

3384. Also, petition of Maryland Department American Legion, Baltimore, Md., in re universal military training; to the Committee on Military Affairs.

3385. Also, petition of Enterprise Fuel Co., Baltimore, Md., in re Senate bill 4089; to the Committee on Interstate and Foreign Commerce.

3386. Also, petition of B. W. Figgins; Stuart S. Janney, commander; Charles B. Reeves; and Maxie Anna Pyle, all of Baltimore, Md., in re soldiers' bonus; to the Committee on Ways and Means.

3387. By Mr. O'CONNELL: Petition of One hundred and seventh Infantry Post of New York City, advocating betterment of service given to disabled soldiers; to the Committee on Interstate and Foreign Commerce.

3388. Also, petition of Twentieth Assembly District Regular Republican Club, favoring development of Jamaica Bay as a port of entry for large ships; to the Committee on Rivers and Harbors.

3389. Also, petition of C. W. Parsons, editor of the American Druggist, protesting against the proposed tax on advertising; to the Committee on Ways and Means.

3390. By Mr. OSBORNE: Memorial of Roosevelt Camp, No. 9, United Spanish War Veterans, Los Angeles, Calif., in support of House resolution 496; to the Committee on Ways and Means.

3391. By Mr. ROWAN: Petition of American Druggist and Pharmaceutical Record, protesting against bill introduced by Representative Thompson levying a tax on advertisements; to the Committee on Ways and Means.

3392. Also, resolutions adopted by the International Brotherhood of Electrical Workers, Local No. 41, urging that the committee report out bills calling for 1-cent letter rate in cities, towns, and rural routes; to the Committee on the Post Office and Post Roads.

3393. Also, petition of Ideal Cocoa & Chocolate Co., favoring 1 per cent tax on all gross sales; to the Committee on Ways and Means.

3394. Also, resolutions adopted by Augustus P. Gardner Post of the American Legion, relative to House bill 13293; to the Committee on Military Affairs.

3395. Also, resolutions adopted by the One hundredth and Seventh Infantry, New York City, urging the Surgeon General of the United States Army to endeavor to obtain adequate and efficient medical and surgical treatment for the veterans of the World War, to grant allowances sufficient to permit them to meet the high cost of living, and to give vocational training without delay to those in need of same; to the Committee on Military Affairs.

3396. Also, petition by Listerated Gum Corporation, favoring 1 per cent tax on all gross sales; to the Committee on Ways and Means.

3397. Also, resolutions adopted by the board of directors of the Rotary Club of New York, favoring the construction of a national system of highways throughout the United States; to the Committee on Roads.

3398. Also, petition of the National Shoe Retailers' Association of the United States of America (Inc.), protesting against the McNary bill; to the Committee on Ways and Means.

3399. Also, resolutions adopted by the American Federation of Labor, favoring the Lehlbach retirement bill; to the Committee on Reform in the Civil Service.

3400. By Mr. TINKHAM: Petition of a mass meeting of citizens of Boston, Mass., urging the passage of the Mason bill; to the Committee on Foreign Affairs.

3401. Also, petition of Augustus P. Gardner Post, No. 18, of the District of Columbia, opposing the passage of House bill 13293; to the Committee on Ways and Means.

## SENATE.

MONDAY, May 3, 1920.

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

Almighty God, our constant need of Thy power and of Thy grace makes it impossible for us to forget Thy name in the great task which has been committed to our hands. We come before Thee consecrating this day to Thy service. We pray that this day may be Thy day, that Thou wilt lift us to Thy presence, that Thou wilt guide our hearts and minds in all knowledge and wisdom, that Thou wilt control us from evil tendencies in act and thought within us. Help us to express the divine idea as it is committed to us in the form of human life and government. For Christ's sake. Amen.

The Journal of the proceedings of the legislative day of Friday, April 30, 1920, was read and approved.

## COTTON IN STORAGE (S. DOC. NO. 263, PT. 2).

The VICE PRESIDENT laid before the Senate a communication from the Director of the Census, transmitting, in response to a resolution of March 24, 1920, certain information relative to the number of bales of so-called unspinnable cotton, including gin cut, water packed, perished fiber, and linters, in public storage and at concentrating points, which was ordered to lie on the table and be printed.

## ANNUAL REPORT OF THE FEDERAL TRADE COMMISSION.

The VICE PRESIDENT laid before the Senate the annual report of the Federal Trade Commission for the fiscal year ended June 30, 1919, which was referred to the Committee on Interstate Commerce 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 disagrees to the amendments of the Senate to the bill (H. R. 13555) making appropriations for fortifications and other works of defense, for the armament thereof, and for the procurement of heavy ordnance for trial and service, for the fiscal year ending June 30, 1921, and for other purposes," asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SLEMP, Mr. FRENCH, and Mr. EAGAN managers at the conference on the part of the House.

The message also announced that the House insists upon its amendments to the bill (S. 1699) for the retirement of employees in the classified civil service, and for other purposes, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LEHLBACH, Mr. FAIRFIELD, and Mr. GODWIN of North Carolina managers at the conference on the part of the House.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 9228. An act to authorize the establishment of a Coast Guard station on the coast of Lake Superior, in Cook County, Minn.; and

H. R. 12869. An act for the construction of a bridge across the Pentwater River or Pentwater Lake, Mich.

## DECLARATION ON CHARGE OF FRENCH MILITARISM.

Mr. LODGE. I present a declaration which has been sent to me as chairman of the Committee on Foreign Relations, with the request that it be inserted in the Record of the proceedings of Congress. It is very brief, and it will take only a moment to read it:

"The undersigned share the regret expressed in the United States Senate at the reflections recently made by the President upon our ancient ally France who bore the brunt of the late war from the outset, as well as of previous assaults, and upon Italy, whose sacrifices in the late war entitle her to respect. Such public criticism of friendly and allied nations is not warranted and it affects adversely our relations with nations whose interest in peace is equal to our own. Precautions against the recurrence of armed invasions taken by the victims of repeated German aggressions are justified and the determining by them of what defensive precautions are dictated by experience is not a proper basis for denunciation."

Among the signers of the above declaration are the following:

"Chester H. Aldrich, architect, New York; Henry Morrell Atkinson, financier, Atlanta, Ga.; Joseph A. Blake, surgeon, New York; Mrs. Joseph A. Blake, Tarrytown, N. Y.; Charles J. Bonaparte, ex-United States Attorney General, Baltimore, Md.; John Jay Chapman, author, New York; Joseph H. Choate, jr., lawyer, New York; Charles Stewart Davison, lawyer, chairman American Defense Society, New York; Mrs. Dexter Blagden, New York; Carroll Dunham, physician, Irvington, N. Y.; Mrs. Carroll Dunham, Irvington, N. Y.; Allen W. Evarts, lawyer, New York; Robert Glendenning, banker, Philadelphia, Pa.; Richard Gottheil, professor, Columbia University, N. Y.; William Greenough, lawyer, New York; Edward W. Harden, banker, New York; Henry Winthrop Hardon, lawyer, New York; Myron T. Herrick, ex-governor of Ohio, formerly United States ambassador to France; David Jayne Hill, diplomat and historian, Washington, D. C.; Alonzo G. Hinckley, justice supreme court, Buffalo, N. Y.; John Mead Howells, architect, New York; Walter Jennings, capitalist, New York; G. E. Johnson, editor, Louisville, Ky.; Harry Pratt Judson, president University of Chicago; Fred M. Kirby, capitalist, Wilkes-Barre, Pa.; Lester Leland, manufacturer, Boston, Mass.; Maurice Léon, lawyer, New York; William T. Manning, clergyman, New York; William Fellowes Morgan, president Merchants' Association, New

York; Mrs. Frederick Nathan, New York; Walter G. Oakman, financier, New York; E. H. Outerbridge, merchant, formerly president Chamber of Commerce, New York; Mrs. Douglas Robinson, New York; Henry D. Sharpe, manufacturer, Providence, R. I.; A. B. Silsbee, banker, Boston, Mass.; Walter R. Spalding, professor, Harvard University; Moorfield Storey, lawyer, Boston, Mass.; Cornelius S. Sweetland, banker, Providence, R. I.; Percy R. Turnure, surgeon, New York; William Roscoe Thayer, author, Cambridge, Mass.; Alfred Tuckerman, bibliographer, Newport, R. I.; Mrs. Alfred Tuckerman, Newport, R. I.; William Harman Van Allen, clergyman, Boston, Mass.; Whitney Warren, architect, New York; Henry Watterson, journalist, Louisville, Ky.; E. T. Weir, manufacturer, Weirton, W. Va.; D. M. Weir, manufacturer, Weirton, W. Va.; Barrett Wendell, professor emeritus Harvard University; Caspar Whitney, editor, New York; Wilbur H. Williams, journalist, New York."

I ask that the declaration be referred to the Committee on Foreign Relations.

The VICE PRESIDENT. Without objection, that order will be made.

#### PETERSBURG, ALASKA, BOND ISSUE.

Mr. NEW, from the Committee on Territories, to which was referred the bill (S. 4286) to amend an act entitled "An act to authorize the incorporated town of Petersburg, Alaska, to issue bonds in any sum not exceeding \$75,000 for the purpose of constructing and installing a municipal electric light and power plant and for the construction of a public-school building," approved September 29, 1919, reported it without amendment.

#### BILLS INTRODUCED.

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

By Mr. KENYON:

A bill (S. 4321) granting a pension to Millie S. Jones (with accompanying papers); to the Committee on Pensions.

By Mr. CALDER:

A bill (S. 4322) for the relief of Phillip A. Hertz; to the Committee on Military Affairs.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment proposing to appropriate \$15,000 for the administration of the National Gallery of Art by the Smithsonian Institution, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SHEPPARD submitted an amendment proposing to appropriate \$356,700 for an aviation landing field and drill ground at Fort Bliss, Tex., etc., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

#### CONTROL OF MARKETS AND COMMODITIES.

Mr. KING. I submit the following resolution, and ask that it be read and referred to the Committee on the Judiciary.

The resolution (S. Res. 355) was read and referred to the Committee on the Judiciary, as follows:

Whereas doubts have been expressed as to the effectiveness of the Sherman Antitrust Act and acts supplementary thereto for the prevention and dissolution of corporations, combinations, trusts, and conspiracies to monopolize the trade in certain necessary commodities in commerce between the States: Now, therefore, be it

*Resolved*, That the Committee on the Judiciary be, and is hereby, requested to inquire into the question of the control of markets and commodities by trusts and monopolies and by conspiracies to hinder and restrain trade between the States, and to report to the Senate whether or not the Sherman Antitrust Act requires revision, alteration, or extension to make the same effective, and further to report to the Senate what additional legislation may be appropriate and necessary to liberate production, manufacture, and commerce from undue impediments and restraints.

#### RETIREMENT OF CIVIL-SERVICE EMPLOYEES.

On motion by Mr. STERLING, it was

*Ordered*, That the bill (S. 1699) entitled "An act for the retirement of employees in the classified civil service, and for other purposes," be printed showing the House amendments numbered.

#### FORTIFICATIONS APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 13555) making appropriations for fortifications and other works of defense, for the armament thereof, and for the procurement of heavy ordnance for trial and service, for the fiscal year ending June 30, 1921, and for other purposes," and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SMOOT. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, and

that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SMOOT, Mr. KENYON, and Mr. OVERMAN conferees on the part of the Senate.

#### DEFICIENCY APPROPRIATIONS—CONFERENCE REPORT.

Mr. WARREN submitted the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13677) making appropriations to supply a deficiency in the appropriations for the Federal control of transportation systems and to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1920, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 5, and 6, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following "transferred from the appropriation made in paragraph (g) of the said section 204 and"; and the Senate agree to the same.

F. E. WARREN,  
CHARLES CURTIS,  
O. W. UNDERWOOD,  
*Managers on the part of the Senate.*  
JAMES W. GOOD,  
J. G. CANNON,  
JAMES F. BYRNES,

*Managers on the part of the House.*

The report was agreed to.

#### THE CALENDAR.

The VICE PRESIDENT (at 12 o'clock and 5 minutes p. m.). The morning business is closed.

Mr. SMOOT. Mr. President, I ask unanimous consent for the consideration of the bill (H. R. 10918) to provide revenue and encourage domestic industries by the elimination, through the assessment of special duties, of unfair foreign competition, and for other purposes. It is commonly known as the anti-dumping bill.

Mr. THOMAS. Mr. President, I object.

The VICE PRESIDENT. The calendar under Rule VIII is in order.

Mr. McLEAN. Mr. President, there are three bills on the calendar providing for the coinage of 50-cent pieces, the bill (H. R. 12460) to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the admission of the State of Maine into the Union, the bill (H. R. 12824) to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the admission of the State of Alabama into the Union, and the bill (H. R. 13227) to authorize the coinage of 50-cent pieces in commemoration of the three hundredth anniversary of the landing of the Pilgrims. These bills have been reported from the Committee on Banking and Currency favorably, and they have passed the House, and action on these measures is urgently demanded. I do not know whether they would be reached on the calendar to-day. They ought to be disposed of, and I ask unanimous consent that they may be taken up now in their order.

Mr. SMOOT. Some time before 2 o'clock, if we have not reached those bills on the calendar, I do not think there will be any objection to taking them up, but if we are going to take up the calendar under Rule VIII I think we had better begin with the first bill on the calendar.

Mr. McLEAN. I understand there is objection to my request?

Mr. SMOOT. Yes; at this time.

The VICE PRESIDENT. The calendar will be proceeded with.

Senate resolution 76, defining a peace treaty which shall assure to the people of the United States the attainment of the ends for which they entered the war, and declaring the policy of our Government to meet fully obligations to ourselves and to the world, was announced as the first business on the calendar.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The resolution will go over.

The bill (S. 529) for the relief of the heirs of Adam and Noah Brown was announced as next in order.

Mr. SMOOT. Let that go over.  
 The VICE PRESIDENT. The bill will go over.  
 The bill (S. 600) for the relief of the heirs of Mrs. Susan A. Nicholas was announced as next in order.  
 Mr. SMOOT and Mr. KING. Let the bill go over.  
 The VICE PRESIDENT. It will go over.  
 The bill (S. 1223) for the relief of the owner of the steamer *Mayflower* and for the relief of passengers on board said steamer was announced as next in order.  
 Mr. KING. Let that go over.  
 The VICE PRESIDENT. The bill will be passed over.  
 The bill (S. 174) for the relief of Emma H. Ridley was announced as next in order.  
 Mr. KING. Let that go over.  
 The VICE PRESIDENT. The bill will be passed over.  
 The bill (S. 1722) for the relief of Watson B. Dickerman, administrator of the estate of Charles Backman, deceased, was announced as next in order.  
 Mr. KING. Let that go over.  
 The VICE PRESIDENT. The bill will be passed over.  
 The bill (S. 168) to create a commission to investigate and report to Congress a plan on the questions involved in the financing of house construction and home ownership and Federal aid therefor was announced as next in order.  
 Mr. KENYON. I think the resolution submitted by the Senator from New York [Mr. CALDER], which was passed by the Senate, practically covers the question involved in the bill, and I shall not ask to have it taken up.  
 Mr. SMOOT and Mr. OVERMAN. Let it go over under Rule IX.  
 Mr. KENYON. Let it retain its place on the calendar. I wish to investigate it further.  
 The VICE PRESIDENT. The bill will be passed over.  
 The bill (S. 2224) to incorporate the Recreation Association of America was announced as next in order.  
 Mr. KING. Let the bill go over.  
 The VICE PRESIDENT. The bill will be passed over.  
 The bill (S. 1660) to provide a division of tuberculosis in and an advisory council for the United States Public Health Service, and for other purposes, was announced as next in order.  
 Mr. KING. Let that go over.  
 The VICE PRESIDENT. The bill will go over.  
 The joint resolution (S. J. Res. 41) proposing an amendment to the Constitution of the United States was announced as next in order.  
 Mr. KING. Let the joint resolution go over.  
 The VICE PRESIDENT. It will go over.  
 The bill (S. 2457) to provide for a library information service in the Bureau of Education was announced as next in order.  
 Mr. SMOOT. Let that go over.  
 The VICE PRESIDENT. It will go over.  
 The bill (S. 131) to provide that petty officers, noncommissioned officers, and enlisted men of the United States Navy and Marine Corps on the retired list who had creditable Civil War service shall receive the rank or rating and the pay of the next higher enlisted grade was announced as next in order.  
 Mr. KING. Let that go over.  
 The VICE PRESIDENT. The bill will go over.  
 The bill (S. 1448) for the relief of Jacob Nice was announced as next in order.  
 Mr. KING. Let that go over.  
 The VICE PRESIDENT. The bill will go over.  
 Senate resolution (S. Res. 172) for the selection of a special committee to investigate the administration of the office of the Alien Property Custodian was announced as next in order.  
 Mr. OVERMAN. Let that go over.  
 The VICE PRESIDENT. The resolution will go over.  
 The bill (S. 2785) to provide aid from the United States for the several States in prevention and control of drug addiction and the care and treatment of drug addicts, and for other purposes, was announced as next in order.  
 Mr. KING. Let that go over.  
 The VICE PRESIDENT. The bill will be passed over.  
 The joint resolution (S. J. Res. 51) directing the Court of Claims to investigate claims for damages growing out of the riot of United States negro soldiers at Houston, Tex., was announced as next in order.  
 Mr. KING. Let that go over.  
 The VICE PRESIDENT. The joint resolution will be passed over.  
 The bill (S. 2672) to carry into effect the findings of the Court of Claims in favor of Elizabeth White, administratrix

of the estate of Samuel N. White, deceased, was announced as next in order.

Mr. SMOOT. Let that go over.  
 The VICE PRESIDENT. The bill will be passed over.  
 The bill (S. 1302) for the relief of John H. Rheinlander was announced as next in order.  
 Mr. KING. Let that go over.  
 The VICE PRESIDENT. The bill will be passed over.  
 The bill (S. 2444) to create the commission on rural and urban home settlement was announced as next in order.  
 Mr. KING. Let that go over.  
 The VICE PRESIDENT. The bill will go over.  
 The bill (S. 3201) fixing the salary of the district attorney for the eastern district of New York was announced as next in order.  
 Mr. OVERMAN. That is included in another bill. Let it go over.  
 The VICE PRESIDENT. The bill will go over.  
 The bill (S. 3224) relating to the creation in the Army of the United States of the grade of lieutenant general was announced as next in order.  
 Mr. KING. Let that go over.  
 The VICE PRESIDENT. The bill will be passed over.  
 The Senate resolution 215 providing that whenever the United States becomes a member of the League of Nations this Government should present to the council or the assembly of the league the state of affairs in Ireland and the right of its people to self-government was announced as next in order.  
 Mr. SMOOT. Let the resolution go over.  
 The VICE PRESIDENT. It will go over.

#### DEPORTATION OF ALIENS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6750) to deport certain undesirable aliens and to deny readmission to those deported.

The bill was read, as follows:

*Be it enacted, etc.*, That aliens of the following classes, in addition to those for whose expulsion from the United States provision is made in the existing law, shall, upon the warrant of the Secretary of Labor, be taken into his custody and deported in the manner provided in sections 19 and 20 of the act of February 5, 1917, entitled "An act to regulate the immigration of aliens to, and the residence of aliens in, the United States," if the Secretary of Labor after hearing finds that such aliens are undesirable residents of the United States, to wit:

(1) All aliens who are now interned under section 4067 of the Revised Statutes of the United States and the proclamations issued by the President in pursuance of said section under date of April 6, 1917, November 16, 1917, December 11, 1917, and April 19, 1918, respectively.

(2) All aliens who since August 1, 1914, have been or may hereafter be convicted of any violation or conspiracy to violate any of the following acts or parts of acts, the judgment on such conviction having become final, namely:

(a) An act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, or the amendment thereof approved May 16, 1918;

(b) An act entitled "An act to prohibit the manufacture, distribution, storage, use, and possession in time of war of explosives, providing regulations for the safe manufacture, distribution, storage, use, and possession of the same, and for other purposes," approved October 6, 1917;

(c) An act entitled "An act to prevent in time of war departure from and entry into the United States contrary to the public safety," approved May 22, 1918;

(d) An act entitled "An act to punish the willful injury or destruction of war material or of war premises or utilities used in connection with war material, and for other purposes," approved April 20, 1918;

(e) An act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917, or any amendment thereof or supplement thereto;

(f) An act entitled "An act to punish persons who make threats against the President of the United States," approved February 14, 1917;

(g) An act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, or any amendment thereof;

(h) Section 6 of the Penal Code of the United States.

(3) All aliens who have been or may hereafter be convicted of any offense against section 13 of the said Penal Code committed during the period of August 1, 1914, to April 6, 1917, or of a conspiracy occurring within said period to commit an offense under said section 13, or of any offense committed during said period against the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, in aid of a belligerent in the European war.

SEC. 2. That in every case in which any such alien is ordered expelled or excluded from the United States under the provisions of this act the decision of the Secretary of Labor shall be final.

SEC. 3. That in addition to the aliens who are by law now excluded from admission into the United States all persons who shall be expelled under any of the provisions of this act shall also be excluded from readmission.

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

## BILLS PASSED OVER.

The bill (S. 1233) to repeal an act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," and the act amendatory thereof, was announced as next in order.

Mr. OVERMAN. Let that bill go over under Rule IX, Mr. President.

Mr. NELSON. I ask that that bill be placed on the calendar under Rule IX.

The VICE PRESIDENT. Without objection, it is so ordered. The bill (S. 3090) to repeal the espionage act was announced as next in order.

Mr. OVERMAN. I also ask that that bill go to the calendar under Rule IX.

Mr. NELSON. I ask that the same order in regard to that bill be made as was made in reference to the bill preceding it on the calendar.

Mr. SMOOT. I do not desire that that bill shall go over under Rule IX, and I should like to have the Senator from North Carolina withdraw his request to that effect.

Mr. OVERMAN. Very well.

Mr. SMOOT. The Senator's objection will carry it over, but I should like to have it retain its place on the calendar.

Mr. OVERMAN. I withdraw the request and merely ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2707) for the relief of Ellen M. Willey, widow of Owen S. Willey, was announced as next in order.

Mr. KING. I ask that that bill be passed over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 848) to reimburse Isaiah Stephens, postmaster at McMechen, Marshall County, W. Va., for money and postage stamps stolen was announced as next in order.

Mr. KING. I ask that that bill go over. I examined the report in that case some time ago, and it seemed to me there was no liability on the part of the Government.

The VICE PRESIDENT. The bill will go over.

## DISTRICT OF COLUMBIA INCORPORATIONS.

The bill (S. 3066) to provide for the incorporation of cooperative associations in the District of Columbia was announced as next in order.

Mr. KING. Mr. President, reserving the right to object to the consideration of the bill, the title of which has just been stated, I desire to ask the Senator from Kansas [Mr. CAPPER] whether or not, under the present general incorporation act of the District of Columbia, individuals may not incorporate for the purpose of carrying out the business provided for under the bill?

Mr. CAPPER. No; they can not. It is now necessary for such persons to go to some State and to secure a charter under State law. This bill is simply permissive; it merely gives to the citizens of the District of Columbia the same rights which are given in about 30 States of the Union, which permit incorporation under State laws. It simply proposes to confer on persons in the District of Columbia the same privilege.

Mr. KING. If the Senator will permit me, I desire to state that a subcommittee of the Committee on the Judiciary is now revising and codifying the general incorporation act or acts of the District of Columbia, and their purpose is to enlarge the scope of the existing law and more nearly to conform it to the best general incorporation acts obtaining in any of the States of the Union. The Judiciary Committee upon a number of occasions has had this question under consideration, and several instances have been called to the attention of the committee where it was apparent that there ought to be some emendation of the existing incorporation act. I think no one can object to this particular bill, but in view of the fact that the subcommittee, of which the Senator from Iowa [Mr. CUMMINS] is chairman, is considering this entire subject, and doubtless will report at a very early date a broad and comprehensive incorporation act, I ask the Senator from Kansas would he object to the postponement of the consideration of the bill for a little while until the subcommittee shall bring in their bill?

Mr. CAPPER. I was not informed that the Judiciary Committee were working on such a measure. I have no objection to the bill going over until they can make their report.

Mr. KING. Would the Senator object to having the bill referred to that committee, so that in the consideration of the entire subject they might have the Senator's bill before them?

Mr. CAPPER. I would not. I think probably it would be well to have the bill referred to that committee.

Mr. KING. I shall leave the request, if any shall be made, to the Senator from Kansas, because I desire to conform my conduct to his wishes.

Mr. CAPPER. I move that the bill (S. 3066) to provide for the incorporation of cooperative associations in the District of Columbia be referred to the Committee on the Judiciary, which is now considering this whole question and preparing to frame a bill making provision for the whole subject.

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

MAJ. ELLIS B. MILLER.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1661) for the relief of Maj. Ellis B. Miller, which was read, as follows:

*Be it enacted, etc.*, That the President of the United States be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, commission Maj. Ellis B. Miller as a captain in the United States Marine Corps as of date of May 13, 1908, said commission to be in lieu of one dated May 13, 1919: *Provided*, That the pay and allowances accruing by reason of this act shall not exceed the difference between the pay and allowances of a captain and those of a first lieutenant in the Marine Corps from May 13, 1908, to June 8, 1909; *Provided further*, That the said Ellis B. Miller shall take rank on the lineal list of officers in the Marine Corps next after James K. Tracy, the officer who immediately preceded him on the list of first lieutenants on May 13, 1908.

Mr. SMOOT. I should like to have the Senator from Iowa [Mr. KENYON] state just what this bill intends to do and why it should be passed.

Mr. KENYON. Mr. President, I believe the bill will be better explained by reading the letter which is referred to in the report of the committee on the bill. I ask that it may be read at the desk.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The letter was read, as follows:

[Second indorsement.]

JUNE 23, 1919.

From: The major general commandant.

To: Judge Advocate General.

Subject: Bill for relief of Maj. Ellis B. Miller, U. S. M. C.

1. A bill (S. 7106) similar to the attached bill was introduced into the Senate of the United States September 7, 1916, and upon being referred to this office by the department the following indorsement was placed thereon:

"\* \* \* By act of Congress approved May 13, 1908, the Marine Corps was increased and the promotion of a number of officers was provided for, including then First Lieut. Ellis B. Miller."

In October and November, 1908, the examinations of the officers of the Marine Corps on duty in the Philippine Islands were held, under the provisions of Navy Department General Order No. 36, dated December 10, 1906, this being the order then in force there, no superseding order having been received. Lieut. Miller was the last officer examined in the Philippines, due to the remoteness of his station at Polloc.

On September 28, 1908, Navy Department General Order No. 76 was substituted for the one mentioned above. No copy of this order was received by the president of the marine examining board until after the completion of the examinations of all the officers in the Philippines due for promotion. The chief change in the procedure under the new order involved the raising of the requirements for promotion, so that a candidate was required to attain a mark of not less than 3.0 in each subject, instead of a minimum of 2.5 allowed by the old order. The examining board consisted of Maj. John A. Lejeune, Thomas C. Treadwell, and Melville J. Shaw. The findings and recommendations of this board in the cases of all candidates that appeared before it, except Lieut. Miller, were approved by the department and the candidates were promoted. The findings in the case of Lieut. Miller were disapproved on the ground that he should have been examined under General Order 76 instead of under the old order.

In February, 1909, Lieut. Miller was directed by cable to proceed to the United States and report at Washington for reexamination. The board before which he appeared in Washington did not recommend him for promotion on account of a recent report for debt made by Mr. F. J. Smith, a military tailor of Annapolis, Md., which report was made in January, 1909, after Lieut. Miller had been examined in Manila, found qualified, and recommended for promotion. As a result of this second examination, Lieut. Miller was suspended from promotion for one year, with a consequent loss of 14 numbers. He was again examined in 1910, found qualified, and promoted captain with rank from May 13, 1909, and to fill a vacancy which occurred June 8, 1909.

Col. Lejeune, who was president of the examining board which examined the officers on duty in the Philippines, states that the examination of Lieut. Miller was held under exactly the same conditions as those of the other officers whose boards were approved by the Navy Department, and that a number of those officers whose boards were approved received marks of less than 3.0 in some subjects. He also states that General Order No. 76, dated September 28, 1908, which raised the minimum passing mark, did not, through some mistake in transmission, reach the officers of the brigade in the Philippine Islands until February, 1909; that the board regarded Lieut. Miller as fully qualified to perform all the duties of the grade of captain, and he as president would have found him so qualified, and believes that the other two members of the board would also have found him qualified, even had his examination been conducted in accordance with the provisions of the later order.

This office is of the opinion that Capt. Miller is, in view of the circumstances above set forth, entitled to relief. It happens that he has now made his number as major, and in order that his position on the list of officers of the Marine Corps may be definitely set forth if Congress passes an act for his relief it is recommended that the de-

partment express its approval of the inclosed bill with an amendment thereto as follows:

"Provided further, That the said Ellis B. Miller shall take rank on the list of majors in the Marine Corps next after James K. Tracy, the officer who immediately preceded him on the list of first lieutenants on May 13, 1908."

2. In view of the fact that this officer has been permanently promoted to the grade of major, and temporarily to the grade of lieutenant colonel, it is recommended, in order that the desired result may be accomplished, that the bill be amended to read as follows, and that it receive the favorable consideration of the department:

"Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized to advance Ellis B. Miller 12 numbers on the lineal list of permanent majors in the Marine Corps, so that he will take rank next after James K. Tracy, the officer who immediately preceded him on the list of first lieutenants on May 13, 1908, and to advance him 12 numbers on the lineal list of temporary lieutenant colonels of the Marine Corps, so that he will take rank next after James K. Tracy.

"Provided, That said Ellis B. Miller shall be entitled to the difference in pay and allowances between the rank of captain and first lieutenant, United States Marine Corps, for the period from May 13, 1908, to June 8, 1909."

By order of the major general commandant:

CHAS. G. LONG.

A true copy.

C. B. CATES.

First Lieutenant, United States Marine Corps.

Mr. KENYON. Mr. President, in further explanation of the bill, I will say that Mr. Miller was a lieutenant of the United States Marine Corps and was in the Philippine Islands at the time of certain examinations. The mark which an officer must attain was raised during that time. He did not take the examination in the Philippines, but came back to the United States and took the examination here. He was not promoted at the time he should have been promoted because of a certain tailor's bill which he had not paid, and that is the real nut of the whole thing. He has been a gallant officer, and has now reached the rank of major, so that there should be an amendment to the bill. The commanding general has advised that this wrong to him should be righted. We have passed here, I think, a number of bills under similar circumstances, even in cases where drunkenness was charged, removing the defect in the officer's record and giving him his promotion. That is all there is to this case.

Mr. WARREN. What excuse was given for not paying the bill?

Mr. KENYON. That he was hard up, I presume, and the fact that the bill was rather pressed on him. I am not making any defense of his action in this regard; but he is a man with a family; he bought expensive uniforms, and the tailor had told him there would be no hurry about paying for them, and so the matter was allowed to run along for two or three years. However, the bill was paid years ago; but simply because of that one thing the Secretary of the Navy has advised against this bill. The committee have reported it unanimously. The Senator from Michigan [Mr. NEWBERRY], at that time Secretary of the Navy, was in favor of righting this wrong, and he reported the bill from the committee. That is all there is to it. This officer, however, now having reached the rank of major, the bill should be changed somewhat, and I offer an amendment to strike out all after the enacting clause and insert the matter I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. It is proposed to strike out all after the enacting clause and to insert the following:

That the Secretary of the Navy be, and he is hereby, authorized to advance Ellis B. Miller 12 numbers on the lineal list of permanent majors in the Marine Corps, so that he will take rank next after James K. Tracy, the officer who immediately preceded him on the list of first lieutenants on May 13, 1908, and to advance him 12 numbers on the lineal list of temporary lieutenant colonels of the Marine Corps, so that he will take rank next after James K. Tracy: *Provided*, That said Ellis B. Miller shall be entitled to the difference in pay and allowance between the rank of captain and first lieutenant, United States Marine Corps, for the period from May 13, 1908, to June 8, 1909.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

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

#### BILLS PASSED OVER.

The bill (S. 3109) to amend section 26 of the act approved July 17, 1916, known as the Federal farm-loan act, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1455) for the relief of John L. O'Mara was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2954) to remove the charge of desertion from the military record of Albert F. Smith, deceased, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3152) for the relief of George W. Mellinger was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1453) for the relief of Adolph F. Hitchler was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 1713) authorizing and directing the Secretary of War to appoint a commission to investigate and report upon the available sources of water supply for the District of Columbia was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2822) making available additional moneys for the reclamation fund, and for other purposes, was announced as next in order.

Mr. OVERMAN. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

J. B. WATERMAN.

The bill (S. 2554) for the relief of J. B. Waterman was considered as in Committee of the Whole.

The VICE PRESIDENT. This bill has been heretofore considered in Committee of the Whole, and the amendment reported by the committee has been agreed to. If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendment was concurred in.

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

#### WAR WITH GERMANY.

The joint resolution (S. J. Res. 139) repealing the joint resolution of April 6, 1917, declaring a state of war to exist between the United States and Germany was announced as next in order.

Mr. OVERMAN. Let that go over.

The VICE PRESIDENT. The joint resolution will be passed over.

#### PENSIONS AND INCREASE OF PENSIONS.

The bill (S. 3746) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

Mr. SMOOT. Mr. President, the next three bills—S. 3747, H. R. 6639, and H. R. 7775—are all omnibus pension bills, and I ask that they may go over, as the so-called Fuller pension bill takes care of most of these cases. If there is any action to be had upon the bills in the future, the cases not affected by the Fuller pension bill will have to be taken out of the omnibus bills and considered. Therefore I ask that those three bills may go over.

Mr. McCUMBER. Mr. President, I simply desire to add to what the Senator from Utah has said that I am having all of these bills gone over for the purpose of eliminating therefrom all that would be covered by the pension bill which has just become a law. When that work is completed, I will select one of those bills and place upon it all of the other special bills, placing them all in a single omnibus measure.

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

Mr. McCUMBER. I yield.

Mr. KING. Would it not be the appropriate thing to strike these bills from the calendar?

Mr. McCUMBER. Not at present. Let them remain until I have selected one of them for amendment in which to insert all of the others that are not taken care of by the so-called Fuller pension bill.

Mr. KING. Would it not be proper to move the indefinite postponement of these bills?

Mr. McCUMBER. No; not until we have segregated those that I wish to have passed. I can not tell which one contains the greater number of those special bills.

The VICE PRESIDENT. The bills will be passed over.

The bill (S. 3395) to discontinue the improvement to provide a channel extending from the sea to the Charleston Navy Yard was announced as next in order.

Mr. DIAL and Mr. SMITH of South Carolina. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3396) to discontinue the construction of a dry dock at the navy yard, Charleston, S. C., was announced as next in order.

Mr. DIAL. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The resolution (S. Res. 285) authorizing the Subcommittee on Naval Affairs under resolution No. 62, agreed to June 6, 1919, to employ such counsel and clerical assistants as it may deem necessary, was announced as next in order.

Mr. KING. Let that go over.

Mr. SMOOT. Mr. President, before the resolution goes over I should like to ask the Senator from Maine, if he is in the Chamber, if there is any necessity for this resolution remaining on the calendar? I understand that the examination has been proceeded with and virtually finished, and if that is the case this resolution ought to be indefinitely postponed. I ask that it go under Rule IX.

The VICE PRESIDENT. In the absence of objection, it will be so ordered.

JOHN MURPHY.

The bill (S. 310) for the relief of John Murphy was announced as next in order.

Mr. KING. Mr. President, reserving the right to object, I will ask the Senator from West Virginia [Mr. SUTHERLAND] to explain the justice of this bill. The purpose, of course, is obvious.

Mr. SUTHERLAND. Mr. President, I am very much interested in this bill, because I know the circumstances of the case and believe the passage of the bill to be thoroughly justifiable.

This man was charged with desertion. The committee looked over all the circumstances of the case and decided unanimously that it was an appropriate thing to do to remove this charge of desertion from his record. The facts are that he was ill and went to his home on leave, and when he returned to join his company it had moved away. He was prevented by prevailing high waters from reaching his company and returned home, having been in the hospital and at home for a long time, and very soon after that the war ended.

There was no intention upon the part of this man to desert. No one who ever knew him thought that such was the case. His neighbors, his associates in the war, and all others knew that he was keenly interested in his duties as a soldier and performed them all satisfactorily and patriotically. He is an old man, bedridden, nearly 80 years of age, and has rested under this accusation for all these years, and in my judgment it would be an act of simple justice and would do no harm to anyone to allow this correction to be made.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. SUTHERLAND. Certainly.

Mr. KING. The Senator says this man was detained by reason of high water, so that he did not join his colors. Why did he not, as soon as the high water subsided, join the Army, either the company with which he was formerly identified or some other?

Mr. SUTHERLAND. I will say to the Senator from Utah that the conditions down in southern West Virginia at that time were not as they were in many sections of the country. It was a very wild country; the activities of this company were far removed, and he was not near any of the active operations of our Army or any other. He was doing duty out on the Ohio River, and the company was removed, and the difficulty in ascertaining where his company was or where any of the operations were was exceedingly great. There was a lack of telegraphic communication and railroad communication, and he was up there in the mountains, and made an effort to rejoin his company, and was prevented from doing so.

Mr. KING. How long did this man serve in the Army?

Mr. SUTHERLAND. The report of the committee will show the time. I do not remember exactly, but he served in the Army for a considerable length of time.

Mr. KING. I will ask that the report be read, still reserving the right to object; and if objection may not be made after the reading of the report, I shall object now.

Mr. SUTHERLAND. The report shows that he was enrolled in October, 1862. He was admitted to the general hospital at Gallipolis, Ohio, in April, 1864, after having served for nearly two years, and was furloughed in June, 1864, and was prevented then from rejoining his company. His company remained in service until June, 1865.

Mr. KING. Mr. President, permit me to call the Senator's attention to the report:

Application for removal of the charge of desertion and for an honorable discharge in this case has been denied and now stands denied on the ground that the case is not covered by the provisions of the act

of Congress approved March 2, 1889, the law governing the subject of removal of charges of desertion, for the reason that this soldier did not serve until May 1, 1865, and that it has not been established to the satisfaction of the department that he was prevented from completing his term of enlistment by reason of disability contracted in the line of duty.

In view of that report of The Adjutant General, I regret that I shall be constrained to object.

The VICE PRESIDENT. The bill will be passed over.

BILL PASSED OVER.

The bill (H. R. 5726) to fix the compensation of certain employees of the United States was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

SCHOONER "CHARLOTTE W. MILLER."

The bill (S. 2274) for the relief of the owners of the schooner *Charlotte W. Miller* was considered as in Committee of the Whole, and was read as follows:

*Be it enacted, etc.*, That the claim of the owners of the schooner *Charlotte W. Miller*, first injured and sunk by collision with the U. S. S. *D-2* in the forenoon of Tuesday, July 31, 1917, about 2 miles east of Cornfield Shoal Lightship, in Long Island Sound, and subsequently, on the afternoon of said day and thereafterwards further injured so that she became a total loss, because the U. S. S. *Ontario* took charge of the sunken schooner, relieving the salvors of the owners then in charge thereof, and herself attempted to tow said sunken schooner to New London, Conn., for and on account of the injury to and loss of the said schooner and damages to the owners thereof, may be submitted to the United States District Court for the District of Rhode Island under and in compliance with the rules of said court sitting as a court of admiralty, and said court shall have jurisdiction to hear and determine and to render judgment thereupon upon the same principles and measures of liability and damages in like cases in admiralty: *Provided, however*, That the investigation of the said claim shall be made upon the following basis:

First. The said court shall find the facts attending the injury to and loss of the said schooner *Charlotte W. Miller* and damages to the owners thereof.

Second. If it shall appear that the responsibility therefor rests with the U. S. S. *D-2* and the U. S. S. *Ontario*, or either, the court shall then ascertain and determine the amount which should be paid to the owners of the said schooner *Charlotte W. Miller* in order to reimburse them for the losses and damages so sustained, and shall render a decree accordingly.

Sec. 2. That should said decree be rendered in favor of the owners of the said schooner *Charlotte W. Miller*, the amount thereof shall be paid out of any money in the Treasury not otherwise appropriated.

Mr. SMOOT. If the bill is to be considered to-day, I want to move to strike out section 2 of the bill.

The VICE PRESIDENT. The Secretary will state the amendment.

The ASSISTANT SECRETARY. Strike out section 2, on page 2, in the following words:

Sec. 2. That should said decree be rendered in favor of the owners of the said schooner *Charlotte W. Miller*, the amount thereof shall be paid out of any money in the Treasury not otherwise appropriated.

Mr. GERRY. I should like to ask the Senator from Utah his reason for moving to strike out section 2?

Mr. SMOOT. I know of no case in Congress where, when a claim is referred to the Court of Claims or any other court, an appropriation was made for an unknown amount at the time the reference was made. I will say to the Senator that we have stricken out a like section from every bill of a similar character which has passed at this session of Congress, except two. Two bills passed the Senate without notice being taken of the section carrying the appropriation, but on my request those bills were sent back to the Senate after they were enrolled and the change was made. No bill that has been passed finally has carried an appropriation.

Mr. GERRY. The Senator has no objection to the bill with that section stricken out?

Mr. SMOOT. I have no objection to the consideration of the bill with section 2 eliminated.

The VICE PRESIDENT. The question is on the amendment of the Senator from Utah.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

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

JESSE L. CLAY.

The bill (S. 1003) for the relief of Jesse L. Clay was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 5, to insert a dollar mark before the numerals "1,013.56," so as to make the bill read:

*Be it enacted, etc.*, That the United States Employees' Compensation Commission is authorized and directed to pay to Jesse L. Clay \$1,013.56 as reimbursement for all expenses incurred by or for him for or on account of hospital treatment, nurses' and doctors' services, and pay for all time lost from his regular employment as a machinist in the navy yard, Washington, D. C., as the result of a necessary operation performed immediately following an injury sustained while on duty

and in the course of his employment, on May 16, 1916, such reimbursement and payment to be made from funds under the control of said commission under the act of September 7, 1916, notwithstanding the failure on the part of the injured employee to report the injury as required by the rules of the commission, of which rules he had no knowledge, and without requiring strict proof that the operation was the direct and necessary result of the injury so sustained.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

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

#### WILLIAM GORDON CORPORATION.

The bill (S. 2292) for the relief of the William Gordon Corporation was announced as next in order.

Mr. KING. I would be glad to have the Senator from Wyoming [Mr. WARREN], who introduced this bill, offer some explanation as a reason for its passage. If it is merely to compensate the contractor because of the change in industrial conditions, it occurs to me that it would be wiser to attach it to some general bill, under which there would be an investigation of the entire subject. Reserving the right to object, I ask for an explanation of the bill.

Mr. OVERMAN. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

#### COMPENSATION OF INJURED EMPLOYEES.

The joint resolution (H. J. Res. 80) to correct an error in the wording of the appropriation of \$71,000, made in the act approved July 9, 1918, and to authorize the Secretary of War to pay said sum to respective parties entitled thereto, was considered, and was read, as follows:

*Resolved, etc.,* That the Secretary of War be, and he is hereby, directed to pay or cause to be paid out of the \$71,000 heretofore appropriated by the act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1919," approved July 9, 1918, the sum of \$42,000 to the heirs, executors, or representatives, or parties entitled to receive same for the deaths of those ascertained and reported by the commission appointed under the terms of joint resolution of August 9, 1912, and that he be further directed to pay out of said \$71,000 so appropriated the remaining sum of \$29,000 to those wounded, or to their heirs or proper legal representatives, the said sums of \$42,000 and \$29,000 to be paid to the proper parties in the respective amounts as found and reported and set forth on page 20 of said House Document No. 1168, Sixty-second Congress, third session.

Mr. SMOOT. Mr. President, this joint resolution was read in full when the calendar was under consideration some time ago.

The VICE PRESIDENT. The joint resolution is in the Senate.

Mr. SMOOT. Yes; I remember it. At that time, Mr. President, I took occasion to criticize the awards which had been made covering this appropriation of \$71,000 by a special examination. I find that the money has already been appropriated, and this is simply to amend the law, so that the awards may be paid in full. I am not going to object to the consideration of the joint resolution, but I hope that in the next examination which is made, where there is anyone hurt on the border, or anywhere else, there will not be a proposal to give the sum of \$15,000 to a brother of the person hurt or killed by a citizen of a foreign country, when, if that same person, working for the Government of the United States, were killed in service, his estate would have received as compensation one year's pay.

As long as the appropriation is made, and the awards have been agreed to, Mr. President, I am not going to object, but if my attention had been called to it in the first place, when the appropriation was made, I certainly should have objected to any such amount.

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

#### OSCAR C. GUESSAZ.

The bill (S. 557) for the relief of Oscar C. Guessaz was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Oscar C. Guessaz, out of any money in the Treasury not otherwise appropriated, the sum of \$100, as reimbursement for a horse lost while serving in the military service of the United States on or about the 13th day of January, 1899, at Camp Columbia, near Habana, Cuba.

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

#### LAND FOR ARMY SUPPLY BASES.

The joint resolution (S. J. Res. 151) to permit the payment for certain lands whereon Army supply bases are situated, was announced as next in order.

Mr. KING. I would like to have some explanation of the joint resolution. If it is to confirm some of the unwise selections made by the War Department, I am opposed to it.

Mr. SMOOT. Let it go over.

The VICE PRESIDENT. The joint resolution will be passed over.

#### GOVERNMENT PURCHASES OF GRAIN.

The bill (S. 3844) to provide for discontinuing the purchase and sale of grain by the Government, and for other purposes, was announced as next in order.

Mr. GRONNA. Mr. President, if this bill had been promptly passed by the Congress of the United States at the time it was reported great relief would have been afforded to people throughout the country. I fully realize that at this time there are only a few days left before the law will expire by limitation. So far as it affects the farmer, it will expire on the 31st of this month. I fully realize that so far as it affects the purchasers of wheat—the millers and the bakers—under existing law, they will have 45 days after the expiration of the law. I think it was a mistake of Congress not to pass the bill, because to-day, at a time when all the wheat has been disposed of by the farmers, it is bringing \$3.35 in the market at Minneapolis. Since the bill was reported wheat has advanced 75 to 85 cents a bushel, and rye has advanced 50 to 60 cents a bushel. Of course it is all in the hands of speculators now, and the speculators are getting the benefit of it.

I shall not ask to have the bill considered to-day. I simply ask that it go over.

The VICE PRESIDENT. The bill will go over.

#### SALARIES OF ATTORNEYS AND MARSHALS.

The bill (S. 3430) fixing the salaries of certain United States attorneys and United States marshals was announced as next in order.

Mr. KING. I would like to ask the chairman of the Judiciary Committee if he desires to have this bill taken up for consideration at this time? I am opposed to the bill.

Mr. OVERMAN. I think the bill ought to pass. It is a bill recommended by the Attorney General, and with the exception of the Senator from Utah, reported unanimously by the committee. It is a bill to readjust salaries which ought to be readjusted, and I would like at some time to have it taken up.

Mr. KING. I dislike very much, of course, to interpose an objection to the request of my amiable and distinguished friend, but this is a bad time to begin increasing the salaries of the higher-paid officials of the Government. We have not enough time this morning to discuss the bill, so I object.

The VICE PRESIDENT. The bill will be passed over.

#### LANDS IN HAWAII.

The bill (S. 3461) to provide for the exchange of Government lands for privately owned lands in the Territory of Hawaii was announced as next in order.

Mr. GRONNA. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

#### THE DYE INDUSTRY.

The bill (H. R. 8078) to regulate the importation of coal-tar products, to promote the establishment of the manufacture thereof in the United States, and, as incident thereto, to amend the act of September 8, 1916, entitled "An act to increase the revenue, and for other purposes," was announced as next in order.

Mr. SMOOT. That bill is the unfinished business and will come up at 2 o'clock, so I ask that it may go over at this time.

The VICE PRESIDENT. The bill will be passed over.

#### FEDERAL LIVE STOCK COMMISSION.

The bill (S. 3944) to create a Federal live stock commission was announced as next in order.

Mr. GRONNA. Mr. President, I assume that this bill could not be passed this morning if it were taken up. I want to say, however, that I hope the Senate will permit the bill to be taken up at an early date. It ought to be considered and it ought to be passed. I realize that some of those engaged in this particular business find fault with it, but if they can give no better arguments against it than the argument which I read in a circular issued by Swift & Co., it seems to me it is rather an argument in favor of passing the bill than an argument against it. I will ask to have it go over.

Mr. KENYON. I should like to ask the Senator from North Dakota when he expects to move to take up the bill?

Mr. GRONNA. I have been conferring with the Senator from Wyoming [Mr. KENDRICK], and we hope to have the bill taken up this week for consideration.

Mr. KENYON. I have been away and I did not know what the plan was, but I agree with the Senator that the bill should be acted on. So far as I am concerned, I shall object to any adjournment of this Congress until the bill is acted on.

Mr. GRONNA. I agree with the Senator.

BILLS PASSED OVER.

The bill (S. 3928) relating to the ships acquired from Germany, and for other purposes, was announced as next in order. Mr. NELSON. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 9281) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was announced as next in order.

Mr. KING. May I ask my colleague if that is not included in the suggestion which he made?

Mr. SMOOT. Yes; and the next bill on the calendar, H. R. 10515, also. I ask that the bills may go over.

The VICE PRESIDENT. They will go over.

The bill (H. R. 1853) to reimburse E. T. Thing and S. A. Thing for losses and damages sustained by them by the negligent dipping of their cattle by the Bureau of Animal Industry, Department of Agriculture, was announced as next in order.

Mr. SMOOT and Mr. KING. Let that go over.

The VICE PRESIDENT. It will go over.

The bill (S. 3725) authorizing the Court of Claims to adjudicate the claim of Capt. David McD. Shearer for compensation for the adoption and use and acquisition by the United States Government of his patented inventions was announced as next in order.

Mr. OVERMAN. Let that go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 1391) to add certain lands to the Sequoia National Park, Calif., and to change the name of said park to Roosevelt National Park was announced as next in order.

Mr. NUGENT. Let that go over.

The VICE PRESIDENT. The bill will go over.

The bill (H. R. 5218) to provide revenue for the Government and to establish and maintain the production of magnesite ores and manufactures thereof in the United States was announced as next in order.

Mr. CURTIS. This bill and calendar Nos. 415, 440, and 441 are to be passed over. They are tariff bills and will be taken up later.

The VICE PRESIDENT. The bills will be passed over.

The joint resolution (S. J. Res. 160) to provide for the preservation and maintenance of the Joint Commission on Reclassification of Salaries was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The joint resolution will be passed over.

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, was announced as next in order.

Mr. OVERMAN. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

LAND IN SAN FRANCISCO.

The bill (S. 3995) providing for the relinquishment of certain-described property by the United States to the city and county of San Francisco, State of California, was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.*, That all the right, title, and interest of the United States in and to the property herein described is hereby relinquished to the city and county of San Francisco, a municipal corporation of the State of California; the said property being the four fifty-vara lots fronting 275 feet on the north side of Harrison Street between Spear and Main Streets, with a uniform depth of 275 feet as laid down on the official map of said city and county.

Sec. 2. That all acts or parts of acts in conflict herewith are hereby repealed.

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

MRS. MAMIE DUFFER.

The bill (H. R. 1266) for the relief of Mrs. Mamie Duffer, of Shannon, Miss., was announced as next in order.

Mr. SMOOT. Mr. President, the Senator from Mississippi [Mr. HARRISON] informed me this morning that if he was not in the Chamber when this bill was reached, he would like to

have me suggest that the bill be indefinitely postponed, as a settlement has already been agreed to. In behalf of the Senator from Mississippi I make that motion.

The motion was agreed to.

EDWARD W. OWENS.

The resolution (S. Res. 334) referring the claims of Edward W. Owens and others to the Court of Claims was read and agreed to, as follows:

*Resolved*, That the claims of Edward W. Owens and others (S. 2719), Julia Dezera Stewart (S. 2868), and Lawrence S. Vandall (S. 3582), now pending in the Senate, together with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

BILLS PASSED OVER.

The VICE PRESIDENT. Orders of Business Nos. 440 and 441 are tariff bills and have been passed over. Nos. 444, 445, 446, 447, 448, and 449 are pension bills, and under the request of the Senator from North Dakota [Mr. McCUMBER] will go over.

IMPERIAL VALLEY, CALIF.

The bill (H. R. 12537) to provide for an examination and report on the condition and possible irrigation development of the Imperial Valley, in California, was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior is hereby authorized and directed to have an examination made of the Imperial Valley, in the State of California, with a view of determining the area, location, and general character of the public and privately owned un-irrigated lands in said valley which can be irrigated at a reasonable cost, and the character, extent, and cost of an irrigation system, or of the modification, improvement, enlargement, and extension of the present system, adequate and dependable for the irrigation of the present irrigated area in the said valley, and of the public and privately owned lands in said valley and adjacent thereto not now under irrigation, which can be irrigated at a reasonable cost from known sources of water supply, by diversion of water from the Colorado River at Laguna Dam.

Sec. 2. That the said Secretary shall report to Congress not later than the 6th day of December, 1920, the result of his examination, together with his recommendation as to the feasibility, necessity, and advisability of the undertaking, or the participation by the United States, in a plan of irrigation development with a view of placing under irrigation the remaining un-irrigated public and privately owned lands in said valley and adjacent thereto, in connection with the modification, improvement, enlargement, and extension of the present irrigation systems of the said valley.

Sec. 3. That the said Secretary shall report in detail as to the character and estimated cost of the plan or plans on which he may report, and if the said plan or plans shall include storage, the location, character, and cost of said storage, and the effect on the irrigation development of other sections or localities of the storage recommended and the use of the stored water in the Imperial Valley and adjacent lands.

Sec. 4. That the said Secretary shall also report as to the extent, if any, to which, in his opinion, the United States should contribute to the cost of carrying out the plan or plans which he may propose; the approximate proportion of the total cost that should be borne by the various irrigation districts or associations or other public or private agencies now organized or which may be organized; and the manner in which their contribution should be made; also to what extent and in what manner the United States should control, operate, or supervise the carrying out of the plan proposed, and what assurances he has been able to secure as to the approval of, participation in, and contribution to the plan or plans proposed by the various contributing agencies.

Sec. 5. That, for the purpose of enabling the Secretary of the Interior to pay not to exceed one-half of the cost of the examination and report herein provided for, there is hereby authorized to be appropriated the sum of \$20,000: *Provided*, That no expenditure shall be made or obligation incurred hereunder by the Secretary of the Interior until provision shall have been made for the payment of at least one-half the cost of the examination and report herein provided for by associations and agencies interested in the irrigation of the lands of the Imperial Valley.

Mr. SMOOT. Mr. President, I am not going to object to the consideration of the bill at this time, but, merely for the record, I wish to say that if this project is undertaken it will mean the expenditure of at least \$32,000,000, and I do not want the provisions in section 4 to be construed hereafter in any way as binding the Government of the United States to appropriate money which may be recommended by the Secretary of the Interior; in other words, the part of section 4 to which I have reference is as follows:

That the said Secretary shall also report as to the expense, if any, to which, in his opinion, the United States should contribute to the cost of carrying out the plan or plans which he may propose.

I am perfectly willing that the appropriation of \$20,000 should be made to cooperate with the people of the Imperial Valley in making investigation as to just what should be done with the Colorado River, that at times threatens the Imperial Valley, but I do not want the passage of the bill in any way to be pointed to in the future as obligating the Government to pay any portion of the expenses of the project if it is recommended and undertaken. The reports may show conditions that would justify the Government in cooperating in subsequent im-

provements, but I do not want the provision referred to in this bill to be pointed to as the act of Congress obligating the Government to make any appropriation for the proposition.

Mr. PHELAN. Mr. President, I understand the Senator does not object to the passage of the bill; but, for the information of the Senate, I desire to say that the Secretary of the Interior—then Mr. Lane—reports favorably and calls our attention to the fact that in February, 1918, this district provided \$30,000 toward a fund of \$45,000 for a Federal survey of the proposed plan for an all-American canal bringing water from Laguna Dam to the Imperial Valley, and is asking that \$20,000 be now appropriated.

In view of the conditions—

Quoting him—

regarding the possibility of passing an appropriation for construction of the works as presented by the committee, it seems to me that the best thing which can be done at the present time to advance the interests of this proposition, which I regard as meritorious, would be to appropriate further moneys for the necessary investigations which would be preliminary to construction.

So it is understood that this money is preliminary to construction; and, of course, Congress shall then determine what construction shall be made and what its contribution shall be.

This is one of the greatest projects proposed in the Southwest. The Government owns 250,000 acres in this, the most fertile valley in the world, whose fertility has been demonstrated by private enterprise. In fact, the Agricultural Department, I am told, warned the settlers from investing money there because, on analysis of the soil, it found it would be "unproductive." This was an error. The citizen proved its value by irrigation, and the Government has a real, direct interest in this work of reclamation.

Mr. SMOOT. Does the Senator mean to make this speech with the idea of impressing upon the Senate that the Congress is going to appropriate \$30,000,000 for this project?

Mr. PHELAN. Indeed, no.

Mr. SMOOT. Because if that is the case I do not want the bill to pass.

Mr. PHELAN. I merely wish the Senate to be informed of the object of a preliminary survey and what the department thought should be done to save this most fertile valley from destruction, including 250,000 acres of Government land. It is for Congress later to determine that, and it will be asked to cooperate.

The Colorado River hangs as a menace over this valley, which is 120 feet below the level of the sea, and there is an international question of river control involved. In fact the condition is unique; but this appropriation will inform Congress what should be done, if anything. That is the object of it. I am not raising any question now as to what shall be done in the future. I do not know that it would be fair to recommend that this appropriation be made unless Congress was informed that its object is to lay the foundation for the protection of the valley, including 250,000 acres of Government land, against the Colorado River. That is all that there is in the background.

Mr. SMOOT. I have been told by Mr. Davis, of the Reclamation Service, that he thinks if the so-called Smoot rural home bill becomes a law that private capital will develop the proposed project. The Senator knows that under the law to-day this examination would be made by the Reclamation Service, but Mr. Davis assures me that there is no money in the reclamation fund to undertake this work.

This is opening the door to a class of appropriations for the examination of reclamation projects, but it is of such a character that I felt perhaps it would be better that we should make an expenditure of \$20,000 for the purpose. It is for that reason that I do not now object, but when we stop to think that the expenditure of \$30,000,000 or \$40,000,000, or likely more than \$45,000,000 may be involved before the project is completed, in my opinion we should go a little slowly, for such an expenditure will take more than one-half as much as has been spent upon all present reclamation projects.

I wish to say to the Senator from California that we in Utah have some valleys which if water could be placed upon them would be as fertile as any land found in the Imperial Valley. However, I think the bill should be passed with the understanding which I have stated.

The VICE PRESIDENT. Does the Chair understand that the Senator is still in favor of the bill?

Mr. SMOOT. Yes; let it be put on its passage, notwithstanding the statement of the Senator from California.

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

WALTER I. WHITTY.

The bill (S. 2989) for the relief of Walter I. Whitty was announced as next in order.

Mr. KING. I ask that that bill go over.

Mr. ROBINSON. If the Senator from Utah will withhold for a moment his request that the bill go over I hope that an explanation will enable me to procure its passage.

This bill was referred to the appropriate authorities in the War Department for a statement of facts and recommendations. The facts are somewhat fully set forth in the report of the committee, and I ask that the report may be printed in the RECORD.

Mr. SMOOT. I suggest to the Senator that the report be read.

Mr. ROBINSON. I would ask for the reading of the report, which states the facts fully, but I think I can state them with sufficient clearness and, perhaps, save a little time on the part of the Senate.

The beneficiary of this proposed legislation was transferred from the position of clerk in the Engineer Department at Little Rock, Ark., to the position of civilian clerk with the Expeditionary Forces effective July 21, 1917. He was so employed until his return to the United States on a surgeon's certificate of disability. It appears almost conclusively from the facts as stated by Gen. Kreger, assistant to the Judge Advocate General, incorporating a report on the case by the Chief of Engineers, that while serving as civilian clerk this man contracted very serious disability. The Acting Judge Advocate General made this statement in reference to the case:

3. It is assumed that Mr. Whitty was given the benefit of the usual regulation allowance of sick leave with pay, which may not exceed 30 days in any one calendar year. This is, of course, in addition to the regular allowance of annual leave, not to exceed 30 days per annum. When such leave allowances are exhausted, if the employee does not perform duty, pay must be stopped. This applies to civilian employees in the executive departments at Washington as well as to employees in the field service, including employees of the Engineer Department at large. The only provision for the relief of sick or disabled civilian employees other than the above-mentioned provision for sick leave is that contained in the injured employees' compensation act of September 7, 1916, which applies only to cases of personal injury, under which compensation is paid by the United States Employees' Compensation Commission.

Subsequently the Committee on Military Affairs addressed a second communication to the War Department, and the following information was called to the attention of the committee:

In view of the statement contained in the preceding indorsement of the Surgeon General concerning Mr. Whitty's physical condition, and of the further fact that, as stated, it is the opinion of the Surgeon General that the disability was incident to his service, and had a similar condition occurred in the case of an officer or an enlisted man it would have been considered in line of duty, favorable action is recommended on the foregoing bill for the relief of Mr. Whitty.

The statement of the Surgeon General referred to, in part, is as follows:

The disability was incident to his service, and if a similar condition had occurred in the case of an officer or enlisted man it would have been considered in line of duty.

In view of the facts in the case as set forth in the report, I ask the Senator from Utah if he does not feel justified in permitting the bill to pass?

Mr. KING. With the permission of the Senator—

Mr. ROBINSON. I yield.

Mr. KING. I desire to ask his view in regard to this situation which occurs to me. Does not the Senator think if this bill is passed it will be regarded as a precedent to reimburse, either by direct appropriation or by the granting of a pension, all civilian employees, clerks, and so on, who may have been in the Army?

Mr. ROBINSON. I will say to the Senator from Utah that similar legislation has heretofore passed. There are already such precedents existing. Of course, this would be an additional case, but it would hardly be regarded, in my opinion, as a precedent.

Mr. KING. Mr. President, I regret to interpose an objection to any request made by the distinguished Senator from Arkansas, but I ask him to let this bill go over until the next calendar day.

Mr. ROBINSON. Very well.

Mr. KING. So that I may have an opportunity to investigate and see just how far it will lead.

Mr. ROBINSON. I shall be very glad to do that. If the Senator feels that he would not be justified at this time in having the bill considered let it go over.

Mr. KING. If it will not establish a precedent which will be injurious to the Government in the future, I shall be very glad to have the bill passed.

The VICE PRESIDENT. The bill will go over.

Mr. ROBINSON. I renew my request that the entire report of the committee be printed in the Record.

The VICE PRESIDENT. Without objection, it is so ordered. The report submitted by Mr. KIRBY, April 3, 1920, from the Committee on Military Affairs, is as follows:

(Report to accompany S. 2989.)

The Committee on Military Affairs, to whom was referred the bill (S. 2989) for the relief of Walter I. Whitty, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

This measure was referred to the Secretary of War for report. Full information concerning the case was given by the assistant to the Judge Advocate General of the Army, Gen. Kreger, in a report to the Secretary of War on December 13, 1919. The report, which was the eighth indorsement in the case, reads as follows:

WAR DEPARTMENT, J. A. G. O., December 13, 1919.

TO THE SECRETARY OF WAR:

1. The inclosed bill, S. 2989, "for the relief of Walter I. Whitty," introduced in the Senate September 11, 1919, by Senator ROBINSON, has been referred to the War Department by the Senate Committee on Military Affairs with request that the committee "be furnished with any information relative to this measure in possession of the War Department." The bill authorizes the Secretary of War to pay to Walter I. Whitty—

"The sum of \$125 per month for the period from July 11, 1918, the date upon which his compensation as a clerk in the Engineer Department of the United States Army was discontinued due to disability received in line of duty, until such time as the proper authorities may discharge him from Army General Hospital No. 26, or from such other hospital or institution under the supervision of the War Department to which he may be transferred."

It further provides for the payment to Mr. Whitty, by the United States Employees' Compensation Commission, for any partial or permanent disability resulting from the illness which necessitated his confinement in such hospital and to treat him as coming within the injured employee's compensation act of September 7, 1916 (39 Stat., 742).

2. A report from the Chief of Engineers on this case shows that Mr. Whitty was transferred from the position of clerk at \$1,200 per annum in the Engineer Department at Large, Little Rock, Ark., to the position of civilian clerk at \$1,400 per annum for duty under the chief engineer officer, American Expeditionary Forces, effective July 21, 1917, and that he was so employed up to the time of his being returned to the United States "on surgeon's certificate of disability." It appears that Mr. Whitty was placed in camp hospital No. 27, Tours, France, in May, 1918. The papers do not disclose when he was returned to the United States, but the Chief of Engineers states that—

"Upon his return to the United States (he) was ordered to the United States Army hospital at Fort Des Moines, Iowa, for treatment, from which hospital he was discharged October 24, 1919."

The Surgeon General reports that while it is not customary in the case of civilians to make notation on sick and wounded report as to whether or not the disability was incurred in line of duty, it is, nevertheless, the opinion of his office that in Mr. Whitty's case—

"The disability was incident to his service, and if a similar condition had occurred in the case of an officer or enlisted man it would have been considered in line of duty."

He quotes the medical record in Mr. Whitty's case as follows: "May 4 to June 15, 1918, pleurisy, serofibrinous, right side, complication; empyema, right side. Operation—drained pleural cavity, and resecting 2 inches of eighth and ninth ribs posterior to axillary line, right side; anesthetic, ether, May 10, 1918. August 24 to September 14, 1918, empyema, right. October 11, 1918, to —, empyema, right, flowing pleurisy, right, incurred in France about May 4, 1918. (Remaining in General Hospital No. 26, Fort Des Moines, Iowa, No. 1859.)"

3. It is assumed that Mr. Whitty was given the benefit of the usual regulation allowance of sick leave with pay, which may not exceed 30 days in any one calendar year. This is, of course, in addition to the regular allowance of annual leave, not to exceed 30 days per annum. When such leave allowances are exhausted, if the employee does not perform duty, pay must be stopped. This applies to civilian employees in the executive departments at Washington as well as to employees in the field service, including employees of the Engineer Department at Large. The only provision for the relief of sick or disabled civilian employees other than the above-mentioned provision for sick leave is that contained in the injured employees' compensation act of September 7, 1916, which applies only to cases of personal injury, under which compensation is paid by the United States Employees' Compensation Commission.

4. It is recommended that these papers be transmitted to the Senate Committee on Military Affairs.

E. A. KREGER,

Assistant to the Judge Advocate General.

In order to secure information from the War Department as to whether or not the department favored this measure, the clerk was directed to again take the matter up with the department and make inquiry with regard thereto. In a letter addressed to the clerk to the committee, Mr. J. B. Randolph, acting assistant and chief clerk of War Department, under date of March 16, 1920, expressed the department's approval of the measure as follows:

"The department is in receipt of your letter of the 12th instant, with which you inclosed a copy of Senate bill 2989 and correspondence with the department relative thereto.

"In the second paragraph of the indorsement of the Chief of Engineers of November 26, 1919, inclosed, he states:

"In view of the statement contained in the preceding indorsement of the Surgeon General concerning Mr. Whitty's physical condition, and of the further fact that, as stated, it is the opinion of the Surgeon General that the disability was incident to his service, and had a similar condition occurred in the case of an officer or an enlisted man it would have been considered in line of duty, favorable action is recommended on the foregoing bill for the relief of Mr. Whitty."

"The department concurs in the opinion of the Chief of Engineers."

LAND AT FORT BLISS, TEX.

The bill (S. 3139) for the purchase of land adjoining Fort Bliss, Tex., was announced as next in order.

Mr. WARREN. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

MABEL L. NOBLE.

The bill (S. 3421) for the relief of Mabel L. Noble was considered as in Committee of the Whole. It directs the Secretary of the Treasury to redeem certificates of indebtedness of the United States of America No. 88817, denomination of \$500, of the issue dated May 9, 1918, and maturing September 15, 1928, with interest at the rate of 4½ per cent from September 15, 1918, to September 15, 1928, in favor of Mabel L. Noble, of Somerville, N. J., without presentation of the certificate, the certificate of indebtedness having been lost or destroyed; but she shall first file in the Treasury Department of the United States a bond in the penal sum of double the amount of the principal and interest of the certificate of indebtedness of the United States of America in such form and with such securities as may be acceptable to the Secretary of the Treasury to indemnify and save harmless the United States from any loss on account of the lost or destroyed certificate of indebtedness hereinbefore described.

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

ROOSEVELT 2-CENT COIN.

The bill (S. 3774) to authorize the coinage of a Roosevelt 2-cent coin was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.*, That there shall be coined at the several mints of the United States 2-cent pieces, of an alloy composed of 95 per cent of copper and 5 per cent of tin and zinc, in such proportions as shall be determined by the Director of the Mint, and of such size and weight as may be necessary to distinguish it from the 1-cent pieces of similar composition; and upon the 2-cent pieces, the coinage of which is hereby authorized, there shall be the following devices and legends: Upon one side there shall be the medallion of Theodore Roosevelt, with the dates of his birth and death, and with an inscription of the words "In God we trust," and upon the reverse shall be an inscription "E Pluribus Unum" and an inscription "United States of America" and a designation of the value of the coin.

Mr. KING. Mr. President, I should like to ask the chairman of the committee whether there is a unanimous report in favor of this bill?

Mr. GRONNA. Mr. President, the chairman of the Committee on Banking and Currency does not seem to be present at the moment, but I will say to the Senator that the report is unanimous. I am a member of the Committee on Banking and Currency.

Mr. KING. Will the Senator state whether or not there is a public necessity for this measure?

Mr. GRONNA. Of course, the Senator from Utah knows as much about that as I do, but I think there is a demand for a 2-cent piece. The Senator also knows there are other reasons why this measure should be passed.

Mr. McLEAN. Mr. President, I do not wish to take the Senator from North Dakota from the floor, but I merely want to announce that I am here.

Mr. KING. I should like to ask the chairman of the committee whether or not the business needs of the country require this proposed law, and whether or not there is any utility in having a 2-cent coin?

Mr. McLEAN. It was represented to the committee that a 2-cent piece would be a real convenience at this time in making change. Transfers on the street railways in the city of Washington, for instance, cost 2 cents, and the fare has been raised to 8 cents. A 2-cent piece would easily be distinguished from any other coin, and the measure seems to me to be unobjectionable. As the Senator knows, a great many local fares are not in multiples of five, but at present the fare in many cases is either 7 or 8 cents, and a 2-cent piece would be a great convenience. It would be a little larger than the 1-cent piece, probably, and would be easily identified from that coin, so that there would be no trouble in distinguishing it. There seems to be no objection to the measure, and it was favorably reported from the committee.

Mr. GRONNA. Before the Senator from Connecticut came in I took the responsibility of saying that the report of the Committee on Banking and Currency on this measure was unanimous.

Mr. McLEAN. I know of no objection to the bill from any source, although the Secretary of the Treasury, to whom the bill was referred, opposed it on the ground that it might interfere with cash-register machines or some mechanical devices now in use. However, I wrote to the manufacturers of cash registers, and their reply was that they had no objection to the bill. So I know of no practical difficulty in the way of the coinage of the proposed 2-cent piece, nor do I think it will interfere with the business in any way.

Mr. KING. If the Senator will pardon me, if there is any real necessity, if there is any utility, and if the people want such a coin, I have no objection to the bill; but if it is merely for the purpose of commemorating the achievements of a great

man who has departed I would be opposed to it, no matter who the man was.

Mr. McLEAN. I can only repeat what I have said to the Senator, that it was represented to the committee that the proposed coin would be a convenience at this time.

Mr. KING. My opinion—although, of course, it is not to be set up against the judgment of the chairman of the committee—is that there is no particular need for it, and that it will prove a disadvantage rather than an advantage.

Mr. BRANDEGEE. Mr. President, if I may interrupt the Senator from Connecticut, we all remember when we had a 2-cent copper coin and a 3-cent nickel coin, and I never really understood why they were discontinued. I think they were useful even at the time they were issued. There may have been some reason for discontinuing them, but as to that I do not know. I think, as my colleague has so well said, inasmuch as all over the country the ordinary price of a ride on a trolley car, which was formerly 5 cents, has now been raised to 7 cents or more, that the 2-cent piece would be a great public convenience. Whether or not it is a public necessity in the sense that we could not get along without it is a different question. I suppose we could get along on wampum if we had nothing else to use.

I should like to ask my colleague, while this matter is up, if I am correct in thinking that a bill of this kind was presented by the Senator from New Jersey [Mr. FRELINGHUYSEN] providing for the recoinage of the 3-cent coin?

Mr. McLEAN. No; I think not. I think the bill to which my colleague refers was a bill for the coinage of 7 and 8 cent pieces.

Mr. BRANDEGEE. Possibly. Well, that shows the same necessity.

Mr. McLEAN. The committee has not yet had any hearings on that bill or reached any conclusion in regard to it. I will say, however, that it is my opinion that the coinage of the 2-cent pieces will largely obviate the necessity for 7 and 8 cent pieces.

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

#### BILLS PASSED OVER.

The bill (H. R. 10918) to provide revenue and encourage domestic industries by the elimination, through the assessment of special duties, of unfair foreign competition, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 6238) to provide revenue for the Government and to establish and maintain the production of zinc ores and manufactures thereof in the United States was announced as next in order.

Mr. KING. Mr. President, that has been ordered to go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4166) to provide for election contests in the Senate of the United States was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3763) regulating the disposition of lands formerly embraced in the grants to the Oregon & California Railroad Co. and Coos Bay Wagon Road Co. was announced as next in order.

Mr. GRONNA. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

#### CARIBOU NATIONAL FOREST.

The bill (H. R. 4311) to authorize the addition of certain lands to the Caribou National Forest was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with amendments, on page 1, line 5, after the word "flow," to strike out "or regulation and improvement of the grazing thereon," and on page 2, line 23, after the word "That," to strike out "all lands embraced in any lawful application or entry pending at the date of the approval of this act be, and the same are hereby, excluded from the provisions of this act," and to insert "the inclusion of any of the aforesaid lands in the Caribou National Forest shall not affect adversely any valid application or entry pending at the date of the approval of this act," so as to make the bill read:

*Be it enacted, etc.,* That any lands within the following-described areas, found by the Secretary of Agriculture to be chiefly valuable for the production of timber or the protection of stream flow, may, with the approval of the Secretary of the Interior, be included within and made a part of the Caribou National Forest, Idaho, by proclamation of the President, said lands to be thereafter subject to all laws affecting national forests: Sections 26 and 27, township 9 south, range 46 east, Boise meridian; northwest quarter of section 1, all of section 2, east half of section 12, all of sections 13, 23, 24, 25, 26, 35, and 36, township 10 south, range 45 east, Boise meridian; all of sections 6, 7, 18,

19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35, township 10 south, range 46 east, Boise meridian unsurveyed; all of sections 1, 2, 11, 12, 13, 14, east half of section 23, all of 24, 25, and 36, township 11 south, range 45 east, Boise meridian; all of unsurveyed township 11 south, range 46 east, Boise meridian; all of section 35, township 12 south, range 45 east, Boise meridian; all of sections 2, 3, 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 29, 30, 31, 32, of township 12 south, range 46 east, Boise meridian, partly unsurveyed; all of sections 5 and 6, and north half of section 7, and north half of section 8, township 13 south, range 46 east, Boise meridian; *Provided,* That the inclusion of any of the aforesaid lands in the Caribou National Forest shall not affect adversely any valid application or entry pending at the date of the approval of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### TRANSMISSION OF POISONS, ETC., THROUGH THE MAILS.

The bill (H. R. 9781) to amend section 217 of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with amendments, on page 3, line 13, before the word "or," to strike out "\$5,000" and insert "\$10,000," and in line 14, before the word "years," to strike out "10" and insert "20," so as to make the bill read:

*Be it enacted, etc.,* That section 217 of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909 (35 Stat. L., p. 1131), is hereby amended to read as follows:

"Sec. 217. That all kinds of poison, and all articles and compositions containing poison, and all poisonous animals, insects, and reptiles, and explosives of all kinds, and inflammable materials, and infernal machines, and mechanical, chemical, or other devices or compositions which may ignite or explode, and all disease germs or scabs, and all other natural or artificial articles, compositions, or materials, of whatever kind, which may kill or in any wise hurt, harm, or injure another or damage, deface, or otherwise injure the mails or other property, whether sealed as first-class matter or not, are hereby declared to be nonmailable matter, and shall not be conveyed in the mails or delivered from any post office or station thereof, nor by any letter carrier; but the Postmaster General may permit the transmission in the mails, from the manufacturer thereof or dealer therein to licensed physicians, surgeons, dentists, pharmacists, druggists, and veterinarians, under such rules and regulations as he shall prescribe, of any articles hereinbefore described which are not outwardly or of their own force dangerous or injurious to life, health, or property: *Provided,* That all spirituous, vinous, malted, fermented, or other intoxicating liquors of any kind are hereby declared to be nonmailable, and shall not be deposited in or carried through the mails. Whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or shall knowingly cause to be delivered by mail, according to the direction thereon or at any place at which it is directed to be delivered by the person to whom it is addressed, anything declared by this section to be nonmailable, unless in accordance with the rules and regulations hereby authorized to be prescribed by the Postmaster General, shall be fined not more than \$1,000 or imprisoned not more than two years, or both; and whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or shall knowingly cause to be delivered by mail, according to the direction thereon or at any place to which it is directed to be delivered by the person to whom it is addressed, anything declared by this section to be nonmailable, whether transmitted in accordance with the rules and regulations authorized to be prescribed by the Postmaster General or not, with the design, intent, or purpose to kill or in anywise hurt, harm, or injure another or damage, deface, or otherwise injure the mails or other property, shall be fined not more than \$10,000, or imprisoned not more than 20 years, or both.

The amendments were agreed to.

Mr. KING. Mr. President, may I ask the Senator who reported the bill whether, in its consideration, the committee took into account the existing law dealing with the transmission of inflammable and explosive articles through the mail?

Mr. STERLING. I will say to the Senator that the object of this bill is to amend the existing law in that respect. It amends the law of 1909 relative to the transmission of poisonous matter through the mails and relative to the transmission of explosives, and so forth, through the mails. The proposed amendment is designed to give the Postmaster General some further power in regard to the regulation of the mailing of these articles.

The law as it stands contains this provision:

The Postmaster General may permit the transmission in the mails under such rules and regulations as he shall prescribe, as to preparation and packing of any articles hereinbefore described which are not outwardly or of their own force dangerous or injurious to life, health, or property.

The United States district court has decided that the Postmaster General's power is limited to that of prescribing regulations in regard to the preparation and packing of any such articles, so that he can not discriminate as between persons who are licensed and persons who are not licensed, as druggists, physicians, and so forth, who are permitted to buy any of these articles.

Mr. KING. If the Senator will excuse me—  
Mr. STERLING. Yes.

Mr. KING. What I had in mind was this: The Senator will recall that some time ago the Judiciary Committee reported a bill which, when it first reached the committee, made it a capital offense to deposit any explosives in the mail for the purpose of being transmitted through the mail with the intention of doing harm to any individual or for the purpose of killing any individual. As the Senator will recall, that bill, which was before the committee, after consideration was amended in some particulars not necessary now to recount. What I had in mind was whether this bill would be construed as mitigating the punishment provided in that bill or interfering with that bill and the statute of which it was amendatory.

Mr. STERLING. I could not say certainly as to that, but my impression is that it would not.

Mr. KING. The Senator will recall that that bill provided that the transmission through the mail of any bomb or explosive which was calculated to do bodily injury or to take the life of another constituted a very serious offense; and, as I recall, we provided that in the discretion of the court there might be life imprisonment instead of death. If this bill in any way would modify the provisions of that bill or come in conflict with it, it seems to me it ought to receive further consideration.

Mr. STERLING. I do not recall now the status of the bill to which the Senator from Utah refers. I recall that such a bill was before the committee, and that the committee did increase the penalty provided in that bill; but we have also increased the penalty provided in the House bill through the amendments reported by the Senate committee. Instead of fining the person \$5,000, we have fixed the maximum fine which may be imposed at \$10,000; and instead of the maximum imprisonment being fixed at 10 years, we have fixed the maximum at 20 years.

Mr. KING. I shall not object to the consideration of this bill; but I will ask the Senator, when the bill reaches conference, if it does, to examine that question, and, if it shall be found that there is a conflict, that the matter be brought to the attention of the Senate.

Mr. NELSON. Mr. President, if the Senator will allow me—

Mr. STERLING. Certainly.

Mr. NELSON. This bill does not materially change existing law. Most of it is a reenactment of the present statute. The only change in the law is in respect to one particular matter. The present law provides that the Postmaster General shall have the right to prescribe the manner in which explosives or other similar substances shall be packed in order to be mailable, and then it provides that druggists can ship their prescriptions, narcotics, and other remedies by mail. One of the courts held that that did not give the Postmaster General any authority except to prescribe the mode in which these explosives and poisons were to be packed. The principal object of this bill is to change that so that the Postmaster General can pass upon that question, instead of being limited merely to the mode in which the prescription or package shall be put up.

The only other amendment is in the last part of the bill, where the maximum fine is increased from five thousand to ten thousand dollars and the maximum imprisonment from 10 to 20 years. That amendment was made because in these cases the acts which are forbidden may result in death. If a man sends explosives through the mail with a malicious intent to do harm and it results in death, there ought to be a higher penalty; and this leaves the court to fix a higher penalty, which can go up to 20 years imprisonment or \$10,000 fine, and anything less than that.

The main purpose of the bill is to get around the defect that was described in the decision of one of the Federal courts, and that is that the power of the Postmaster General, in connection with the mailing of these goods, is limited simply to prescribing the form in which the remedy or container is to be packed. Otherwise there is no change in the existing law.

Mr. KING. Mr. President, the next to the last statement by the Senator confirms the apprehension which I expressed a moment ago. The bill which we reported from the Judiciary Committee some time ago dealt with the question of the depositing in and transmission through the mails of explosives which might result in death, and in that bill we fixed a penalty greater than this. This bill, though it is addressed to the emendation of a different statute from that which we formerly considered, prescribes a different penalty; and if it is passed subsequently to the other measure it would by implication repeal it, and I am afraid there is some incongruity between this bill and the one which we passed a short time ago. I should be glad if this matter could be allowed to go over, so that we

can discover whether there is any inconsistency, whether this bill encroaches upon ground covered by the bill that we passed a short time ago.

The VICE PRESIDENT. The bill will go over if the Senator objects.

Mr. STERLING. I hardly think the bill ought to go over on the suggestion made by the Senator from Utah, and I hope he will not object to its passage. My belief is that there is urgent need for the passage of this measure, so that the Postmaster General may make regulations that will be of some real value. The only regulations he can make now are those stated by the Senator from Minnesota, relating to the preparation and packing of these deleterious articles that may be sent through the mails. This bill allows him to go further than that, and allows him to permit the transmission through the mails of many of these substances through regularly licensed druggists, physicians, and others.

Mr. KING. I am not complaining about those provisions. I think there is a real necessity for something of that kind; but if this bill does interfere with the bill which we formerly passed in any particular it would seem to me that we ought to pause. If, however, the Senator will assure me that if this bill is passed now he will compare it with the other one before the conference agrees, if a conference shall be appointed upon the amendments, and that the matter will be brought back to the attention of the Senate in case there is a conflict, I shall not object.

Mr. STERLING. Certainly.

Mr. KING. But I shall rely upon the Senator to see that this bill does not interfere with the one which we passed some time ago.

Mr. STERLING. I shall be interested in comparing this bill throughout with the bill to which the Senator refers.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### WOMEN'S BUREAU.

The bill (S. 4002) to establish in the Department of Labor a bureau to be known as the women's bureau was announced as next in order.

Mr. KING. Let that go over.

Mr. KENYON. Of course, if the Senator from Utah objects to the consideration of the bill, I can not help it; but I wonder if he is very serious in his objection.

Mr. KING. There are too many bureaus now in the Government, and too many departments, for that matter. There is a plan on foot on the part of distinguished Republican Senators, for which I thank them in my own behalf, to reorganize and coordinate the departments and executive agencies of the Government. If the commission appointed for that purpose shall report the necessity of creating another bureau, I shall not object at all; but in view of the fact that there must be a reorganization of the executive departments of the Government, a reclassification of the bureaus, and a reassignment of executive agencies from one department to another, it seems to me we ought not to create any more bureaus now.

Mr. KENYON. I agree with the Senator about the work of this commission on reorganization, and I hope it may formulate a plan which will be helpful. But that is some ways off. I simply want to say that this bill was passed by the House with practically no opposition. It is one thing, I think, which the women of the country happen to be unanimously asking for.

Mr. WARREN. This is a Senate bill. The House has passed a similar bill?

Mr. KENYON. It has. This is the same as the bill which passed the House. If the Senator from Utah objects, I will not press it at this time, but later I shall move to take it up. It is one of the bills which should be acted upon before Congress adjourns.

The VICE PRESIDENT. The bill will go over.

#### PENSIONS TO SOLDIERS OF SPANISH WAR, ETC.

The bill (H. R. 2) to pension soldiers of the War with Spain, the Philippine insurrection, and the China relief expedition was announced as next in order.

Mr. KING. Let that go over.

Mr. NEW. Mr. President, I very much hope that the Senator from Utah will not insist on pressing his objection to the consideration of this bill. I think there are many reasons why it should be considered on its merits. There are personal reasons why I should like very much to have it considered, if the objections of the Senator from Utah are such that he can withhold them.

Mr. KING. Mr. President, I should be very glad to accede to the request of my friend, but the limited time this morning would not allow that full discussion and consideration of this bill which its merits and demerits require. We have been very generous. We passed a \$75,000,000 appropriation bill the other day for pensions, and demands are here for one or two billion dollars more. Of course, when the Republicans are so anxious for economy I want to help them, and I object.

Mr. NEW. I give notice, then, that at the close of the morning business to-morrow I shall move that the Senate proceed to the consideration of this bill.

The VICE PRESIDENT. The bill will go over.

#### MILITARY JUSTICE.

The bill (S. 64) to establish military justice was announced as next in order.

Mr. WARREN. I wish to state that that has been added to the Army reorganization bill, and I ask that the bill may go over without prejudice.

The VICE PRESIDENT. The bill will be passed over.

#### AMENDMENT OF PENAL LAWS.

The bill (H. R. 7629) to amend the penal laws of the United States was announced as next in order.

Mr. GRONNA. Mr. President, I may not have any objection to this bill after I have had time to consider it carefully. However, there are only a few minutes remaining of the morning hour, and I ask the Senator from Utah who reported the bill to let it go over for to-day.

Mr. KING. I have no objection if the Senator desires to have it go over.

The VICE PRESIDENT. The bill will be passed over.

#### JUDICIAL DIVISIONS IN ALASKA.

The bill (S. 4205) to amend section 4, chapter 1 of Title I, of an act entitled "An act making further provision for a civil government for Alaska, and for other purposes," approved June 6, 1900, as heretofore amended by section 2 of an act entitled "An act to amend section 86 of an act to provide a government for the Territory of Hawaii, to provide for additional judges, and for other judicial purposes," approved March 3, 1909, and for other purposes, was considered as in Committee of the Whole.

Mr. NELSON. Mr. President, the judicial district of Alaska consists of four divisions. The judges there have agreed on a change in the boundaries of some of the divisions, and the bill was prepared and recommended by the Department of Justice. It is a long bill, reciting those boundaries at length. That is all the bill involves, and it is what the Department of Justice and the judges recommend. So I ask that the bill may be put on its passage.

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

#### COMMEMORATION OF ANNIVERSARY EVENTS.

Mr. McLEAN. Mr. President, I ask unanimous consent that the consideration of the remaining bills on the calendar prior to No. 508, House bill 12460, be postponed until next Monday.

Mr. CURTIS. Is there anything that is very urgent about the bills in which the Senator is interested which makes him feel that they are more important than the measures which precede them on the calendar?

Mr. McLEAN. The bills in which I am interested authorize the coinage of 50-cent pieces in commemoration of certain events. They passed the House, and there is an anxiety to get the Senate to pass them, because the events are now coming on—the hundredth anniversaries of the admission of Maine and Alabama into the Union, and the three hundredth anniversary of the landing of the Pilgrims.

The VICE PRESIDENT. Is there any objection? The Chair hears none.

The bill (H. R. 12460) to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the admission of the State of Maine into the Union was considered as in Committee on the Whole.

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

The bill (H. R. 12824) to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the admission of the State of Alabama into the Union was considered as in Committee of the Whole.

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

The bill (H. R. 13227) to authorize the coinage of 50-cent pieces in commemoration of the three hundredth anniversary of

the landing of the Pilgrims was considered as in Committee of the Whole.

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

#### CLAIMS OF COWLITZ INDIANS.

Mr. CURTIS. I ask unanimous consent that we now return to the consideration of Order No. 484 on the calendar, Senate bill 1521.

The bill (S. 1521) authorizing the Cowlitz Tribe of Indians, residing in the State of Washington, to submit claims to the Court of Claims was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment, on page 2, line 3, after the word "adjudge," to strike out the following words: "the rights, both legal and equitable, of the said Cowlitz Tribe and of the United States in the premises, notwithstanding lapse of time or statutes of limitation. The suit or suits instituted hereunder shall be begun by the Cowlitz Tribe of Indians as parties plaintiff and the United States as the party defendant. The petition or petitions may be verified by the attorney or attorneys employed by the Cowlitz Tribe upon information and belief as to the facts therein alleged, and no other verification shall be necessary: *Provided*, That upon the final determination of such suit or suits the Court of Claims shall have jurisdiction to fix and determine a reasonable fee not to exceed 10 per cent of the recovery, to be paid to the attorney or attorneys employed by the said Cowlitz Tribe of Indians, and the same shall be included in the decree and shall be paid out of any sum or sums due said tribe," and to insert in lieu thereof the following: "all legal and equitable claims, if any, of said Cowlitz Tribe against the United States, and also any legal or equitable defense, set-off, or counterclaim which the United States may have against the said Cowlitz Tribe, and to enter judgment thereon, notwithstanding lapse of time or statutes of limitation; and the final judgment and satisfaction thereof shall be a full settlement of all claims of said Cowlitz Tribe against the United States. Such cause shall be commenced within three years after the passage of this act, and in such cause the said Cowlitz Tribe shall be party plaintiff and the United States shall be party defendant; and the petition setting forth the cause of said Cowlitz Tribe shall be verified by the attorneys employed by said Cowlitz Tribe to prosecute their claims under this act, under contract approved by the Secretary of the Interior and the Commissioner of Indian Affairs as provided by sections 2103 to 2106 of the Revised Statutes, upon information and belief as to the facts alleged therein, and no other verification to said petition shall be necessary," so as to make the bill read:

*Be it enacted, etc.*, That all claims of whatsoever nature, both legal and equitable, which the Cowlitz Tribe of Indians, residing in the State of Washington, may have against the United States, shall be submitted to the Court of Claims, with the right of appeal by either party to the Supreme Court of the United States for determination; and jurisdiction is hereby conferred upon the Court of Claims to hear and determine any and all such claims and to render final judgment thereon.

The Court of Claims shall advance the causes upon its docket for hearing and shall have authority to determine and adjudge all legal and equitable claims, if any, of said Cowlitz Tribe against the United States, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

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

#### YANKTON TRIBE OF INDIANS.

The bill (S. 3716) conferring jurisdiction on the Court of Claims to determine and report upon the interest, title, ownership, and right of possession of the Yankton Tribe of Indians to the Red Pipestone Quarries, S. Dak., was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.*, That jurisdiction be, and it hereby is, conferred upon the Court of Claims to determine and report from the finding of facts reported by said court as authorized by section 22 of the act of April 4, 1910, the interest, title, ownership, and right of possession of the Yankton Tribe of Indians in and to the land known as the "Red Pipestone Quarries," described in said act of April 4, 1910.

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

The title was amended so as to read: "A bill conferring jurisdiction on the Court of Claims to determine and report upon the interest, title, ownership, and right of possession of the Yankton Tribe of Indians, South Dakota, to the Red Pipestone Quarries, Minn."

## CLAIMS OF NORTHERN ARAPAHOS AND NORTHERN CHEYENNES.

The bill (S. 3164) authorizing the Northern Arapahoe Tribe and the Northern Cheyenne Tribe of Indians to submit claims to the Court of Claims was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.*, That all claims of whatsoever nature which the Northern Arapahoe Tribe and the Northern Cheyenne Tribe of Indians may have against the United States, which have not heretofore been determined by the Court of Claims, may be submitted to the Court of Claims, with the right of appeal to the Supreme Court of the United States by either party, for determination of the amount, if any, due said tribes from the United States under any treaties, agreements, or laws of Congress, or for the misappropriation of any of the funds of said tribes, or for the failure of the United States to pay said tribes any money or other property due; and jurisdiction is hereby conferred upon the Court of Claims, with the right of either party to appeal to the Supreme Court of the United States, to hear and determine all legal and equitable claims, if any, of said tribes against the United States, and to enter judgment thereon.

Sec. 2. That if any claim or claims be submitted to said courts they shall settle the rights therein, both legal and equitable, of each and all the parties thereto, notwithstanding lapse of time or statutes of limitation, and any payment which may have been made upon any claim so submitted shall not be pleaded as an estoppel, but may be pleaded as an offset in such suits or actions, and the United States shall be allowed credit for all sums, including gratuities, heretofore paid or expended for the benefit of said tribes or any band thereof.

The claim or claims of the tribe or tribes or band or bands thereof may be presented separately or jointly by petition, subject, however, to amendment, suit to be filed within five years after the passage of this act; and such action shall make the petitioner or petitioners party plaintiff or plaintiffs and the United States party defendant, and any band or bands of said tribes or any other tribe or band of Indians the court may deem necessary to a final determination of such suit or suits may be joined therein as the court may order. Such petition, which shall be verified by the attorney or attorneys employed by said Northern Arapahoe Tribe and the Northern Cheyenne Tribe, or either of them or any bands thereof, shall set forth all the facts on which the claims for recovery are based, and said petition shall be signed by the attorney or attorneys employed, and no other verification shall be necessary. Official letters, papers, documents, and public records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said tribes or bands thereof to such treaties, papers, correspondence, or records as may be needed by the attorney or attorneys for said tribes or bands of Indians.

Sec. 3. That if it be determined by the Court of Claims in the said suit herein authorized that the United States Government has wrongfully appropriated any lands belonging to the said Northern Arapahoe Tribe or the Northern Cheyenne Tribe of Indians, damages therefor shall be confined to the value of the said land at the time of said appropriation, together with interest at 3 per cent per annum, and the decree of the Court of Claims with reference thereto, when satisfied, shall annul and cancel all claim and title of the said Northern Arapahoe Tribe or Northern Cheyenne Tribe or any other tribe or band of Indians in and to said lands, as well as all damages for all wrongs and injuries, if any, committed by the Government of the United States with reference thereto.

Sec. 4. That upon the final determination of such suit, cause, or action the Court of Claims shall decree such fees as it shall find reasonable to be paid the attorney or attorneys employed therein by said tribes or bands of Indians under contracts negotiated and approved as provided by existing law, and in no case shall the fee decreed by said Court of Claims be in excess of the amounts stipulated in the contracts approved by the Commissioner of Indian Affairs and the Secretary of the Interior, and no attorney shall have a right to represent the said tribes or any band thereof in any suit, cause, or action under the provisions of this act until his contract shall have been approved as herein provided. The fees decreed by the court to the attorney or attorneys of record shall be paid out of any sum or sums recovered in such suits or actions, and no part of such fees shall be taken from any money in the Treasury of the United States belonging to such tribes or bands of Indians in whose behalf the suit is brought unless specifically authorized in the contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior as herein provided: *Provided*, That in no case shall the fees decreed by said court amount to more than 10 per cent of the amount of the judgment recovered in such cause.

Mr. CURTIS. On page 3, line 21, the committee recommends striking out the words beginning with the word "together" and ending with the words "per annum." It is a provision allowing interest. It is not the policy of the Government to allow interest.

The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. On page 3, line 21, to strike out the words "together with interest at 3 per cent per annum," so as to make the clause read:

Damages therefor shall be confined to the value of the said land at the time of said appropriation, and the decree of the Court of Claims with reference thereto, when satisfied, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

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

## OTTAWA AND CHIPPEWA INDIANS.

The bill (S. 3307) authorizing the Ottawa and Chippewa Tribes of Indians of Michigan to submit claims to the Court of Claims was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.*, That all claims of whatsoever nature which the Ottawa and Chippewa Tribes of Indians of Michigan may have against the United States may be submitted to the Court of Claims for determination of the amount, if any, due said tribes from the United States under any treaties, agreements, or laws of Congress, or for the misappropriation of any of the funds of said tribes, or for the failure of the United States to pay said tribes any moneys or other property due; and jurisdiction is hereby conferred on the Court of Claims, with the right of either party to appeal to the Supreme Court of the United States to hear and determine all legal and equitable claims, if any, of said tribes against the United States, and to enter judgment thereon.

Sec. 2. That if any claim or claims be submitted to said court, they shall settle the rights therein, both legal and equitable, of each and all the parties thereto, notwithstanding lapse of time or statutes of limitations, and any payment which may have been made upon any claim so submitted shall not be pleaded as an estoppel, but may be pleaded as an offset in such suits or actions, and the United States shall be allowed credit for all sums heretofore paid or expended for the benefit of said tribes or any band thereof. The claim or claims of said tribes, or band or bands thereof, may be presented separately or jointly by petition, subject, however, to amendment, suit to be filed within five years after the passage of this act; and such action shall make the petitioner or petitioners party plaintiff or plaintiffs and the United States shall be the party defendant, and any band or bands of said tribes the court may deem necessary to a final determination of such suit or suits may be joined therein as the court may order. Such petition which shall be verified by the attorney or attorneys employed by the said Ottawa and Chippewa Tribes of Indians of Michigan, or any bands thereof, shall set forth all the facts on which the claims for recovery are based, and said petition shall be signed by the attorney or attorneys employed, and no other verification shall be necessary; official letters, papers, documents, and public records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said tribes or bands thereof to such treaties, papers, correspondence, or records as may be needed by the attorney or attorneys for said tribes or bands of Indians.

Sec. 3. That upon the final determination of such suit, cause, or action, the Court of Claims shall decree such fees as it shall find reasonable to be paid the attorney or attorneys employed therein by said tribes under contract to be approved by the Secretary of the Interior and the Commissioner of Indian Affairs as provided by existing law, and in no case shall the fees decreed by said court amount to more than 10 per cent of the amount of the judgment recovered in such cause, such fee to be paid from said judgment.

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

## ALLOTMENT TO MARY CRANE.

The bill (S. 4046) to cancel an allotment made to Mary Crane, deceased, embracing lands on the Winnebago Reservation, in Nebraska, was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized to cancel the restricted fee patent issued to Mary Crane (Ho tah kah win kaw), deceased Winnebago allottee, No. 43, on the Winnebago Reservation, in Nebraska, embracing the southwest quarter of the northeast quarter of section 20, township 26 north, range 9 east, sixth principal meridian, Nebraska, containing 40 acres.

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

## ALLOTMENT TO COMANCHE PESSA.

The bill (S. 4047) authorizing and directing the Secretary of the Interior to make an allotment to Pessa, a member of the Comanche Tribe of Indians in Oklahoma, was considered as in Committee of the Whole, and was read as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to make an allotment of 160 acres from the unallotted, unreserved, unappropriated, and undisposed of tracts within the former Kiowa, Comanche, and Apache Indian Reservation in Oklahoma to Pessa, a duly enrolled and recognized member of the Comanche Tribe, who has not heretofore been allotted, but who is entitled to an allotment under the provisions of the act of Congress of June 6, 1900 (31 Stat. L., p. 676): *Provided*, That all acts of Congress inconsistent with making the allotment herein provided for are hereby amended accordingly.

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

## ERROR IN INDIAN ALLOTMENT.

The bill (H. R. 9615) authorizing the Secretary of the Interior to correct an error in an Indian allotment was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.*, That for the purpose of correcting an error made in the allotment on the public domain of Domatil E. Lafournaise, an Indian of the Turtle Mountain Band of Chippewas, whereby the same is in conflict with the allotment of Jenoir Brien, a member of the same band, and to clear title to the land allotted to Jenoir Brien, the Secretary of the Interior is hereby authorized to issue a patent in fee to lot 5 of the southeast quarter of section 6, township 159 north, range 103 west of the fifth principal meridian in North Dakota, in favor of Henry E. Thomas, holder of a deed to the allotment of Domatil E. Lafournaise (now Patnaude); said patent to issue upon the execution by Henry E. Thomas of a quitclaim deed in favor of E. L. Hugelen, purchaser of the allotment of Jenoir Brien, covering lot 3 of the same section allotted to Jenoir Brien and erroneously included in the allotment of Domatil E. Lafournaise.

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

LAND IN FORT BERTHOLD INDIAN RESERVATION.

The bill (H. R. 13139) for the sale of isolated tracts in the former Fort Berthold Indian Reservation, N. Dak., was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.,* That the provisions of section 2455 of the Revised Statutes of the United States as amended by the act of March 28, 1912 (37 Stats. L., p. 77), relating to the sale at public auction of isolated tracts of the public domain, be, and the same are hereby, extended and made applicable to lands within the portion of the Fort Berthold Indian Reservation, N. Dak., opened under the act of June 1, 1910 (36 Stats. L., p. 455): *Provided*, That the provisions of this act shall not apply to lands which are not subject to homestead entry: *Provided, further*, That purchasers of land under this act shall pay for the lands not less than the price fixed in the law opening such lands to homestead entry.

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

CLAIMS OF CROW INDIANS.

The bill (S. 192) authorizing the Crow Tribe of Indians, residing in the State of Montana, to submit claims to the Court of Claims, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with amendments, on page 2, after line 6, to insert the words "within five years from the passage of this act"; on line 8, after the word "plaintiff," to strike out the word "and" and to insert in lieu thereof the word "against"; on line 11, after the word "Indians," to insert the words "under contract approved by the Secretary of the Interior and the Commissioner of Indian Affairs in accordance with sections 2103-2106 of the Revised Statutes of the United States"; on line 19, after the word "recovery," to strike out the words "and in no case in excess of \$25,000"; and on line 23, after the word "reside," to strike out the words "and the same shall be included in the decree," so as to make the bill read:

*Be it enacted, etc.,* That all claims of whatsoever nature which the Crow Tribe of Indians residing in the State of Montana may have or claim to have against the United States under any treaty or law of Congress, or for the misappropriation of any funds of the tribe, or the failure to pay any moneys when due shall be submitted to the Court of Claims, with the right of appeal by either party to the Supreme Court of the United States for determination, and jurisdiction is hereby conferred upon the Court of Claims to hear and determine any and all such claims and to render final judgment thereon.

The Court of Claims shall advance the case or cases upon its docket for hearing, and shall have authority to determine and adjudge the rights, both legal and equitable, of the said Crow Tribe and of the United States in the premises, notwithstanding lapse of time or statutes of limitation. The suit or suits instituted hereunder shall be begun within five years from the passage of this act by the Crow Tribe of Indians as parties plaintiff against the United States as party defendant. The petition or petitions may be verified by the attorney or attorneys employed in said claim by the Crow Tribe of Indians under contract approved by the Secretary of the Interior and the Commissioner of Indian Affairs in accordance with sections 2103-2106 of the Revised Statutes of the United States upon information and belief as to the facts therein alleged, and no other verification shall be necessary: *Provided*, That upon the final determination of such suit or suits the Court of Claims shall have jurisdiction to fix and determine a reasonable fee, not to exceed 10 per cent of the recovery, to be paid to the attorney or attorneys employed by the said Crow Tribe of Indians, who shall be a member or members of the bar in good standing of the highest court of the State, District, or Territory in which he or they reside, and shall be paid out of any sum or sums found due said tribe.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

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

THE DYE INDUSTRY.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 8078.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8078) to regulate the importation of coal-tar products, to promote the establishment of the manufacture thereof in the United States, and, as incident thereto, to amend the act of September 8, 1916, entitled "An act to increase the revenue, and for other purposes."

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

The VICE PRESIDENT. The Secretary will call the roll.

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

Ball	Cummins	Gronna	Keyes
Borah	Curtis	Hale	King
Brandege	Dial	Harris	McLean
Capper	Edge	Henderson	McNary
Chamberlain	Elkins	Jones, Wash.	Nelson
Coit	Fall	Kendrick	New
Culberson	Gay	Kenyon	Nugent

Overman	Smith, Md.	Townsend	Warren
Pomerene	Smoot	Trammell	Watson
Simmons	Sutherland	Underwood	Wolcott
Smith, Ariz.	Thomas	Wadsworth	

The PRESIDING OFFICER (Mr. CURTIS in the chair). Forty-three Senators have answered to their names. There is not a quorum present. The Secretary will call the roll of absentees.

The Reading Clerk called the names of the absent Senators, and Mr. McCUMBER, Mr. PAGE, and Mr. REED answered to their names when called.

Mr. FRELINGHUYSEN, Mr. SWANSON, Mr. STERLING, Mr. CALDER, Mr. FERNALD, Mr. PHIPPS, and Mr. SHEPPARD entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. A quorum is present. The bill will be read.

The Reading Clerk read the bill which had been reported from the Committee on Finance with amendments.

Mr. THOMAS. Mr. President, the reading of the bill has been concluded?

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). The reading of the bill has been concluded except as to the portions which have been stricken out and the committee amendments, which are printed in italics.

Mr. THOMAS. May I ask the Senator having charge of the bill whether he desires that the amendments to the bill be considered seriatim?

Mr. WATSON. I think the best course to pursue would be first to consider the committee amendments.

Mr. THOMAS. There are some unimportant amendments in the bill.

Mr. WATSON. There are some unimportant amendments, and, in order to make harmonious the text, I wish to offer two or three amendments at this point, if the Senator will allow me.

Mr. THOMAS. Certainly. I simply rose to inquire of the Senator how he intended to proceed.

The PRESIDING OFFICER. The Senator from Indiana offers an amendment, which will be stated.

The READING CLERK. On page 3, line 4, it is proposed to strike out "benzochloride" and in lieu thereof to insert the word "benzoylchloride."

Mr. WATSON. That is simply a correction of the spelling, I will say to the Senator from Colorado.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The next amendment offered by the Senator from Indiana will be stated.

The READING CLERK. On page 6, line 11, after the word "That," it is proposed to strike out the words "on and after the day following the passage of this act."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. WATSON. Mr. President, my attention was diverted for a moment, and I inquire how far the Secretary has proceeded with the reading of the bill?

The PRESIDING OFFICER. The Secretary has read all of the bill except the parts stricken out and the amendments of the committee, which are printed in italics; in other words, the Secretary has read all of the original bill.

Mr. WATSON. Then, I think, Mr. President, we might as well have the amendments read and considered.

The PRESIDING OFFICER. The first amendment reported by the committee will be stated.

The first amendment of the Committee on Finance was, on page 1, line 3, after the word "That," to strike out "title 5" and to insert "Title V."

The amendment was agreed to.

The next amendment was, on the same page, line 6, after the word "That," to strike out "on and after the day following the passage of this act."

The amendment was agreed to.

The next amendment was, on page 4, line 1, before the word "or" to strike out "zylidin" and insert "xylidin"; and, in the same line, after the word "sulphoacid," to strike out "of" and insert "or."

The amendment was agreed to.

The next amendment was, on page 5, line 1, before the words "per cent," to strike out "40" and insert "15," so as to read "15 per cent ad valorem."

The amendment was agreed to.

The next amendment was, on page 5, line 10, before the word "suitable" to strike out "resorcin," and the comma, and insert "resorcin"; in line 11, after the word "its," to strike out

"salts" and the comma, and insert "salts"; in line 13, after the word "saccharin" to strike out "methylsalicylate, coumarin, and other flavorz"; in line 16, before the word "indene" to strike out "coumarone" and insert "coumaron"; on page 6, line 2, after the word "indigo" to strike out "natural methyl salicylate or oil of wintergreen or oil of sweet birch; natural coumarin," and insert "adonite, arabinose, dulcitol, galactose, inosite, inulin, levulose, mannitol, mannose, melizitose, raffinose, rhamnose, sorbitol, xylose, and other of the higher saccharides required for scientific purposes"; and in line 9, before the words "per centum" to strike out "45" and to insert "30."

The amendment was agreed to.

The next amendment was, on page 6, line 14, after the words "duty of" to strike out "6" and to insert "2½"; in line 16, after the words "duty of," to strike out "7" and insert "5"; in line 23, after the words "duty of" to strike out "7" and insert "5"; on page 7, line 1, before the "cents" to strike out "7" and insert "5"; on the same page, line 12, after the word "That" to strike out the words "beginning six months" and to insert "on and"; in the same line, before the word "passage" to strike out "date of"; and in line 16, after the word "ingredients" to strike out "of" and insert "or."

The amendment was agreed to.

The next amendment was, on page 8, line 10, after the word "That" to strike out "all articles" and insert "any article"; in line 11, after the words "terms of" to strike out "paragraphs" and insert "paragraph"; and, in line 12, after the numerals "501," to strike out "and" and insert "or."

The amendment was agreed to.

The next amendment was, on page 8, line 16, after the word "That," to strike out "on and after the day when this act shall go into effect."

The amendment was agreed to.

The next amendment was, on page 9, after line 4, to strike out:

SEC. 503 (a). During the period of two years after the date of the approval of this act it shall be unlawful for any person or persons or corporation to import or bring into the United States, or any of its possessions, except under license previously obtained, as hereinafter provided, from the United States Tariff Commission, any of the products enumerated in section 500 of this act, or any product derived directly or indirectly from coal tar, including crude products and intermediate products, as well as dyestuffs, medicinals, and other finished products, and including mixtures and compounds of such products and other products.

To meet the reasonable expenses of the United States Tariff Commission in the execution of the duties imposed upon it by this act, the cost of maintenance of a suitable office at a place to be designated by the commission, the commission may charge a reasonable fee for the issue of each license. Should the moneys received from such fees in any year be less than the said expenses the deficiency shall be paid out of the appropriation for 'expenses of collecting the revenue from customs.'

SEC. 503 (b). The said United States Tariff Commission shall issue licenses to import for domestic consumption such of the products covered by section 503 (a) of this act, as may be unobtainable from domestic sources and also such and such only of the said products as may, though obtainable from domestic sources be unobtainable on reasonable terms as to price, quality, and delivery. The commission shall limit the issue of licenses to import any product as nearly as may be to the quantities required by the actual current needs of the consuming industries in the United States, having regard to the necessities of such industries as are unable to determine beforehand their requirements. Nothing herein contained shall authorize the commission to refuse a license to a manufacturer, person, or agent to import for actual use by the manufacturer a foreign dye when such domestic dye of equal quality is not immediately available for his use. The commission in passing upon applications for such licenses may regulate its own practice and procedure, but shall so regulate the same as to prevent all avoidable delay.

SEC. 503 (c). Any product described in section 503 (a) of this act which shall be imported into the United States or any of its possessions without license, as provided in said section 503 (a), shall be forfeited and shall be destroyed whenever and wherever found.

SEC. 503 (d). Any person subject to the jurisdiction of the United States who shall, either as principal or as accessory, import or attempt to import or aid in importing any product described in section 503 (a) of this act without license as therein provided shall be fined not exceeding \$5,000 or the value of such product at the time of importation, whichever shall be greater, or shall be imprisoned for not more than one year, or both.

SEC. 504. Except as otherwise herein specially provided, this act shall take effect on the day following its passage.

And insert:

SEC. 504. That during the period of three years after the date of the approval of this act, except as hereinafter provided, no article enumerated in Group II or Group III of section 500 of this act shall be admitted to entry or delivered from customs custody in the United States or in any of its possessions unless the United States Tariff Commission shall determine that such article or a satisfactory substitute therefor is not obtainable in the United States or in any of its possessions on reasonable terms as to quality, price, and delivery, and that such article is required for use by an actual consumer in the United States or in any of its possessions.

SEC. 505. That under this act an article shall be deemed to be of reasonable quality if such article, in the judgment of the United States Tariff Commission, is capable of giving results in use substantially equal to a corresponding article of foreign origin.

SEC. 506. That under this act "reasonable terms as to price" for any article shall mean the lowest price or prices, for the time being, which, in the judgment of the United States Tariff Commission, shall be sufficient to insure the maintenance in the United States or in any of its possessions of the production of such article by an efficient plant operating on a substantial commercial scale.

SEC. 507. That under this act "reasonable terms as to delivery" shall mean delivery within such period as, in the judgment of the United States Tariff Commission, shall be a reasonable time of an amount of such article or articles, which, in said commission's judgment, shall be sufficient to supply the need of the consumer or consumers for a period of six months.

SEC. 508. That the United States Tariff Commission, in executing the duties imposed upon it by this act, may regulate its own practice and procedure and make all rules and regulations necessary and proper for the accomplishment of the purposes of this act: *Provided*, That no article enumerated in Group II or Group III of section 500 of this act shall be admitted to entry or delivered from customs custody in the United States or in any of its possessions in any case where the United States Tariff Commission shall determine that the actual consumer for whose use such article is intended has received or may obtain on reasonable terms as to quality, price, and delivery a six months' supply of such article: *And provided further*, That no article enumerated in Group II or Group III of section 500 of this act which may be useful both as a substitute for a domestic article and for some other purpose for which the domestic article is not adapted shall be admitted to entry or delivered from customs custody in the United States or in any of its possessions, except when the United States Tariff Commission shall determine that such article is imported for such other purpose.

SEC. 509. That the United States Tariff Commission shall have exclusive jurisdiction of the distribution among consumers in the United States and in its possessions of any of the articles which may become available to such consumers under Annex VI of section 1 of Part VIII of the treaty of peace with Germany submitted by the President on July 10, 1919, to the United States Senate.

SEC. 510. That, notwithstanding the prior termination of the present war, the provisions of the trading with the enemy act, approved October 6, 1917, and of any proclamation of the President issued in pursuance thereof, which prohibit or control the importation into the United States of dyes or other products derived directly or indirectly from coal tar, are continued for a period of 90 days, beginning with the date of the taking effect of this act. All individual licenses issued by the War Trade Board section of the Department of State prior to the expiration of said 90 days shall remain in effect and the importations under such licenses shall be permitted.

SEC. 511. That 90 days after the date when this act shall take effect the Secretary of State shall forthwith cause to be transferred to the United States Tariff Commission all papers, questionnaires, documents, books, and other records of the War Trade Board Section of the Department of State relating to the issuance of individual import licenses on articles enumerated in Group II and Group III of section 500 of this act.

SEC. 512. That for the purpose of enforcing the provisions of this act the United States Tariff Commission shall have the power to require, by order from time to time, from any persons engaged in the manufacture within the United States or in any of its possessions of any articles enumerated in Group II or Group III of section 500 of this act and who ship or deliver for shipment any such articles in interstate commerce, sworn statements showing their actual production, stocks on hand, contracts, or accepted orders for future delivery, and cost of production of such articles and price at which each article is offered for sale, together with a sample thereof, if desired, and any other information which the United States Tariff Commission may require.

The United States Tariff Commission shall also have power, through its duly authorized agents, to visit and inspect all factories and warehouses and books of record of persons engaged in the manufacture within the United States or in any of its possessions of any of the articles enumerated in Group II or Group III of section 500 of this act and who ship or deliver for shipment any of such articles in interstate commerce. The powers granted the United States Tariff Commission under Title VII of the act of Congress approved September 8, 1916, entitled "An act to increase the revenue, and for other purposes," shall furthermore be available for carrying into effect the provisions of this act.

The information thus secured shall not be matter of public record, but shall be for the confidential use of the United States Tariff Commission only, and shall not be published or revealed except in the form of totals, averages, or summaries which shall not disclose the operations of individual domestic manufacturers.

SEC. 513. That any person who refuses or fails to comply with any order of the United States Tariff Commission issued by authority granted in this act and who while so refusing or failing to comply ships or delivers for shipment in interstate commerce any of the articles enumerated in Group II or Group III of section 500 of this act shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine not exceeding \$100 per day until such order of the United States Tariff Commission shall be complied with.

SEC. 514. That any person subject to the jurisdiction of the United States who shall either as principal or as accessory, enter or attempt to enter or aid in entering any article enumerated in Group II or Group III of section 500 of this act otherwise than as herein provided or otherwise than in compliance with the rules and regulations prescribed under the authority of this act, or who shall willfully misstate or misrepresent any facts to the said United States Tariff Commission shall be fined not exceeding \$5,000 or the appraised value of such article in the United States at the time of importation, whichever shall be greater, or shall be imprisoned for not exceeding two years, or both; and the United States Tariff Commission may, in its discretion, refuse to permit any such person to make further entries of any of the articles enumerated in Group II or Group III of section 500 of this act.

SEC. 515. That the word "person" as used in this act shall include individuals, partnerships, associations, and corporations.

SEC. 516. That any article enumerated in Group II or Group III of section 500 of this act which the United States Tariff Commission shall find has been entered or delivered contrary to the provisions of this act, or which shall be abandoned as unclaimed, shall be destroyed under regulations prescribed by the Secretary of the Treasury.

SEC. 517. That to meet all necessary expenses of the United States Tariff Commission in performing the duties imposed by this act, including rental of suitable quarters, the purchase of supplies and equipment,

books of reference, law books, periodicals, and printing and binding, and the payment of personal and other services in the District of Columbia and elsewhere and traveling and subsistence expenses in the United States, together with all necessary traveling expenses and expenses for subsistence outside of the United States which shall not be restricted by the limitations of existing law, the sum of \$100,000, or so much thereof as may be necessary, is hereby appropriated for the fiscal year ending June 30, 1920.

SEC. 518. That it is hereby expressly declared to be the intent of the Congress in enacting this act to build up, develop, and protect the dyestuffs manufacturing industry in the United States and its possessions, and that each and every of the foregoing sections shall be so construed as to effectuate such intent.

SEC. 519. That except as otherwise herein specially provided, this act shall take effect on the day following its passage.

The PRESIDING OFFICER. The question is upon agreeing to the amendment of the committee.

Mr. THOMAS obtained the floor.

Mr. KING. 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:

Ball	Frelinghuysen	McCormick	Smith, S. C.
Borah	Gay	McCumber	Smoot
Brandagee	Hale	Moses	Sutherland
Chamberlain	Harris	Nelson	Swanson
Culberson	Harrison	Nugent	Thomas
Cummins	Henderson	Page	Townsend
Curtis	Jones, Wash.	Phelan	Underwood
Dial	Kellogg	Phipps	Wadsworth
Edge	Kendrick	Sheppard	Warren
Elkins	Kenyon	Simmons	Watson
Fall	Keyes	Smith, Ariz.	Wolcott
Fernald	King	Smith, Ga.	

The PRESIDING OFFICER. Forty-seven Senators have answered to their names, not a quorum. The Secretary will call the names of absentees.

The Reading Clerk called the names of the absent Senators, and Mr. CAPPER and Mr. RANDELL answered to their names when called.

Mr. CALDER, Mr. SMITH of Maryland, Mr. COLT, Mr. FRANCE, Mr. POMERENE, and Mr. STERLING entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-five Senators have answered to their names. A quorum is present.

Mr. MOSES. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MOSES. What is the present status of the bill?

The PRESIDING OFFICER. The bill is in the Committee of the Whole, and the pending question is the amendment proposed by the committee.

Mr. THOMAS addressed the Senate. After having spoken, with interruptions, for about two hours,

Mr. WATSON. Mr. President, has the Senator reached a point in his remarks where he can suspend for this evening?

Mr. THOMAS. I am entirely subject to the pleasure of the Senator who has charge of the bill.

Mr. WATSON. That is very kind of the Senator, but I do not desire to interrupt the continuity of his remarks.

Mr. THOMAS. I am perfectly willing to yield the floor until to-morrow if the Senator desires.

#### ADJOURNMENT.

Mr. WATSON. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 4, 1920, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES.

MONDAY, May 3, 1920.

The House met at 12 o'clock noon.

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

Infinite Spirit, our Father in heaven, out of the depth of the soul we cry unto Thee for renewed faith and confidence, inspiration, strength, courage; that with fidelity to truth we may hold our course to Thee as it has been revealed to us in all the ages of the past, by the thoughts and behavior of the good and the true, especially in holy writ by the prophets and seers, and in the life, character, and heroic example of the world's Great Exemplar, Christ the Lord. Amen.

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

#### LEAVE OF ABSENCE.

By unanimous consent, Mr. FOCHT was granted leave of absence for the day, on account of the death of a friend.

#### ASSISTANCE TO THE COMMITTEE ON THE JUDICIARY.

Mr. IRELAND. Mr. Speaker, I ask consideration of the privileged resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

#### Resolution 526.

Resolved, That the Committee on the Judiciary, pursuant to the resolution of the House of Representatives adopted March 4, 1920, be, and is hereby, authorized and empowered to employ such stenographic, clerical, and legal assistance, and such accountants, and to have such printing and binding done as it may deem necessary.

All expenses that may be incurred by said committee, including the expenses of said committee or any subcommittee thereof when sitting outside of the District of Columbia, shall be paid out of the contingent fund of the House of Representatives, on vouchers signed by the chairman of said committee, or by the chairman of a subcommittee, where such expenses are incurred by such subcommittee.

The committee amendments were read, as follows:

Page 1, line 4, after the word "stenographic," insert the word "and," and after the word "clerical," strike out the words "and legal," and after the word "assistance," in line 5, strike out "and such accountants," and in line 6, beginning with the line, strike out the words "and binding," and add, after line 13, the words "and approved by the Committee on Accounts, provided any such expenditures shall not exceed \$500."

Mr. IRELAND. Mr. Speaker, this is a resolution to provide funds for the Subcommittee of the Committee on the Judiciary that has in hand the sugar investigation under the resolution referred to. I have talked with the chairman of the subcommittee and he said that the amount named in this resolution would be ample for all their expenditures. There have been certain eliminations made in the original resolution and the committee amendments properly safeguard the measure, so there can be no objection raised.

Mr. GARNER. If the gentleman will yield, I think the Subcommittee on the Judiciary, as well as the Committee on Accounts, are to be congratulated for making an investigation of this kind with such far-reaching effect on such a small amount of money. This is the first political resolution I have heard which costs as little as \$500, and I think you are to be congratulated.

Mr. IRELAND. I am fearful that the chairman of the committee, if he makes a very exhaustive examination, is going to come back and ask for more, will be forced to do so; but he said that this amount would be ample for the present.

Mr. GARD. Will the gentleman yield?

Mr. IRELAND. I will.

Mr. GARD. Did the gentleman state that the chairman of the subcommittee stated that there might be necessity for further appropriation?

Mr. IRELAND. No; when I talked with him he was very confident this would be sufficient, but I am fearful if this investigation is extended he will want more later.

Mr. GARD. I understand that the resolution as amended by the committee, with the consent of the chairman, of the Subcommittee on the Judiciary, eliminates the employment of legal assistance?

Mr. IRELAND. It certainly does.

Mr. GARD. And limits the appropriation to \$500?

Mr. IRELAND. Yes, sir; that is correct.

Mr. GARD. It takes out also the item for binding.

Mr. IRELAND. There appeared to be no necessity for that. I ask for the adoption of the amendments.

The question was taken, and the amendments were agreed to.

The resolution as amended was agreed to.

#### RETIREMENT BILL.

Mr. LEHLBACH. Mr. Speaker, I ask to take from the Speaker's table the bill S. 1699, the retirement bill, to insist on the House amendments, and accede to the Senate's request for a conference.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to take from the Speaker's table the clerks' retirement bill and insist upon the House amendments and agree to the conference asked for by the Senate. Is there objection? [After a pause.] The Chair hears none. The Chair appoints the following conferees.

The Clerk read as follows:

Mr. LEHLBACH, Mr. FAIRFIELD, and Mr. GODWIN of North Carolina.

#### MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. Sharkey, announced that the President had, on May 1, 1920, approved and signed bill of the following title:

H. R. 9369. An act to revise and equalize rates of pension to certain soldiers, sailors, and marines of the Civil War and the War with Mexico, to certain widows, including widows of the War of 1812, former widows, dependent parents, and children of such soldiers, sailors, and marines, and to certain Army nurses, and granting pensions and increase of pensions in certain cases.