C. Torrens de Arrillaga to be postmaster at Anasco, P. R. Office became presidential January 1, 1921.

Juan Aparicio Rivera to be postmaster at Adjuntas, P. R. Office became presidential January 1, 1921.

SOUTH DAKOTA.

Frank L. Gorman to be postmaster at Wagner, S. Dak., in place of C. H. Bonnin. Incumbent's commission expired August 15, 1920.

Harriet Pope to be postmaster at Delmont, S. Dak., in place of Harriet Pope. Incumbent's commission expired September 24, 1921.

TENNESSEE.

Charles S. Harrison to be postmaster at Benton, Tenn. Office became presidential April 1, 1921.

TEXAS.

Joseph W. Davis to be postmaster at Teague, Tex., in place of J. E. Woods, resigned.

UTAH.

Roland A. Madsen to be postmaster at Brigham, Utah, in place of E. M. Tyson. Incumbent's commission expired February 15, 1920.

VERMONT.

Carl W. Cameron to be postmaster at White River Junction, Vt., in place of M. J. Walshe, removed.

VIRGINIA.

Thomas C. Coleman to be postmaster at Ridgeway, Va. Office became presidential April 1, 1921.

Bernard R. Powell to be postmaster at Franklin City, Va. Office became presidential July 1, 1920.

WASHINGTON.

Richard H. Lee to be postmaster at Wilsoncreek, Wash. Office became presidential October 1, 1920.

John A. White to be postmaster at Toppenish, Wash., in place of L. B. Bryan, declined.

WEST VIRGINIA.

Leonard H. Jones to be postmaster at Sabraton, W. Va. Office became presidential April 1, 1921.

Guy A. Shuttleworth to be postmaster at Nutter Fort, W. Va. Office became presidential April 1, 1921.

William W. Beddow to be postmaster at Lundale, W. Va. Office became presidential April 1, 1920.

WYOMING.

Oscar W. Stringer to be postmaster at Dubois, Wyo. Office became presidential July 1, 1921.

CONFIRMATIONS.

Executive nominations confirmed by the Senate October 17 (legislative day of October 14), 1921.

UNITED STATES ATTORNEY.

Sawyer A. Smith to be United States attorney, eastern district of Kentucky.

POSTMASTERS.

IDAHO.

Francis M. Winters, Montpelier.

INDIANA.

Fred Y. Wheeler, Crown Point.
Cyrus B. Dirrim, Hamilton.
Herbert A. Marsden, Hebron.

MINNESOTA.

Ina Jarvi, Kinney.
Anton Malmberg, Lafayette.
Ole N. Aamot, Watson.

MISSOURI.

Patrick S. Woods, Columbia.
John R. Wiles, Jamesport.
Edward E. Whitworth, Poplar Bluff.
W. M. Johns, Sedalia.

NEBRASKA.

Astor B. Enborg, Bristow.
Harry H. Woolard, McCook.
Harry C. Rogers, Upland.

PENNSYLVANIA.

Harry H. Potter, Bushkill.
Ervin F. Moyer, Shenandoah.

TEXAS.

Mary A. Taylor, Bonham.
George W. L. Smith, Henderson.
Charles A. Tiner, Lavernia.
William P. Harris, Sulphur Springs.

WEST VIRGINIA.

George Lafferty, Glen Jean.
Eli Lusk, Herndon.
George L. Carlisle, Hillsboro.
William C. Bishop, Scarbro.

HOUSE OF REPRESENTATIVES.

MONDAY, *October 17, 1921.*

The House met at 12 o'clock noon.

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

Our blessed Lord and Father of mankind, again Thou hast shown us how large is Thy pity and how infinite is Thy love; it therefore becomes us to bless and thank Thee. Help us to do justice, love mercy, and to walk humbly with our God. O soothe and subdue the feelings in our breasts which are not right, and may we grow in confidence, in trust, and in comradeship toward all men. O may we know that a mighty fortress is our God, a refuge never failing. We beseech Thee that the breath of the Almighty may sweep over our dear homeland, and may we bow down in this hour and then fall back into Thy everlasting arms for guidance and wisdom. Be with our President in these arduous and even solemn days. Help him to meet his obligations and bear his burdens. Throughout our country may all strife and depression cease and in our Nation's sky, from border to border, may there soon be seen the bow of promise, good will, and brotherhood. Then shall we be Thine in that day when the jewels of the world are made up. In the name of the Prince of Peace. Amen.

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

REQUEST TO ADDRESS THE HOUSE.

Mr. BLANTON. Mr. Speaker, I desire to prefer a unanimous-consent request. I ask unanimous consent that I may be permitted to proceed for five minutes on the subject of the recent declaration of war against the people of the United States, which is to begin on October 30.

The SPEAKER. The gentleman from Texas asks unanimous consent to address the House for five minutes. Is there objection?

Mr. MONDELL. Mr. Speaker, this is unanimous-consent day, and I think we ought to proceed to the consideration of bills on that calendar.

Mr. BLANTON. The gentleman from Wyoming will appreciate that this is a very serious question.

Mr. MONDELL. I do not know what particular question the gentleman wants to address the House upon.

Mr. BLANTON. It involves the welfare of the millions of poor women and little children in the big cities of this country, who will freeze and starve if this war comes.

Mr. MONDELL. There will be plenty of opportunity to address the House.

Mr. BLANTON. Mr. Speaker, I think that inasmuch as the chicken-feed legislation which the gentleman from Wyoming alludes to is to be taken up we ought to have a quorum, and I make the point that there is no quorum present.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

The question was taken; and on a division (demanded by Mr. BLANTON) there were 59 ayes and 1 no.

So the motion was agreed to.

The Clerk called the roll and the following Members failed to answer to their names:

Ackerman	Butler	Cooper, Ohio	Fess
Anderson	Byrns, Tenn.	Copley	Fish
Ansorge	Campbell, Kans.	Coughlin	Fitzgerald
Anthony	Cantrill	Cramton	Flood
Beedy	Carew	Cullen	Focht
Begg	Carter	Curry	Fordney
Benham	Chalmers	Dale	Freeman
Bird	Chandler, N. Y.	Deal	French
Bland, Ind.	Chandler, Okla.	Dempsey	Fulmer
Bond	Clark, Fla.	Denison	Funk
Bowers	Cockran	Drewry	Gahn
Brand	Codd	Dunn	Gallivan
Brennan	Collins	Edmonds	Garner
Britten	Connell	Elston	Garrett, Tenn.
Brown, Tenn.	Connolly, Pa.	Fairfield	Goldsborough

Goodykoontz	Kleczka	Mudd	Siegel
Gorman	Kline, N. Y.	Murphy	Sinclair
Gould	Knight	Nolan	Sisson
Graham, Pa.	Knutson	O'Brien	Slemp
Green, Iowa	Kreider	Ogden	Smith, Mich.
Griest	Larson, Minn.	Oliver	Snell
Griffin	Lee, Ga.	Olpp	Snyder
Hadley	Lee, N. Y.	Osborne	Stevenson
Hays	Logan	Paige	Stiness
Herrick	London	Park, Ga.	Stoll
Hicks	Longworth	Perkins	Strong, Pa.
Himes	Luhring	Perlman	Sullivan
Hogan	McArthur	Petersen	Taylor, Colo.
Houghton	McClintic	Pou	Ten Eyck
Humphreys	McCormick	Radcliffe	Thomas
Husted	McFadden	Rainey, Ala.	Tilson
Hutchinson	McKenzie	Rainey, Ill.	Tinkham
Jacoway	McLaughlin, Nebr.	Rhodes	Underhill
James	McLaughlin, Pa.	Riordan	Vare
Johnson, Ky.	Mann	Rodenberg	Volk
Johnson, Miss.	Mansfield	Rogers	Ward, N. Y.
Johnson, S. Dak.	Mead	Rose	Wason
Jones, Pa.	Merritt	Rossdale	Watson
Kahn	Michaelson	Ryan	White, Me.
Kelley, Mich.	Mills	Sabath	Williamson
Kendall	Montague	Sanders, N. Y.	Winslow
Kiess	Moore, Ill.	Schall	Wise
Kindred	Moore, Va.	Scott, Mich.	Woods, Va.
King	Moores, Ind.	Sears	Wurzbach
Kirkpatrick	Morin	Shaw	Zihlman
Kitchin	Mott	Shreve	

The SPEAKER. On this call 248 Members have answered to their names, a quorum.

Mr. STAFFORD. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. To-day is the day for consideration of bills on the Unanimous Consent Calendar, and the Clerk will call the first bill.

The first bill on the Unanimous Consent Calendar was the bill (H. R. 1578) to provide a preliminary survey of the Puyallup River, Wash., with a view to the control of its floods.

The SPEAKER. Is there objection?

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent that that bill and the one following be passed without prejudice.

The SPEAKER. The gentleman from Washington asks unanimous consent that this bill and the one following be passed without prejudice. Is there objection?

Mr. WALSH. Reserving the right to object, these bills have been on the calendar for some little time.

Mr. JOHNSON of Washington. Mr. Speaker, I feel that there is good reason for these bills remaining on the calendar. If members of the coroner's jury who sit at the table in the center of the Republican side of this House and, to paraphrase Robert Burns's "Holy Willie's Prayer"—

> Wha, as it pleases best Thysel,
> Sends ane to Heaven an' ten to Hell,
> And nane for onie guid or ill
> They've done before Thee!—

will hear me, I will state the reason that these bills—one for a survey of the Puyallup River with a view to flood control; the other for the survey of the Cowlitz River for the same purpose—should at least remain on the calendar.

These bills came on from the Committee on Flood Control along with two other bills of similar import; one for the survey of a stream in the county which Mark Twain made famous, Calaveras County, Calif.; another for a flood survey of the Yazoo River in Mississippi. Four bills came out of the Committee on Flood Control, and all of these flood-control survey bills went on the Unanimous Consent Calendar, but at different places. My two were the unfortunate ones; they were put on the calendar a few numbers below the others. Then on one unanimous-consent day two of them, the Yazoo River bill and the Calaveras flood-control bill, passed the House by unanimous consent. They happened to be in position where they could be reached. And the House adjourned.

A little later some Member—some leader—conceived the idea that there should be no flood-survey legislation this year, and when my two bills were reached, both of them important, they were objected to. I asked and secured the privilege of keeping them on the calendar. I have again made that request, in the hope the leaders will some day see the unfairness of passing two and killing two. I can not believe that leaden buckshot has been put into the stomach of my measures, while the Yazoo bill and the Calaveras bill do just as Mark Twain's "Jumping Frog of Calaveras" did—jump clear over into the next county—or to the Senate, to be exact.

Gentlemen, understand, a survey does not mean an appropriation of money. It is not guaranteed that they will be flood-control projects. Even if the report is favorable, Congress has then to act. In both of these cases there is an Army engineer within 50 miles of the area where the survey is to take place. So the cost to the Government is very little, and I feel that as a matter of equity both bills should be considered in the House and passed.

Mr. WALSH. Why does not the gentleman try to pass the first bill now?

Mr. JOHNSON of Washington. If there is no objection, I shall be very glad to accept that suggestion. Mr. Speaker, I withdraw my request that the bill be passed over without prejudice, and ask for its present consideration.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I do not believe a change in the policy of flood control should be determined under unanimous consent. I have no objection to the gentleman's asking unanimous consent to have the bills passed over without prejudice.

Mr. JOHNSON of Washington. Does not the gentleman agree with me that inasmuch as unanimous consent has been given previously for the Yazoo River proposition, and for the Calaveras County, Calif., proposition, there can be no harm in finishing up the only other two bills reported by the Flood Control Committee?

Mr. STAFFORD. I am frank to say to the gentleman that these bills were granted unanimous consent before the potent objection of the gentleman from Illinois [Mr. MANN] was raised—considered when he was absent—that is, that we should not change the policy of flood control even though two bills have been passed by this House providing for surveys of rivers not included under the general flood control act. I was given assurance at that time, when the bills were passed under unanimous consent, that it did not change the policy.

Mr. JOHNSON of Washington. Of course, if the gentleman objects, I shall have recourse on some Calendar Wednesday in endeavoring to have the chairman of the Committee on Flood Control call these bills up on the next call of the committees, but in the meantime I would like to have them remain on the Calendar for Unanimous Consent.

The SPEAKER. The Chair thinks they should go to the foot of the calendar.

Mr. JOHNSON of Washington. I shall not object to that, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Washington that the bills be passed over without prejudice and go to the foot of the calendar?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2555. An act to construct, maintain, and operate a bridge and approaches thereto across Great Peedee River, S. C.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 2555. An act to construct, maintain, and operate a bridge and approaches thereto across Great Peedee River, S. C.; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 2359. An act providing for an International Aero Congress cancellation stamp to be used by the Omaha post office.

PROCEEDINGS IN CONTESTED-ELECTION CASES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 7761) to amend the Revised Statutes of the United States relative to proceedings in contested-election cases.

The SPEAKER. Is there objection to the present consideration of the bill? The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That sections 105 and 106, title 2, chapter 8, of the Revised Statutes of the United States are hereby amended so as to read as follows:

"SEC. 105. Whenever any person intends to contest an election of any Member of the House of Representatives of the United States he shall, within 30 days after the result of such election shall have been determined by the officer or board of canvassers authorized by law to determine the same, give notice in writing to the Member whose seat he designs to contest of his intention to contest the same, and in such notice shall specify particularly the grounds upon which he relies in the contest. He shall also, within the said 30 days, forward a copy of said notice by registered mail to the Clerk of the House of Representatives.

"SEC. 106. Any Member upon whom the notice mentioned in the preceding section may be served shall, within 30 days after the service thereof, answer such notice, admitting or denying the facts alleged therein, and stating specifically any other grounds upon which he rests

the validity of his election; and shall serve a copy of his answer upon the contestant; and shall forward a copy of the same by registered mail to the Clerk of the House of Representatives."

SEC. 2. That section 127 of title 2, chapter 8, of the Revised Statutes, as amended by the act of March 2, 1887 (U. S. Stat. L., 49th Cong., 2d sess., vol. 24, ch. 318), is hereby further amended so as to read as follows:

"SEC. 127. All officers taking testimony to be used in a contested-election case, whether by deposition or otherwise, shall, within 30 days after the taking of the same is completed, certify and carefully seal and immediately forward the same, by mail or by express, addressed to the Clerk of the House of Representatives of the United States, Washington, D. C.; and shall also indorse upon the envelope containing such deposition or testimony the name of the case in which it is taken, together with the name of the party in whose behalf it is taken, and shall subscribe such indorsement.

"The officer or officers before whom such testimony is taken shall notify the Clerk of the House in writing, immediately upon the conclusion of the taking of the testimony, that the taking thereof has been completed and that each and every package of testimony has been forwarded to said Clerk as required by law.

"The Clerk of the House of Representatives, upon the receipt of such deposition or testimony, shall notify the contestant and the contestee, by registered letter through the mails, to appear before him at the Capitol, in person or by attorney, at a reasonable time to be named, not exceeding 20 days from the mailing of such letter, for the purpose of being present at the opening of the sealed packages of testimony and of agreeing upon the parts thereof to be printed. Upon the day appointed for such meeting the said Clerk shall proceed to open all the packages of testimony in the case in the presence of the parties or their attorneys, and such portions of the testimony as the parties may agree to have printed shall be printed by the Public Printer under the direction of the said Clerk; and in case of disagreement between the parties as to the printing of any portion of the testimony, the said Clerk shall determine whether such portion of the testimony shall be printed, and the said Clerk shall prepare a suitable index to be printed with the record. And the notice of contest and the answer of the sitting Member shall also be printed with the record.

"If either party, after having been duly notified, should fail to attend, by himself or by an attorney, the Clerk shall proceed to open the packages and shall cause such portions of the testimony to be printed as he shall determine.

"He shall carefully seal up and preserve the portions of the testimony not printed, as well as the other portions when returned from the Public Printer, and transmit the same to the Speaker of the House of Representatives for reference to one of the Committees on Elections at the earliest opportunity. As soon as the testimony in any case is printed the Clerk shall forward, by registered mail, two copies thereof to the contestant and the same number to the contestee; and shall notify the contestant to file with the Clerk, within 30 days, a brief of the facts upon which he relies, which shall in every instance cite the page or pages of the printed testimony referred to, and shall also cite the authorities relied on to establish his case. The Clerk shall forward, by registered mail, two copies of the contestant's brief to the contestee.

"If the contestee questions the correctness of the contestant's brief of the facts or authorities cited, he may, within 30 days of the time the contestant's brief is mailed to him by the Clerk, file a brief specifying the particulars in which he takes issue with the contestant's brief, citing the page or pages of the printed testimony involved and setting forth a correct brief of the facts, together with the authorities relied on to establish his right to retain his seat.

"Upon receipt of the contestee's brief the Clerk shall forward two copies thereof to the contestant, who may, if he desires, reply to new matter in the contestee's brief within like time. All briefs shall be printed at the expense of the parties, respectively, and shall be of like folio as the printed record, and 60 copies thereof shall be filed with the Clerk for the use of the Committees on Elections to which the case has been referred."

Mr. DALLINGER. Mr. Speaker, the purpose of this bill is to expedite the consideration and disposition of contested-election cases. With this same object in view, the three committees on elections, at the commencement of the present session of Congress, adopted a new set of rules, and the language of those rules is substantially incorporated in the pending bill.

As the Members of the House know, there has been a very strong feeling that contested-election cases should be speedily disposed of; and not only in this House but in the country at large there has been a growing belief that the final decision of cases where the contestant is seated and the contestee is unseated should not be delayed until the closing days of a Congress, which results in two men drawing the entire congressional salary, mileage, and stationery to which Members of the House of Representatives are entitled by law. While we have authority to make rules, yet those rules do not have the force of law; and, therefore, after consultation with the chairmen of the other committees on elections, I prepared this bill, which was referred to the Committee on Elections No. 1, and has been unanimously reported by that committee and is now before you for consideration.

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

Mr. DALLINGER. Yes.

Mr. BLANTON. The fact that these cases remain on the docket and in the committee rooms and are not called up and disposed of until the end of the term is due to the fact that the committee permits it. In other words, if the committee so desires, without any extra law, it could push these cases and bring them to a focus and into the House and dispose of them at a much earlier date. Is not that the fact?

Mr. DALLINGER. No; it is not the fact.

Mr. BLANTON. What is to prevent those committees from doing that?

Mr. DALLINGER. It has not been the fact in the past. I do not think that any Committee on Elections has purposely delayed a contested-election case.

Mr. BLANTON. The gentleman does not understand me. I do not mean that they purposely delay them, but I mean that they could purposely bring them to pass more quickly than they do.

Mr. DALLINGER. The gentleman from Texas is entirely unfamiliar with the work which devolves upon members of Election Committees. Any gentleman of this House who has served on one of these committees knows the work involved. The case comes to us in the form of printed testimony, usually very voluminous, and because of the fact that the briefs which the law requires the contestant and the contestee to file have been of such a character as to be of little or no aid to the committee, the committees have been obliged to go through a voluminous record of testimony, and much of which is irrelevant, which has resulted in much unnecessary delay. In order to give the cases the consideration to which they are entitled, and to be fair to both sides, it is necessary to go into the record at length.

Mr. JONES of Texas. Mr. Speaker, will the gentleman yield?

Mr. DALLINGER. Yes.

Mr. JONES of Texas. Does not the gentleman think it would have a tendency to hasten action on these matters if we adopted a provision whereby the losing party should receive only two months' salary and after that time should not draw his salary, rather than adopt a system here of making them file their views before they know all of the facts?

Mr. DALLINGER. Oh, there is nothing of that kind in the bill.

Mr. JONES of Texas. The contestant must file his brief within 30 days and the answer must be filed by the contestee within 30 days, as I read the bill. There is no provision for amending or further filing of pleadings or facts, if I read the bill correctly.

Mr. DALLINGER. Mr. Speaker, I suggest that the gentleman from Texas read the report of the committee and he will see then just what the bill provides. It makes no change in the requirement that the contestant's brief must be filed within 30 days of the receipt of the printed testimony, and that the contestee's brief must be filed within 30 days of the receipt of the contestant's brief. It merely fills up certain loopholes in the existing law.

Mr. JONES of Texas. Does not the gentleman think it would have a tendency to hasten consideration of these matters if both men did not draw all of the salary during all of the time the contest is pending?

Mr. DALLINGER. Mr. Speaker, I think the method suggested by the gentleman from Texas might be very unfair. As I understand it, the theory of the double salary is that pending the decision of the committees the district ought to be represented by some one—that some one ought to be here to attend to the correspondence and to represent the people of the district on the floor of the House—and, of course, the contestee, who is usually sworn in, having a certificate from the governor, is the man who is the Congressman until the House decides otherwise. And he certainly ought to be entitled to his salary, to his mileage, and all the other perquisites of the office as long as he is performing his duties as a Member of the House of Representatives.

The SPEAKER. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STAFFORD. This being a bill considered in the House and the gentleman being recognized as chairman of the committee reporting the bill, is he not entitled to an hour?

The SPEAKER. It is being considered in the Committee of the Whole House on the state of the Union—a Union Calendar bill.

Mr. DALLINGER. Mr. Speaker, I ask unanimous consent to proceed for 10 additional minutes.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to proceed for 10 additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. DALLINGER. Now, Mr. Speaker, in further answer to the gentleman from Texas [Mr. JONES] I would say that the theory of the prevailing custom is that a man who is performing his duties as a Representative should receive the salary, and that it should continue until such time as the House sees fit to unseat him on the ground that he was not legally elected a Member of the House.

Mr. JONES of Texas. There is the point. Frequently, if a man has a doubtful case, he might be inclined not to press

the consideration of his case, but let it drag along for as long as possible, whereas if his salary stops at the end of two or three months, or whatever was considered a reasonable time to dispose of the case, he might be more likely to press the matter. Does it not largely depend upon whether the contestant or contestee presses the case?

Mr. DALLINGER. Not at all. The contestee usually is a Member of the House, performing the duties of his office, and he has nothing whatever to do with determining the time when the contest against him shall be decided by this House.

Mr. JONES of Texas. It has been my experience in reference to many bills that if some one is not behind them pressing them for consideration there is not much likelihood of the bill being rushed through, whereas if there is some inducement for some one to press it the consideration will be hastened. That was the thought I had in mind.

Mr. DALLINGER. Mr. Speaker, the whole object of this bill is to endeavor to expedite the consideration and determination of contested-election cases by making certain perfecting amendments to the existing law.

Mr. LAYTON. Will the gentleman yield?

Mr. DALLINGER. I will.

Mr. LAYTON. In reference to the matters of salary, why would it not be a good thing for the Treasury and a good thing all around, if you allowed the man who was seated originally to have that part of the salary which he had earned by service on the floor of the House and then to allow the contestant, if he was seated, to have the balance of that annual salary?

Mr. DALLINGER. Mr. Speaker, I understand the theory of giving the salary to the man who is seated is that he was originally entitled to have the seat at the beginning of the session; that he is the man whom the people of his district really elected; and that therefore he is entitled to all the prerogatives and perquisites of the office. Of course, the question that has been raised by the gentleman from Texas involves a matter that is not germane to the bill before the House. As a matter of fact it is really a question for the Committee on Appropriations, which recommends that the money be appropriated whenever the matter of double salaries comes up, and that is the time when the gentleman from Texas should offer an amendment cutting down the appropriation, if he thinks that the double salary should not be paid.

Mr. JONES of Texas. If the gentleman will yield, and they will make the change of law in the case?

Mr. DALLINGER. I will say to the gentleman from Texas that this bill has nothing whatever to do with the payment or nonpayment of congressional salary.

Mr. JONES of Texas. Would it not be better rather than to pass this bill to pass a bill along the line suggested, and would it not come nearer accomplishing the purpose of this bill?

Mr. DALLINGER. I think not.

Mr. NEWTON of Missouri. If the gentleman will yield. In what particular respect does this change the present law? I do not quite get it.

Mr. DALLINGER. In the report on this bill, our committee adopted a new method of showing the changes by inserting in italics the new language added to the bill. If the gentleman will send for a copy of the committee's report he will see exactly what changes are made in the existing law; the parts of the existing law which are repealed being indicated by a black line drawn through the words eliminated, and the new matter added by the bill being printed in italics.

Mr. LARSEN of Georgia. Will the gentleman state briefly just what the changes are that are made?

Mr. DALLINGER. Section 1 simply makes two perfecting amendments. At the present time there is no provision of law requiring the contestant to send a copy of the notice to the Clerk of the House, and there is no requirement that the contestee shall send a copy of his answer to the Clerk of the House. Section 1 simply adds the requirement that a copy of the contestant's notice and a copy of the contestee's answer shall be sent to the Clerk of the House so that he may have a record of the contests that are brought here in the House of Representatives.

Mr. LARSEN. Under the rules and regulations governing at the present time do not they have to go with the testimony?

Mr. DALLINGER. Yes. At the present time the Clerk of the House may not know whether there is actually to be a contest until months afterwards. The object of section 1 of the bill is that the Clerk may know what contests are pending.

Mr. LARSEN. How will that facilitate the hearing and consideration, the fact that the Clerk knows about that—how will that facilitate the expedition of the hearing on the contest?

Mr. DALLINGER. If the Clerk knows that there is to be a contest, then he can see if the other requirements of the law as set forth in section 2 of the bill are carried out.

Mr. LAYTON. Do I understand at any time within two years a man can make a contest?

Mr. DALLINGER. No. Under existing law the contestant must serve notice of his intention to contest on the contestee within 30 days of the final determination of the result of the election by the State authorities that are designated for that purpose. In other words, it is not 30 days from the election but 30 days from the final report of the decision of the official canvassing board.

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

Mr. DALLINGER. Certainly.

Mr. OLDFIELD. Will this amendment have a tendency to hurry these cases along and get rid of them?

Mr. DALLINGER. That is the object.

Mr. OLDFIELD. That is the object of the amendment?

Mr. DALLINGER. Yes.

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

The SPEAKER. Does the gentleman from Massachusetts yield to the gentleman from Missouri?

Mr. DALLINGER. Certainly.

Mr. ELLIS. I notice there is no change in the requirement of service of notice on the contestee.

Mr. DALLINGER. No.

Mr. ELLIS. What kind of service would that be? Would it be personal service? For instance, if the contestee is not in his district, must they find him in order to make service on him? I ask the question because I understand in a recent instance before the 30 days were up given the contestant to decide whether or not to contest the contestee disappeared. Before he could be located the 30 days had expired. The contestee was absent from the district, and under the law service could not be made upon him at his residence. So it was impossible to serve notice on him at all. That suggests a way to escape a contest—simply by the contestee absenting himself from the district.

Mr. DALLINGER. A notice of contest must be served on the contestee. If he eludes service, of course the committee would take cognizance of that fact. The committee would welcome any suggestion that the gentleman may make.

Mr. ELLIS. I think service at his usual place of residence or at his voting residence or by registered mail ought to be sufficient.

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

Mr. DALLINGER. Certainly.

Mr. LAYTON. From the time the canvassing board makes its return, how much time will it be before the Committee on Contested Elections, whichever committee it may be, shall be able to go forward under this bill with their investigation?

Mr. DALLINGER. Under the law as amended the contestant has 30 days in which to file his notice of contest on the contestee. Then the contestee has 30 days in which to file his answer. Then under the law the contestant has 40 days and the contestee has 40 days for the taking of testimony, after which the contestee has 10 days for rebuttal, making 90 days in all. Then the testimony comes here to the Clerk of the House under seal, and the decision is made in the last instance by the Clerk as to what portion of the testimony shall be printed. The testimony is then printed by the Clerk of the House and copies sent to each of the parties.

Mr. LAYTON. How long will that take?

Mr. DALLINGER. That all depends upon the speed with which it is sent to the printer and the speed of the printer. It is usually a comparatively short time.

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

Mr. DALLINGER. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes more.

The SPEAKER. Is there objection?

There was no objection.

Mr. DALLINGER. Then after the testimony is printed and received by the contestant he has 30 days in which to file his brief, then the contestee has 30 days in which to file his brief, and finally the contestant, if he desires, has 30 days more in which to file a reply brief, and then the matter is ready for hearing by the Committee on Elections.

Mr. LAYTON. Have you counted up just exactly how many days that makes, making due allowance, an average allowance, for the action of the Clerk? It is not far short of a year, is it?

Mr. DALLINGER. I should say 9 or 10 months. But, of course, I will say to the gentleman from Delaware, under ordinary normal circumstances, where there is no special session of

Congress, we ought to be able to have all contested-election cases in shape to be referred to the Committees on Elections by the beginning of the regular session in December.

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

Mr. DALLINGER. Yes.

Mr. HUDSPETH. I am a member of the committee, but I was not present when the bill was considered. Have you made any changes in the bill relative to the time of taking testimony?

Mr. DALLINGER. None.

Mr. HUDSPETH. Do you make any changes relative to the filing of the brief? The contestant is allowed 40 days. Some of them take 30.

Mr. DALLINGER. Both the contestant and contestee are allowed 30 days in which to file their respective briefs.

Mr. HUDSPETH. My understanding is 30 days.

Mr. DALLINGER. That is correct.

Mr. DAVIS of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. DALLINGER. Yes.

Mr. DAVIS of Tennessee. I am interested in the expediting of these cases, but I wish to call attention to the provision at the bottom of page 3 and the top of page 4 to the effect that the contestant and contestee shall leave to the Clerk to determine which portions of the testimony shall be printed, and if they fail to agree the Clerk shall determine. Now, it occurs to me that it would be much better to follow the policy that is ordinarily pursued in making out bills of exception in order that the parties may agree upon eliminating any portions of the testimony that they deem immaterial or irrelevant, but that each can file or incorporate any portion that he insists is important.

In the first place, the Clerk might not be a lawyer. In the second place, he might believe that certain evidence was not relevant or important, but the contestant or contestee, as the case might be, might insist that it was important. It occurs to me that they could agree upon the elimination of testimony rather than upon the question of what should go in the record. For instance, the contestant is interested only in the incorporation of testimony in his favor, and the same is true in regard to the contestee, and neither is interested in or inclined to agree to the incorporation of testimony that is against him. Consequently it occurs to me that either one should have printed the testimony that he considers important.

Mr. DALLINGER. Mr. Speaker, I have only this to say: The present law takes care of the whole matter. Some one has got to decide. Both parties or their counsel come here and they talk the matter over, and the Clerk is the final arbiter. They practically do come to an agreement now in most cases, and in those cases the testimony as agreed upon by the parties is printed by the Clerk. The only cases where there is any trouble is where the parties do not agree, in which cases the Clerk, after hearing both parties, decides what testimony, if any, does not need to be printed.

You understand, gentlemen, that the testimony is all before the committee. The original exhibits come here; all the testimony that has been taken, and all the exhibits filed, come here in original package form under seal.

This discretion given to the Clerk of the House is simply a question of the expense to the Public Treasury, and, as I understand it, the object of having the Clerk given this power is to guard the Public Treasury. Frequently one party or the other desires to have a large amount of material printed which really does not need to be printed in order to have a proper presentation of the case.

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

Mr. DALLINGER. Yes.

Mr. CHINDBLOM. I do not find in the recommendation of the committee or in the present law any provision under which the contestant and contestee might agree in writing upon the printing of the testimony. Would it not be practicable to have such a provision? Here you require the parties to come to Washington. Suppose the election contest comes from California, or even from Alaska? We had such a case in the last Congress. Is it not a little unreasonable to require them to travel from home here? If they do not do so, or agree about the testimony, we leave it to the Clerk of the House to determine what is going to be printed. Could not some provision be inserted here by which the parties by stipulation could designate the testimony to be printed?

Mr. DALLINGER. I will say in answer to the gentleman from Illinois that of course that is possible, and the committee will gladly agree to any proper amendment along that line. There never has been any complaint, however, in regard to this matter. Of course, it is not necessary for the contestant and contestee to come here in person.

Mr. CHINDBLOM. Then they must hire counsel here if they do not come personally.

Mr. DALLINGER. They could be represented by some Member here, who could act for them.

Mr. CHINDBLOM. But it is a very important thing to determine what testimony is going to be printed, because that which is printed is what the case will be determined on, not on what is on file elsewhere.

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

Mr. DALLINGER. Yes; I yield to the gentleman from California.

Mr. RAKER. I understand from the chairman of the committee that in the contests that have been presented to him up to the present time in the last six years there has been but little difficulty except in the matters that are proposed to be changed by this legislation. Is that about correct?

Mr. DALLINGER. Yes.

Mr. RAKER. Now, there are only five changes in the bill, in substance. First, the contestant must notify the clerk when he files his contest. Second, the contestee must notify the clerk. Third, the party who takes the testimony must forward it within 30 days, instead of forwarding it "without unreasonable delay," as at present, and must notify the Clerk of the House that the testimony is completed; and instead of sending the testimony to the committee it goes to the Speaker. Then the party in filing his brief must note in that brief the page and volume of the record which he relies upon to support each statement of fact, and the other party has the right to file a brief. Those are all the changes in this bill, are they not?

Mr. DALLINGER. I will state that I have a committee amendment which makes the intention of the committee more explicit in requiring the parties to file an abstract of the testimony with their briefs. Since the bill was reported I have become satisfied that stronger language should be used on that point.

Starting with the first section of the bill we have the Clerk notified, so that he can know what is going on.

The next change we make is that just as soon as the testimony is completed the Clerk must be notified. That has been one of the chief causes of delay, coupled with the fact that the law simply provided that the testimony should be forwarded to the Clerk "without unnecessary delay," a very vague term, which sometimes meant months of time. Now we have definitely said that within 30 days of the completion of the testimony it must be forwarded here, and in order that the Clerk may know when the period of 30 days begins to run the parties are required to inform him just as soon as the testimony is completed. I know of several cases where, if this had been the law, there would have been a saving of four or five months of time in getting the testimony here.

Mr. RAKER. Then the only other change in this bill is that the contestant designates in the record the page of the matter referred to?

Mr. DALLINGER. The contestant is required to furnish with his brief an abstract of the testimony on which he relies.

Mr. RAKER. And that is to expedite the matter before the committee?

Mr. DALLINGER. That is to relieve the committee of the enormous amount of time required in going through a whole lot of immaterial and irrelevant testimony.

Mr. RAKER. One other question and then I am through. In other words these are practically the only changes made, for the purpose of expediting these contests. Is that right?

Mr. DALLINGER. That is correct.

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

Mr. DALLINGER. Yes.

Mr. LAYTON. I assume that the gentleman has had long experience in these matters. Did he ever know of a case where a contestant has drawn more than one year's salary?

Mr. TREADWAY. Oh, yes.

Mr. DALLINGER. There was the North Carolina case of Britt against Weaver, which was decided by the House, as I recall it the day before the final adjournment of the Congress.

Mr. LAYTON. In other words, at the expiration of two years.

Mr. DALLINGER. Yes.

The SPEAKER. The time of the gentleman from Massachusetts has again expired.

Mr. DALLINGER. Mr. Speaker, I ask an extension of two minutes.

The SPEAKER. The gentleman asks an extension of two minutes. Is there objection?

There was no objection.

Mr. DALLINGER. Mr. Speaker, as I have stated, I propose to offer a perfecting amendment to section 2, and I wish to explain to the House the effect of it, because Members often get little idea from the reading by the Clerk. If the Members will take their copies of the bill I will explain the changes in detail. The substitute which I propose to offer for section 2 makes no change in the bill as reported and printed until you get down to line 18 on page 4. Right after the word "contestant," in the eighteenth line on page 4, I propose to insert the words "by registered mail." After the word "days," on line 19, I propose to insert the words "from the receipt of the testimony." After the word "facts," in the same line, I propose to insert the words "together with a complete abstract of the testimony."

The other changes which follow are simply perfecting changes made necessary by the changes already indicated.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman permit a question?

Mr. DALLINGER. Certainly.

Mr. COOPER of Wisconsin. I notice that the bill provides, in line 3, page 2, for a notice to be sent by registered mail.

Mr. DALLINGER. Yes.

Mr. COOPER of Wisconsin. Also on page 3, line 13, by registered mail.

Mr. DALLINGER. Yes.

Mr. COOPER of Wisconsin. And also in line 22, on page 4, by registered mail; but I notice that on page 2, in line 23, the provision makes no mention of registered mail.

Mr. DALLINGER. In answer to the gentleman from Wisconsin I desire to say that this substitute which I propose to offer was the result of matters called to the attention of the committee two weeks ago by the gentleman's colleague, Mr. STAFFORD, and my substitute makes all of these changes.

Mr. BRIGGS. Will the gentleman yield?

Mr. DALLINGER. Yes.

Mr. BRIGGS. What penalty is attached to the failure of the contestant to give 30 days' notice—suppose he does not do it?

Mr. DALLINGER. Then he has no contest.

Mr. BRIGGS. Does the act say so?

Mr. DALLINGER. If the contestant fails to serve the notice required by law he has no case, and Committees on Elections have so held.

Mr. BRIGGS. Why not so provide in the bill?

Mr. DALLINGER. That is something for the House to decide. The Committee on Elections has no right to say that the House will not seat a man or unseat him.

Mr. BRIGGS. That is what I am talking about; this is presented to Congress, presented to the House, you are dealing with the question and the provision is without any penalty. If a man does not comply there is no penalty.

Mr. DALLINGER. I fail to see how you can punish a man for failing to serve notice in a contested-election case.

Mr. BRIGGS. You can have a penalty provided if he does not give notice that the contest shall not be considered.

Mr. DALLINGER. The committee did not think that was necessary.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. DALLINGER. Certainly.

Mr. SANDERS of Indiana. How could a law of Congress provide that in the future some other House shall not consider a case by reason of a penalty provided by a former Congress? In the matter of seating a Member, that has to be considered by that particular House after it is organized, each Congress by itself.

Mr. DALLINGER. The gentleman is entirely correct.

The SPEAKER. The time of the gentleman from Massachusetts has expired. Is there a member of the committee who desires to be recognized?

Mr. BOWLING. Mr. Speaker, I am not a member of the committee now, but I was at the time the bill was considered and reported.

The SPEAKER. The Chair will recognize the gentleman.

Mr. BOWLING. Mr. Speaker and gentlemen, if you will indulge me for a few minutes, I will tell you what I think about this bill. The necessity of it was shown by the consideration of repeated election cases. The purpose of it, as has been stated by the chairman, is to expedite the consideration of these cases. The main object is to get the case into court just as soon as possible, for that is what the committee really is—a court occupying a judicial attitude toward the case.

Now, if you will take the trouble to read the report of the committee you will see that every change in there is made with that purpose in view. The law as it now is written has five changes made in it, and all of them are intended to secure quicker action than has heretofore been had. Heretofore, as was pointed out, there has been no provision made to secure notice given to the Clerk that there is such a thing as a contested-election case. That is the first amendment—that when notice is given by contestant to contestee it shall also be given to the Clerk of the House of Representatives in order that he may inform the Speaker of the House and be informed himself that such action has been taken. He will within 30 days forward a copy of the notice to the Clerk of the House of Representatives. After that notice is filed, 30 days are given to the contestee to set up his case. There are the two pleadings, 30 days for each one. That appeared to the committee to be time sufficient and has been the law heretofore—thirty days for the contestant to make out his case and 30 days for the contestee to answer it. When the pleadings are completed, then, as the law already provides, the testimony is to be taken.

Mr. LAYTON. Will the gentleman yield?

Mr. BOWLING. I will.

Mr. LAYTON. I want to get this into the record and get it clear in my own mind. As the law now stands, how long would it be before a contestant could file testimony?

Mr. BOWLING. Thirty days after the result is declared; not after the day of the election, but 30 days after the result is declared. The next amendment is that within 30 days after the testimony is taken it shall be forwarded to the Clerk of the House. You observe that the amendment takes the place of the phrase "without unnecessary delay." It simply puts a limit of time when the notary who takes the testimony shall present it to the House. "Without unnecessary delay" would mean one thing to one man and another thing to another man. Thirty days was considered by the committee to be entirely sufficient for the notary to assemble all the testimony and to get it in a proper condition for submission to the Clerk of the House.

Now, the next is simply this: That the officer or officers before whom such testimony is taken shall notify the Clerk of the House in writing immediately on conclusion of the taking of the testimony that the taking has been completed and that each and every package has been forwarded. The necessity for that provision, as was stated by this committee, was a later provision in the bill that 20 days afterwards the testimony shall be opened.

Now, when does the 20 days begin to run? This amendment is put in to fix the date when the Clerk may begin to count the 20 days, and that is all there is to that.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. BOWLING. Yes.

Mr. COOPER of Wisconsin. I notice in the original law and also in the pending bill a provision that the testimony shall be printed in accordance with the agreement of the contestant and the contestee, and in the event of their disagreement that the Clerk shall determine what shall be printed. Suppose the Clerk determines to omit testimony which either the contestee or the contestant may deem of great importance to his case. In that event how will the House have access to that testimony which one party deems of importance but the printing of which has been refused?

Mr. BOWLING. I shall try to answer the question. In the first place, in many contested-election cases there is a large number of exhibits offered, pictures, for instance, photographs of scenes about the polling place, many ballots, and in many instances they have run into thousands—all a part of the testimony in the case. It would be inconvenient and very expensive and impracticable to reproduce the pictures or to reprint the ballots, for instance.

Mr. COOPER of Wisconsin. Suppose, however, that the evidence about which the two parties disagree was not of that character, but related to the conduct of the election officers themselves. Remember, the Clerk of this House is either a Republican or a Democrat. Suppose there is a majority of but two or three either way. One of the parties to the contest is a Republican and the other a Democrat. The contestant knows that the Clerk is of his own party faith, and, therefore, he refuses to have certain testimony printed, relying, possibly, upon the partisanship of the Clerk. Such things might be. How will the House in that event ever get access to the testimony which has been refused printing but which relates directly to the conduct of the election officers? I have known testimony of that kind of very great importance.

Mr. BOWLING. What I had to say before was just a partial answer to the gentleman's question. In addition to that all of the testimony of whatever kind goes before the committee, whether it is printed or not, and the committee has access to it, and being a bipartisan committee, of course it will investigate.

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. BOWLING. Mr. Speaker, I ask unanimous consent to proceed for five minutes more.

The SPEAKER. Is there objection?

There was no objection.

Mr. BOWLING. The fact that the testimony is not printed does not mean that the House shall not have access to it or that the committee fails to consider it. However, personally, as far as I am concerned, I am quite willing to support an amendment seeking to correct that by any proper phraseology.

Mr. COOPER of Wisconsin. Permit me to direct the gentleman's attention to the language of the bill and to the original act. It compels all briefs and all printed arguments to refer to the printed testimony. It does not say that the party can cite testimony which is not printed, and which ought to be printed, but it confines the party exclusively in his brief to the printed testimony.

Mr. BOWLING. If that phraseology is susceptible of that construction, I think the committee entirely overlooked it.

Mr. DALLINGER. Mr. Speaker, will the gentleman yield to me?

Mr. BOWLING. Yes.

Mr. DALLINGER. I think the gentleman from Wisconsin is in error. It simply provides that it must cite pages of the printed testimony referred to. The party can make an abstract, and he is ordered by law to make an abstract, to all of the testimony on which he relies.

Mr. BOWLING. There was a good purpose in amending the law to that effect, because if the gentleman will take the opportunity to read the testimony in nearly every contested-election case he will find that there are very many pages of the ordinary testimony that are wholly irrelevant, which just simply cumber the record. When the contestant or the contestee relies on certain testimony in a voluminous record it is of great value to the committee that the citations should be accurate in order that the committee may turn immediately to the page and find whether or not the testimony has been quoted correctly, or if it is there at all.

Mr. DAVIS of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. BOWLING. Yes.

Mr. DAVIS of Tennessee. Right in that connection, it is frequently a matter of controversy between lawyers as to whether evidence is relevant or material, and it occurs to me that it lodges very great authority in the clerk, who may not even be a lawyer. Does not the gentleman think it would be better to expressly provide that illustrations and photographs, and so forth, should not be printed and then provide that any other portions in the record may be eliminated by agreement between the contestant and the contestee?

Mr. BOWLING. Personally, I would have no objection to that, yet the fact remains that in any proceeding anywhere you have to trust somebody. You have to impose discretion in some officer, and in this particular instance the Clerk is given authority which is imposed by law, the idea being in the writing of the bill that everybody seeks to do right about it.

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

Mr. BOWLING. Yes.

Mr. RAKER. Is the gentleman on one of the election committees?

Mr. BOWLING. Not now. I was.

Mr. RAKER. The bill provides that the contestant and the contestee should print their briefs and cite their case by the testimony, and the amendment that the chairman of the committee proposes is that in addition to that they shall print a complete abstract of the testimony. That will compel the contestant to print an abstract of testimony in addition to the regular printing. I am wondering whether the committee had thought of this manner of procedure. In many of the courts today you appeal your case and do not print a transcript of the record. A certified copy of the entire trial in typewriting is presented to the appellate or the Supreme Court. Then an abstract of testimony is required to be printed or filed. That does away with the printing of the record, as has been the custom for so many years in so many of the courts.

The SPEAKER. The time of the gentleman from Alabama has again expired.

Mr. BOWLING. Mr. Speaker, may I have one minute more.

The SPEAKER. Is there objection?

There was no objection.

Mr. BOWLING. If I understand the gentleman, the law as it now stands requires that this abstract shall be filed. This goes further and requires that it shall be filed in a certain way by citing in every instance the page or pages of the printed testimony referred to and the authorities are relied on to establish the case.

Mr. RAKER. Then with a complete abstract of testimony. That is the amendment the gentleman suggested this morning. If that is done, and it ought to be done, then the Congress can eliminate all of this printing of the record, because there is one copy already on file for the benefit of the House and the committee, just as in a majority of the courts.

The SPEAKER. The time of the gentleman from Alabama has again expired.

Mr. TAGUE. Mr. Speaker, while I agree with the members of the committee in redrafting a law so as to bring in these provisions, I think they have lost sight of the most important element that has come up in relation to the taking of testimony in contested-election cases.

Mr. Speaker, the law provides that when you are taking testimony in a contested-election case you shall secure the services of a notary public, justice of the peace, or a judge of the court; but there is absolutely no provision in the law for a penalty in helping him to take the testimony. For instance, you summon a witness to come and testify before the committee. You pay your constable for serving that witness with the summons, and that witness can accept the fee, tear up the summons, and refuse to come into court, and you have no authority to make him come. There is absolutely no law on the statute books to-day that will allow a United States district attorney, or any other officer of the law, to prosecute a man who refuses to come into court when summoned in a contested-election case. In other words, the officer who takes the testimony is absolutely powerless, and any extraneous matter may come into your contest, no matter what it is, so long as the man who testifies wishes to express it. Now, what else? Before your officer in authority—and I contend that the expense of an election case generally comes in the taking of the testimony—you may contest an election and go forward and put in the testimony as rapidly as you can while the party whom you are contesting with can bring you into court every single morning during his 30 days, with your stenographers, your witnesses, and as soon as he gets into court can adjourn the court immediately. There is no law at all, so that it makes the taking of testimony in contested-election cases merely farcical. There is no provision of any law or United States authority on the statute books for compelling anything to be done in an election case.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. TAGUE. I will.

Mr. SANDERS of Indiana. The results under the present law, however, are fairly successful, are they not?

Mr. TAGUE. They are successful, but mighty expensive—and I am talking from experience. Now, Mr. Speaker, I believe the committee should have gone further when they were redrafting this law. During the last session of Congress with the distinguished Senator from Pennsylvania, who has just passed away, I had this matter up, and he was drafting a law to put teeth in the contested-election law so as to give to the man on either side, whether contestee or contestant, an opportunity for a speedy trial and the elimination of all matters that did not pertain to the case. There is no judge sitting on any bench or any authority who would allow one-tenth of the matter that goes into a contested-election case that comes before him if he had authority to eliminate it, and every election case could be heard inside of 30 days and finished if the law were so constructed that there were some authority as to the proper evidence to take in the regular way.

Mr. SANDERS of Indiana. Will the gentleman be in favor of restricting these depositions so that they could not be taken before a notary public?

Mr. TAGUE. No; I would not do that. If I were to take them before a notary public I would give him the authority to summon a man to come and testify and have the witness come into court and answer to the summons and not come into court and snap his fingers in his face, and he can do nothing to him when he refuses to testify.

Mr. SANDERS of Indiana. The gentleman is referring to the question of testimony, and the gentleman was advancing the argument that the officer who conducts the examination ought to have the power to exclude testimony. Would not that be dangerous power to put in the hands of a notary public?

Mr. TAGUE. I do not think so.

Mr. SANDERS of Indiana. Would it not be one that he does not ordinarily have when testimony is taken in a case in any other court?

Mr. TAGUE. I am not a lawyer, I will say to the gentleman.

Mr. SANDERS of Indiana. I will say to the gentleman that when you take a deposition pending in a court before a notary public the notary public does not have the power to pass on what is admissible in testimony.

Mr. JONES of Texas. And usually is not a lawyer.

Mr. SANDERS of Indiana. It would be dangerous in the case he is not a lawyer.

Mr. TAGUE. It may be a dangerous thing to give exclusive power to a notary public to permit testimony in the light, but give them some authority in the taking of testimony so that the testimony could be legal and would amount to something.

Mr. BLANTON. Will the gentleman yield?

Mr. TAGUE. Yes, sir.

Mr. BLANTON. The House itself is in the position of the court and passes on the testimony had here and here considered. The committee taking the testimony is in the same position as a grand jury. The grand jury hears lots of testimony which a court would not admit. They admit a whole lot of testimony and a lot of things which in court afterwards would be excluded. I call the attention of the gentleman to that.

Mr. TAGUE. The court or grand jury hears this evidence and endeavors to get all the evidence. He is entitled to summon the witness to appear in court under penalty of the law, and the witness is obliged to go there and testify if he is summoned as a witness, and it is not proper even in a grand jury, so far as I know in any court, for him to say to the grand jury or court, "I refuse to come before you and refuse to give the evidence which the Congress of the United States asks." It seems to me, Mr. Speaker, there should be teeth in the law that will compel men to be fair and square as citizens and give the testimony as it is desired, so that a man, whether he is contestee or contestant, shall have accurate testimony before the body when he comes here.

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

Mr. TAGUE. Yes.

Mr. BLANTON. There could be testimony where, if the Supreme Court heard oral testimony before the court and asked a question and the witness said, "I refuse to answer," the court in some instances would sustain him, because there are some questions that even the law of the land does not make the witness answer.

Mr. TAGUE. That may be so, but there is not a law of the land where the Supreme Court puts a summons in a man's hand in the regular way and tells him to come before the court and permits him to ignore that summons and lets him say, "I will not go and testify."

The SPEAKER. The time of the gentleman from Masssachusetts has expired.

Mr. STAFFORD. Mr. Speaker, I demand the regular order.

Mr. JONES of Texas. Mr. Speaker, I offer an amendment.

Mr. STAFFORD. The bill has not been read for amendment yet.

Mr. JONES of Texas. I understand it has been read.

Mr. SANDERS of Indiana. I understand that it has been read for amendment.

Mr. BLANTON. Mr. Speaker, I make the point of order that the point of order made by the gentleman from Wisconsin [Mr. STAFFORD] is out of order, because the bill is being considered under the five-minute rule and it gives every man interested in the discussion five minutes.

Mr. STAFFORD. I would rather leave it to the decision of the Chair than submit it to the judgment of the gentleman from Texas.

Mr. BLANTON. The bill has been considered in the House under the five-minute rule.

Mr. STAFFORD. I understand the bill should be read for amendment. The bill has not been read by the Clerk for amendment. In the way of orderly procedure the Clerk should read the first section for amendment.

Mr. JONES of Texas. Mr. Speaker, the bill having been read, it is now open for amendment.

Mr. STAFFORD. The bill has not been read for amendment. We should consider it in an orderly way, and the orderly way is to have the first section read for amendment.

The SPEAKER pro tempore (Mr. DOWELL). The Chair suggests that the bill should be read for amendment, and with the consent of the House, the Clerk will read the bill for amendment.

Mr. JONES of Texas. The rules require only when a bill is being considered in the House as in Committee of the Whole that it shall be read for amendment.

Mr. STAFFORD. Let me call attention of the Chair to the following, which appears under section 30 of Jefferson's Manual, which is directly in point in this case, where a bill on the Union Calendar is being considered in the House as in Committee of the Whole:

> In the House an order for this procedure means merely that the bill will be read for amendment and debate under the five-minute rule without general debate.

At the present moment, Mr. Speaker, there has been no amendment offered. The bill was read and general debate has proceeded as under unanimous consent. Now the procedure is to have the bill read section by section for amendment.

Mr. BLANTON. There has been general debate, and we have passed beyond the stage of general debate, and have now come to debate under the five-minute rule.

The SPEAKER pro tempore. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That sections 105 and 106, title 2, chapter 8, of the Revised Statutes of the United States are hereby amended so as to read as follows:

Mr. BLANTON. Mr. Speaker, I move to strike out the paragraph.

The SPEAKER pro tempore. The Clerk has not finished reading the section. The Clerk will continue the reading of the section.

The Clerk read as follows:

"SEC. 105. Whenever any person intends to contest an election of any Member of the House of Representatives of the United States he shall, within 30 days after the result of such election shall have been determined by the officer or board of canvassers authorized by law to determine the same, give notice in writing to the Member whose seat he designs to contest of his intention to contest the same, and in such notice shall specify particularly the grounds upon which he relies in the contest. He shall also, within the said 30 days, forward a copy of said notice by registered mail to the Clerk of the House of Representatives.

Mr. BLANTON. The Clerk has finished the reading of the section.

Mr. STAFFORD. No; he has not. The gentleman from Texas ought to know what section 1 of this bill is; he has been here long enough.

The SPEAKER pro tempore. The Clerk will proceed with the reading of the section.

The Clerk read as follows:

"SEC. 106. Any Member upon whom the notice mentioned in the preceding section may be served shall, within 30 days after the service thereof, answer such notice, admitting or denying the facts alleged therein, and stating specifically any other grounds upon which he rests the validity of his election; and shall serve a copy of his answer upon the contestant; and shall forward a copy of the same by registered mail to the Clerk of the House of Representatives."

Mr. ELLIS. Mr. Speaker, I offer the following amendment.

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

The Clerk read as follows:

Amendment offered by Mr. ELLIS: Page 1, line 11, after the word "Member," insert the words "in person or by registered mail."

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield for a moment?

Mr. ELLIS. Yes.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to extend in the RECORD the remarks that I made this morning.

The SPEAKER pro tempore. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. DALLINGER. I accept the amendment.

Mr. ELLIS. Mr. Speaker, I understand the committee accepts the amendment.

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

The amendment was agreed to.

Mr. ELLIS. Mr. Speaker, I submit another amendment.

The SPEAKER pro tempore. The gentleman from Missouri offers another amendment, which the Clerk will report.

The Clerk read as follows:

Second amendment offered by Mr. ELLIS: Page 2, line 11, after the word "contestant," insert the words "person or by registered mail."

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

Mr. DALLINGER. Mr. Speaker, the committee accepts the amendment.

The question was taken, and the amendment was agreed to.

Mr. BLANTON. Mr. Speaker, I offer an amendment to strike out the section.

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

The Clerk read as follows:

Amendment submitted by Mr. BLANTON: Strike out all of section 1.

Mr. BLANTON. Mr. Speaker, I am in favor of this bill. But it does not go far enough, as was suggested by my colleague [Mr. JONES of Texas].

The chairman of the committee seemed to indicate that we who do not belong to this committee can therefore know, ipso facto, nothing about what goes on before the committee in a contested-election case. I want to call his attention to what went on in regard to one contested-election case about which

the gentleman from Texas knows a few facts. Take the case of Weaver against Britt, from North Carolina. There was a case where the election board decided in favor of Democrat Weaver—that he had won by nine votes. There was an appeal by Republican Britt to the court, and the court decided against him.

It went to the Supreme Court of North Carolina, and that court issued its mandate that Democrat Weaver had been elected by 9 votes. The certificate of election was given to Democrat Weaver. He brought it here and was seated in the House, and he served two long years lacking two days. The session would have ended on Monday. Late on Saturday evening that question was up before the House on a report signed by a majority of the Elections Committee stating that after reviewing all the evidence they found that Weaver, a Democrat, from North Carolina, if you please, had been elected by 12 majority, not 9. It was argued here before the House on the Saturday evening before final adjournment, in a House in which the Democrats did not have a majority.

Mr. STAFFORD. Was not Mr. Clark of Missouri Speaker?

Mr. BLANTON. Yes; but we organized the House and elected Mr. Clark when you Republicans had as many Members as we Democrats had; and we did it by controlling the independents and the Socialist and the mugwumps, and otherwise. But what was the result of that election contest? In the face of all those facts, two days before the final adjournment of the session and of the Congress, by a vote of 184 Republicans to 183 Democrats you Republicans seated Mr. Britt. It was strictly a partisan vote. You paid him $15,000 salary when he had not served a day in the House. You paid him three mileage checks amounting to nearly $800 in money when he had not been a Member of this House. You allowed him a stationery account of two or three times $125. You allowed him his clerk and secretary hire when he had not been a Member of Congress, and you put it off until late Saturday night before the final adjournment on Monday to decide it. Ought you not to stop that, Mr. Speaker? How long are you going to let this farce go on? Why not stop it in this bill? My colleague from Texas [Mr. JONES] made a wise suggestion and the chairman laughed it off.

Mr. DALLINGER. Will the gentleman yield?

Mr. BLANTON. I yield to the gentleman from Massachusetts.

Mr. DALLINGER. Does the gentleman from Texas really think, from his knowledge of the rules of this House, that any such amendment as that suggested by the gentleman from Texas [Mr. JONES] would be in order on this bill?

Mr. BLANTON. It would be in order if the chairman or some one else did not make a point of order against it. It could be inserted into this bill and passed in two minutes if the Members themselves were willing, and it would have been in order, and properly, in this bill if the chairman had seen fit to have his committee incorporate such an amendment into this bill when reporting it.

The SPEAKER pro tempore. The time of the gentleman from Texas has expired. The question is on the amendment.

Mr. BLANTON. It was a pro forma amendment, and I ask to withdraw it.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 2. That section 127 of title 2, chapter 8, of the Revised Statutes as amended by the act of March 2, 1887 (U. S. Stat. L., 49th Cong., 2d sess., v. 24, ch. 318), is hereby further amended so as to read as follows:

"SEC. 127. All officers taking testimony to be used in a contested-election case, whether by deposition or otherwise, shall, within 30 days after the taking of the same is completed, certify and carefully seal and immediately forward the same, by mail or by express, addressed to the Clerk of the House of Representatives of the United States, Washington, D. C.; and shall also indorse upon the envelope containing such deposition or testimony the name of the case in which it is taken, together with the name of the party in whose behalf it is taken, and shall subscribe such indorsement.

"The officer or officers before whom such testimony is taken shall notify the Clerk of the House in writing, immediately upon the conclusion of the taking of the testimony that the taking thereof has been completed and that each and every package of testimony has been forwarded to said Clerk as required by law.

"The Clerk of the House of Representatives, upon the receipt of such deposition or testimony, shall notify the contestant and the contestee, by registered letter through the mails, to appear before him at the Capitol, in person or by attorney, at a reasonable time to be named, not exceeding 20 days from the mailing of such letter, for the purpose of being present at the opening of the sealed packages of testimony and of agreeing upon the parts thereof to be printed. Upon the day appointed for such meeting the said Clerk shall proceed to open all the packages of testimony in the case in the presence of the parties or their attorneys, and such portions of the testimony as the parties may agree to have printed shall be printed by the Public Printer under the direction of the said Clerk; and in case of disagreement between the parties as to the printing of any portion of the testimony, the said Clerk shall determine whether such portion of the testimony shall be printed, and the said Clerk shall prepare a suitable index to be printed with the record. And the notice of contest and the answer of the sitting Member shall also be printed with the record.

"If either party after having been duly notified, should fail to attend, by himself or by an attorney, the Clerk shall proceed to open the packages and shall cause such portions of the testimony to be printed as he shall determine.

"He shall carefully seal up and preserve the portions of the testimony not printed, as well as the other portions when returned from the Public Printer, and transmit the same to the Speaker of the House of Representatives for reference to one of the Committees on Elections at the earliest opportunity. As soon as the testimony in any case is printed the Clerk shall forward, by registered mail, two copies thereof to the contestant and the same number to the contestee; and shall notify the contestant to file with the Clerk, within 30 days, a brief of the facts upon which he relies, which shall in every instance cite the page or pages of the printed testimony referred to, and shall also cite the authorities relied on to establish his case. The Clerk shall forward, by registered mail, two copies of the contestant's brief to the contestee.

"If the contestee questions the correctness of the contestant's brief of the facts or authorities cited, he may, within 30 days of the time the contestant's brief is mailed to him by the Clerk, file a brief specifying the particulars in which he takes issue with the contestant's brief, citing the page or pages of the printed testimony involved and setting forth a correct brief of the facts, together with the authorities relied on to establish his right to retain his seat.

"Upon receipt of the contestee's brief the Clerk shall forward two copies thereof to the contestant, who may, if he desires, reply to new matter in the contestee's brief within like time. All briefs shall be printed at the expense of the parties, respectively, and shall be of like folio as the printed record, and 60 copies thereof shall be filed with the Clerk for the use of the Committees on Elections to which the case has been referred."

Mr. DALLINGER. Mr. Speaker, I offer a committee amendment.

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

The Clerk read as follows:

Mr. DALLINGER moves to amend by striking out section 2 and inserting in place thereof the following:

"SEC. 2. That section 127 of the title 2, chapter 8, of the Revised Statutes as amended by the act of March 2, 1887 (U. S. Stat. L., 49th Cong., 2d sess., vol. 24, chap. 318), is hereby further amended so as to read as follows:

"'SEC. 127. All officers taking testimony to be used in a contested-election case, whether by deposition or otherwise, shall, within 30 days after the taking of the same is completed, certify and carefully seal and immediately forward the same, by registered mail or by express, addressed to the Clerk of the House of Representatives of the United States, Washington, D. C.; and shall also indorse upon the envelope containing such deposition or testimony the name of the case in which it is taken, together with the name of the party in whose behalf it is taken, and shall subscribe such indorsement.

"'The officer or officers before whom such testimony is taken shall notify the Clerk of the House in writing, immediately upon the conclusion of the taking of the testimony that the taking thereof has been completed and that each and every package of testimony has been forwarded to said Clerk as required by law.

"'The Clerk of the House of Representatives, upon the receipt of such deposition or testimony, shall notify the contestant and the contestee, by registered letter through the mails, to appear before him at the Capitol, in person or by attorney, at a reasonable time to be named, not exceeding 20 days from the mailing of such letter, for the purpose of being present at the opening of the sealed packages of testimony and of agreeing upon the parts thereof to be printed. Upon the day appointed for such meeting the said Clerk shall proceed to open all the packages of testimony in the case in the presence of the parties or their attorneys, and such portions of the testimony as the parties may agree to have printed shall be printed by the Public Printer under the direction of the said Clerk; and in case of disagreement between the parties as to the printing of any portion of the testimony, the said Clerk shall determine whether such portion of the testimony shall be printed, and the said Clerk shall prepare a suitable index to be printed with the record. And the notice of contest and the answer of the sitting Member shall also be printed with the record.

"'If either party, after having been duly notified, should fail to attend, by himself or by an attorney, the Clerk shall proceed to open the packages and shall cause such portions of the testimony to be printed as he shall determine.

"'He shall carefully seal up and preserve the portions of the testimony not printed, as well as the other portions when returned from the Public Printer, and transmit the same to the Speaker of the House of Representatives for reference to one of the committees on elections at the earliest opportunity. As soon as the testimony in any case is printed the Clerk shall forward, by registered mail, two copies thereof to the contestant and the same number to the contestee; and shall notify the contestant by registered mail to file with the Clerk, within 30 days from the receipt of the same a brief of the facts, together with a complete abstract of the testimony, upon which he relies, which shall, in every instance, cite the page or pages of the printed testimony referred to, and shall cite the authorities relied on to establish his case. The Clerk shall forward, by registered mail, two copies of the contestant's brief and abstract to the contestee.

"'If the contestee questions the correctness of the contestant's brief of the facts, abstract of the testimony, or authorities cited, he may, within 30 days of the time the contestant's brief is received by him, file a brief specifying the particulars in which he takes issue with the contestant's brief or abstract of the testimony, or authorities cited, citing the page or pages of the printed testimony involved and setting forth a correct brief of the facts and a correct abstract of the testimony, together with the authorities relied on to establish his right to retain his seat.

"'Upon receipt of the contestee's brief and abstract, the Clerk shall forward, by registered mail, two copies thereof to the contestant, who may, if he desires, reply to new matter in the contestee's brief within like time. All briefs and abstracts of testimony shall be printed at

the expense of the parties, respectively, and shall be of like folio as the printed record, and 60 copies thereof shall be filed with the Clerk for the use of the committees on elections to which the case has been referred.' "

Mr. DALLINGER. Mr. Speaker, if Members will take their copies of the bill I will point out just what changes have been proposed in this substitute.

On page 2, line 23, the word "registered" is inserted before the word "mail."

On page 4, line 18, after the word "contestant" the words "by registered mail" are inserted.

In line 19, on the same page, the words "from the receipt of the same" are inserted. That fixes the time when the 30 days shall begin.

In the same line, 19, after the word "facts" the words "together with a complete abstract of the testimony" are inserted.

In line 23, after the word "brief," the words "and abstract" are inserted.

In line 25 of page 4, after the word "facts," the words "abstract of the testimony" are inserted, so that it will read:

If the contestee questions the correctness of the contestant's brief of the facts, abstract of the testimony, or authority cited, etc.

I want to state right here, Mr. Speaker, that with these provisions it is very easy for any contested election case to come to the House on an agreed statement of facts. We have tried to relieve the Committees on Elections of the unnecessary work, which sometimes takes months, of going through a mass of irrelevant testimony. So we require an abstract.

I also wish to state that in one of the contested-election cases before the committee at the present time, with our rule and with no force of law, one of the parties has complied with our rule and given us a very complete abstract of the testimony on which he relies.

On page 5, in the first line, the words "mailed to him by the clerk" are stricken out and the words "received by him" are inserted, so that it will read:

Within 30 days of the time the contestant's brief is received by him.

That time, of course, is fixed, because we have provided in every case that these papers shall be sent by registered mail.

Then in line 3, after the word "brief" the words "or abstract of the testimony or authorities cited" are inserted.

In line 5, after the word "facts," the words "and a correct abstract of the testimony" are inserted.

In line 7, after the word "brief," insert the words "and abstract."

In line 8, after the word "forward," insert the words "by registered mail."

Mr. JONES of Texas. Will the gentleman yield?

Mr. DALLINGER. Certainly.

Mr. JONES of Texas. I think these suggestions are all good, except the one with reference to an abstract of the testimony. You have a provision in here providing for a brief statement of the facts. Now, when you let one party make an abstract of testimony, I have never seen one made up that would be worth much to a court trying to decide the case. You are putting them to considerable trouble and expense for a thing that will not be of much use. I have not been a member of any election committee, and I may be wrong. Then you provide that a party shall make a brief, and the other party may contest any facts that are in it. Why is not that sufficient without an abstract of the testimony which would be a duplication?

Mr. DALLINGER. A brief of the facts is already provided for by existing law, and that can mean almost anything. It is simply what is commonly called a lawyer's brief. As a rule it has been of very little value to committees on elections.

Mr. JONES of Texas. Let me suggest that the trouble you put the parties to in making an abstract of testimony will be of little value; but you also provide in effect that if the other party does not deny every fact in this abstract it is taken as admitted. It has been my experience that that will entail a great deal of detailed work which will amount to nothing.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

Mr. DALLINGER. I ask for five minutes more.

The SPEAKER pro tempore. The gentleman from Massachusetts asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. DALLINGER. Mr. Speaker, the whole object of this bill is to put upon the contestant and contestee this work which is now put upon the Committees on Elections. The contestant and contestee can easily do it when the case is pending during the nine months provided for. They ought to do the work. In the past they have filed briefs to comply with the letter of the law, but the committees have received no benefit from it, and the result is that the committee in each case has been compelled to take the testimony—perhaps 2,000 printed pages—and wade through a mass of irrelevant matter. The object of this provision in the bill is to compel the man who contests the seat of a Member of the House to file an abstract of the testimony upon which he relies; and experience shows that in one case this was done in the last Congress. It was of immense assistance to the committee.

Mr. BRIGGS. Will the gentleman yield?

Mr. DALLINGER. Yes.

Mr. BRIGGS. Is it the intention of the committee that the cost of printing the abstract as well as the brief shall be on the parties?

Mr. DALLINGER. Certainly.

Mr. BRIGGS. In line 10, page 5, you leave out the words abstract of testimony. It seems to me the words "abstracts of testimony" ought to be put in there.

Mr. DALLINGER. The committee will be glad to accept that amendment. Mr. Speaker, I ask unanimous consent to modify the substitute by inserting on line 10, page 5, the words "and abstracts of the testimony."

Mr. SANDERS of Indiana. Reserving the right to object——

The SPEAKER. The gentleman has a right to modify his amendment.

Mr. STAFFORD. Let us have the amendment reported.

The Clerk read as follows:

Insert "all briefs and abstracts of testimony shall be printed at the expense of the parties, respectively."

Mr. SANDERS of Indiana. Mr. Speaker, will the gentleman from Massachusetts yield?

Mr. DALLINGER. I will.

Mr. SANDERS of Indiana. I should like to ask the gentleman if he will not withdraw the amendment and put these minor amendments separately. I will state why I think he ought to do that. The gentleman from Massachusetts has proposed to amend section 2, which covers about four pages, by substituting another amendment which covers a like number of pages. The purpose of the gentleman is a laudable one to make it a clear-cut amendment; but, unfortunately, when amendments are made in that way we have no opportunity to suggest minor amendments to the section so that the committee can understand what we are talking about. The gentleman from Illinois [Mr. CHINDBLOM] had a valuable suggestion to make, and if this substitute is adopted it will be too late to amend it under the rule. If we undertake to amend it while pending, we have no way in which we may address our amendments in an intelligent manner to the committee. I wonder if the gentleman from Massachusetts will not withdraw the amendment and offer his amendments separately; they are minor in character.

Mr. DALLINGER. Ordinarily I would be glad to accept the suggestion of the gentleman from Indiana, but I think I have asked Members to follow the bill as I indicated what changes are made, and I think most of them did follow it.

Mr. SANDERS of Indiana. I followed the gentleman.

Mr. DALLINGER. I do not see the necessity of prolonging the matter; there are other matters pending on the Unanimous Consent Calendar that ought to be disposed of.

Mr. SANDERS of Indiana. Mr. Speaker, I move to strike out from the amendment offered by the gentleman from Massachusetts the following expression: On page 4, line 19, "together with a complete abstract of the testimony," and on page 5, line 5, "and a correct abstract of the testimony." Page 4, line 25, at the bottom of the page, strike out "abstract of testimony."

Mr. STAFFORD. Why not strike out "abstract of testimony" wherever it appears?

Mr. SANDERS of Indiana. Because it is not in the same language each time. Mr. Speaker, the gentleman from Texas [Mr. JONES] made the same comment on it as I had in mind. I want the committee to seriously consider it, because while it is a matter that does not mean so much as legislation, it will mean a great deal to the contestant and contestee in the future, and this House will be dis "cussed" a good many times if we passed it as proposed by the gentleman from Massachusetts.

I am in entire accord with the purpose of the bill. The reason I know just how much of a burden you are putting on litigants is because in the State of Indiana we have a rule of the appellate and the supreme courts which is practically the same which is purposed to be adopted in this bill. That rule requires an abstract of the testimony to be set out in the brief. I have labored sometimes as much as two weeks to put in a brief in the Supreme Court of the State of Indiana an abstract of the testimony, which was absolutely useless, which would never be used by the courts, and which was put in there simply to

comply with the rule of the court, because if you did not comply with the rule of the court in Indiana, as in practically all States, your brief would be stricken from the files, or the case dismissed. Think what is required: First, they come in with the testimony, and then they agree as to the printing of the testimony, and, on failure to agree, it is all printed. There are a number of printed copies, so that all of the members of the committee can have printed copies of the testimony.

Mr. COOPER of Wisconsin. The gentleman said that if they disagreed as to what is to be printed, it is all printed. As a matter of fact, it is left to the Clerk.

Mr. SANDERS of Indiana. I meant to say that; if I said the other it was inadvertently said. If they disagree, the whole matter is left to the Clerk, and as a matter of practice the Clerk will usually print most of the testimony, but you have the printed testimony there, and this rule requires an abstract of testimony. Anyone who ever did that knows how many tedious days and nights it requires to put in an abstract of testimony. It may not be necessary. It may be that the whole case turns on one precinct, yet the rule requires that the contestant shall bring in the testimony of all of the other precincts. The contestee may rely for his defense on all of the testimony because it requires it all, and yet there may be no dispute about any of the testimony except one precinct. He must necessarily have the testimony in there; it must be in the record. It may be that when you get before the committee the lawyers on either side will say that they agree practically that there is no difference except on the one precinct, and yet the testimony on which they rely is all of the testimony. This would require that the contestant would have to set out an abstract of all of the testimony. I do not think that will be helpful to the committee. Notice what is required of the contestee. If he questions the correctness of the contestant's brief of the facts or the abstract of testimony, he may within 30 days after the brief is filed, file a brief specifying the particulars in which he takes issue with the contestant's brief.

The SPEAKER. The time of the gentleman from Indiana has expired.

Mr. SANDERS of Indiana. Mr. Speaker, I ask unanimous consent to proceed for three minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. SANDERS of Indiana. He must cite the page or pages of the printed testimony involved and set forth a correct brief of the facts and a correct abstract of the testimony. He can not say that he objects to the statement made on pages 43, 235, and 456, but he must set out an abstract of the entire testimony.

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

Mr. SANDERS of Indiana. Yes.

Mr. DALLINGER. That was not the intention of the committee at all. It simply is a correct abstract of the testimony which he takes issue with.

Mr. SANDERS of Indiana. But that is not so stated.

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

Mr. SANDERS of Indiana. Yes.

Mr. BOWLING. It seems to me that the provision was that the abstract must contain the testimony on which the contestant relies.

Mr. SANDERS of Indiana. That is correct. Suppose the contestant relies upon the evidence of the votes in all of the precincts, and there is a dispute upon only one precinct. He relies upon all of the testimony, does he not? They may not agree to the record. It is very likely they do not, because when people are adversaries they frequently do not agree when they ought to, but relying on that testimony, it has not only to be printed, but it must be abstracted—John Jones said so and so at such and such a time. That is an endless task. I say that in the passage of this bill we are putting unnecessary burdens on the contestant and the contestee.

I want to say just a word upon the subject of contested elections. I do not think the passage of this measure will bring a situation about where the contested election cases will be decided in the first two or three months. If anyone is voting for this bill with that in mind, he is misguided. I served on an elections committee during my first term here. It was in the Britt-Weaver case. There were 1,100 pages of fine printed record in that case, and the parties relied upon it all—and, by the way, under this they would have had to abstract the whole record. The members on the committee had to sift through that testimony, and it might be that by more diligent work we could have reported it out a month or two earlier than we did. We reported it out during the last of the Congress, but I can say to the House that it required practically all of the time the committee had to get that case ready to present to this House. A contested-election case covers such a wide variety of testimony and it is such an endless task for the attorneys representing the contestant and the contestee, it is such an endless task for the committee which investigates it conscientiously, that the very nature of it will work to bring it in during the last of the term of Congress.

Mr. LUCE. The members of Committee on Elections No. 2, of which I have the honor to be the chairman, on returning from a joyous vacation found themselves depressed by the aspect of a volume of about 1,600 pages of fine print which we are expected to peruse assiduously, diligently, and conscientiously—every single page of it, if our new rule calling for an abstract is not honored. If the House would pay my oculist's bill after I get through with that task, perhaps I should withdraw opposition to the position taken by the gentleman from Indiana [Mr. SANDERS].

It seems to me that he makes a mistake in drawing a parallel between what he had to do in Indiana and what we desire to have done here. The counsel in this particular election case, as in all other election cases, have undoubtedly admitted a great mass of irrelevant testimony, which never would have confronted an Indiana lawyer required to make an abstract. It is an imposition on human nature, a needless task of the strength of Members of Congress, to require them to peruse this irrelevant testimony.

Your three Committees on Elections have already observed the advantages coming from compliance with the rules we issued at the beginning of the session, which it is now proposed to enact into law. Mind you, this law can not prevent future election committees from proceeding as they choose in the matter. All such rules and laws, by reason of the constitutional direction to the House to judge of the qualifications of its Members, are merely declaratory, not mandatory. Given the formality of a statute, the rules are more likely to secure compliance and so help the committees in the carrying out of their work. The experience of the committees that have joined in presenting for your consideration these changes in the law leads them to believe that without hardship to anybody the time of the members of the committees will be conserved by their adoption and that more expeditious handling of election cases will result. If you are willing to rely upon the judgment of those whom you ask to handle these cases, based upon their experience in handling them, you will accept the proposal of the gentleman, my colleague from Massachusetts [Mr. DALLINGER]. Neither here nor anywhere else do his statements need corroboration, but it may be fitting that, as chairman of one of the other election committees, I should put upon record the fact that they also considered these proposed changes and felt that they should meet with the approval of the House.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. LUCE. I will.

Mr. SANDERS of Indiana. The gentleman from Massachusetts understands that what I have sought to strike out is the part that is added by the proposed amendment offered this morning by his colleague from Massachusetts, and that with that part stricken out there would still be a requirement here that the contestant file a brief of facts the same as he has always done.

Mr. LUCE. I think the gentleman from Indiana does not understand that what it is proposed here to be enacted into law we had already put into rules at the opening of this session, and the working of those rules so far in securing to us abstracts has proved of advantage.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. LUCE. I will.

Mr. CHINDBLOM. May I suggest to the distinguished gentleman from Massachusetts that the testimony which comes to those Committees on Election is taken before notaries public, where no objection to the testimony is noted, where anything bearing, relevant or irrelevant, whether competent or incompetent, is always admitted, and frequently in reading the testimony in a case you will run over a half dozen pages before you will find one iota of essential testimony.

Mr. LUCE. The gentleman from Illinois is absolutely correct. The point to be made is that counsel can not complain of the necessity of making an abstract after they themselves have inserted this vast amount of irrelevant testimony that they themselves might easily have excluded.

Mr. RAKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAKER. Would a substitute by way of amendment be in order to the amendment offered by the gentleman from Massachusetts?

The SPEAKER. The gentleman from Massachusetts offered an amendment by way of a substitute. The gentleman from Indiana has offered an amendment to this.

Mr. RAKER. Is that amendment now pending?

The SPEAKER. That amendment is pending. After that is voted upon, then it would be in order to offer an amendment.

Mr. RAKER. I ask to be recognized for five minutes.

The SPEAKER. The Chair thinks the gentleman from Iowa [Mr. DOWELL], being the chairman of one of the Committees on Elections, is entitled to recognition.

Mr. DOWELL. Mr. Speaker, in the first place, I would favor the taking of this testimony before a court or before a referee appointed by the court to pass upon the admissibility of this testimony. I think two-thirds of the testimony in all these cases would be entirely eliminated if a Federal court would appoint a referee to take testimony for both contestant and contestee and determine the admissibility of the testimony. I would very much prefer that, but under the present system, as has been stated here, a very large part of the testimony is irrelevant and immaterial. Both sides present all kinds of testimony, and it is necessary for the committee to go into it in detail before it is able to determine what is relevant and what is not. Now, there is no one, at least there should be no one, more familiar with the record and what the testimony actually shows than counsel who represent the parties before the committee, and they are the ones, it seems to me, who should abstract this record in order to present the testimony that bears directly upon the case.

I think this amendment suggested by the gentleman from Massachusetts is along the right lines to expedite the disposition of these contested-election cases. I want to say from my experience that since the present rule has been adopted providing for an abstract of the record very much of this testimony has been eliminated which does not bear directly upon the case, and much time has been saved, by counsel coming directly to the questions involved. This amendment ought to be adopted as suggested by the gentleman from Massachusetts, and I think the gentleman from Indiana [Mr. SANDERS] is finding a great deal of trouble that will not exist when it comes to the practical operation of this legislation.

Mr. JONES of Texas and Mr. WINGO rose.

Mr. WINGO. Mr. Speaker——

Mr. JONES of Texas. I will yield to the gentleman from Arkansas.

Mr. WINGO. I yield to the gentleman from Texas, who is the older man. [Laughter.]

Mr. JONES of Texas. No.

Mr. WINGO. Mr. Speaker, I have not had an opportunity of hearing the debate on this question, but as I understand the proposition the gentleman from Indiana protests against the requiring of the printing of the abstract. I do not know what has been the custom heretofore in reference to the printing of the record or in reference to the officer before whom the testimony is taken undertaking to pass upon the admissibility of the testimony——

Mr. CHINDBLOM. Will the gentleman yield?

Mr. WINGO. I will.

Mr. CHINDBLOM. The officer does not pass upon the admissibility of the testimony at all. It is taken before a notary public, and counsel fill up the record with anything they have a mind to fill in.

Mr. WINGO. Now, from the nature of things, that has to be true. The suggestion was made by one gentleman that he would prefer a referee or a commissioner to be appointed by the Federal court to pass upon the testimony. In the very nature of things that would be unwise, because the man before whom the testimony was taken might have only that one case that he considered and necessarily would have to study the precedents of the Congress and undertake to determine and know what the policy of the Congress was, and he would have to learn a new field of law.

The most practical way would be to leave it to each counsel as to what should be offered, and let the opposing counsel note objections to the relevancy or admissibility of it, and whatever part of the record is printed, let them submit it to the committee, and strike out what is not admissible. It would be better if you required each party to print only an abstract of the real record; that is, the facts upon which they rely, citing the pages of the typewritten testimony. Then if the opposing counsel should contend that the abstract was not correct, we could do as we do in the appellate courts in my own State. It may be so in other States. My appellate practice has been confined principally to my own State. There, if we think the appellant has not fairly abstracted the record, we can present our abstract and present such part of the record as we contend is not fairly presented, and by that method there will be a clear-cut presentation of the facts for the committee to consider, without wading through a great mass of irrelevant testimony. That would be an advantage to the Members of the House when we come to consider a case. I know that has been my experience when you go to wading through a vast record. In that record there may be four or five pages here and there of matter that you care nothing about, although it might, in the mind of the counsel at the time it was offered, have a possible bearing on the case, but with the subsequent closing of the issues it would be irrelevant and a waste of time for one to read it.

But if you have proper counsel to abstract the facts, and if he is intelligent enough and wise enough to fairly and wisely abstract the testimony, even if it is against him, then the committee and the House, when they come to consider an election case, can save time and avoid confusion in the minds of the Members of the House as to what the record really is.

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

Mr. WINGO. I yield to the gentleman.

Mr. DOWELL. Permit me to say that the suggestion of the gentleman from Arkansas [Mr. WINGO] is absolutely correct, and if we should authorize the abstract to be printed by the Clerk at the expense of the House it would be found very much more satisfactory and cheaper in the end.

Mr. WINGO. I should favor a provision that would require the parties to prepare their abstract of the testimony and make it the contestant's duty to submit that abstract and furnish a copy of it to the contestee. If the contestee insists that it is not fairly abstracted, let him file his contention on that point in the way of a supplemental abstract, and then let the Clerk of the House print the abstract as prepared by the contestant and the supplementary contention of the contestee, setting out new matter in the abstract, and let both be printed.

That would expedite the work of the members of the committee, and would shorten the procedure in the House, where usually we want to refer quickly to the record on some particular point.

The SPEAKER. The time of the gentleman from Arkansas has expired.

Mr. JONES of Texas. Mr. Speaker, I dislike very much to take issue with the very young gentleman from Arkansas, but it seems to me that under the guise of what is intended to be accomplished you are putting a great burden of work on both parties which will be absolutely useless and an added expense that will ultimately be shifted to the Government. You have already a provision in the law to the effect that the party filing a contest shall file a brief statement of the facts upon which he relies. The other man is supposed to deny those facts. Now, in that brief statement he is permitted to file all of the facts upon which he relies, and the other man is permitted to contest those facts.

If you adopt this amendment you require the man filing the contest to file, in addition to the above, a complete summary of all the facts in the case upon which he relies, and consequently, in order to be sure that he leaves nothing out, he will file a great, long abstract of testimony. You know sometimes what an attorney or one who is representing another party or the man himself considers of little importance turns out to be of great importance when brought before the final tribunal. Therefore, in order to have everything in, he will print a great, long abstract of the testimony and most generally from a partisan viewpoint.

I appreciate the suggestion of my friend from Massachusetts [Mr. LUCE] who wants some ocular relief, but as a matter of fact he will find that after he reads that abstract of testimony he must eventually go down to the details of the case as shown by the sworn testimony. No court on earth can rely on an abstract of testimony made by one of the parties. If it should be made by a distinterested party it might be worth something, but the abstract of one man may contain statements which another man will deny and controvert, and after reading the two briefs you will have to go back ultimately to the record testimony in order to find the real facts.

Mr. DOWELL. Is there any court in the land that does not absolutely do that?

Mr. JONES of Texas. At one time the courts in my State required that in reference to pleadings, but we found that while on its face it seemed to grant relief, yet in the end it simply burdened the case and encumbered the record, and finally the court had to go back to the original facts. Let the brief refer to the parts of the record on which the parties rely, and then all you have to do is to read those parts in order to render an intelligent decision. You must do that in order to render a de-

cision which you can rely on, because you can not rely on abstracts of testimony made by the parties to a contest.

You are simply putting a great expense on both the contestant and the contestee, and the result will be worthless. And, finally, the Government pays for all this. If the committee wishes to establish a rule to the effect that an abstract shall be prepared by either party, in addition a brief statement of facts, they can make a rule which will require that to be done. A great many courts do that, but the legislatures do not put it in the law that they shall do such a thing. We depend upon the courts to establish certain rules. Now, if the committee wants an abstract of the testimony in any case or the abstract of the testimony of a witness, they can establish rules requiring that, but when you put it in the law requiring the contestant to file an abstract, if there are 2,000 or 3,000 pages of it we would have to go to the expense of printing it, and it would be worthless when we get through. I believe the amendment of the gentleman from Indiana should be adopted.

Mr. RAKER. Mr. Speaker, I am not going to take any extra time on this matter, but in order that I may present my viewpoint in a consecutive way I ask unanimous consent that I may proceed for 10 minutes.

The SPEAKER. The gentleman from California asks unanimous consent that he may proceed for 10 minutes. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, does the gentleman intend to speak on this bill?

Mr. RAKER. On nothing else except the bill that is before the House.

The SPEAKER. The Chair hears no objection.

Mr. WINGO. Before the gentleman begins may I ask him a question?

Mr. RAKER. I prefer not to yield at this time, because I do not want my thought to be diverted from the purpose of it, but I will yield to the gentleman notwithstanding.

Mr. WINGO. I think the gentleman will be interested in it. Some suggestion is made by my elderly friend from Texas that you could not rely on a partisan abstract. I do not know how it is in the gentleman's State, but in my State if counsel for the appellant should file an abstract of the testimony that was plainly and deliberately incorrect and unfair that gentleman would be in very serious trouble with the court. Not only would he have his abstract stricken from the files of the court and lose the entire expense of the printing thereof but he would be in serious trouble with that court with regard to his continuing his practice.

Mr. JONES of Texas. The gentleman's State is an exception to all rules.

Mr. RAKER. The statement of the gentleman from Arkansas is very likely correct. Now, gentlemen, having had some little experience in the matter of preparing records for the supreme court in my own State, as well as Oregon and Nevada—my friend from Oregon will correct me if I am mistaken—I think this could be simplified, and save the House and the litigants many thousands of dollars and expedite the trial of the case.

I have a proposed substitute here, and if I can find any way to offer it I think the House will agree to it. It is, in substance, this: There is no amendment to the proposed section down to line 18. Then I propose to strike out after line 18 to line 5 on page 4, and then not allow the Clerk to print the record, but let the Clerk deliver the record as it comes in to the Speaker and the Speaker deliver it to the Committee on Elections. Then notify the contestant, and he must within 30 days file his brief and his abstract of the testimony, serving it upon the contestee, the contestee then having 30 days in which to file his reply to the testimony and his brief. The contestant is then to have 10 days in which to reply, the case to be submitted, and the brief and abstract of the record to be printed by the respective parties.

For many years the State of Oregon in the trial of its civil cases has prepared a bill of exceptions or statement, but in the trial of an equity case the original testimony is taken down and an abstract of the record is sent to the supreme court of the State. The court tries the case upon that abstract, or upon the original record and the abstract. For many years in our State and in other States we prepared bills of exceptions or statements of the case, which in substance are the same, one requiring a little more technicality than the other; but some 10 or 12 years ago we adopted an alternate rule whereby a party could request that the original record, with a certified copy of the exhibits, be sent to the supreme court. Then there was no printing of the record. That saved the litigants thousands and tens of thousands of dollars. The party appealing was compelled to print an abstract of the record and testimony. The party contesting can answer it if he desires, or print his brief, and I will guarantee you that, with the exception of possibly one or two cases in which the record has been stricken out, the party appealing and making the abstract of the record has stated the facts correctly and fairly as they exist in the record. In that way you are saved from this enormous expense of printing these voluminous records. The House and the Committee on Elections have the original record. It is all before the committee, with an abstract of the testimony, and you will find in looking over these cases that it requires only from 15 to 40 pages to present the case clearly, and all that is in it.

Mr. JONES of Texas. But under your rules the party is not knocked out and does not lose his appeal if he fails to present all the essential facts.

Mr. RAKER. He would not be here.

Mr. JONES of Texas. This requires him to state a complete abstract of the testimony on which he relies. You are not making it a rule, but are putting it into statute law.

Mr. RAKER. My amendment would simply require a brief of the facts together with an abstract of the record and the testimony.

Mr. JONES of Texas. That is all right.

Mr. RAKER. Let us be frank. We all know that in the trial of a case sometimes it may take 20 pages of questions and answers to divulge one fact, namely, did the man go between Washington and Baltimore on the 3d of September, 1921? That can be stated in an abstract of 1 line, although it may have taken 20 pages to develop it in the testimony.

Mr. JONES of Texas. If it was a contested issue, would you not finally go to the testimony itself before you made up your mind?

Mr. RAKER. No, my dear sir; honor between men——

Mr. JONES of Texas. What would you rely on then?

Mr. RAKER. Listen. The gentleman overlooks the point involved in the case, namely, the entire sworn record certified by the officers on file with the Committee on Elections.

Mr. JONES of Texas. Yes; but suppose the point you make is one of the questions in issue, and the contestant sees it one way and the contestee sees it the other way. Then you have to go to the testimony to determine it.

Mr. RAKER. Why, certainly.

Mr. JONES of Texas. So, finally, you have got to go to the record to determine the essential facts in the case.

Mr. RAKER. Surely you do, in any case. Now, listen. Here it may take a hundred pages to develop a fact, but you can state it on half a page of the abstract. The contestant will set it out in the abstract, and if he leaves out anything the contestee will add it by another two or three lines.

If there is any difference in opinion between the counsel representing the respective parties who are seeking seats in Congress they can go to the original record on file with the committee, and the committee finally, of necessity, even now, must look to the original record to see what the testimony is, and will decide accordingly.

Mr. JONES of Texas. Would it not be simpler to have the man that prepares the brief refer to the page of the record where the essential fact is found?

Mr. RAKER. No. You look over the records and you will see in some cases 5,000 pages of printed matter, and I will guarantee that the brief and argument have been summed up in 150 pages upon which the House and the committee pass. Now, answering the gentleman's question, an abstract of the record and testimony is simply an abstract, and you can go over one in five minutes and cover a complicated case that may have taken a month in taking the testimony. There is the petition and the answer filed with the Clerk, and that constitutes the record. Now, the testimony says so and so, and it can be put out and you refer to it with the record. Then you put your brief in referring to these matters, and if there is any contest, any difference between the contestant and the contestee, the committee, as of necessity, will have to look at the original record which is on file.

Now, let me call the attention of the House to the fact that here are 1,000 pages. There is a question of fact that requires the reviewing, perhaps, of 100 pages of testimony. Can not the committee turn to the typewritten testimony as it was taken just as easily as it could turn to the printed volume which has cost this House perhaps $5,000? In the same way it brings the case on to trial from a month to six months earlier, and that is the method followed now in two-thirds of the States in the matter of preparing the record for the purpose of adjudicating matters of this kind.

Mr. SANDERS of Indiana. Is it not the opinion of the gentleman that if the plan of the committee is followed it requires the printing of the abstract and the testimony and the brief at the cost of the Government?

Mr. RAKER. If you made the Government print it they would put it all in, because the fellow would be afraid that the other one would put it all in. If you require the litigants to print it, then you put an extra burden on them of printing the entire testimony in effect, because it says "a complete abstract of the testimony."

The SPEAKER. The time of the gentleman from California has expired.

Mr. RAKER. Mr. Speaker, I would like to have this amendment pending. Can it be read as an amendment to the substitute?

The SPEAKER. Does the gentleman offer the amendment as a substitute to the amendment of the gentleman from Massachusetts?

Mr. RAKER. Yes.

Mr. SANDERS of Indiana. Can the gentleman offer a substitute for a substitute?

The SPEAKER. The gentleman has offered an amendment in the nature of a substitute for the amendment offered by the gentleman from Massachusetts.

Mr. SANDERS of Indiana. I understood it was offered as a substitute for the original substitute.

The SPEAKER. Every substitute is an amendment.

Mr. STAFFORD. Mr. Speaker, I direct the attention of the Chair to the fact that the gentleman from Massachusetts moved to strike out section 2, and offered an amendment in the nature of a substitute. Then the gentleman from Indiana offered an amendment to that substitute. The only question before the House is the amendment to the substitute offered by the gentleman from Indiana. The gentleman from California may have the right to offer a preferential motion to amend the text of the bill before the substitute is voted upon. But that is not the purpose of the gentleman from California.

The SPEAKER. The Chair understood the gentleman from California that that is his purpose.

Mr. STAFFORD. No; he proposes to offer a substitute for the substitute.

The SPEAKER. An amendment in the nature of a substitute.

Mr. STAFFORD. There is no amendment in the nature of a substitute allowed to an amendment in the nature of a substitute. If the gentleman from California may now offer an amendment in the nature of a substitute to the amendment in the nature of a substitute offered by the gentleman from Massachusetts, then there may be an amendment offered to that amendment in the nature of a substitute of the gentleman from California.

The SPEAKER. Certainly.

Mr. STAFFORD. And then if an amendment perfecting the text as a preferential amendment and an amendment to that perfecting amendment is offered, we would have five amendments pending. You can never have more than four amendments pending. What is before the House? Section 2 and an amendment in the nature of a substitute and an amendment to that amendment. I have the right to offer an amendment to the text as a preferential amendment, and some person may offer an amendment to that. That is the limit.

Mr. RAKER. The amendment of the gentleman from Indiana is an amendment to perfect the text.

Mr. SANDERS of Indiana. My amendment is directed to the amendment of the gentleman from Massachusetts.

Mr. STAFFORD. Some gentleman may want to perfect the text and some Member may offer an amendment to that.

I wish to direct the attention of the Chair to the rule which says that a motion to strike out——

The SPEAKER. The Chair will hear the gentleman. The Chair will be glad to have the gentleman cite any authorities.

Mr. STAFFORD. There is a rule, Mr. Speaker, which provides that a motion to strike out and insert does not prevent——

The SPEAKER. The gentleman did not understand the Chair. The Chair has no doubt that a motion to perfect the original text would be in order. That sets aside all pending amendments. That is always in order. The gentleman need not cite authority for that.

Mr. STAFFORD. I take this position because it will be a leading case, and I think one that will be cited more times than once if it is adhered to. It was within the province of any Member after the gentleman from Massachusetts offered his amendment in the nature of a substitute, and the gentleman from Indiana offered his amendment to the amendment of the gentleman from Massachusetts, to offer an amendment to perfect the text.

The SPEAKER. There is no doubt about that.

Mr. STAFFORD. Before a vote was had on either of the two pending amendments.

The SPEAKER. Certainly.

Mr. STAFFORD. Then an amendment to that amendment, and they are the only four amendments that can be pending at any time—an amendment perfecting the text, an amendment to that amendment, an amendment in the nature of a substitute, and an amendment to that amendment.

The SPEAKER. When a gentleman offers an amendment in the nature of a substitute, then the Chair thinks another amendment can be offered to that as a substitute for it. Why can it not be?

Mr. STAFFORD. If that is the case, then another Member can offer an amendment.

The SPEAKER. Oh, no; that ends it.

Mr. STAFFORD. Because the gentleman from Indiana has offered an amendment to the amendment in the nature of a substitute.

The SPEAKER. Certainly.

Mr. STAFFORD. And that precludes any amendment to the substitute until the House votes upon the amendment of the gentleman from Indiana; then you get a test of the House as to whether they wish the substitute amended or not. The only thing before the House at this moment is an amendment in the nature of a substitute.

The SPEAKER. Certainly.

Mr. STAFFORD. It is within the province of gentlemen to amend it.

The SPEAKER. Certainly.

Mr. STAFFORD. The House can vote it up or down.

The SPEAKER. Certainly.

Mr. STAFFORD. If it is voted up or down, another Member may offer an amendment to the amendment in the nature of a substitute, but while pending any amendment to the amendment in the nature of a substitute can not be offered.

The SPEAKER. That is the point that the Chair will be glad to have the gentleman cite authority upon.

Mr. SANDERS of Indiana. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. SANDERS of Indiana. I have always understood the rule to be this, that there were four motions possible to be pending at the same time. If you start out with a substitute, you can call it an amendment or a substitute, but when you take a section and put something else in its place it is a substitute——

The SPEAKER. Yes; but that is an amendment.

Mr. SANDERS of Indiana. Call it by whatever name you wish, the short name for it is a substitute. Then you have a right to amend that substitute. Another Member has the right to offer a substitute for the amendment to the substitute. Then another Member has a right to offer an amendment to that substitute, and there you have the four. If the Speaker should rule that you had a right to offer a substitute for the original substitute, you could not limit it to the four amendments.

The SPEAKER. Certainly you could. You could stop right there. The question the Chair would like to hear authority on is this: When there is an amendment—call it an amendment or a substitute—pending, which is an amendment in the nature of a substitute, and then there is an amendment to that, the Chair will be glad to hear cited any authority that you can not offer an amendment in the nature of a substitute to that.

Mr. STAFFORD. Perhaps the rule I had in mind to which I now direct the attention of the Chair, clause 7 of Rule XVI, impliedly embodies that principle of inhibition:

A motion to strike out and insert is indivisible, but a motion to strike out being lost shall neither preclude amendment nor a motion to strike out and insert.

I read now from the notes:

When it is proposed to strike out and insert not one but several connected matters, it is not in order to demand a separate vote on each of these matters, as when a substitute containing several resolutions is proposed.

The SPEAKER. The Chair has read that through.

Mr. STAFFORD. To continue—

but after this substitute has been agreed to it is in order to demand a division of the original resolution as amended.

The SPEAKER. The Chair does not think that is relevant to this question.

Mr. STAFFORD. With all due deference to the Chair, I think it shows that it is intended to bring it to a vote in the House, to bring the matter to a vote on the substitute; otherwise you will be getting far afield. There is pending before the House an amendment in the nature of a substitute to strike out and insert. It embodies various substantive propositions. This rule says that you can not even ask for a division of those substantive propositions until the House acts on the substitute to determine the will of the House, whether the substantive text before the House shall be amended or whether the substitute shall be acted upon. There is the implied author-

ity that you should not go ramifying extraneously, as I consider you are doing here, when a substitute is before the House and an amendment to that substitute is before the House—that you can then modify the substitute by leaving out some of the substantive provisions—because if it is in order to entertain a motion in the nature of a substitute to an amendment in the nature of a substitute, a gentleman can accomplish indirectly that which he can not directly by failing to include in his motion some of the substantive provisions that are included in the substitute under consideration.

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

Mr. STAFFORD. Yes.

Mr. WALSH. Does the gentleman contend that if the gentleman from Massachusetts offers a motion to strike out section 3 and insert other matter, that his motion can not be amended by striking out the matter he proposes to insert and inserting something else?

Mr. STAFFORD. Oh, an amendment——

Mr. WALSH. That is this case exactly. Does the gentleman contend that that can not be done?

Mr. STAFFORD. An amendment to his amendment is in order; yes. It can be done, but only as an amendment to his amendment, and only when an amendment to his amendment is in order.

Mr. WALSH. Who says what kind of an amendment it must be?

Mr. STAFFORD. There is one amendment pending. Until that is acted upon another amendment can not be entertained to that substitute.

Mr. SANDERS of Indiana. Nobody says what kind of an amendment it is. The amendment speaks for itself. If it is a substitute it is a substitute.

Mr. WINGO. Will the gentleman yield?

Mr. STAFFORD. I will.

Mr. WINGO. Would not the language of the original substitute to the substitute show whether or not it was actually an amendment or whether it was totally and wholly a substitute?

Mr. WALSH. There is no difference.

Mr. STAFFORD. There is an amendment pending in the nature of a substitute.

Mr. WINGO. Illustrate it this way: Suppose there is a motion pending—I am not familiar with the particular details of this—to strike out the whole section, to use the illustration of the gentleman from Massachusetts. Then, say that an amendment should be offered in the way of a substitute. That would be an amendment by way of a substitute. Then, suppose some one should offer an amendment, whether you call it an amendment or a substitute, intended to strike out the whole section and insert some other new matter. Would that be a substitute or an amendment to a substitute?

Mr. STAFFORD. We have here pending an amendment to strike out a portion of the substitute, and that should be acted upon before any other amendment is in order on the substitute, so that the attention of the House will not be distracted from the question before the House.

Mr. WINGO. If the gentleman will yield right there, as I understand, there is an amendment pending to strike out certain parts of the substitute?

Mr. STAFFORD. There is. That is the amendment offered by the gentleman from Indiana.

Mr. WINGO. Does the gentleman contend that is not in order?

Mr. STAFFORD. It is in order. With that pending before the House, the gentleman from California [Mr. RAKER] now asks the privilege of offering an amendment in the nature of a substitute to an amendment in the nature of a substitute to the original amendment.

Mr. WINGO. I do not think he can do it.

Mr. STAFFORD. That is the position I am taking, but the Chair has decided offhand that he could have the privilege.

Mr. WINGO. The gentleman has convinced me; he had better convince the Chair.

Mr. STAFFORD. I have been struggling for 15 minutes to convince the Chair, and I need some help, I believe.

Mr. SANDERS of Indiana. Rule XIX says—of course, the Speaker is familiar with that——

The SPEAKER. The Chair will hear the citation if the gentleman desires.

Mr. SANDERS of Indiana. I have no citation except that as pointed out in Rule XIX.

Mr. JONES of Texas. Mr. Speaker, in a little rule book here, Cannon's Book of Rules, page 7, it seems to me is illustrated the position taken by the gentleman from Wisconsin, and I think his position is correct. The gentleman from Massachusetts offered an amendment by way of a substitute. Now, that substitute is subject to amendment as shown in the second part by a diagram. An amendment could be offered to the amendment of the gentleman from Indiana, also an amendment could be offered to the substitute, but a substitute could not be offered to the substitute. The offering of a substitute to a substitute is not in order. The term "substitute" includes the term "amendment," but an amendment does not include a substitute. A substitute is always an amendment, but an amendment is not always a substitute, and there is a distinction. A substitute is broader than an ordinary amendment. The substitute which has been offered by the gentleman from Indiana may be amended. Now it is in order to offer an amendment to the amendment of the gentleman from Indiana. It is also in order to offer an amendment to the substitute offered by the gentleman from Massachusetts [Mr. DALLINGER], but it is not in order to offer a substitute to a substitute.

The SPEAKER. It seems to the Chair the gentleman from Massachusetts has offered an amendment, whether you call it a substitute or not, and the gentleman from Indiana offered an amendment to that. Now, the gentleman from California offers an amendment in the nature of a substitute, and there can be an amendment to that. The Chair does not see any difference. Because the amendment of the gentleman from Massachusetts is a substitute to the section it makes no difference in the ordinary rule that you could have an amendment, an amendment to the amendment in the way of a substitute for the amendment, and an amendment to that.

Mr. JONES of Texas. If the Chair makes no distinction between a substitute, the position the Chair takes is undoubtedly correct. I have always understood that a substitute was different from an amendment; that a substitute is an amendment, but an amendment is not always a substitute; that a substitute must be something to take the place of the entire matter, whereas an amendment may simply change a word or a small portion of the text.

Mr. SANDERS of Indiana. Rule XIX says:

> And it shall also be in order to offer a further amendment by way of substitute, to which one amendment may be offered.

The SPEAKER. That means a substitute for the amendment.

Mr. WALSH. There is no such thing as an amendment by way of a substitute for the original text. A substitute is always offered in place of an amendment which has been offered and not for the original text. The original amendment was a motion to strike out and insert. Now, to that amendment one substitute can be offered, and there can be an amendment to that substitute. But gentlemen get confused by calling the amendment of the gentleman from Massachusetts a substitute, which it is not. It is an amendment. A substitute can only be offered when an amendment has been offered.

Mr. JONES of Texas. Does the gentleman claim that you can not offer a substitute for a paragraph of the original text by striking out the entire paragraph and inserting a new paragraph? Would not that be a substitute for the original text?

Mr. WALSH. No. It is not an amendment by way of substitute. That is to strike out and insert. It makes no difference whether you take the entire paragraph or only a part of it.

Mr. JONES of Texas. That would be only another name for it.

Mr. WALSH. The word "substitute" as used in the rule, as the gentleman will see by a careful reading, applies to an amendment that has already been offered. If you read the language read by the gentleman from Indiana [Mr. SANDERS] you will see from what he read that when an amendment is offered only one substitute to that amendment can be offered.

Mr. JONES of Texas. That is all true, but that does not necessarily mean that you can not offer a substitute to an original text.

Mr. WALSH. I do not see how you can offer a substitute when an amendment has not been offered.

Mr. JONES of Texas. That at least is the way it was offered here, and the way it was accepted.

The SPEAKER. The gentleman from Massachusetts [Mr. WALSH] has stated substantially what the Chair has been attempting to state.

Mr. WINGO. Mr. Speaker, I do not know whether the Chair has before him a note under section 805 of the Manual under Rule XIX, but certain precedents are there cited. I think possibly it carries out the contention of the gentleman from Massachusetts. I read:

> An amendment in the third degree is not specified by the rule and is not permissible, even when the third degree is in the nature of a substitute for an amendment to a substitute. But a substitute amendment may be amended by striking out all after its first word and inserting a new text.

That is what is proposed here, and it has been ruled that that would be permissible. I read further:

As this, while in effect a substitute, is not technically so, for the substitute always proposes to strike out all after the enacting or resolving words in order to insert a new text.

I think that settles it.

The SPEAKER. The Chair overrules the point of order. The Clerk will report the amendment.

The Clerk read as follows:

Mr. RAKER moves to strike out all of section 2 and insert the following in lieu thereof:

"SEC. 2. That section 127 of title 2, chapter 8, of the Revised Statutes as amended by the act of March 2, 1887 (U. S. Stats. L., 49th Cong., 2d sess., vol. 24, ch. 318), is hereby further amended so as to read as follows:

"'SEC. 127. All officers taking testimony to be used in a contested-election case, whether by deposition or otherwise, shall, within 30 days after the taking of the same is completed, certify and carefully seal and immediately forward the same, by mail or by express, addressed to the Clerk of the House of Representatives of the United States, Washington, D. C.,; and shall also indorse upon the envelope containing such deposition or testimony the name of the case in which it is taken, together with the name of the party in whose behalf it is taken, and shall subscribe such indorsement.

"'The officer or officers before whom such testimony is taken shall notify the Clerk of the House, in writing, immediately upon the conclusion of the taking of the testimony that the taking thereof has been completed and that each and every package of testimony has been forwarded to said Clerk as required by law.

"'The Clerk of the House of Representatives upon the receipt of such deposition or testimony shall notify the contestant and the contestee, by registered letter through the mails, to appear before him at the Capitol, in person or by attorney, at a reasonable time to be named, not exceeding 20 days from the mailing of such letter, for the purpose of being present at the opening of the sealed packages of testimony.

"'If either party, after having been duly notified, should fail to attend, by himself or by an attorney, the Clerk shall proceed to open the packages.

"'He shall transmit the same to the Speaker of the House of Representatives for reference to one of the committees on elections at the earliest opportunity. As soon as the testimony in any case is forwarded by the Speaker to one of the commmittes on elections, the Clerk of the House shall notify the contestant to file with the Clerk, within 30 days, a brief of the facts, together with an abstract of the record and testimony upon which he relies, which shall in every instance cite the page or pages of the testimony referred to, and shall also cite the authorities relied on to establish his case. The Clerk shall forward, by registered mail, two copies of the contestant's brief and abstract of record and testimony to the contestee.

"'If the contestee questions the correctness of the contestant's brief of the facts, abstract of record and testimony, or authorities cited, he may, within 30 days of the time the contestant's brief and abstract of record and testimony is mailed to him by the Clerk, file a brief specifying the particulars in which he takes issue with the contestant's brief or abstract of record and testimony, and citing the page or pages of the testimony involved and setting forth a correct brief of the facts, together with the authorities relied on to establish his right to retain his seat.

"'Upon receipt of the contestee's brief and abstract of record and testimony the Clerk shall forward two copies thereof to the contestant, who may, if he desires, reply to new matter in the contestee's brief within like time. All briefs and abstracts of record and testimony shall be printed at the expense of the parties, respectively, and 60 copies thereof shall be filed with the Clerk for the use of the Committee on Elections to which the case has been referred.'"

Mr. DALLINGER. Mr. Speaker, I move the previous question on the amendment.

Mr. WALSH. Will the gentleman agree that the amendment of the gentleman from Indiana may be reported before he moves the previous question?

Mr. DALLINGER. I only move the previous question on the amendment of the gentleman from California.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from California [Mr. RAKER].

The question was taken, and the amendment was rejected.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Indiana.

Mr. HOCH. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The gentleman from Kansas moves to strike out the last word.

Mr. HOCH. If I may have the attention of the chairman before we vote on that, I want to get a little information in reference to a provision. I direct the gentleman's attention to the last paragraph on page 2, where it seems to be provided that the officer before whom the testimony is taken shall forward the testimony to the Clerk of the House within 30 days after the completion of the testimony, and then in the second paragraph on page 3 it is provided that this officer before whom the testimony is taken shall notify the Clerk of the House in writing immediately upon the conclusion of the taking of the testimony that the taking thereof has been completed and that each and every package of testimony has been forwarded to said Clerk, as required by law.

It seems there is a plain inconsistency there. You require him in one paragraph to send this testimony in within 30 days and then in another paragraph you require him to notify the Clerk immediately after completion of the taking of the testimony not only that the testimony has been completed but that the testimony has been sent in. What becomes of your 30-day provision? Do I make it clear? If he has 30 days, how can he immediately notify the Clerk that he has done it?

Mr. DALLINGER. The intention of the change, as the committee understands it, is that he shall notify the Clerk in both cases; that he shall notify the Clerk immediately upon the conclusion of the taking of the testimony, so that the Clerk can have some method of determining when the 30 days shall begin, and also that he shall notify the Clerk whenever he sends in each package of testimony.

Mr. HOCH. I understand the purpose, but that is not what is provided. It is provided that he shall make both notifications immediately upon the conclusion of the testimony. I suggest that you insert after the word "and" on line 8 the words "within 30 days thereafter," or some such language as will make it clear.

Mr. JONES of Texas. I think it is perfectly clear there. He must send it not later than 30 days; but, in any event, as soon as it is printed. It might be 10 days or 15 days; but, in any event, not later than 30 days.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. HOCH. Yes.

Mr. SANDERS of Indiana. The taking of the testimony ends, and some time must be allowed to make a transcript of it. That is to be done within a period of 30 days. How can he comply with the second paragraph when he must state that the taking thereof has been completed and that each and every package of testimony has been forwarded? It occurred to me that that might mean the exhibits.

Mr. HOCH. Of course, he can not do it immediately upon the conclusion of the testimony. He can not certify that he has sent each and every package in, when the taking of the oral testimony has just been completed. He has 30 days for that.

Mr. DALLINGER. Possibly a semicolon after the word "completed" in the eighth line would meet any possible construction such as the gentleman puts upon it.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. DALLINGER. I yield to the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. It seems to me very clear that the point raised by the gentleman from Kansas [Mr. HOCH] is a good one. Lines 7 and 8, on page 3, provide that "immediately" after the conclusion of the taking of testimony the official shall certify that the taking thereof has been completed and immediately certify also that each and every package thereof has been forwarded. Plainly that is in absolute contradiction of lines 21 and 22, on page 2, which allow 20 days after the taking of testimony is completed within which to forward the testimony. One says a certain act must be done "immediately," the other says within 30 days.

Let me ask the gentleman from Massachusetts [Mr. DALLINGER], in charge of the bill, if his intention would not be carried out by putting a semicolon after the words "completed," in line 8, as the gentleman himself has just suggested, and then amend the next line so that it will read:

and that each and every package of testimony will be forwarded to said Clerk as required by law.

Mr. SANDERS of Indiana. Would it not be better to let the period of 30 days run, and then state that it had been done? Would it not be better to state what had been done rather than what will be done?

Mr. COOPER of Wisconsin. Except that the notice will prepare the Clerk for the receipt of the testimony. It would lead to preparation by the Clerk if he knew an election case was to come before him, and were to have sufficient notice that it was coming. Mr. Speaker, is an amendment in order?

The SPEAKER. Not until after the amendment of the gentleman from Indiana [Mr. SANDERS] has been acted upon. The question is on the amendment of the gentleman from Indiana [Mr. SANDERS].

Mr. SANDERS of Indiana. Mr. Speaker, may that amendment be again reported?

The SPEAKER. Without objection it will be again reported.

The Clerk read as follows:

Amendment offered by Mr. SANDERS of Indiana: On page 3 of the amendment offered by Mr. DALLINGER, in lines 4 and 5, strike out the words "together with a complete abstract of the testimony." On page 3 of the amendment, in line 12, strike out the words "abstract of the testimony." On page 3 of the amendment, in line 18, strike out the words "and a correct abstract of the testimony."

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

The amendment was rejected.

Mr. CHINDBLOM. Mr. Speaker, I desire to offer another amendment.

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

The Clerk read as follows:

Amendment offered by Mr. CHINDBLOM: After the word "determined" at the end of the fifth paragraph in the amendment of the gentleman from Massachusetts [Mr. DALLINGER] insert:

"*Provided*, That the parties may, prior to the opening of said packages of testimony, file a written stipulation as to the portions of the testimony they desire to have printed, and such portions shall then be printed, as hereinbefore provided."

Mr. CHINDBLOM. Mr. Speaker, this amendment will occur on page 4, at the end of line 9 of the bill as printed and in our hands. It is the subject to which reference was made a little while ago. It provides for a case where parties to a contested-election case or their attorneys for some reason do not wish to present themselves in person at the Capitol, at the office of the Clerk of the House, to witness the opening of the packages of testimony, and then determine what portions of the testimony they want printed. The parties may have examined the testimony beforehand. They may have copies of the testimony, as lawyers very frequently do after the conclusion of the hearing of a case, and they may be ready to stipulate in writing just what portions of the testimony they want printed. This amendment will make it possible for the parties or their counsel to make such written stipulation, and make it unnecessary for them to present themselves in person at the office of the Clerk of the House. I understand that the committee has no objection to the amendment.

Mr. DALLINGER. Mr. Speaker, the committee do not think this is absolutely necessary, but we have no objection to it.

Mr. DOWELL. Is it necessary to print what the parties agree to?

Mr. DALLINGER. Yes.

Mr. DOWELL. May I ask that the amendment be read again?

The SPEAKER. Without objection, the amendment will be again reported.

The Clerk read again the amendment offered by Mr. CHINDBLOM.

Mr. DOWELL. Mr. Speaker, I am not in favor of this amendment. It takes from the Clerk any power whatever to refrain from printing the entire record that these attorneys may agree upon. It seems to me the record will be worse by adding to it what each one of them may want placed in the record.

Mr. CHINDBLOM. Will the gentleman show me in the present law or in the amendment offered by the gentleman from Massachusetts [Mr. DALLINGER] any place where the Clerk has any discretion in printing the record if the parties agree as to what they want printed?

Mr. DOWELL. It leaves it with the Clerk to print the record.

Mr. CHINDBLOM. Only in the case of disagreement.

Mr. DOWELL. I think not. I think the Clerk has the right to print the record. Of course, he would not under the law be justified in not printing any part of the record, but it is up to him to determine what the record is and then to print it.

Mr. DALLINGER. Only in case of disagreement.

Mr. DOWELL. But under this amendment he has no discretion. The attorneys will agree upon what shall be placed in the record. It seems to me we are getting a great way off from where we are now when we leave it to counsel to print the record, which ought to be left with the Clerk.

Mr. CHINDBLOM. The language in my amendment means that "such portions shall be printed as hereinbefore provided," in the same manner as though they were present and orally agreed to it.

Mr. DOWELL. The amendment leaves no discretion. It provides that the Clerk shall print the record as agreed upon. If the gentleman will offer an amendment which will permit the parties to agree and then submit their agreement to the Clerk, I will have no objection to such an amendment; but we ought to finally leave it to the Clerk of the House to determine what shall be printed in the record.

Mr. CHINDBLOM. I call the attention of the gentleman to the words on line 22, page 3 of the printed bill, which read:

And such portions of the testimony as the parties may agree to have printed shall be printed by the Public Printer under the direction of said Clerk.

That is the language of the present provision, where they appear and agree orally.

Mr. DOWELL. That is hardly correct; the Clerk has authority to print the record, and it should be left to the discretion of the Clerk. This amendment takes it away from the Clerk. I am not in favor of leaving it to counsel to determine what should be printed by the Clerk of the House. Usually there is an agreement. Counsel come before the Clerk and agree as to what shall be printed, and there is no trouble about it. But if it is left to counsel to agree what the record shall be, without consultation with the Clerk, and compel the Clerk to print it, we may be printing matters which ought not to go in the record.

Mr. CHINDBLOM. Does not the present provision compel the Clerk to print it?

Mr. DOWELL. But they are present before the Clerk. They come and consult with the Clerk, and if they are unable to agree upon what shall be printed the Clerk decides. I think that is much better than to adopt the amendment suggested by the gentleman and leave it to counsel outside without consultation with the Clerk.

Mr. DALLINGER. Will the gentleman from Illinois consent to add to his amendment the words "with the approval of the Clerk"?

Mr. CHINDBLOM. Yes. Mr. Speaker, I ask unanimous consent to modify my amendment in the manner indicated, by adding at the end the words "subject to the approval of the Clerk of the House."

The SPEAKER. Without objection, the modification will be made.

There was no objection.

The SPEAKER. The question is on the amendment of the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

Mr. JONES of Texas. Mr. Speaker, I offer the following amendment:

The Clerk read as follows:

Amendment by Mr. JONES of Texas: Page 5, line 14, after the end of the amendment offered by the gentleman from Massachusetts [Mr. DALLINGER], insert a new paragraph, as follows:

"SEC. 3. The party against whom the contest is finally decided shall be entitled to the regular pay and emoluments only for the period actually served, but in no event shall he draw the same for a period of more than six months."

Mr. STAFFORD. Mr. Speaker, I reserve a point of order. I believe the gentleman from Kansas wishes to offer an amendment to section 2. Should he not be allowed to offer that amendment before considering another section?

The SPEAKER. The House has not acted yet upon the amendment offered by the gentleman from Massachusetts. The gentleman from Texas offers a new section. Section 2 ought to be completed before offering a new section.

Mr. HOCH. Mr. Speaker, I offer an amendment to page 3, line 8, after the word "and," insert "at the end of said 30 days."

The Clerk read as follows:

Amendment by Mr. HOCH to the amendment offered by Mr. DALLINGER: Page 3 of the bill, line 8, after the word "and" where it occurs the first time, insert the words "at the end of said 30 days."

Mr. LUCE. Will the gentleman yield?

Mr. HOCH. Yes.

Mr. LUCE. Would it not be better if this is adopted to say "within 30 days"? If gentlemen are willing to hurry up, why compel them to wait the full period?

Mr. HOCH. The trouble is you have given the officer 30 days to file the testimony. That being the case, he should not be required to notify that he has sent it in until the 30 days has expired.

Mr. LUCE. You might say "within 30 days of the conclusion of the taking of the testimony."

Mr. HOCH. I do not think so. He has 30 days to act, and you should not compel him to notify until the full period has expired.

Mr. LUCE. My suggestion is that he notify as soon as he completes the act. Your provision would prevent that.

Mr. HOCH. If it can be so worded, I think it would be all right.

Mr. CHINDBLOM. Would it not meet the gentleman's purpose to say after the word "and" "and when so done"?

Mr. HOCH. That would seem a little clumsy to me.

Mr. COOPER of Wisconsin. Suppose you strike out the words "has been," in line 9, and insert "will be."

Mr. HOCH. That would change the provision entirely. I was not attempting to change the substance of what the committee wants to do; I am trying to make this a consistent provision.

Mr. COOPER of Wisconsin. That would be a consistent provision.

Mr. HOCH. If the committee is satisfied to have the officer certify that he is going to send it in, that is very well.

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

Mr. HOCH. Yes.

Mr. DALLINGER. I ask the gentleman again if a semicolon after the word "completed" will not accomplish the very thing that he has in mind and make perfectly clear the intention of the committee?

Mr. HOCH. Not at all, in my judgment.

Mr. DALLINGER. Which intention was twofold—one that the Clerk shall be notified immediately after the taking of the testimony was completed, so that he could know when the 30 days began to run, and, second, that the Clerk should be notified by the officer whenever the testimony was sent in.

Mr. HOCH. I do not think so. I am simply trying to make this what the committee wanted to do, but I think they have provided an utterly impossible thing. They first provide that he have 30 days within which to send in the testimony, and then they say that immediately on the conclusion of the testimony he shall certify that the testimony has been completed, and that he has sent the testimony, which is utterly impossible for him to do.

Mr. DALLINGER. Mr. Speaker, to meet the construction of the gentleman from Kansas, I am willing to accept the amendment.

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

The amendment was agreed to.

Mr. DALLINGER. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

Mr. JONES of Texas. Mr. Speaker, is the amendment that I offered a moment ago pending?

Mr. BLANTON. It will not be if the previous question is ordered.

Mr. JONES of Texas. I do not think the previous question should be voted when a perfectly bona fide amendment has been offered.

Mr. DALLINGER. The Chair ruled that that amendment would not be offered until this amendment pending was finished.

Mr. JONES of Texas. The Chair did not rule it must not be offered until then, but that it could not be voted on.

The SPEAKER. The Chair does not think that it could technically be offered until the section is finished, but the Chair thinks there ought to be some arrangement made between the gentleman from Texas and the gentleman from Massachusetts.

Mr. DALLINGER. Mr. Speaker, I ask unanimous consent that the Jones amendment may be considered as having been offered, and I renew my motion for the previous question.

The SPEAKER. Without objection the amendment of the gentleman from Texas will be considered as pending.

There was no objection.

The SPEAKER. The question is on ordering the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. The question now is on the amendment offered by the gentleman from Massachusetts.

The amendment was agreed to.

The SPEAKER. The question now is on the amendment offered by the gentleman from Texas, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JONES of Texas: Page 5, line 14, after the word "referred," insert a new paragraph as follows:

"SEC. 3. The party against whom the contest is finally decided shall be entitled to the regular pay and emoluments only for the period actually served, but in no event shall he draw same for a period of more than six months."

Mr. DALLINGER. Mr. Speaker, I make the point of order that that amendment is not germane to the bill.

The SPEAKER. The Chair thinks it is very clear it is not germane to the bill. The bill is to amend the procedure in contested-election cases, and this is to determine the pay and emoluments of the contestant. The Chair sustains the point of order.

The question is on the engrossment and third reading of the bill.

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

DISABLED AMERICAN VETERANS OF THE WORLD WAR.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 216) to incorporate the disabled American veterans of the World War.

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

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the following persons, to wit: Robert S. Marx, of Ohio; William H. Meyers, of New York; Peter E. Traub, of Kentucky; Herbert James, of Indiana; Cedric M. McKenzie, of Oregon; Frank J. Hilla, of Minnesota; Frank M. Claus, of Louisiana; Oscar R. Johnson, of Washington; John B. Bingham, of California; William G. Scott, of Michigan; H. J. Betty, of Illinois; Charles W. Sutcliffe, of Alabama; Robert S. Rosenhauer, of Arizona; Thomas B. Blaine, of Arkansas; William B. Hedrick, of Colorado; Henry Spadola, of Connecticut; John H. Dykes, District of Columbia; Robert L. Long, of Florida; John E. White, of Georgia; B. W. Patsey, of Iowa; L. R. Stebbins, of Idaho; Harold McAleer, of Maine; Clarence L. Juergens, of Massachusetts; Charles E. Hummel, of Maryland; J. Fay Minnis, of Missouri; Charles L. Sheridan, of Montana; Paul L. Bolin, of Nevada; Thomas C. Lockrem, of North Dakota; Lee B. Atwood, of New Mexico; C. S. Rogers, of Nebraska; Frank M. McDougall, of North Carolina; C. M. Hawes, of Oregon; Frank Smith, of Pennsylvania; Frank S. Coskey, of Rhode Island; H. F. Potter, of South Carolina; Harry N. Schooler, of South Dakota; H. H. Raege, of Texas; Israel Abbott, of Utah; Malvern S. Ellis, of Vermont; Fairfield H. Hodges, of Virginia; R. Kenneth Plumb, of West Virginia; Samuel M. Pfrimmer, of Wyoming; John Salsac, of New Jersey; and such persons as may be chosen who are members of "The Disabled American Veterans of the World War," an unincorporated patriotic society of the soldiers, sailors, and marines of the Great War of 1917–18, known as "The Disabled American Veterans of the World War," and their successors, are hereby created and declared to be a body corporate. The name of this corporation shall be "The Disabled American Veterans of the World War."

SEC. 2. That said persons named in section 1, and such other persons as may be selected from among the membership of "The Disabled American Veterans of the World War," an unincorporated patriotic society of the soldiers, sailors, and marines of the Great War of 1917–18, are hereby authorized to meet to complete the organization of said corporation by the selection of officers, the adoption of a constitution and by-laws, and to do all other things necessary to carry into effect the provisions of this act, at which meeting any person duly accredited as a delegate from any local or State organization of the existing unincorporated organization known as "The Disabled American Veterans of the World War," shall be permitted to participate in the proceedings thereof.

SEC. 3. That the purposes of this corporation shall be: To uphold and maintain the Constitution and the laws of the United States; to advance the interests and work for the betterment of all wounded, injured, and disabled veterans of the Great War of 1917–18; to cooperate with the Federal Board for Vocational Education, the United States Bureau of War Risk Insurance, the United States Public Health Service, the American Red Cross, and all public and private agencies devoted to the cause of improving and advancing the condition, health, and welfare of wounded, injured, or disabled veterans of the Great War of 1917–18; and to stimulate a feeling of mutual devotion, helpfulness, and comradeship among all wounded, sick, injured, or disabled veterans of the Great War of 1917–18.

SEC. 4. That the corporation created by this act shall have the following powers: To have perpetual succession with power to sue and be sued in courts of law and equity; to receive, hold, own, use, and dispose of such real estate and personal property as shall be necessary for its corporate purposes; to adopt a corporate seal and alter the same at pleasure; to adopt a constitution, by-laws, and regulations to carry out its purposes, not inconsistent with the laws of the United States or any State; to use in carrying out the purposes of the corporation such emblems and badges as it may adopt; to establish and maintain offices for the conduct of its business; to establish State and Territorial organizations and local chapter or post organizations; to publish a magazine or other publications; and generally to do any and all such acts and things as may be necessary and proper in carrying into effect the purposes of the corporation.

SEC. 5. That no person shall be a member of this corporation unless he served in the military or naval service of the United States at some time during the period between April 6, 1917, and November 11, 1918, both dates inclusive, or who, being a citizen of the United States at the time of enlistment, served in the military or naval service of any of the Governments associated with the United States during the Great War of 1917–18, and was wounded, injured, or disabled by reason of such service during the period of the Great War of 1917–18, and was discharged under honorable conditions, or is still in the military or naval service.

SEC. 6. That the organization shall be nonpolitical, and, as an organization, shall not promote the candidacy of any person seeking public office.

SEC. 7. That said corporation may acquire any or all of the assets of the existing unincorporated national organization known as "The Disabled American Veterans of the World War," upon discharging or satisfactorily providing for the payment and discharge of all its liabilities.

SEC. 8. That said corporation and its State and local subdivisions shall have the sole and exclusive right to have and to use in carrying out its purposes the name "The Disabled American Veterans of the World War."

SEC. 9. That the said corporation shall, on or before the 1st day of January in each year, make and transmit to the Congress a report of its proceedings for the preceding calendar year, including a full and complete report of its receipts and expenditures: *Provided, however,* That said report shall not be printed as a public document.

SEC. 10. That as a condition precedent to the exercise of any power or privilege herein granted or conferred "The Disabled American Veterans of the World War" shall file in the office of the secretary of each State in which posts, chapters, or subdivisions thereof may be organized, the name and post-office address of an authorized agent in such State upon whom legal process or demands against "The Disabled American Veterans of the World War" may be served.

SEC. 11. That the right to repeal, alter, or amend this act at any time is hereby expressly reserved.

Mr. VOLSTEAD. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Amendment offered by Mr. VOLSTEAD: Page 2, line 15, after the word "chosen," strike out the balance of the line and line 16 and the words "patriotic society of the" in line 17 and insert in lieu thereof the following: "by them from among the disabled."

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

The amendment was agreed to.

Mr. VOLSTEAD. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Amendment offered by Mr. VOLSTEAD: Page 2, lines 18 and 19, strike out "known as the Disabled American Veterans of the World War."

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

The amendment was agreed to.

Mr. VOLSTEAD. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Amendment offered by Mr. VOLSTEAD: Page 3, strike out lines 17 and 18 and the words "Health Service," in line 19, and insert in lieu thereof the words "United States Veterans' Bureau."

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

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

GRAND ARMY OF THE REPUBLIC.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 2908) for the incorporation of the Grand Army of the Republic.

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

Mr. WALSH. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

AGRICULTURAL ENTRIES ON COAL LANDS IN ALASKA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 7948) to provide for agricultural entries on coal lands in Alaska.

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

Mr. STAFFORD. Mr. Speaker, this is too important a bill to consider at this late hour under unanimous-consent day. Therefore I object.

Mr. SINNOTT. Mr. Speaker, will the gentleman withhold that objection for a moment? I would say that this bill has been on the calendar for some time.

Mr. STAFFORD. I am mindful of the fact that the Public Lands Committee is going to have a Calendar Wednesday shortly. This is an important bill, and it may be brought up on either of those days.

Mr. SINNOTT. Well, it is very questionable whether or not this bill can be brought up on Calendar Wednesday, and I have gone into the matter very fully with the department, have had a number of conferences with the Secretary of the Interior or the Assistant Secretary, and I have one or two amendments to offer.

Mr. STAFFORD. At this late hour I suggest to the gentleman, because we wish to clear the calendar, that the gentleman ask unanimous consent to have the bill passed over without prejudice.

Mr. SINNOTT. If the gentleman insists, of course, there is nothing else to do; but I think we could act on it within 10 minutes.

Mr. WALSH. No; not to-day.

Mr. STAFFORD. We have taken three hours on one bill, and it is only fair to the other side to give them a chance for their alley.

Mr. SINNOTT. Mr. Speaker, yielding to superior force, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman. [After a pause.] The Chair hears none.

MINIDOKA NATIONAL FOREST.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 2914) to add certain lands to Minidoka National Forest.

The Clerk read the title of the bill.

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

Mr. BLANTON. I object.

Mr. SMITH of Idaho. Mr. Speaker——

The SPEAKER. Objection has been made.

Mr. SMITH of Idaho. I desire to ask the gentleman to withhold his objection.

Mr. BLANTON. Well, if the gentleman wants to make a speech I think we ought to have a quorum here to hear him, and I make the point of order that there is no quorum present.

Mr. SMITH of Idaho. I do not care to make a speech, but I would like to make a statement for the information of the gentleman.

[Cries of "Regular order!"]

The SPEAKER. Is there objection?

Mr. BLANTON. I have objected to the bill, but I do not object to the gentleman making a speech.

[Cries of "Regular order!"]

Mr. SMITH of Idaho. I do not care to make a speech, but I desire an opportunity to explain the importance of the proposed legislation to the gentleman from Texas and to the Members of the House.

Mr. BLANTON. I reserve the right to object.

Mr. SMITH of Idaho. Does the gentleman know anything concerning the merits of this bill——

Mr. WINGO. Mr. Speaker, I also reserve the right to object.

Mr. SMITH of Idaho. Do the gentlemen understand that this bill simply adds to a national forest some public lands and will increase the receipts to the national forests for the benefit of the Government?

Mr. BLANTON. Yes; I understand, and the gentleman has already been checking up the amount of money we are spending every year in taking care of these national forests over the United States, and it is not to the interest of the people but to the detriment of the Government.

Mr. SMITH of Idaho. If this bill is enacted, additional money will come in to the Government, as it will not cost the Government any more to administer this forest with this additional land attached to it than at the present time.

Mr. BLANTON. I know the gentleman really believes that, but I do not.

Mr. SMITH of Idaho. That is the actual fact.

Mr. BLANTON. Because I know that every single section of additional land requires additional employees to look after it and attend to it.

Mr. SMITH of Idaho. The gentleman is badly mistaken.

Mr. BLANTON. I may be, and if the gentleman could convince me of that some time I would not object.

Mr. SMITH of Idaho. I supposed that I had convinced the gentleman the other day when I explained this bill to him.

Mr. BLANTON. The gentleman merely called my attention to the fact that I had objected and——

Mr. SMITH of Idaho. We have passed numerous such bills——

Mr. LAYTON. Mr. Speaker, I object.

The SPEAKER. Objection is made.

COINAGE OF GEN. GRANT GOLD DOLLAR.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6119) for the coinage of a Grant souvenir gold dollar in commemoration of the centenary of the birth of Gen. Ulysses S. Grant, late President of the United States.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the consideration of this bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That for the purpose of aiding in defraying the cost of erecting a community building in the village of Georgetown, Brown County, Ohio, and a like building in the village of Bethel, Clermont County, Ohio, as a memorial to Ulysses S. Grant, late a President of the United States, and for the further purpose of constructing a highway 5 miles in length from New Richmond, Ohio, to Point Pleasant, Clermont County, Ohio, the place of the birth of Ulysses S. Grant, to be known as the Grant Memorial Road, the Secretary of the Treasury is hereby authorized and directed to purchase in the market so much gold bullion as may be necessary for the purpose herein provided for, from which there shall be coined at the United States mint in Philadelphia standard gold dollars of the legal weight and fineness to the number of not exceeding 200,000 pieces, to be known as the Grant memorial dollar, struck in commemoration of the centenary of the birth of Ulysses S. Grant, late President of the United States of America, which occurs April 27, 1922. The devices and designs upon which coins shall be prescribed by the Secretary of the Treasury and all provisions of law relative to the coinage and legal-tender quality of the standard gold dollar shall be applicable to the coins issued under this act, and when so coined said memorial dollars shall be delivered in suitable parcels at par, and without cost to the U. S. Grant Memorial Centenary Association of Ohio, and the dies shall be destroyed.

The committee amendments were read, as follows:

Page 2, line 11, after "1922," strike out the period and the word "The" and insert in lieu thereof a semicolon and the word "the"; page 2, line 13, after the word "the," insert the words "Director of the Mint, with the approval of the"; page 2, line 16, after the word "shall," strike out the words "be applicable" and insert "so far as applicable apply"; page 2, line 19, after the word "the," insert the words "United States, to the"; page 2, line 20, after the word

"Ohio," strike out the comma and the words "and the dies shall be destroyed" and insert a colon and the following: "*Provided*, That the United States shall not be subject to the expense of making the necessary dies and other preparations for this coinage."

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

Mr. PARKER of New Jersey. Mr. Speaker, I desire to ask the gentleman in charge of the bill what the words "at par and without cost" mean. Does it mean they will be shipped without cost or the dollars shall not be paid for?

Mr. KEARNS. What is the question the gentleman desires to ask?

Mr. PARKER of New Jersey. Is it they are to be delivered at par without cost?

Mr. KEARNS. Without cost to the United States Government.

Mr. PARKER of New Jersey. Without cost for the delivery. Are they to get par for the gold dollars?

Mr. KEARNS. The United States Government is.

Mr. PARKER of New Jersey. It is to be paid 100. It says here, "is to be delivered at par," which is a very vague statement, it seems to me.

Of course, they are at par, but if they are to be delivered for $100,000, there ought to be a provision to the effect that they should be paid for.

Mr. BLANTON. It means that the United States shall not charge a premium, but will let this organization charge it.

Mr. PARKER of New Jersey. I so understand, but it ought to be so stated.

Mr. WINGO. I understand that the Government will simply coin these dollars out of gold that it has on hand?

Mr. KEARNS. Yes; and charge them 100 cents on the dollar. The bill states that the association shall pay for the dollars and all the expense connected with the coins.

Mr. WINGO. In other words, the idea is that in addition to each dollar issued they shall also pay the expense, to be ascertained, of the dies and minting? That is what is intended?

Mr. KEARNS. Yes, sir; that is what is intended, and that is what the bill says.

Mr. WINGO. The Government will not pay out anything at all?

Mr. KEARNS. No.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

Mr. MONTOYA rose.

On motion of Mr. KEARNS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

CONSOLIDATION OF FOREST LANDS IN NEW MEXICO.

The next business on the Calendar for Unanimous Consent was the bill (S. 920) for the consolidation of forest lands in or near national forests, New Mexico, and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. BLANTON. I object.

The SPEAKER. Objection is made. The Clerk will report the next bill.

READMISSION OF MIDSHIPMEN, UNITED STATES NAVAL ACADEMY.

The next business on the Calendar for Unanimous Consent was the bill (S. 2504) an act providing for the readmission of certain deficient midshipmen to the United States Naval Academy.

The title of the bill was read.

CONSOLIDATION OF FOREST LANDS IN NEW MEXICO.

Mr. SINNOTT. Mr. Speaker, the gentleman from New Mexico [Mr. MONTOYA] was on his feet when he was interrupted by the gentleman from Ohio [Mr. KEARNS] on the coinage bill.

The SPEAKER. The gentleman from Texas [Mr. BLANTON] objected.

Mr. MONTOYA. I will ask the gentleman from Texas to reserve his objection.

Mr. BLANTON. I will reserve it if the gentleman wishes to speak on the bill.

Mr. MONTOYA. Mr. Speaker and gentlemen, this is Senate bill 920, passed by the Senate, an act for the consolidation of forest lands in or near national forests, New Mexico, and for other purposes. It applies to all national forests in New Mexico, and only to those in the State of New Mexico; no more.

We know the needs of the people there. The settlers within the national forest reserves, and only those in national forest reserves, have been asking for the passage of this bill, for the purpose of enabling them to get out of the reserves and getting lands near the same. The administration of the bill will be under the charge of the Secretary of Agriculture and the Secretary of the Interior, under rules and regulations which they will frame as to the disposition of these lands, so that I do not think there will be complaint from any source. It will be beneficial to the Government and beneficial to the settlers. The bill has been recommended by our State land commissioners and by our State engineer and by our State government.

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

Mr. MONTOYA. I yield.

Mr. BLANTON. Has the gentleman ever looked into the extent of the expense that our Government has gone to now in connection with our national forest reserves, and looked into that question as to what our policy should be in the future?

Mr. MONTOYA. I do not know about that.

Mr. BLANTON. The gentleman has a bill that benefits his State, and he wants it to be passed regardless of other considerations?

Mr. MONTOYA. The point is simply that it affects the people within the forests that are there now and who want to get out.

Mr. BLANTON. The gentleman's chances of coming back here next year do not depend on the passage of this bill?

Mr. MONTOYA. No. My chances are the best in the world.

Mr. BLANTON. If they did depend on it I probably would not object.

Mr. SINNOTT. Mr. Speaker, this bill is not similar to the one that was objected to a moment ago. This bill will enable the Secretary of the Interior and the Secretary of Agriculture to eliminate from the boundaries of the national forests in New Mexico privately owned lands, and will thus lessen the present expense of administering those forests.

Mr. BLANTON. And could cost how much?

Mr. VAILE. Not a cent.

Mr. BLANTON. There are no lands to be purchased?

Mr. SINNOTT. No.

Mr. BLANTON. But if some section of land in New Mexico in a forest reserve that may be worth $1,000 is owned by somebody who succeeds in trading it off to the Government for some other section in New Mexico outside of the reserves, that is possibly worth two or three million dollars on account of the oil or mineral under it, it then would be of some cost to the Government?

Mr. SINNOTT. That kind of land will not be exchanged.

Mr. BLANTON. Who is to determine what is under the ground?

Mr. SINNOTT. The Secretary of the Interior.

Mr. BLANTON. Oh, there are companies up in Massachusetts and in New York who are paying out to geologists thousands of dollars now in order to determine that question for them, and they can not do it.

Mr. SINNOTT. If at any time in the future oil or minerals may be discovered under the land, the Government may reserve it.

Mr. BLANTON. An oil well came into existence last week in Texas that is now flowing to the extent of 13,500 barrels a day from the ground, in a place where no man dreamed there was oil.

Mr. TINCHER. Somebody must have bored for it. It costs money to bore for oil.

Mr. SINNOTT. That may be true, but we can attach to this bill an amendment reserving for all time all oil and minerals.

Mr. BLANTON. Then I would not object.

Mr. WINGO. Mr. Speaker, that will not remove all serious objections to the bill. I do not think a bill of this character at this time should be passed by unanimous consent when certain things are going on in connection with reference to additions to forest reserves. It seems impossible to reach the Secretary of Agriculture in regard to the matter. He simply sends letters in which Members make complaints to the men who are complained about. I am not going to permit the Forestry Service, by my vote or with my consent, to have one single dollar to expend in making one single exchange or purchase of lands under the present processes until the Secretary of Agriculture wakes up and recognizes that he can not treat with silent contempt matters that are brought to his attention by Members of Congress. Therefore I object, Mr. Speaker.

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent that the bill retain its place on the calendar.

The SPEAKER. The gentleman from Oregon asks unanimous consent that the bill retain its place on the calendar. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

READMISSION OF MIDSHIPMEN, UNITED STATES NAVAL ACADEMY.

The next business on the Calendar for Unanimous Consent was the bill (S. 2504) providing for the readmission of certain deficient midshipmen to the United States Naval Academy.

The Clerk read the title of the bill.

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

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy is authorized, upon application, to admit to and reinstate in the United States Naval Academy, subject to examination as to physical qualifications, as provided by law, but waiving the provisions of law as to age requirements, all former midshipmen at the United States Naval Academy found deficient at the end of the first term of the academic year 1920–21 whose resignations were asked for and received by the Superintendent of the Naval Academy: *Provided*, That they shall upon admission be placed in the class one year behind their former class in each case: *Provided further*, That said midshipmen affected by this act must signify their acceptance of the benefits thereof by presenting themselves for physical examination within one month of the date of its approval, and if found qualified will enter the Naval Academy immediately.

SEC. 2. That the clause in the act approved June 5, 1920 (41 Stats., p. 1028), entitled "An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and for other purposes," which reads as follows: "That until otherwise provided by law no midshipman found deficient at the close of the last and succeeding academic terms shall be involuntarily discontinued at the Naval Academy or in the service unless he shall fail upon reexamination in the subjects in which found deficient at an examination to be held at the beginning of the next and succeeding academic terms, and the Secretary of the Navy shall provide for the special instruction of such midshipmen in the subjects in which found deficient during the period between academic terms," be, and the same hereby is repealed, and section 1519 of the revised Statutes restored to its full force and effect.

Mr. MADDEN. Mr. Speaker, I should like to ask the gentleman from Ohio [Mr. STEPHENS] a question, if I may. Does this bill delegate to the academic board the power to dismiss boys from the Naval Academy without restrictions, or without the approval of the Secretary of the Navy, or anybody higher up? It seems to me it delegates to this board a power which they ought not to have. They are an autocratic board anyway, and there ought to be some supervisory power somewhere to restrict them in the exercise of arbitrary action. This bill places unlimited power in their hands, to dismiss anybody from the Naval Academy without rhyme or reason, and they do not have to account to anybody in the world for their action. That is a power they do not now have, and I hope the bill will be amended so as to eliminate that feature.

Mr. STEPHENS. Mr. Speaker, this bill returns to the original law that has governed the Naval Academy for the last 50 or 60 years.

Mr. MADDEN. Until what time?

Mr. STEPHENS. Until June, 1920. On June 5 there was a provision placed in the appropriation bill, which passed without consideration of the Senate Naval Affairs Committee and without their knowledge and without the knowledge or consideration of the members of the Naval Affairs Committee of the House. That provision is the one that this bill repeals. It repeals this provision because the act of June 5, 1920, provided for an examination between terms in the Naval Academy. One term begins the 1st of October and ends the Saturday before the last of January, and the next term begins on the following Monday. Under that provision the boys who failed to pass in January were to be given a reexamination between terms, but there was only one day between the terms and no time for preparation for reexamination.

Mr. WALSH. Will the gentleman yield?

Mr. STEPHENS. Yes.

Mr. WALSH. How long have those terms been fixed in that way?

Mr. STEPHENS. Those terms have been fixed in that way, I presume, ever since the establishment of the academy.

Mr. YOUNG. Fifty-nine years.

Mr. WALSH. One term ending on a Saturday and the next term beginning on the following Monday?

Mr. STEPHENS. Yes. The academic year is divided into two terms. The first term ends January 29, or thereabouts, and the new term begins January 31.

The boys who failed to pass did not have time to prepare themselves for reexamination, because there was no intermediate vacation. Therefore, they were dropped under the act of June 5, 1920.

Mr. YOUNG. Will the gentleman yield?

Mr. STEPHENS. I yield to the gentleman from North Dakota.

Mr. YOUNG. Is it not a fact that after Congress had passed the rider on the deficiency appropriation bill to which reference has been made, the academic board had no power to demote or to put back into a class below? When we passed that rider we tied the hands of the academic board so that they had power only to advance, let the boys go on with the class with which they were if they passed their examinations, or to dismiss them from the Naval Academy entirely? There was no discretion left to allow these boys to go back to a lower class, as had been done for 59 years. It came out in the hearings before the House committee that Admiral Wilson, who had a brilliant record during the war, himself while in the academy had failed to pass, and at that time the academic board, using its ordinary, regular discretion, had put him back to a lower class.

Mr. MADDEN. This would not permit him to do that?

Mr. YOUNG. The rider on the deficiency bill that we passed last year took away that discretion, so that they had either to advance them or drop them.

Mr. MADDEN. They could give them a reexamination?

Mr. YOUNG. They could give them a reexamination and they did it, but there was no time for the boys to prepare between the academic terms. There has been nowhere, before either Senate or House committees, any criticism of the academic board for arbitrary action on their part, because the Attorney General of the United States and the Judge Advocate of the Navy both rendered opinions saying that they did the only thing they could do. In other words, the injustice was done to these boys, not by the academic board but by Congress, in passing an amendment that was not properly drafted and that went a thousand times further than anybody understood or expected it would. Congress ought now to correct its own wrong. By passing this bill we shall be doing only simple justice to these splendid young men. Admiral Wilson says they were given a raw deal. Secretary Denby, whose heart is in the right place, has urged us to do justice to the boys and at the same time repeal the rider, thus preventing a recurrence. The course recommended is sound and should be followed.

Mr. PARRISH. Will the gentleman yield further?

Mr. STEPHENS. I yield to the gentleman from Texas.

Mr. PARRISH. What would be the effect upon a Member's quota in case a midshipman were reappointed and reentered the academy? Suppose a Member had appointed another boy to take his place?

Mr. STEPHENS. It would have no effect whatever.

Mr. PADGETT. These boys will simply be reinstated and not charged to anybody.

Mr. STEPHENS. They will not be charged to any Member's quota.

Mr. PARRISH. If they should be so charged, I can see where there would be an injustice done.

Mr. PADGETT. This simply provides for their reinstatement by the Secretary to correct an injustice that was done to these boys by the passage of that amendment.

Mr. WALSH. Is the gentleman from Tennessee [Mr. PADGETT] in favor of this provision?

Mr. PADGETT. Yes.

Mr. WALSH. I understood he held views in opposition to the wisdom of it.

Mr. PADGETT. I did at first. I was under the impression when the bill was first introduced that it would simply override the discipline of the academy and reinstate these boys by congressional action, but upon investigation I found that such was not the case. It was not overriding the discipline. The academy superintendent came up and recommended it very strongly, and the Secretary of the Navy recommends it for the reason that on account of the passage of this provision a year ago, on an appropriation bill, it made it impossible for the boys to be kept in as had been the custom. Where boys heretofore had failed in the midwinter examination they would be dropped back into a class behind and go on. In this case there was no opportunity to do that and they were forced out of the academy. The injustice was done the boys by congressional action. To remedy the congressional action we propose to reinstate them in the academy and not charge them to any congressional district, because we found that could not be worked out. They come in at large and take the class behind, as would have been done in these cases had it not been for this rider which was put on an appropriation bill. Thereupon I changed my mind, and I think the bill should pass on its merits.

Mr. PARRISH. How many young men are involved here?

Mr. STEPHENS. One hundred and thirteen. There are now 57 that will return to the academy. One is a fourth year man, 24 are three year men, 6 of them two year men, and 25 one year men.

Mr. CHINDBLOM. In a case where a Member of Congress has reappointed one of these men for a new admission this year, will that Member get credit so that he can make another appointment?

Mr. PADGETT. No; not where he has appointed. This applies to those who can not get in by appointment. The age limit is 16 to 20, and those who were under 20 can be reappointed and have been reappointed, and those who are over 20 are being provided for here.

Mr. CHINDBLOM. Then Members of Congress who had midshipmen who happen to be under the age limit are in bad luck.

Mr. PADGETT. Yes; like the rest of us, there are 24 in that condition.

The SPEAKER. The question is on the third reading of the bill.

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

On motion of Mr. STEPHENS, the motion to reconsider the vote whereby the bill was passed was laid on the table.

CONSOLIDATION OF FOREST LANDS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6429) to provide for the consolidation of forest lands within the San Juan National Forest, State of Colorado, and for other purposes.

The SPEAKER. Is there objection?

Mr. WALSH. Reserving the right to object, have these bills been on the calendar a sufficient length of time?

The SPEAKER. They have not, and at the same time the gentleman in charge of the bill can ask unanimous consent for its consideration.

Mr. HAYDEN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill.

Mr. WALSH. I object.

Mr. BLANTON. Mr. Speaker, I make the point of no quorum.

Mr. STAFFORD. Mr. Speaker, I move that the House do now adjourn.

Mr. BLANTON. Then I will withdraw my point of no quorum.

The SPEAKER. Will the gentleman from Wisconsin withhold his motion?

Mr. STAFFORD. I will.

LEAVE OF ABSENCE.

By unanimous consent, the following leave of absence was granted:

To Mr. STEVENSON, at the request of Mr. DOMINICK, for two days, on account of important business.

To Mr. WHITE of Maine, indefinitely, on account of illness.

To Mr. RADCLIFFE, for the week of October 17, on account of visitation of Committee on Rivers and Harbors to New York State.

ADJOURNMENT.

The SPEAKER. The gentleman from Wisconsin moves that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 22 minutes p. m.) the House adjourned until to-morrow, Tuesday, October 18, 1921, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

243. A letter from the Postmaster General, transmitting claims of Edward T. Williams, acting postmaster at Niagara Falls, N. Y., for losses by burglary on June 2, 1920; to the Committee on Claims.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SINNOTT, from the Committee on the Public Lands, to which was referred the bill (S. 71) for the consolidation of the offices of register and receiver in district land offices in certain cases, and for other purposes, reported the same with amendments, accompanied by a report (No. 409), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (H. R. 8119) for the relief of certain persons, their heirs or assigns, who heretofore relinquished lands inside national forests to the United States, reported the same with an amendment, accompanied by a report (No. 410), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BLAND of Indiana, from the Committee on Industrial Arts and Expositions, to which was referred the joint resolution (H. J. Res. 200) accepting the invitation of the Republic of Brazil to take part in an international exposition to be held at Rio de Janeiro in 1922, reported the same with amendments, accompanied by a report (No. 411), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 8619) granting an increase of pension to Stella Joplin; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8491) granting an increase of pension to D. Casto Nutter; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DYER: A bill (H. R. 8726) to provide half fare for children riding on the street railways operating within the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. JOHNSON of Washington: A bill (H. R. 8727) to provide for the guidance and protection, the better economic distribution, and the better adjustment of the foreign-born residents of the United States; to repeal all laws heretofore enacted relating to the naturalization of aliens; to establish a uniform system for the naturalization of aliens throughout the United States; and to create a bureau of citizenship in the Department of Labor, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. WOODYARD: A bill (H. R. 8728) to enlarge, extend, and remodel the post-office building at Parkersburg, W. Va.; to the Committee on Public Buildings and Grounds.

By Mr. MILLSPAUGH: A bill (H. R. 8729) to provide for the erection of a public building on ground already acquired at Unionville, in the State of Missouri; to the Committee on Public Buildings and Grounds.

By Mr. BLAND of Virginia: A bill (H. R. 8730) to amend section 13 of the river and harbor act of March 3, 1899; to the Committee on Rivers and Harbors.

By Mr. WOODS of Virginia: A bill (H. R. 8742) to further regulate certain public-service corporations operating within the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CANNON: A bill (H. R. 8731) granting a pension to Eliza J. Adams; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 8732) granting a pension to Nancy Mastin; to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 8733) for the relief of Harold L. McKinley; to the Committee on War Claims.

By Mr. HUDDLESTON: A bill (H. R. 8734) granting a pension to Roy Thomas Sharitt, Lillian Maybelle Sharitt, Alice Inez Sharitt, and Amos L. Sharitt; to the Committee on Pensions.

By Mr. McCLINTIC: A bill (H. R. 8735) granting an increase of pension to Malvern H. Miller; to the Committee on Pensions.

By Mr. PARKS of Arkansas: A bill (H. R. 8736) to survey the Red River in Arkansas and Louisiana with a view to the control of its floods; to the Committee on Flood Control.

By Mr. SANDERS of Indiana: A bill (H. R. 8737) granting a pension to Eliza F. Moran; to the Committee on Invalid Pensions.

By Mr. SANDERS of New York: A bill (H. R. 8738) granting a pension to Charles R. Burnett; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 8739) granting a pension to Eliza J. Vandergriff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8740) granting a pension to America Franks; to the Committee on Invalid Pensions.

By Mr. WOODYARD: A bill (H. R. 8741) granting a pension to Rosalie Vincent; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2749. By Mr. BURROUGHS: Petition of Judson Bible Class of Men, of the First Baptist Church of Nashua, N. H., indorsing the constitutional amendment to prohibit sectarian appropriations; to the Committee on the Judiciary.

2750. By Mr. KELLEY of Michigan: Petition of Wesley D. Smith, commander, and the members of Dewey Post, Grand Army of the Republic, of Leslie, Mich., in favor of the passage of legislation granting an increased rate of pension for Civil War veterans and their widows; to the Committee on Invalid Pensions.

2751. By Mr. KISSEL: Petition of James M. Motley, of New York City; to the Committee on Ways and Means.

2752. Also, petition of the Charles A. Schieren Co., of New York City; to the Committee on Ways and Means.

2753. By Mr. MICHENER: Petition of divers citizens of Michigan, protesting against passing the compulsory Sunday observance bill (H. R. 4388); to the Committee on the District of Columbia.

2754. Also, petition of Dewey Post, Grand Army of the Republic, of Leslie, Mich., relative to a Civil War pension bill; to the Committee on Invalid Pensions.

2755. By Mr. SANDERS of New York: Petition of the Yates Baptist Church, of Lyndonville, N. Y., indorsing House joint resolution 159, proposing to amend the Constitution so as to prohibit sectarian appropriations; to the Committee on the Judiciary.

2756. By Mr. SNELL: Petition of Plattsburg Chamber of Commerce, of Plattsburg, N. Y., uring support of the Smoot tax plan; to the Committee on Ways and Means.

2757. By Mr. SNYDER: Petition of Baraca class of the Baptist Church of Herkimer, N. Y., against the bill providing for the licensing of the manufacture of beer of 2.25 per cent alcoholic content and the imposition of a tax of $25 per barrel upon such beer; to the Committee on the Judiciary.

SENATE.

TUESDAY, *October 18, 1921.*

(Legislative day of Friday, October 14, 1921.)

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

Mr. LODGE. Mr. President, I make the point of no quorum.

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

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

Ashurst	Fletcher	McCormick	Reed
Ball	Frelinghuysen	McCumber	Sheppard
Borah	Gerry	McKellar	Shortridge
Brandegee	Glass	McKinley	Simmons
Broussard	Gooding	McLean	Smoot
Bursum	Hale	McNary	Spencer
Calder	Harreld	Moses	Stanley
Cameron	Harris	Nelson	Sterling
Capper	Harrison	New	Sutherland
Caraway	Heflin	Newberry	Swanson
Colt	Hitchcock	Nicholson	Trammell
Culberson	Johnson	Norbeck	Underwood
Cummins	Jones, N. Mex.	Oddie	Wadsworth
Curtis	Kellogg	Overman	Walsh, Mass.
Dial	Kendrick	Owen	Walsh, Mont.
Dillingham	Kenyon	Page	Warren
du Pont	Keyes	Penrose	Watson, Ga.
Edge	King	Pittman	Watson, Ind.
Elkins	La Follette	Poindexter	Weller
Ernst	Lenroot	Pomerene	Williams
Fernald	Lodge	Ransdell	Willis

The PRESIDENT pro tempore. Eighty-four Senators have answered to their names. There is a quorum present. The Senate, as in legislative session, will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed without amendment the bill (S. 2504) providing for the readmission of certain deficient midshipmen to the United States Naval Academy.

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

H. R. 216. An act to incorporate the Disabled American Veterans of the World War;

H. R. 6119. An act for the coinage of a Grant souvenir gold dollar in commemoration of the centenary of the birth of Gen. Ulysses S. Grant, late President of the United States; and

H. R. 7761. An act to amend the Revised Statutes of the United States relative to proceedings in contested-election cases.

FUNERAL OF THE LATE SENATOR KNOX.

Mr. PENROSE. Mr. President, I ask unanimous consent, as in legislative session, to submit a resolution, and I ask to have it read.

There being no objection, the resolution (S. Res. 154), as in legislative session, was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay, from the miscellaneous items of the contingent fund of the Senate, the actual and necessary expenses incurred by the committee appointed by the President of the Senate in arranging for and attending the funeral of the Hon. PHILANDER CHASE KNOX, late a Senator from the State of Pennsylvania, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. JOHNSON. Mr. President, yesterday I voted for the amendment of the Senator from Missouri [Mr. REED] because it expressed in words what the leader upon the Republican side has iterated and reiterated was the fact, and because I could see no reason why the fact that we assumed no obligations under the Versailles treaty, so emphatically and authoritatively declared by the Senator from Massachusetts [Mr. LODGE], should not in the present treaty be stated in language plain and explicit, rather than in the equivocal terms employed.

Because of the views I have entertained, which I have never hesitated to express, concerning the League of Nations and the Versailles treaty I favor the ratification of the pending treaty with Germany. The debate in and out of the Senate upon the treaty with Germany has been peculiar, presenting many paradoxical situations. It has served, in the main, to illustrate the infinite variety of the human mind. The treaty is opposed on the one hand as a betrayal of our allies, and on the other hand as a betrayal of our own people. The League of Nations press declaims against ratification because thus we will desert those with whom we fought and will pursue the policy of aloofness and isolation which they have never ceased to denounce. Some of the opponents of the League of Nations with equal emphasis insist that ratification of the treaty means the very partnership and embroilment which they have consistently opposed and which the pro-league press has so ardently desired.

In my humble way I have done whatever lay in my power to prevent entanglements with Europe or departure from the policy which this country has ever followed. No less earnestly in the future than in the past will I pursue this course. If I believed the ratification of the German treaty would take us into the maelstrom of European controversies and wars I would not, of course, vote for it. I do not believe ratification is subject either to the objection made by those who favor the League of Nations or by some of those who opposed the League of Nations. By the ratification of this treaty we do not desert our allies; we abandon certain international bankers, and whatever odium might attach to this I am perfectly willing to accept. The charge that there is a base betrayal by our country in this treaty is a fulmination as unfounded and futile as the economic formula of a respectable intellectual.

On the other hand, it is claimed that by the ratification of this treaty we do, as a matter of fact, become a part of Europe's difficulties and a factor in every future European controversy. As I understand the arguments, this conclusion is reached because it is claimed that the treaty is a recognition of the Versailles treaty, which, under no circumstances, should be recognized by the United States, and is the initial step to membership in the Reparation Commission, which by that treaty is created the receiver or supergovernment of the Central European powers. It is conceded that the terms of this treaty do not take us into the Reparation Commission, but that the Secretary of State has asserted his desire to have the United States a part of the Reparation Commission, and that ratification will afford him ample excuse for carrying out his purpose.

The Colombian treaty and the soldiers' bonus leave no illusions as to what might be done here if the administration insists upon a particular course. I recognize, I think, the possibilities and the dangers of the future to the policy that is so