of the following titles:

H. R. 5818. An act for the retirement of public-school teachers in the District of Columbia;

H. R. 8661. An act to authorize the Kingsdale Lumber Corporation to construct a bridge across Lumber River, near the town of Lumberton, N. C.;

H. R. 9947. An act to authorize J. L. Anderson and H. M. Duvall to construct a bridge across Great Pee Dee River at or near the town of Cheraw, S. C.;

H. R. 10135. An act for the construction of a bridge across Rock River at or near East Grand Avenue, in the city of Beloit, Wis.;

H. R. 10558. An act granting the consent of Congress to the Connecticut River Railroad Co., its lessees, successors, and assigns, to construct a bridge across the Connecticut River in the Commonwealth of Massachusetts;

H. R. 10847. An act granting the consent of Congress to Marion County, State of Mississippi, to construct a bridge across the Pearl River, in Marion County, State of Mississippi; and

H. R. 11025. An act to authorize the construction, maintenance, and operation of a bridge across the Tombigbee River, near Iron Wood Bluff, in Itawamba County, Miss.

ENLARGING THE JURISDICTION OF THE MUNICIPAL COURT OF THE DISTRICT OF COLUMBIA.

The committee resumed its session.

The Clerk read as follows:

SEC. 6. That all judgments hereafter entered by said municipal court shall remain in force for six years and no more after their rendition, unless the same shall have been docketed in the Supreme Court of the District of Columbia as provided by existing law, and no judgment shall become a lien upon any lands, tenements, or hereditaments until so docketed.

Mr. BANKHEAD. Mr. Chairman, I have an amendment which I should like to offer.

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

The Clerk read as follows:

Amendment offered by Mr. BANKHEAD: Page 4, line 19, after the first word "the," insert "office of the clerk of."

Mr. BANKHEAD. Mr. Chairman, I want to call the attention of the chairman of the committee to this amendment. The law with reference to the enforcement of liens is, of course, always very strictly construed. The language of the section as it now stands is—

That all judgments hereafter entered by said municipal court shall remain in force for six years and no more after their rendition, unless the same shall have been docketed in the Supreme Court of the District of Columbia.

That is rather unusual language. In most of the States, of course, the provision is that the judgment shall be recorded in the probate office or some place of record; but the section of the municipal code, section 1214, to which I called the attention of the chairman of the committee with reference to liens, provides that they shall be recorded "in the office of the clerk of the Supreme Court of the District of Columbia," and it seems to me this language ought to follow the language of the municipal code. Otherwise it might be deemed sufficient to go and attempt to docket this lien upon the trial docket of the Supreme Court of the District of Columbia; and although I have no interest in the matter whatever, it seems to me it ought to be specific and definite and to follow the language of the municipal code with reference to the validity of liens.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

The amendment was agreed to.

Mr. WALSH. I offer the following amendment:

Line 17, page 4, strike out the language "and no more after their rendition" and insert in place thereof the words "and no longer."

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

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 4, line 17, after the word "years," strike out the words "and no more after their rendition" and insert in lieu thereof "and no longer."

Mr. WALSH. Mr. Chairman, it seems to me the present language is not correct phraseology:

That all judgments hereafter rendered by said municipal court shall remain in force for six years and no more after their rendition.

Mr. IGOE. Suppose that the language was stricken out and nothing inserted, how long would the judgment remain in force?

Mr. WALSH. Probably six years.

Mr. IGOE. And with the language inserted that the gentleman proposes, how long will the judgment remain in force?

Mr. WALSH. Probably six years. I will say that when I obtained recognition from the Chair I did not intend to insert any language after that stricken out, but out of the atmosphere came the suggestion that I proposed.

Mr. MANN of Illinois. If you do not insert some language, it will read:

Shall remain in force for six years unless the same shall have been docketed in the Supreme Court of the District of Columbia.

And I defy anybody to say how long it would remain in force.

Mr. CRAMTON. Will the gentleman consent to accept this language "and for no more prolonged period of years"?

Mr. WALSH. No; I would not consent to that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. WALSH].

The question being taken, on a division (demanded by Mr. WALSH) there were—ayes 22, noes 0.

Accordingly the amendment was agreed to.

Mr. SAUNDERS of Virginia. Mr. Chairman, I should like to ask the chairman of the committee this question: Suppose a judgment is obtained, as provided in this bill, and it is docketed in the office of the clerk of the supreme court, what length of life will that docketing give it?

Mr. VOLSTEAD. Twelve years.

Mr. SAUNDERS of Virginia. Is that 12 more years?

Mr. VOLSTEAD. No; 12 years is the limit, as I understand.

Mr. SAUNDERS of Virginia. This is what I have in mind: Suppose a judgment has been obtained pursuant to this bill and it is allowed to run five years. It is then docketed in the office of the clerk of the Supreme Court of the District of Columbia. Will that docketing give the judgment a supplemental life of 12 years, so that the total life of the judgment will be 17 years?

Mr. VOLSTEAD. No; I do not so understand it.

Mr. SAUNDERS of Virginia. Is it clear what life this docketing would give the judgment—that it would only give it seven years more?

Mr. VOLSTEAD. It is 12 years in all.

Mr. SAUNDERS of Virginia. Then the docketing would give it seven years more.

Mr. VOLSTEAD. For the period of 12 years only from the date when execution might first be issued thereon, or from the date of the last revival thereof.

Mr. SAUNDERS of Virginia. This is a judgment of a court of record that is limited to a life period of six years, provided something is not done. But during that period it may be recorded in the office of the clerk of the Supreme Court of the District of Columbia. I have suggested a case in which, after running five years, it is recorded. How much more life will that docketing give to that judgment?

Mr. VOLSTEAD. My impression is that it gives it the life of a justice's court judgment, which would be 12 years from the date when the execution could first be issued upon it. Of course, the execution, I presume, could have been issued immediately upon the entry of the judgment, unless stayed in some way.

Mr. SAUNDERS of Virginia. Then it will be only 12 years in the aggregate?

Mr. VOLSTEAD. Twelve years in the aggregate, which is the life of a judgment of the Supreme Court of the District of Columbia, so it makes it the same as that.

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

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

The Clerk read as follows:

Amendment offered by Mr. GARD: Page 4, line 16, after the word "that," insert "section 1212 of the Code of Law of the District of Columbia shall apply to."

Mr. GARD. Mr. Chairman, this amendment will require the elimination of some language afterwards; but what I desire to call attention to is the fact that we provide here in this section for the life of a judgment of this municipal court, which has jurisdiction to the extent of $2,000, to be 6 years, whereas section 1212 limits the life of a judgment in the Supreme Court of the District of Columbia to 12 years. It would seem to me that the same rule should prevail and that a judgment for $2,000 in the municipal court should have the same life as a judgment for $2,100 obtained in the Supreme Court of the District of Columbia.

Mr. MANN of Illinois. Will the gentleman yield?

Mr. GARD. Yes.

Mr. MANN of Illinois. The gentleman's amendment is not complete.

Mr. GARD. I understand it is not. I said that it would mean the striking out of the language "shall remain in force for 6 years and no more after their rendition unless the same shall have been docketed in the Supreme Court of the District of Columbia, as provided by existing law."

I would include the language "and no judgment shall become a lien upon any land, tenement, or hereditament until so docketed," because the supreme court has to do with the question of title and the sale of land.

Mr. MANN of Illinois. This bill provides that a judgment of the municipal court shall not be a lien on real estate unless it is docketed in the supreme court or collected at once.

Mr. GARD. That is what it means at present. That is what I am trying to rectify.

Mr. MANN of Illinois. That is what the provision means; when you say the judgment shall not be a lien on real estate it means that it is of no value unless you can collect it at once, or unless you transfer it and docket it in the supreme court. If it is docketed in the supreme court it has a life of 12 years. I do not think it makes any difference whether the judgment of the municipal court has a life of five years or six years or one year if it is not a lien on real estate.

Mr. GARD. It may be collected from after acquired personal property. At present it stands that a judgment of the municipal court is good for 6 years for $2,000, and a judgment of the supreme court for $2,100 is good for 12 years.

Mr. MANN of Illinois. And is a lien.

Mr. GARD. And is a lien. Why such a discrepancy, why should not the judgment of the municipal court for $2,000 have the same force and effect that a judgment of any other court for $2,000?

Mr. MANN of Illinois. I thought the gentleman said he did not wish to give them the same effect; that he did not wish to give them a lien on real estate. I wondered why a judgment for $2,000 in the District of Columbia should not be a lien on real estate. Is there any State in the Union where a man obtains a judgment in a court of record and that judgment does not become a lien on real estate?

Mr. GARD. I am inclined to think the gentleman is correct. The whole section can be cared for by inserting the language I have used.

Mr. DOWELL. Will the gentleman yield?

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

Mr. DOWELL. Mr. Chairman, I want to suggest to the gentleman from Ohio [Mr. GARD] that he may make this a lien on real estate by filing it with the Supreme Court of the District of Columbia. Then it becomes a lien for 12 years, the length of the term of a judgment in the supreme court.

Mr. GARD. Why not provide that the life of a judgment in the municipal court, of $2,000, shall be the same as a judgment of the supreme court?

Mr. DOWELL. Because you provide a method by which it may be made the same length as that of a judgment in the supreme court by filing it with the clerk of the supreme court. That is all that is necessary. It gives the parties an opportunity to file the judgment in the supreme court and have the same term of life that would be had if the judgment had been rendered in that court.

Mr. TILSON. Will the gentleman yield?

Mr. DOWELL. Yes.

Mr. TILSON. It seems to me that the provision to the effect that before a judgment becomes a lien on land it shall be recorded in the supreme court will diminish the number of records that one will have to search in order to find out whether there is any encumbrance on real estate. Under this provision one would not have to go to the records of the municipal court at all. It would be sufficient to examine the records of the supreme court, for if it is an encumbrance on land it must be there.

Mr. DOWELL. That is a good reason for making the records all in one place, and it provides a simple method by which one may enter the record in the supreme court.

Mr. MANN of Illinois. Is that of any value except to the abstract company?

Mr. DOWELL. If anyone desires to know whether there is an encumbrance on real estate he can find out at one place.

Mr. MANN of Illinois. They will not be all in one court. Nobody looks for a lien on real estate except the abstract company.

Mr. DOWELL. The abstract company charges everyone for whom it makes an abstract, and so this affects everybody who wants to secure an abstract. It seems to me that requiring the litigant to file a judgment in the supreme court is a very reasonable provision.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. WALSH. Mr. Chairman, I move to strike out the last word so as to ask the gentleman from Minnesota [Mr. VOLSTEAD] a question. How long do judgments of the municipal court under existing law continue in force now?

Mr. VOLSTEAD. This, as I understand it, is a continuation of the existing law.

Mr. WALSH. This is a reenactment of the present law?

Mr. VOLSTEAD. Yes; as I understand it.

Mr. WALSH. Is there any provision in the present law for the docketing of judgment in the municipal court?

Mr. VOLSTEAD. There is.

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

The question was taken, and the amendment was rejected.

Mr. SAUNDERS of Virginia. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. SAUNDERS of Virginia: Page 4, line 20, after the word "law," insert "but the said judgments shall not remain in force for more than 12 years from the date of their rendition."

Mr. SAUNDERS of Virginia. Of course if that amendment is adopted a formal amendment will follow. It will be necessary to strike out the word "and," and begin the word "no" with a capital letter. I asked the chairman of the committee if he understood that the effect of this section would be to give a life of only 12 years to these judgments. He replied that was his understanding. He might be right about that, but it is merely an implication, and this amendment will make positive that implication.

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

Mr. SAUNDERS of Virginia. Yes.

Mr. WALSH. The gentleman intends that that shall refer to judgments docketed in the supreme court?

Mr. SAUNDERS of Virginia. Yes. We might say, "no judgment so docketed," and I will ask unanimous consent to so modify my amendment.

The CHAIRMAN. The gentleman asks unanimous consent to modify his amendment in the manner indicated. Is there objection?

There was no objection.

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

Mr. SAUNDERS of Virginia. Yes.

Mr. DOWELL. That merely discriminates against the judgment of the municipal court.

Mr. SAUNDERS of Virginia. But we are already doing that.

Mr. DOWELL. No. If this amendment is not adopted, then a judgment in the municipal court filed in the supreme court has exactly the same effect as a judgment in the supreme court.

Mr. SAUNDERS of Virginia. But that is precisely the effect that the chairman of the committee said it would not have.

Mr. DOWELL. But I desire to differ with him. The bill as it is presented here is exactly that case, and as soon as the judgment is filed with the supreme court it has exactly the same effect as though it had been rendered in the supreme court.

Mr. SAUNDERS of Virginia. The gentleman is merely raising the same question that I raised by my inquiry some moments ago.

Mr. DOWELL. According to the document just read by the chairman of the committee, it runs for 12 years from the time when an execution might issue. An execution may issue at the time it is filed in the supreme court.

Mr. VOLSTEAD. It might issue at the time it is rendered in the justice court.

Mr. DOWELL. In that court; yes.

Mr. VOLSTEAD. The only objection there could be to the language proposed by the gentleman from Virginia is the fact that a judgment might be entered and there might be a stay of execution; there might be an appeal. If there was an appeal, it would probably be set aside. I do not know what the proceeding here is. So that it might shorten the time. If the gentleman will use the language of the code, so that it will be 12 years after the execution has been issued——

Mr. SAUNDERS of Virginia. I have just said that I thought the amendment I had prepared had the approval of the committee. Originally, I intended to phrase the amendment affirmatively.

Mr. VOLSTEAD. I would very much prefer to have it the way you have the code.

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

Mr. SAUNDERS of Virginia. Yes.

Mr. IGOE. I would suggest to the gentleman that I think that under his amendment he might cut out the right to have the judgment revived.

Mr. SAUNDERS of Virginia. I am going to rewrite it. As I have stated, I thought the language I adopted had been approved by the chairman of the committee.

Mr. IGOE. I think the intention was that the judgment when filed in the supreme court should be governed by the present laws relating to judgments as contained in the code.

Mr. SAUNDERS of Virginia. But a very wide difference of opinion developed as to the meaning of the language used.

Mr. IGOE. The present law provides for 12 years after an execution might have been issued. The execution might be issued while it is in the municipal court. The 12 years is running, but when it is filed it is a lien.

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

Mr. RAKER. Mr. Chairman, I understand that it is the unanimous consensus of opinion that a judgment of the municipal court runs for 12 years, and if the gentleman wants to make this effective and in simple language he could make it cover just what the committee wants by using the following language:

That all judgments hereafter rendered by such municipal courts shall remain in force for 12 years, and no longer, from the date of the entry. No judgment of the municipal court shall be a lien on any lands, tenements, or hereditaments until the judgment has been docketed in the office of the clerk of the Supreme Court of the District of Columbia, as provided for by existing law.

You cover both questions in that way. It is in force for 12 years whether it is docketed or not, and if you want a lien upon the real estate you do not get a lien until it is docketed. You may wait until the eleventh year. If you docket your judgment it becomes a lien, but not until then. I offer that suggestion.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

Mr. SAUNDERS of Virginia. Mr. Chairman, in view of the suggestions that have been made, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SAUNDERS of Virginia. I intend to rewrite it, and I ask unanimous consent that we may return to this section later.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that this section be passed temporarily. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 7. That nonresidents of the District of Columbia may commence suits in said municipal court without first giving security for costs, but upon motion may be required to give such security in pursuance of section 175 of the Code of Law for the District of Columbia.

Mr. MOORE of Virginia. Mr. Chairman, may I ask the chairman of the committee if the substance of section 7 would not really become a part of the bill even if it were not formally embodied in the bill? That is to say, having provided, by section 3, that the procedure in the municipal court shall correspond with the procedure in the Supreme Court of the District of Columbia, would not the provisions of section 175 of the Code of the District of Columbia automatically apply? There is a good deal to be said along that line, not only with respect to section 7 and section 8—which are covered by sections 175 and 176 of the District Code—but other sections of the bill which relate to matters of procedure.

Mr. VOLSTEAD. I can not perhaps tell the gentleman definitely why those who drew the bill—for while I introduced it, as I said awhile ago, I did not draw it; it was drawn by very good lawyers, and I think that they thought it was safer to put those provisions in.

Mr. MOORE of Virginia. I do not propose to move to strike out or to offer an amendment either to section 7 or section 8, but I would like to direct attention of the conferees, if there should be a conference, to what I am suggesting. We can perhaps shorten and simplify the proposed legislation by considering the course I have taken the liberty to suggest and, if it has not yet been done, adopt a general provision that will bring about the application to the municipal court of the law and procedure enforced in the District Supreme Court, except as the same may be modified.

Mr. VOLSTEAD. I think the gentleman is correct in that.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman a question. Do residents of the District of Columbia have to give security for costs in bringing suit in the municipal court?

Mr. VOLSTEAD. I presume that is the law. The supreme court——

Mr. WALSH. No; the municipal court.

Mr. VOLSTEAD. In bringing suit in the supreme court that is the rule. That section, as I remember, does not specifically apply to any other court but the supreme court.

Mr. WALSH. No; this says, "that nonresidents of the District may commence suits in said municipal court without first giving security for cost, but upon motion may be required to give such security." Now, from the way that is phrased you would think residents of the District had to give security for costs.

Mr. MOORE of Virginia. May I answer the question, as I have just looked at the Code of the District of Columbia? It contains no provision requiring a resident of the District to give security for costs, although he is required to make a deposit. A nonresident can be required to give security if there is application therefor after service of notice.

Mr. WALSH. That is provided in section 175?

Mr. MOORE of Virginia. Yes, sir.

Mr. WALSH. Why should this be reenacted?

Mr. MOORE of Virginia. My observation awhile ago was that the legislation might be very much shortened by taking the general course the gentleman has in mind.

Mr. VOLSTEAD. I think section 175 only applies specifically to the supreme court as it reads now.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

SEC. 8. That suits may be prosecuted by poor persons in the discretion and upon the order of the court, or of one of the judges, passed upon satisfactory evidence of inability to make deposit of costs, without the prepayment or deposit of costs.

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

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, line 3, after the word "that," strike out the balance of the section and insert:

"Upon satisfactory evidence being presented to the court, or one of the judges thereof, that the plaintiff in any suit is indigent and unable to make the deposit of costs, such court or judge may, in its or his discretion, permit the prosecution of such suit without prepayment or deposit of costs."

Mr. BANKHEAD. Does not the gentleman think the word "security" ought to be added there? The preceding section provides for security.

Mr. GARD. I have no objection.

Mr. HICKS. Will the gentleman yield for a question?

Mr. GARD. Yes.

Mr. HICKS. The purpose I had in addressing the Chair before the gentleman from Ohio offered the amendment was to ask this question: Is a provision such as this already in the law in the District, or is this a brand new provision?

Mr. GARD. There is some such provision, but it seems to me the language is not chosen very advisedly, and I am frank to say the language I have used in the amendment I have offered is the same language, in effect, as exists in the Code of the Supreme Court of the District of Columbia, and I have offered it in a trifling different phraseology.

Mr. HICKS. Can the gentleman give any information in regard to the number of people who avail themselves of this provision as applied to the supreme court?

Mr. GARD. I do not know how many, but I would presume there would be quite a number of applications, owing to the complex character of the population.

Mr. HICKS. In the gentleman's opinion, it is well to have this provision put in?

Mr. GARD. I think so.

I personally am inclined to afford every possible opportunity for every person, no matter how poor he may be, to present his case to the court properly. If he has not money to pay the costs or give security for costs, or make any deposit for costs, and he can show that to the court, and he is honest in so showing, I think he should be permitted to go ahead with his case.

Mr. HICKS. I agree with the gentleman from Ohio in regard to that fully, but I was wondering just what evidence the court would ask for as to whether or not a person was unable to pay those fees.

Mr. GARD. It is in the discretion of the court. It would be such as would be necessary in the conduct of the business of the court, I presume. Nobody can say what the court would demand.

The CHAIRMAN. The question is on the amendment of the gentleman from Ohio [Mr. GARD].

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

Mr. BARBOUR. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee if the word "passed" should not be "based"?

Mr. VOLSTEAD. That has all been stricken out.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 10. That the marshal of the United States in and for the District of Columbia shall designate two of his deputies to take charge of the jurors in the municipal court, under the direction of the trial judge, and who shall perform such other services as the judge may require. Said municipal court shall have power to appoint two additional assistant clerks, to be known as jury clerks, at an annual salary of $1,200 each, payable in monthly installments; and the said clerks shall note the attendance of each juror, administer oaths when required, and perform such other duties as the trial judge shall direct.

Mr. WALSH. Mr. Chairman, I offer the following amendment:

Line 20, page 5, strike out the word "who" and insert the word "he."

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

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 5, line 20, after the word "and," strike out the word "who" and insert in lieu thereof the word "he."

Mr. WALSH. Mr. Chairman, this reads that the marshal of the United States in and for the District of Columbia shall take charge of the jurors under the direction of the trial judge, and "who shall perform such other services as the judge may require." I ask to modify my amendment by using the word "they" instead of the word "he."

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to modify his amendment. Is there objection? [After a pause.] The Chair hears none.

Mr. WALSH. Now, I would like to ask the chairman of the committee——

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

Mr. WALSH. Mr. Chairman, I would like to ask the gentleman from Virginia [Mr. MOORE], who is familiar with the code and the procedure in the District, if the United States marshal has charge of the jurors in the supreme court now, under existing law?

Mr. MOORE of Virginia. I would say that I have had very little to do with the situation here for a great many years, and can not speak from any knowledge, but my belief is that he is correct in the assumption that the United States marshal for the District of Columbia has charge, and he of course has his assistants—bailiffs and others. I think the chairman of the committee is probably aware that that is the condition.

Mr. WALSH. Then, as I understand it, we do not provide for any court officers or other deputies except those under the jurisdiction of the United States marshal in and for the District of Columbia?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. WALSH].

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

Mr. HUSTED. Mr. Chairman, I offer the following amendment: Line 22, page 5, strike out "two" and insert "one."

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

The Clerk read as follows:

Amendment offered by Mr. HUSTED: Page 5, line 22, after the word "appoint," strike out "two" and insert in lieu thereof "one."

The CHAIRMAN. The question is on the amendment.

Mr. HUSTED. Mr. Chairman, I would like to modify that amendment.

The CHAIRMAN. The gentleman from New York asks unanimous consent to modify his amendment. Is there objection? [After a pause.] The Chair hears none.

Mr. HUSTED. I want to add to that amendment, to strike out the word "clerks," and also to strike out the words "to be known as jury clerks," in line 23; strike out the word "each" in line 24, and strike out the word "clerks" and insert the word "clerk" in line 25.

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

The Clerk read as follows:

Amendment offered by Mr. HUSTED: Page 5, line 22, after the word "appoint," strike out the word "two" and insert in lieu thereof the word "one"; line 23, strike out the word "clerks" where it appears the first time and insert the word "clerk"; and strike out the words "to be known as jury clerks"; in line 24 strike out the word "each"; and in line 25 strike out the word "clerks" and insert in lieu thereof the word "clerk."

Mr. MANN of Illinois. Mr. Chairman, apparently this amendment, if it is agreed to, would limit the authority of the court to employ more than one additional clerk over the number that are now being employed, and certainly if you are going to give the municipal court of the District of Columbia exclusive jurisdiction of all causes arising in the District under a value of $2,000, you have got to have more than one additional clerk over the number of clerks the courts now have.

This bill provided for two additional jury clerks. I do not know whether two additional jury clerks are requisite or not. It made no limitation, at least, upon the number of other clerks that might be provided by an appropriation law. But if you put this in the law you have got a limit on the number of clerks that can be employed in the municipal court, and if the Committee on Appropriations brings in a bill, as they will, providing for more clerks in the municipal court, they go out on a point of order in the House.

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

Mr. MANN of Illinois. I yield to the gentleman.

Mr. HUSTED. I would ask the gentleman if he has not overlooked the limitation in line 25, on page 5, and in lines 26 and 27, on page 6. The duties of this particular clerk are set forth. It says that he "shall note the attendance of each juror, administer oaths when required, and perform such other duties as the trial judge shall direct."

Mr. MANN of Illinois. Very well. That does not answer the proposition. Those probably will not be the only things that he does. But if we specifically provide by law, as a legislative proposition, that the Department of Labor, for example, can employ one more clerk, then they could not go above that. Where Congress specifically by law legislates and covers a certain thing there is no guesswork after that.

Mr. HUSTED. Then if the gentleman will permit, I will ask unanimous consent to modify my amendment by retaining the words "to be known as jury clerk" after the word "clerk," in line 23, so that he will be designated as a jury clerk.

Mr. MANN of Illinois. I have no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New York to modify his amendment?

There was no objection.

Mr. GARD. Mr. Chairman, may we have the amendment read as modified?

The CHAIRMAN. Without objection, the Clerk will read the amendment as modified.

The Clerk read as follows:

Amendment offered by Mr. HUSTED: On page 5, line 22, after the word "appoint," strike out "two" and insert "one" in lieu thereof. In line 23 strike out the word "clerks" where it first appears and insert the word "clerk," after the word "assistant." In the same line, after the word "jury," strike out the word "clerks" and insert "clerk." In line 24 strike out the word "each." In line 25 strike out the word "clerks" and insert in lieu thereof the word "clerk."

The CHAIRMAN. The question is on agreeing to the amendment.

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

Mr. RAKER. Mr. Chairman, a division.

The CHAIRMAN. A division is asked for.

The committee divided; and there were—ayes 16, noes 0.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 12. That no appeal shall hereafter lie from the municipal court to the Supreme Court of the District of Columbia. Any party aggrieved by any final judgment in an action to recover possession of real property, or by any final order or judgment of said municipal court where the amount or value involved, exclusive of interests and costs, exceeds the sum of $100, or by any interlocutory order whereby the possession of property is changed or affected, such as orders dissolving writs of attachment and the like, provided the amount or value involved exceeds the sum aforesaid, may appeal therefrom to the Court of Appeals of the District of Columbia. If the amount or value involved does not exceed, exclusive of interest and costs, the sum of $100, the court of appeals may allow a special appeal, whenever it is made to appear to said court, upon petition, that it will be in the interest of justice to allow an appeal. The time for and manner of taking, perfecting, and prosecuting appeals, and substituting parties shall be the same as now obtaining, or as hereafter modified, for appeals from the supreme court of said District to said court of appeals. No appeal by the defendant in an action for the recovery of possession of real property shall operate as a stay of execution or supersedeas, unless within six days, exclusive of Sundays and legal holidays, after the judgment the appellant shall file in the clerk's office of the municipal court a bond with surety or sureties, to be approved by the said court or a judge thereof, conditioned to abide by and pay the judgment rendered by the municipal court, if it shall be affirmed, together with the costs of the appeal, and to pay all intervening damages to the leased property and compensation for the use and occupation thereof from the date of the judgment appealed from to the date of its affirmance. The penal sum of said bond shall be fixed by the municipal court or a judge thereof.

Mr. WALSH. Mr. Chairman, I move to amend, on page 6, line 16, by striking out the word "interests" and inserting the word "interest."

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

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 6, line 16, strike out the word "interests" and insert in lieu thereof the word "interest."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 13. That each of the present judges of said municipal court shall serve until the expiration of his present commission and until his successor is duly appointed and qualified. Each judge hereafter appointed shall serve for the term of six years and until his successor is duly appointed and qualified.

With a committee amendment, as follows:

Strike out all of lines 19, 20, 21, 22, 23, and 24, on page 7.

Mr. CRAMTON. Mr. Chairman, the amendment of the committee which would strike out all of section 13 should, I think, have the careful consideration of the Committee on the Judiciary and of the Committee of the Whole.

Section 13 contains two propositions. One is to provide that the judges of this municipal court, either those now in office or those hereafter to be appointed, shall serve the period for which appointed and until their successors are appointed.

The other proposition is to extend the term from four years to six years. The term at present is four years. Section 13 would provide for an extension of that term to six years, but that extension would not affect those now holding office. It is expressly so drawn that it would have no effect except as to those hereafter to be appointed.

It seems to me that we might very well provide for that extension of time from four to six years for judges of this court hereafter appointed, for the reason that we are giving the court a greater responsibility and a greater dignity, and it should have a corresponding period of service, so that you will not be continually breaking in new judges, and inexperienced judges, perhaps.

Furthermore, the terms of the judges of the police court and the juvenile court are six years, and certainly neither of those courts is of greater importance than this municipal court will be under this new law. The justices of the Supreme Court of the District of Columbia and of the court of appeals are appointed for life. It would seem only proper to give the judges of the municipal court as long a term as the judges of the juvenile court and the police court.

But I am not so much concerned about that as I am about the other proposition in the paragraph. I think that section 13 should be retained, even if the committee should feel that they wanted to change the word "six" to "four," because the dispatch of business in the court is largely involved. Under the present law the terms of several of the judges expire at one time. If there is a delay in the appointing of their successors, they do not hold until their successors are qualified, and the business of the court is greatly crippled because of the vacancies. Only a short time ago that very thing happened, and for a period of several months only one judge of the court remained who was eligible to continue the work. The other judges were reappointed eventually, but for several months between the expiration of their terms and the time of their reappointment their positions were vacant. I hope, therefore, that the committee will feel that they can yield on that point and retain section 13.

Mr. WALSH. In response to the suggestion of the gentleman from Michigan, who takes issue with the amendment proposed by the committee, I will say that the committee were very strongly of the opinion that we ought not to increase the terms of the judges of the municipal court. I do not think there would be very much disposition to question the passage of a provision permitting them to serve during their terms and until their successors were duly appointed and qualified.

Mr. TILSON. What does the gentleman understand to be the present law? If we pass nothing on this subject whatever, would not these present judges continue to serve until their successors were appointed?

Mr. WALSH. No; they step out of office at 12 o'clock noon on the day of the expiration of their commissions, and that leaves a vacancy. I think we should enact the first three lines of the section. That would provide that each of the present judges of the municipal court shall serve until the expiration of his present commission and until his successor is duly appointed and qualified.

Mr. CRAMTON. I will suggest that even if we are to limit the term to four years, the entire paragraph should be retained, the second sentence as well as the first, changing the word "six" to the word "four," because the first sentence would apply only to those now in office and not to those hereafter appointed. I do not know just how to get the issue properly before the committee. I do not myself like to offer to amend section 13 by changing the word "six" to "four," because I favor the term of six years.

Mr. WALSH. Would the gentleman seriously combat a motion to change "six" to "four" if the committee amendment were voted down?

Mr. CRAMTON. I would not. I would be glad to allow the committee to use its best judgment on that.

The CHAIRMAN. The question is on the committee amendment.

The question being taken, on a division (demanded by Mr. CRAMTON) there were—ayes 22, noes 6.

Accordingly the committee amendment was agreed to.

Mr. CRAMTON. I offer to insert a new section, to be known as section 13, which will be identical with the section stricken out, except that the word "six" will be changed to "four."

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

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 7, line 19, insert a new section as follows:

"SEC. 13. That each of the present judges of said municipal court shall serve until the expiration of his present commission and until his successor is duly appointed and qualified. Each judge hereafter appointed shall serve for the term of four years and until his successor is duly appointed and qualified."

Mr. GARD. Reserving a point of order, does the gentleman from Minnesota desire to make a point of order on that?

Mr. VOLSTEAD. No; but I offer an amendment to it that will carry out the idea that I think should be properly embodied in the bill. Under the present law when the term of a judge expires he does not hold until his successor is appointed and qualified, and I am informed that we did have an instance when there was only one municipal judge in this District, because the terms of the others expired and their successors were not appointed.

Mr. BANKHEAD. Mr. Chairman, I make the point of order. If the chairman of the committee wants to offer an amendment let him offer it. It is very unusual to offer an amendment containing the language of a section which the committee has just stricken out.

Mr. CRAMTON. If the gentleman will permit, I am offering an amendment which does not contain the same proposition that has been stricken out. The proposition to strike out contained a provision for the extension of the term from four to six years, and in my amendment it is four years, as it is under existing law. I have offered the amendment that does not provide for any extension of the term except from the time of the expiration until the successor is appointed.

Mr. BANKHEAD. The gentleman's amendment differs in substance from the committee amendment?

Mr. CRAMTON. It does.

Mr. BANKHEAD. Mr. Chairman, I withdraw the point of order.

Mr. VOLSTEAD. Mr. Chairman, I desire to offer an amendment to the amendment which will cover what the gentleman from Michigan has in mind and not repeat any unnecessary language.

The Clerk read as follows:

Line 19, add:

"SEC. 13. That each of the judges of the said municipal court shall serve until his successor is duly appointed and qualified."

Mr. CRAMTON. Mr. Chairman, I accept the substitute.

Mr. IGOE. Might not the effect of that be to destroy any definite period for the service of the judges?

Mr. VOLSTEAD. No; because the law is in effect now.

Mr. IGOE. This is a change of existing law and to that extent repeals it. I am inclined to think that the amendment of the gentleman from Michigan is the better amendment, if this is what you want to accomplish—that they shall serve four years and until the successor is appointed and qualified.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Minnesota.

The question was taken, and the substitute was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

The Clerk read as follows:

SEC. 14. That this act shall not take effect until 90 days after its approval.

The following committee amendment was read:

Page 8, line 1, strike out "14" and insert "13."

Mr. TILSON. Mr. Chairman, I suggest that this amendment ought to be voted down, in view of the fact that we have just inserted section 13.

The committee amendment was rejected.

Mr. WALSH. Mr. Chairman, I move, on page 8, line 1, to strike out the word "not," after the word "shall," and the word "until," after the word "effect," and in line 2 strike out the word "approval" and insert in lieu thereof the word "passage."

The amendment was agreed to.

The Clerk read as follows:

SEC. 15. That all acts and parts of acts inconsistent herewith are hereby repealed: *Provided*, That nothing herein shall be construed so as to deprive the Supreme Court or the Court of Appeals of the District of Columbia from reviewing and finally determining such cases as may be pending on appeal or certiorari at the time that this act goes into effect: *Provided further*, That nothing herein shall be construed to deprive the said municipal court of any jurisdiction possessed by said court at the time of the passage of this act.

With the following committee amendment:

Page 8, line 3, strike out the figures 15 and insert 14.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was rejected.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 8, line 12, after the word at the end of line 12, add the following:

"*Provided further*, That nothing in this act shall be construed to supersede or modify any of the provisions of the public resolution, No. 31, Sixty-fifth Congress, entitled 'Joint resolution to prevent rent profiteering in the District of Columbia,' approved May 31, 1918, nor of any of the provisions of public law No. 63, approved October 22, 1917, entitled 'An act to amend an act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917.'"

Mr. LONGWORTH. Mr. Chairman, on that I reserve the point of order.

Mr. McLAUGHLIN of Michigan. What is the point of order?

Mr. LONGWORTH. It is clearly not germane.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, the bill we are now considering relates to the jurisdiction of the municipal court of the District of Columbia, to matters connected with the trial of cases, and to appeals from judgments of that court. The bill mentions one subject of which the court has or is to have jurisdiction, the trial and determination of cases relating to or involving the title to and the possession of real estate, including, of course, rental property in the District. The joint resolution referred to in the amendment I offer, also the rent law referred to, deal with the same matters. The examination I have made of the bill before us and my knowledge of the joint resolution—the Saulsbury resolution—and of the rent law lead me to say that, in my judgment, there is or may be conflict between the bill on the one hand and the resolution and the rent law on the other hand. The bill provides for the manner of trial of cases relating to real estate and personal property also in the District court, for the taxing of costs in such cases, for appeals from the judgments to the Court of Appeals of the District, for the manner of taking such appeals, and for the effect of such appeals. The rent law has several provisions relating to all these things, and as to some of them, and in certain important respects, the provisions of this bill and the provisions of the rent law are different. That is, cases relating to the possession and control of property, taken to the Municipal Court of the District by appeal from the Rent Commission, must, under the rent law, be tried and disposed of in one manner, while cases properly originating in that court must be tried, determined, and disposed of in another way. It may be thought by some that all lawsuits of a similar nature, whether they originate in the court or reach there by appeal from the Rent Commission, should stand on the same footing, and that all laws and all procedure and rules of court ought to be the same as to both classes of cases.

That sounds all right and is right as a general proposition, but the Saulsbury resolution and the rent law were passed to meet an emergency; they seek to prevent profiteering in rents by the landlords in the District, and it seemed to the Congress justifiable and necessary to provide for court proceedings in such of the cases as may reach the court somewhat different in some respects from the course pursued in the trial and disposition of other cases. The provisions of the rent law were carefully worked out, and in my judgment they are wise. They ought at least to be given a fair trial. And while that law is on trial the Congress ought not to enact a law which by any kind of construction may supersede it or conflict with it. It is suggested here that the Saulsbury resolution has been repealed or is not now in effect. The regular rent law, if I may so call it, provides that the Saulsbury resolution shall remain in full force and effect for 60 days after the confirmation of the appointees to the commission by the President, so the Saulsbury resolution is now running and will run for some time; the regular rent law is in force and operating. As I look through the bill that the House is now considering it seems to me that unless some such amendment as I offer is adopted there may be some conflict. It is simply that nothing in this act—in this bill—shall be so construed as to supersede or modify the provisions of the joint resolution or the rent law. I believe my amendment is germane, and I trust it will be agreed to.

Mr. LONGWORTH. Mr. Chairman, I do not insist upon the point of order.

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

The amendment was agreed to.

Mr. BANKHEAD. Mr. Chairman, I move to strike out the words "so as" in line 5 on page 8.

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

The Clerk read as follows:

Mr. BANKHEAD moves to amend by striking out, on page 8, line 5, the words "so as."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SAUNDERS of Virginia. Mr. Chairman, if this section is completed, I desire to say that a reservation was made in respect to section 6, and permission granted to return to the same. A question arose as to the meaning of this section, and considerable debate ensued. The varieties of interpretations submitted, indicated that there was a wide difference of opinion as to the meaning of this portion of the bill. I have offered an amendment which affirmatively places these judgments on the same basis as judgments of justices of the peace, so that their life will not be more than 12 years from the date at which executions could be sued out.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report. The Chair will inquire whether the amendment is a substitute for the entire section?

Mr. SAUNDERS of Virginia. No; the amendment should be inserted in line 20 after the words "existing law." It covers the same points that I had in mind in the amendment heretofore offered, but the essential proposition is affirmatively, not negatively, stated.

The Clerk read as follows:

Amendment by Mr. SAUNDERS of Virginia: Page 4, line 20, after the word "law," insert "in which event they shall be liens as provided in chapter 38 of the Code of Law for the District of Columbia, for judgments of justices of the peace."

Mr. SAUNDERS of Virginia. The effect of that language will be to limit the life of these judgments to 12 years from the time that executions could be sued out, and to give these judgments the same rights that are provided in the chapter for judgments of justices of the peace.

Mr. WALSH. Do I understand the last words of the gentleman's amendment were "for judgments of justices of the peace"?

Mr. SAUNDERS of Virginia. Yes.

Mr. WALSH. What does that mean?

Mr. SAUNDERS of Virginia. The amendment is designed to make clear the meaning which the chairman of the committee said this section was intended to carry. The chapter cited provides for the life of judgments of justices of the peace when they are docketed, for scire facias and other proceedings, and for certain limitations not to be considered in counting the time of the life of the judgment.

Mr. WALSH. This is, "in which event they shall be liens as provided in chapter," and so forth, "of the Code of Law for the District of Columbia for judgments of justices of the peace"?

Mr. SAUNDERS of Virginia. Yes.

Mr. WALSH. I do not think that hitches on there just right.

Mr. SAUNDERS of Virginia. Why not?

Mr. WALSH. "For judgments of justices of the peace." What does it refer to?

Mr. SAUNDERS of Virginia. It refers to all of the provisions of the chapter relating to judgments of justices of the peace. In other words, it puts these judgments, in the event they are docketed, on the same footing as judgments of justices of the peace, with all the rights enjoyed under this chapter by such judgments.

Mr. WALSH. I do not think that is necessary, and it looks to me that it does not harmonize with the rest.

Mr. SAUNDERS of Virginia. This language affords the precise meaning that the chairman said was intended, namely, that these judgments should have a life of 12 years as provided for judgments of justices of the peace.

Mr. WALSH. The gentleman means to say that the chapter——

Mr. SAUNDERS of Virginia. That chapter 38, so far as it relates to judgments of the justices of the peace and docketing same, shall apply to these judgments, if they are docketed under this section.

Mr. WALSH. I think the gentleman might say, "in which event they shall be liens as provided in chapter 38 of the Code of Law for the District of Columbia relating to judgments of justices of the peace."

Mr. SAUNDERS of Virginia. I will say to the gentleman I first drew my amendment and used the words "relating to" and then struck them out, for the reason that this chapter does not relate exclusively to judgments of justices of the peace. I have no objection in the world to using the words "relating to" except as stated that the chapter cited does not exclusively relate to justices of the peace.

Mr. WALSH. I have no objection to the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

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

Mr. SAUNDERS of Virginia. Now, Mr. Chairman, there are two little consequential amendments. There should be a period at the end of the amendment just adopted, the word "and" in line 20 should be stricken out, and the word "no" should begin with a capital. I move to strike out the word "and," and the word "no" shall begin with a capital "N".

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. SAUNDERS of Virginia: Page 4, line 20, after the word "laws," strike out the comma, insert a period, and strike out the word "and," and insert a capital letter to the word "no."

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

Mr. VOLSTEAD. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. TREADWAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10074, and had instructed him to report the same to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. VOLSTEAD. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. WALSH. Mr. Speaker, I demand a separate vote on the first committee amendment.

The SPEAKER. The gentleman from Massachusetts demands a separate vote on an amendment, which the Clerk will report.

The Clerk read as follows:

Page 1, line 3, strike out "$1,000" and insert in lieu thereof "$2,000."

Mr. CRAMTON. Mr. Speaker, I do not think it has been reported correctly by the Clerk. There has been no such amendment reported to the House.

Mr. TILSON. Mr. Speaker, the committee amendment was stricken out and no amendment was made to that part of the bill.

Mr. CRAMTON. No amendment of that kind was reported to the House.

The SPEAKER. The Chair, of course, does not know what transpired in the committee. What does the gentleman from Massachusetts [Mr. WALSH] claim?

Mr. WALSH. I was under the impression that the first committee amendment which was voted down in the committee could now be voted upon separately in the House, but I see that I am mistaken, and I will endeavor to secure a vote on that question in another manner.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gross.

The amendments were agreed to.

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

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

Mr. WALSH. Mr. Speaker, I move to recommit the bill to the Committee on the Judiciary, with instructions to report the same back forthwith with an amendment striking out, in line 7, page 1, the figures "2,000" and insert in place thereof the figures "1,000."

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. WALSH moves to recommit the bill to the Committee on the Judiciary with instructions to that committee to report the same back forthwith with the following amendment: Page 1, line 7, strike out "$2,000" and insert in lieu thereof "$1,000."

The SPEAKER. The question is on the motion to recommit.

The question was taken, and the Speaker announced that the Chair was in doubt.

Thereupon the House divided; and there were—ayes 14, noes 18.

Mr. WALSH. Mr. Speaker, I make the point of no quorum.

ADJOURNMENT.

Mr. VOLSTEAD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 19 minutes p. m.) the House adjourned until Saturday, January 17, 1920, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting report of all promotions in United States Army since November 11, 1918, in response to H. Res. 425 (H. Doc. No. 610); to the Committee on Military Affairs and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting estimate of appropriation for the construction of a national archives building (H. Doc. No. 611); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting estimate of appropriation required for expenses of the United States Bituminous Coal Commission for remainder of current fiscal year (H. Doc. No. 612); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting estimate of appropriation required for increased lighting facilities in the Butler Building, Washington, D. C. (H. Doc. No. 613); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of War, transmitting letter from the Chief of Engineers, United States Army, submitting a statement showing names and other data in regard to civilian engineers employed on river and harbor work, fiscal year 1919 (H. Doc. No. 614); to the Committee on Rivers and Harbors and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SANDERS of Indiana, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 11606) to authorize the county of Fountain, in the State of Indiana, to construct a bridge across the Wabash River, at the city of Attica, Fountain County, Ind., reported the same with an amendment, accompanied by a report (No. 546), which said bill and report were referred to the House Calendar.

Mr. RAYBURN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 3371) authorizing Gordon N. Peay, jr., his heirs and assigns, to construct, maintain, and operate a toll bridge and approaches thereto across the White River, reported the same with amendments, accompanied by a report (No. 553), which said bill and report were referred to the House Calendar.

Mr. DOREMUS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 3452) authorizing the city of Detroit, Mich., a municipal corporation, to construct, maintain, and operate a bridge across the American channel of the Detroit River to Belle Isle, reported the same without amendment, accompanied by a report (No. 554), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BABKA, from the Committee on Claims, to which was referred the bill (H. R. 11067) to refund certain duties paid by W. Loaiza & Co., reported the same without amendment, accompanied by a report (No. 548), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (S. 25) for the relief of Benjamin O. Kerlee, reported the same without amendment, accompanied by a report (No. 549), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 1546) for the relief of Katie Norvall, reported the same without amendment, accompanied by a report (No. 550), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 2343) for the relief of Capt. Frederick B. Shaw, reported the same without amendment, accompanied by a report (No. 551), which said bill and report were referred to the Private Calendar.

Mr. ROSE, from the Committee on Claims, to which was referred the bill (H. R. 9904) for the relief of Forrest R. Black, reported the same without amendment, accompanied by a report (No. 552), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 11259) granting an increase of pension to Gariet H. Fowler; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 11484) granting a pension to Martha Williams; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LAZARO: A bill (H. R. 11803) to provide a site and erect a public building at De Ridder, La.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11804) to provide a site and erect a public building at Oakdale, La.; to the Committee on Public Buildings and Grounds.

By Mr. CARSS: A bill (H. R. 11805) to provide for the erection of a public building at Cloquet, Minn.; to the Committee on Public Buildings and Grounds.

By Mr. WILSON of Illinois: A bill (H. R. 11806) to provide revenue and to encourage the manufacture of oxalic acid by imposing special duties, and for other purposes; to the Committee on Ways and Means.

By Mr. SUMMERS of Washington: A bill (H. R. 11807) authorizing the erection of a Federal building at Pasco, Wash.; to the Committee on Public Buildings and Grounds.

By Mr. KAHN: A bill (H. R. 11808) to amend section 2 of the act entitled "An act for making further and more effectual provisions for the national defense, and for other purposes"; to the Committee on Military Affairs.

Also, a bill (H. R. 11809) making appropriations for the purchase of airplanes and aviation equipment for the Aviation Service of the United States Army; to the Committee on Military Affairs.

By Mr. CARAWAY: A bill (H. R. 11810) for the purchase of a site and the erection of a public building at Earl, Ark.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11811) for the erection of a public building at Forrest City, Ark.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11812) to increase the limit of cost of the erection of a post-office building at Marianna, Ark.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11813) for the purchase of a site and erection of a public building at Rector, Ark.; to the Committee on Public Buildings and Grounds.

By Mr. KAHN: A bill (H. R. 11814) to authorize the Secretary of War, in his discretion, to furnish quarters at Langley Field, Va., to the civilian employees of the National Advisory Committee for Aeronautics, and for other purposes; to the Committee on Military Affairs.

By Mr. FORDNEY: A bill (H. R. 11815) to provide for the national security and defense by encouraging the production and refining of graphite (plumbago, silver lead) ores in the United States and its possessions, and to provide revenue for the Government of the United States; to the Committee on Ways and Means.

Also, a bill (H. R. 11816) providing for the relief of populations in Europe and in countries contiguous thereto; to the Committee on Ways and Means.

By Mr. KAHN: Joint resolution (H. J. Res. 276) to amend the section providing for regular supplies in "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1920, and for other purposes," approved July 11, 1919; to the Committee on Military Affairs.

By Mr. TILSON: Resolution (H. Res. 440) requesting the Secretary of the Interior to direct the Commissioner of Patents to transmit to the House of Representatives certain information regarding patents; to the Committee on Patents.

By Mr. McKENZIE: Resolution (H. Res. 441) for the consideration of S. 3037; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 11817) granting an increase of pension to Joseph Guffy; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 11818) granting an increase of pension to Benjamin F. Burklew; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11819) granting an increase of pension to Jennie Barker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11820) granting an increase of pension to Henry Morr; to the Committee on Invalid Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 11821) granting an increase of pension to Thomas Harrison; to the Committee on Pensions.

By Mr. HAWLEY: A bill (H. R. 11822) granting a pension to Isaac Morris; to the Committee on Pensions.

By Mr. JACOWAY: A bill (H. R. 11823) to convey to the Big Rock Stone & Construction Co. a portion of the military reservation of Fort Logan H. Roots, in the State of Arkansas; to the Committee on Military Affairs.

By Mr. KAHN: A bill (H. R. 11824) for the relief of William S. Britton; to the Committee on Military Affairs.

By Mr. KING: A bill (H. R. 11825) granting a pension to John Frederick Fellhauer; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 11826) granting a pension to William T. Atkinson; to the Committee on Pensions.

Also, a bill (H. R. 11827) granting a pension to Noah Smith; to the Committee on Pensions.

Also, a bill (H. R. 11828) granting a pension to Jacob Stone; to the Committee on Pensions.

Also, a bill (H. R. 11829) granting a pension to Frank Risner; to the Committee on Pensions.

Also, a bill (H. R. 11830) granting a pension to David C. Stephens; to the Committee on Pensions.

Also, a bill (H. R. 11831) granting a pension to William Winn; to the Committee on Pensions.

Also, a bill (H. R. 11832) granting an increase of pension to Leck Patrick; to the Committee on Pensions.

Also, a bill (H. R. 11833) granting an increase of pension to James Wheeler; to the Committee on Invalid Pensions.

By Mr. LAYTON: A bill (H. R. 11834) for the relief of certain landowners of New Castle County, in the State of Delaware; to the Committee on the Public Lands.

By Mr. REBER: A bill (H. R. 11835) granting an increase of pension to Joseph Johnston; to the Committee on Invalid Pensions.

By Mr. REED of New York: A bill (H. R. 11836) granting an increase of pension to William S. Phelps; to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 11837) granting an increase of pension to Julia Tomlin; to the Committee on Pensions.

By Mr. STRONG of Kansas: A bill (H. R. 11838) granting an increase of pension to Alida A. Marshall; to the Committee on Invalid Pensions.

By Mr. SUMMERS of Washington: A bill (H. R. 11839) granting an increase of pension to Simpson Hornaday; to the Committee on Pensions.

By Mr. WELTY: A bill (H. R. 11840) granting a pension to William M. Furnas; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

906. By the SPEAKER: Petition of the Broadway Christian Church, at Denver, Colo., to grant all American Indians full citizenship, etc.; to the Committee on the Judiciary.

907. Also, petition of the Brotherhood of Locomotive Engineers of the State of New York, against the Esch railroad bill and the Cummins railroad bill, etc.; to the Committee on Interstate and Foreign Commerce.

908. By Mr. CAREW: Petition of the Merchants' Association of New York City, urging relief for the famishing people of central Europe and of Armenia; to the Committee on Foreign Affairs.

909. Also, petition of citizens of Brooklyn, N. Y., for the recognition of the Republic of Lithuania; to the Committee on Foreign Affairs.

910. By Mr. EMERSON: Petition of the Cuyahoga County Council of the American Legion, Cleveland, Ohio, against un-American propaganda; to the Committee on the Judiciary.

911. By Mr. ESCH: Petition of the Appalachian Club, indorsing purchase of certain lands, etc.; to the Committee on Appropriations.

912. By Mr. HILL: Petition of 340 real estate owners in the city of New York, for the enactment of House bill 10518 to create a Federal urban mortgage bank, and for other purposes; to the Committee on Banking and Currency.

913. Also, petition of residents of Canton, Ohio, for the enactment of House bill 10518 to create a Federal urban mortgage bank, and for other purposes; to the Committee on Banking and Currency.

914. Also, petition of 408 owners of real estate in New York City, and others, for the enactment of House bill 10518 to create a Federal urban mortgage bank; to the Committee on Banking and Currency.

915. Also, petition of 487 members of the Greater New York Taxpayers' Association, for the enactment of House bill 10518 to create a Federal urban mortgage bank, and for other purposes; to the Committee on Banking and Currency.

916. Also, memorial of the board of estimate and apportionment of the city of New York, approving the principle of House bill 10518 to create a Federal urban mortgage bank; to the Committee on Banking and Currency.

917. Also, petition of 85 residents of New Haven, Conn., and vicinity, for the enactment of H. R. 10518, to create a Federal urban mortgage bank, and for other purposes; to the Committee on Banking and Currency.

918. Also, petition of 510 real estate owners in New York City, for the enactment of H. R. 10518, to create a Federal urban mortgage bank, and for other purposes; to the Committee on Banking and Currency.

919. By Mr. KELLEY of Michigan: Resolutions of the Michigan Public Domain Commission, favoring legislation for the prevention of forest fires; to the Committee on Agriculture.

920. By Mr. KENNEDY of Rhode Island: Resolution of Providence Lodge No. 14, Benevolent and Protective Order of Elks, urging deportation of aliens who are members of I. W. W. and kindred organizations and punishment of disloyal citizens; to the Committee on Immigration and Naturalization.

921. Also, resolution of Robert Emmet Branch, Friends of Irish Freedom, Newport, R. I., urging passage of Mason resolution; to the Committee on Foreign Affairs.

922. By Mr. MOORE of Ohio: Petition of the board of directors of the Zanesville Chamber of Commerce of the city of Zanesville, Ohio, denouncing radical activities in the United States and recommending legislation punishing sedition and the circulation of anarchistic doctrines; to the Committee on the Judiciary.

923. By Mr. O'CONNELL: Petition of the American Association of State Highway Officials, of Richmond, Va., urging Congress to take the necessary steps to become a Government member of the International Association of Road Congress, etc.; to the Committee on Foreign Affairs.

924. By Mr. ROWAN: Petition of the Appalachian Mountain Club, of Boston, Mass., urging certain legislation now pending; to the Committee on Appropriations.

925. Also, petition of Mr. Donohue, of the State of New York, for the transfer of the quarantine establishment on Staten Island, etc.; to the Committee on the Judiciary.

926. Also, petition of George H. Gerrety, of Brooklyn, N. Y., indorsing the Royal C. Johnson bill; to the Committee on Ways and Means.

927. Also, petition of the Lawyers' Club, of New York City, indorsing Senate bill 3315; to the Committee on Immigration and Naturalization.

928. Also, petition of the American Association of State Highway Officials, urging the passage of the Kahn bill for the distribution of war supplies; to the Committee on Military Affairs.

929. Also, petition of the American Association of State Highway Officials, of Richmond, Va., urging Congress to become a Government member of the International Association of Road Congress, etc.; to the Committee on Foreign Affairs.

930. Also, petition of the American Association of State Highway Officials, urging Congress to take the necessary steps to become a Government member of the International Road Congress, etc.; to the Committee on Foreign Affairs.

931. Also, petition of the Valley Camp Coal Co., of Cleveland, Ohio, against increased freight rates, etc.; to the Committee on Interstate and Foreign Commerce.

932. Also, petition of Rufus A. Ayers, of Big Stone Gap, Va., against certain provisions in the Esch railroad bill and the Cummins railroad bill; to the Committee on Interstate and Foreign Commerce.

933. Also, petition of citizens of Brooklyn, N. Y., asking recognition of the Republic of Lithuania; to the Committee on Foreign Affairs.

934. Also, petition of William Harman, of Ocala, Fla., urging pension for the blind; to the Committee on Pensions.

935. Also, petition of the Committee of Friends of Conscientious Objectors, of Brooklyn, N. Y., against the imprisonment of certain people; to the Committee on the Judiciary.

936. By Mr. SINCLAIR: Petition of a number of citizens of Minot, N. Dak., asking for the passage of the Lehlbach-Sterling bill to retire civil-service employees; to the Committee on Reform in the Civil Service.

937. By Mr. STINESS: Petition of the Providence (R. I.) Lodge, No. 14, Benevolent and Protective Order of Elks, urging legislation for the deportation of disloyal citizens, etc.; to the Committee on Immigration and Naturalization.

938. By Mr. TAGUE: Petition of the Engineering School, Cambridge, Mass., relative to a bill for a national department of public works; to the Committee on the Judiciary.

939. Also, petition of the postal employees of Greater Boston, Mass., relative to salary increases; to the Committee on the Post Office and Post Roads.

940. Also, petition of citizens of Massachusetts, urging the passage of the bills known as Senate bill 1699 and House bill 3149; to the Committee on Reform in the Civil Service.

941. By Mr. WATSON: Petition of citizens of the eighth district of the State of Pennsylvania, asking for the investigation causing the suffering of the Indians of the Yukon River, Alaska; to the Committee on the Territories.

942. Also, petition of the Musicians' Protective Union, Quakertown, Pa., opposing the Cummins antistrike railroad bill; to the Committee on Interstate and Foreign Commerce.

SENATE.

SATURDAY, *January 17, 1920.*

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

Almighty God, we desire the work of this day to go into the record as a transcript of Thy own thought concerning us. Lest Thy spirit may be with us send us not hence. Fit us for the duties of this day, that we may reflect in our thought, word, and character the purpose of God in us as individuals and as a Nation. We ask it for Christ's sake. Amen.

NAMING A PRESIDING OFFICER.

The Secretary (George A. Sanderson) read the following communication:

UNITED STATES SENATE,
PRESIDENT PRO TEMPORE,
Washington, D. C., January 17, 1920.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. REED SMOOT, a Senator from the State of Utah, to perform the duties of the Chair during my absence.

ALBERT B. CUMMINS,
President Pro Tempore.

Mr. SMOOT took the chair as Presiding Officer and directed that the Journal of yesterday's proceedings should be read.

On request of Mr. LODGE, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with and the Journal was approved.

SALMON FISHERIES TREATY WITH GREAT BRITAIN.

Mr. LODGE. As in open executive session, I ask unanimous consent to submit an order for the return of what is known as the salmon fisheries treaty, pursuant to a communication from the President, which was referred to the Committee on Foreign Relations, saying:

To the Senate:

I transmit herewith a communication from the Secretary of State relating to the convention between the United States and Great Britain, signed September 2, 1919, relating to the protection, preservation, and propagation of salmon fisheries. I beg to request that this treaty be returned to me for further consideration.

WOODROW WILSON.

I send the following order to the desk.

The PRESIDING OFFICER. Without objection, the order will be read.

The order was read and agreed to, as follows:

Ordered, That the Committee on Foreign Relations be discharged from the further consideration of the convention signed September 2, 1919, between the United States and Great Britain, providing effective measures for the protection, preservation, and propagation of the salmon fisheries in the waters contiguous to the United States and the Dominion of Canada, and the Fraser River system, transmitted to the Senate on the calendar day of September 3, 1919, and printed as Executive H, Sixty-sixth Congress, first session, and that it be returned to the President of the United States.

Mr. LODGE. I ask to have printed in the RECORD the message from the President and the letter from the Secretary of State explanatory of the order just passed. The treaty has already been made public, and I ask also that it be printed in the RECORD.

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

To the Senate:

I transmit herewith a communication from the Secretary of State relating to the convention between the United States and Great Britain, signed September 2, 1919, relating to the protection, preservation, and propagation of the salmon fisheries. I beg to request that this treaty be returned to me for further consideration.

WOODROW WILSON.

THE WHITE HOUSE,
15 January, 1920.

—

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate, if his judgment approve thereof, the following suggestion with regard to the convention for the protection, preservation, and propagation of the salmon fisheries, signed September 2, 1919, and submitted to the Senate by the President on September 3, 1919.

Article II of such convention has been objected to by representatives of the fishery interests in the State of Washington, and since it would seem that such objections might be met by redraft of this article without prejudicing the treaty as a whole, it is suggested that the treaty be withdrawn for the purpose of taking up the revision of this article with the Government of Great Britain.

Respectfully submitted.

ROBERT LANSING.

DEPARTMENT OF STATE,
Washington, January 13, 1920.

—

The Senate:

I transmit herewith, to receive the advice and consent of the Senate to its ratification, a convention between the United States and Great Britain, signed September 2, 1919, providing effective measures for the protection, preservation, and propagation of the salmon fisheries in the waters contiguous to the United States and the Dominion of Canada and in the Fraser River system.

WOODROW WILSON.

THE WHITE HOUSE,
September 3, 1919.

—

SEPTEMBER 2, 1919.

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate, if his judgment approve thereof, to receive the advice and consent of the Senate to its ratification, a convention signed September 2, 1919, between the United States and Great Britain, providing effective measures for the protection, preservation, and propagation of the salmon fisheries in the waters contiguous to the United States and the Dominion of Canada and in the Fraser River system.

Respectfully submitted.

ROBERT LANSING.

DEPARTMENT OF STATE, *Washington.*

—

The United States of America and His Majesty George V, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, Emperor of India, equally recognizing the desirability of uniform and effective measures for the protection, preservation, and propagation of the salmon fisheries in the waters contiguous to the United States and the Dominion of Canada and in the Fraser River system, have resolved to conclude a convention for this purpose, and have named as their plenipotentiaries:

The President of the United States of America, the Hon. Robert Lansing, Secretary of State of the United States of America, and

His Britannic Majesty, the Hon. Ronald Lindsay, his charge d'affaires at Washington, and the Hon. Sir John Douglas Hazen, a knight commander of the Most Distinguished Order of St. Michael and St. George, chief justice of New Brunswick, and a member of his Privy Council for Canada,

Who, having exhibited their full powers, found to be in due form, have agreed to and signed the following articles:

ARTICLE I.

The times, seasons, and methods of sockeye-salmon fishing in the waters specified in Article III of this convention, and the