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

WEST VIRGINIA.
George Laferry, Glen Jean.
Ell Lusk, Herndon.
George L. Carlisle, Hillsboro.
William C. Bishop, Searbro.

HOUSE OF REPRESENTATIVES.
Monday, October 17, 1921.

The House met at 12 o’clock noon.

The Clerk called the roll and 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 sooth the sadness and subdue the sadness 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 Thy 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 anxious 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.

Mr. MONDELL. There was a motion to adjourn.

Mr. BLANTON. 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 their names:

ACKERMAN Buttr
ANDERSON Byrns, Tenn.
Appler Campbell, Kans.
Anthony Candler
Bowen Clergy
Begg Curry
Brannon Dake
Breed Clark, Fl.
Breeders Cockran, Dover
Brand Codd
Brennan Collins
Britten Connell
Brown, Tenn. Connody, Pa.
Cooper, Ohio
Copley.
Counsel
Crawley
Culver
Cullen
Cullum

Cooper, Ohio
Perry
Fitch
Edwards
Deal

Pennington

Rutledge

Brumfield

Fairfield

Bennett

Garrett, Tenn.

Goldsmith
The SPEAKER. On this call 248 Members have answered to their names.

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 to that bill, Mr. Speaker, I feel that there is good reason for these bills remaining on the calendar.

Mr. JOHNSON of Washington. Mr. Speaker, I feel that if members of the majority would consider the question of the calendar for some little time, they might find that it was not necessary to have these two bills make any further progress on the calendar.

Mr. WALSH. Having been on the calendar for some little time, Mr. Speaker, my two bills went on the Unanimous Consent Calendar, but at that time, when my two bills were reached, both of them important, I asked and secured the privilege of keeping them on the calendar, lest there should be no flood-control legislation this year, and, without prejudice, I ask that these bills be not on the calendar.

Mr. JOHNSON of Washington. I have no objection.

Mr. WALSH. I ask unanimous consent that that bill and the one following be passed without prejudice. Is there objection?

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

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

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

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 Pee Dee River, S. C.

SENIOR BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's desk 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 Pee Dee 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. 2329. 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 166, title 2, chapter 8, of the Revised Statutes of the United States are hereby amended so as to read as follows:

S. 2329. 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 officers or boards of canvassers authorized by law to determine the same, give notice in writing to the Member whose seat he desires to contest of his intention to contest the same; and such notice shall specify particularly the grounds upon which he relies in support of his claim.

Mr. JOHNSON. Mr. Speaker, I move that this 50th Congress of the United States be so adjourned as to be in session again on the next day, or the next day thereafter, 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 or under the signature of 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, 1875, (C. S. Stat. L., 49th Cong., 1st Sess., c. 111, sec. 49, this act being so amended, is as follows:*

"SEC. 127. All officers taking testimony shall be sworn to testify as parties may direct, and shall subscribe such part of the printed testimony in their possession as the printed record, and shall deliver the same to the Speaker of the House for the committee to which the case has been referred."

The 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 each printed copy of the testimony; and the amounts of the printing shall be charged against the parties, respectively.

The Clerk of the House of Representatives, upon the receipt of such deposition or testimony, shall notify the contestant and a copy of the same to the Speaker of the House for the committee to which the case has been referred.

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 meant that the House has purposely delayed such cases.

Mr. DALLINGER. The gentleman from Texas is entirely unfamiliar with the work which devolves upon members of the United States or of Election Committees. Any gentleman of this House who has served on one of these committees knows the work involved. The cases come to us in the form of printed testimony, usually voluminous, and 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. The gentleman from Texas is entirely familiar with the work involved. The cases come to us in the form of printed testimony, usually voluminous, and 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. Does 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 have here now 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. Does 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 object of the rule is to expedite 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 correspondences and to represent the people of the district on the floor; and of course, the contestant, 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, and to the full perquisites of the offices as long as he is performing his duties as a Member of the House of Representatives.

Mr. JONES of Texas. Mr. Speaker, I ask unanimous consent to proceed for 10 additional minutes.

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

Mr. JONES of Texas. Mr. Speaker, I 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 Day.

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 bill does not deprive the contestee of the salary which he might receive if he was not elected as a Member of the House.
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, which does not largely depend upon whether the contestant or contestee presses the case.

Mr. DALLINGER. Not at all. The contestant usually is a Member of the House, performing the duties of his office, and he is not able 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 one is not behind them pressing them forward 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 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 for Mr. LARSEN of Delaware, under ordinary circumstances, where there is no speedy session of Congress, that he is the man whom the people of his district really decide giving the salary to the man who is seated is

Mr. DALLINGER. That all depends upon the circumstances, whichever committee it may be, shall be before the Committee on Elections, whichever committee it may be, shall be able to go forward under this bill with their investigation?

Mr. DALLINGER. Under the law as it now stands the contest has 30 days in which to file his notice of contest on the contestant. 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 after the taking of the evidence, of 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. 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. Not at all. The contestant usually is a Member of the House, performing the duties of his office, and he is not able to do with determining the time when the contest against him shall be decided by this House.

Mr. LAYTON. Do I understand at any time within two years from the date of election, or does it have to come up before the Committee at some time?

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 the district, must they send the bill 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.

Mr. DALLINGER. That provision involves a reason of this bill?

Mr. ELLIS. That is the object of the amendment.

Mr. DALLINGER. A notice of contest must be served on the contestant. If he studies service, of course the committee would take cognizance of that fact. The committee would welcome any suggestion that the gentlemai 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. That 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.

Mr. LAYTON. How long will that take?

Mr. DALLINGER. That bill 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.

Mr. LAYTON. In reference to the matters of salary, why would it not be a good thing for the Treasury and a good thing for Mr. LARSEN of Delaware, under ordinary circumstances, where there is no speedy session of Congress, that he is the man whom the people of his district really decide giving the salary to the man who is seated is

Mr. DALLINGER. That Section 1 simply makes provision for a copy of the committee's report shall be sent to the gentleman from Texas or to the Gentleman from Massachusetts.
Mr. HUSPETH. Mr. Speaker, will the gentleman yield?

Mr. DALLINGER. 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. RAKER. None.

Mr. HUSPETH. Do you make any changes relative to the filing of the bill? 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. HUSPETH. 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 contestant and contestee shall leave to the committees the portions of the testimony which portions of the testimony shall be printed, and if they fail to agree the contestant and contestee shall leave to the bottom of page

For instance, the contestant is interested only in the parties may agree upon eliminating any portions of the testimony which are deemed 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 the portions of the testimony which are important or unimportant, 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 the testimony in his favor, and the same is true in regard to the contestant, and neither is interested in or inclined to agree to the incorporation of testimony that is against his case. 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 the discretion 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 the form in which they have been printed by the Clerk. 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 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 Wisconsin or 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, what if it is not printed? The Clerk of the House does not know 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 have been any complaints, however, in any case that has been presented to have a matter. Of course, it is not necessary for the contestant and contestee to come here in person.
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 have read the printed copy 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 "contestee," in line 18, 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 8, page 3, 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 answering 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. Strarve, and that it was adopted to make all of these changes.

Mr. BRIGGS. Will the gentleman yield?

Mr. DALLINGER. Yes.

Mr. BRIGGS. I understand the gentleman to mean that if a man does not comply there is no penalty.

Mr. DALLINGER. If the gentleman will allow me, I will explain to the House the effect of it, because Members often get little idea from the reading by the Clerk. If the contestant fails to serve the notice required by law he has no contest, and Committees on Elections have no hold.

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.

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 contest, and Committees on Elections have no hold.

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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.
Mr. BOWLING. Mr. Speaker, I ask unanimous consent to print a copy of censure that has been ordered to be printed, and I am going to take a little time to explain it.

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 substituting the phraseology 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, and that is absolutely no provision in the law for a penalty in compelling 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.

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 may make an abstract, and perhaps he is 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 opposite construction of the law he will find that there are many pages of the testimony in nearly every contested-election case he will find that there are 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 a lawyer. You have the 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 made provides 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 printed record. You have the officer in some cases, 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. SPEAKER. Is there objection?

The time of the gentleman from Alabama has again expired.

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

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

Mr. BOWLING. Mr. Speaker, I ask unanimous consent to print a copy of censure that has been ordered to be printed, and I am going to take a little time to explain it.

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 gentleman suggests that it may be filed in a case in which the party whom you are contesting has not a lawyer 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. SANDERS of Indiana. It would be dangerous in the case he is not a lawyer.

Mr. TAGE. It may be a dangerous thing to give exclusive permission to a man to go out of the light and 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. TAGE. 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 has lots of testimony which the 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. TAGE. Yes, sir.

Mr. BLANTON. The House has been considered in the House under the five-minute rule without general debate.

Mr. TAGE. Yes, sir.

Mr. BLANTON. The House has been considered in the House under the five-minute rule without general debate. It permits him to ignore that summons and lets him say, "I will not go and testify."

The SPEAKER. The time of the gentleman from Texas 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. DAVIES of Mississippi. I move to strike out 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 now come beyond the stage of general debate, and have now come to debate under the five-minute rule.

The SPEAKER pro tempore. The bill was read.

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 receipt 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 such notice by registered mail to the Clerk of the House of Representatives of the United States."
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, and the case was appealed with the package and signed 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 such portions of the testimony as he took with him, by law, shall be printed, and the said Clerk shall prepare a suitable index to the printed testimony and shall sign the said index. If the same is not signed by the Clerk, the said Clerk shall be held guilty of his neglect. Upon the answer of the contestee or of his attorneys, if made within the time prescribed, the Clerk shall print such portions of the testimony as he shall determine to be printed.

He shall carefully seal up and preserve the portions of the testimony the party either orally or by deposition or otherwise, shall notify the Clerk shall be printed, and the said Clerk shall prepare a suitable index to the printed testimony, and shall sign the said index. If the same is not signed by the Clerk, the said Clerk shall be held guilty of his neglect. Upon the answer of the contestee or of his attorneys, if made within the time prescribed, the Clerk shall print such portions of the testimony as he shall determine to be printed.

The Clerk shall then notify the contestee, by registered mail, two copies thereof to the contestant, who may, within 30 days, forward to the Clerk, certified copies of the testimony referred to, which must be in like manner filed by the Clerk with the committee of elections to which the case may be referred.

If the contestee questions the correctness of the contestant's brief or is not satisfied with the contestant's brief or abstract of the testimony, or authorities cited, he may, within 30 days of the time the contestant's brief is mailed to him, 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 be heard. The Speaker, or the member by which the case is assigned, shall mail to the Clerk, on demand, a copy of such brief.

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 the House else did not make a point of order against it. It could be inserted into this bill and passed in two or three times $125. You allowed him his clerk and secretary hire 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 the House else did not make a point of order against it. It could be inserted into this bill and passed in two or three times $125. You allowed him his clerk and secretary hire 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.

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. St. L, 49th Cong., 2d sess., v, 29, 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 20 days after the taking of the testimony, certify and carefully inspect and, if found correct and in order, seal and immediately forward the same, by mail or by express, to the Clerk of the House of Representatives, at Washington, D. C., and also indorse upon the envelope containing such deposition or testimony the name of the case in which it was taken, together with the name of the party in whose behalf it is taken, and shall subscribe such indorsement.

If the contestee questions the correctness of the testimony, or authorities cited, he may, within 30 days of the time the contestant's brief is mailed to him, 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 be heard.

The Speaker, or the member by which the case is assigned, shall mail to the Clerk, on demand, a copy of such brief.

If the contestee questions the correctness of the contestant's brief or is not satisfied with the contestant's brief or abstract of the testimony, or authorities cited, he may, within 30 days of the time the contestant's brief is mailed to him, 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 be heard.

The Speaker, or the member by which the case is assigned, shall mail to the Clerk, on demand, a copy of such brief.

If the contestee questions the correctness of the contestant's brief or is not satisfied with the contestant's brief or abstract of the testimony, or authorities cited, he may, within 30 days of the time the contestant's brief is mailed to him, 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 be heard.

The Speaker, or the member by which the case is assigned, shall mail to the Clerk, on demand, a copy of such brief.

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The Speaker, or the member by which the case is assigned, shall mail to the Clerk, on demand, a copy of such brief.

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The Speaker, or the member by which the case is assigned, shall mail to the Clerk, on demand, a copy of such brief.
the expense of the parties, respectively, and shall be of like form 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 and put it 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.

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 take care of that on Election of the unnecessary testimony 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 compiled with our rule and given us a very complete abstract of the testimony on which we relied.

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.

I asked the word "facts" 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 the 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 that not 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 illusory 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.

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

Mr. DALLINGER. I ask for nine minutes more.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized 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 testimony. The suggestion 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 has been 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 5, page 5, you leave out the words "abstract of testimony." It seems to me the words "abstract 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 reads 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 asked that we 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 clean 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. Curran] 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 were made, and I think perhaps the gentleman 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 18, "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 sense of the word. 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 proposed to be adopted in this bill. That rule requires that the litigants labor 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 for
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 altogether if required; and if they come in without an abstract of 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 a printed copy 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 it was the other way 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 privilege there, also, of agreeing that there is no difference except on the one point, 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 you do not think is helpful to the committee. Notice what is required of the contestant. 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 cannot say that he objects to the statement made on pages 236, 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 disputing they frequently do not agree when it is brought to a vote, 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 House. There were 200 pages of abstracted 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 one side 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 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 attorney representing the contestant, and for any other attorney, that it is 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 cellist'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 do. We have, fearless of making an abstract after they themselves might easily 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 would meet with the approval of the Members of Congress, to require them to peruse this irrelevant testimony.

The 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. elections from being contested, as they are, if the committees from Indiana ever disagree. 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 located them to believe that without hardships to anybody the time of the members of the committee 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 such amendments 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 would meet with the approval of the Members of Congress.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. LUCE. I will.

Mr. SANDERS of Indiana. The gentleman from Massachusetts understands that what we have sought to do is to add 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 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. CHINDEBLOM. Will the gentleman yield?

Mr. LUCE. I will.

Mr. CHINDEBLOM. May I suggest to the distinguished gentleman from Massachusetts that the testimony which comes to those Committees on Election is taken before not 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. RAVER. Mr. Speaker, there is no parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAVER. 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 was in favor of the amendment to this.

Mr. RAEBER. 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. WINGO. I thank the gentleman from Indiana for his remark.

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. I yield to the gentleman from Arkansas [Mr. WINGO].

Mr. WINGO. 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 could be very largely eliminated if it is against the testimony--the record or in reference to the officer before whom the testimony is taken, that he considered and necessarily would be 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 court, and they are the people 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 not fairly aimed to bring about 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. SAWYERS] is finding a great deal of trouble that will not exist when it comes to the practical operation of this legislation.

Mr. WINGO. I yield to the gentleman from Arkansas.

Mr. WINGO. I yield to the gentleman from Arkansas, [Laughter.]

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

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 herefore in reference to the printing of the abstract, and I wish to give the committee or the officer before whom the testimony is taken undertaking to pass upon the admissibility of the testimony.

Mr. CHINNBLOM. Will the gentleman yield?

Mr. WINGO. I will.

Mr. CHINNBLOM. 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 labor in a vacuum.

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 when the record is ready, have the abstract made by 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 in the presentation of the tripartite 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 to print all of it. In order to find here there may be four to 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 settlement 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 select the parts that would require each of 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 show the majority which 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 contestant. I think it is the best way of getting 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--which he replies to 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 point.

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 will eventually go down to the details of the case as shown by the sworn testimony. No court on earth can rely on an abstract made by one of the parties. If it should be made, it will be a disinterested party, 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.

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 minded that in reference to pleadings, but it might be said that 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. That is the best way. 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-
Mr. RAKER. He would not be here.

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 30 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 make up your mind?

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

Mr. JONES of Texas. But what is honor 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 contestant 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 contestant 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 at 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 facts are?

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 in one or 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 referring to the record, and if there is any difference between the contestant and the contestant, 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 and say, as it relates to the printing of the original record? Is it possible to reformat 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 this 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 follow would be afraid that the other would put it all in. If you require the legislature 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 and insert, and offered the 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 that 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 nature of the amendment 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 to the amendment of the gentleman from Indiana that has been agreed to. The gentleman from Indiana offered an amendment in the nature of a substitute. If the gentleman from California may offer an amendment to that substitute, the only question before the House is the amendment to that substitute offered by 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 at the same time. There is a rule of the House? Section 2 of the amendment to the amendment in the nature of a substitute is indivisible, but a motion to perfect the amendment in the nature of a substitute is not.

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 wish 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 a motion to strike out and insert.

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 a motion to strike out and insert does not preclude a motion to strike out and insert.

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, pending a vote on the substitute, and the amendments 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—a motion to perfect 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, 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. 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. The point that the Chair will 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 have 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 the 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 offer 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, and an amendment in the nature of a substitute, and then there is an amendment to that, the Chair will be glad to hear 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, implies embodies that principle of inhibition:

A motion to strike out and insert is indelible, but a motion to strike out and insert does not stop another pending amendment. 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, pending a vote on the substitute, and the amendments 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. SANDERS. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. SANDERS. Does the gentleman contend that if the gentleman from California offers a motion to strike out some of the substantive provisions that are included in the substit­ute, that he can then modify the substitute by leaving out some of the substantive provisions—because it is in order to entertain a motion to strike out a substitute or a substitute to an amendment in the nature of a substitute, a gentleman can accomplish indirectly that which he can not directly by falling 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 California offers a motion to strike out some of the substantive provisions that are included in the substitute, that he can then modify the substitute by leaving out some of the substantive provisions that are included in the substitute under consideration?

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 may 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. Would that be the gentleman’s amendment to his amendment?

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 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. But 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. Then 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. WALSH. [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, in the little rule book you have of Rules, it seems to me is illustrated the position taken by the gentleman from Wisconsin. 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 from the gentleman from Indiana which 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 general amendment. A substitute must be something to take the place of the entire matter, not for it.

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 offers an amendment to that. Now, the gentleman from California offers an amendment in the nature of a substitute, and there can be no amendment to that. The Chair does not see any difference. Because the amendment of the gentleman from Massachusetts which 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 that an amendment.

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, not for the substitute.

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. I do not think 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 would be an amendment, but an amend­ment to a 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. Saxonas] 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. A substitute is always offered in place of an amendment which has 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 at­ttempting 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 rules are made with the Chair 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:

"...shall subscribe such indorsement."

Washington, D. and immediately forward the same, by mail or by express, addressed to 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 describe such indorsement.

"...the officer before whom the testimony is taken shall forward the same and immediately notify the Clerk of the House of Representatives of the United States, in writing, immediately upon the conclusion of the taking of the testimony."

Mr. DALLINGER. The intention of the change, as the committee understands it, is that he shall notify the Clerk in both cases that he has completed the same. After 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 one package of testimony.

Mr. HOCH. I understand the purpose, but that is not what I 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 30 days or 35 days; but, in any event, not later than 30 days.

Mr. SANDERS of Illinois. 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 do it if he has not notified the Clerk of 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 Clerk and the parties in interest, by registered letter through the mails, to appear before him at the House of Representatives, on the second day following, or such time to the witness as will not exceed 20 days from the mailing of such letter, for the purpose of hearing the evidence in open court or before a committee of the House of Representatives of the United States, in the presence of the parties, their counsel, and some time must be allowed to make a transcript of it.

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 some time to make a transcript of it. That is to be done within a period of 30 days. It might be 30 days or 35 days; but, in any event, not later than 30 days. 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 30 days or 35 days; but, in any event, not later than 30 days.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. DALLINGER. I yield to the gentleman from Massachusetts [Mr. DALLINGER]. In charge of the bill, if his intention would not be carried out by putting in a comma after the word "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 must 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, 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 word "completed," in line 3, put in a comma after the word "completed," 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 of the taking of the testimony of the fact that 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, as an addition to the 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 only not that the testimony has been completed but that the testimony has been sent in. What becomes of your 30-day period? Do I make it clear? If he has 30 days, how can he immediately notify the Clerk that he has done it?
Mr. CHINDBLOM. Mr. Speaker, I desire to offer another amendment.

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

The Clerk read as follows:

Amendment offered by Mr. CHINDBLOM: After the word “deter-
mination” in the 20th paragraph in the amendment of the gentileman from Massachusetts [Mr. DALLINGER] insert:

Provided, That the parties may, prior to the opening of said pack-
egages 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 by the Clerk provided.

Mr. CHINDBLOM. Mr. Speaker, this amendment will occur 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 before. I offer this for a reason, because 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 test-
ymony beforehand. They may have copies of the testimony, as lawyers very frequently do after the conclusion of the test-
imony, and they may be ready to stipulate in writing just what portions of the testimony they want printed. This amend-
ment will make it possible for the parties or their counsel to make a written stipulation and it is 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 read 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 bound by the parties’ agreement. 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. DALLINGER. The language in my amendment means that “such portions shall be printed as herebefore 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 20th paragraph of page 3 of the House bill, which reads:

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. It 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. If it is left to the Clerk, there shall 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, the Clerk shall print. It is much better than to adopt the amendment suggested by the gentle-
man 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 add-
ing 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 amend-
ment:

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. 5. 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 be drawn 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 amend-
ment to section 2. Should he not be allowed to offer that amend-
ment before considering another section?

The SPEAKER. The House has not yet acted upon the amend-
ment 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. Dal-
linger: Page 3 of the bill, line 8, after the word “and,” insert “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 pur-
pose 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 word “has been,” In line 2, 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 pro-
vision.

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 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. That is the idea, but Mr. Dallinger is simply trying to make what the committee wanted to do, but I think they have provided an utterly impossible thing. They first provide that the amendment was agreed to, 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. HOCH. 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 ordered until this amendment pending was finished. Mr. JONES of Texas. The Chair did not rule it must not be ordered until then, but that it could not be voted.

The SPEAKER. The Chair does not think that it could be voted 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 ordered, 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 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.

Mr. DALLINGER. The amendment now is on the amendment offered by the gentleman from Texas, which the Chair 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 ask unanimous consent 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 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. MacGregor, of Ohio; William H. Plumb, of Alabama; George W. Scott, of Kentucky; Herbert James, of Indiana; Cedric M. McKenzie, of Oregon; Frank C. Bill, of Minnesota; Frank L. Dawson, of Arkansas; Charles E. Johnson, of Washington, John B. Hingham, of California; William C. Scott, of Michigan; H. J. Betley, of Illinois; Charles W. Saffell, of New York; John H. Dyres, of Pennsylvania; L. D. Peterson, of Florida; John E. White, of Georgia; B. W. Pepser, of Iowa; L. R. Johnson, of Idaho; Harold E. Brits, of New Hampshire; Francis Fuller, of Massachusetts; Charles E. Hummel, of Maryland; J. Fay Munis, of New Jersey; Charles L. Sherburne, of Montana; Paul L. Bolton, of Vermont; Thomas C. Lockren, of North Dakota; Lee B. Atwood, of New Meats; C. S. Rogers, of Nebraska; Frank M. McDonough, of North Carolina; Henry B. Lawes, of Oregon; Frank J. Smith, of South Dakota; W. C. Coskey, of Rhode Island; H. F. Potter, of South Carolina; Harry N. Hefner, of South Dakota; William M. Knowles, of Utah; Malvern S. Ellis, of Vermont; Fairfcheld, of Virginia; Kenneth Plumb, of West Virginia; Samuel M. Fitzharris, of Maine; John Slocum, of New Jersey; and such persons as may be chosen corporate purposes; to adopt a constitution and by-laws of the same, 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, hereby create and declare to be a body corporate. The name of this corporation shall be "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 members of the United States Army, Navy, and Marine Corps who, being a citizen of the United States, served during the Great War of 1917-18, are hereby authorized to meet to complete the organization of an unincorporated patriotic society of the soldiers, sailors, and marines of the Great War of 1917-18, and, to adopt a constitution and by-laws, and to do all other things necessary in 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, and to promote the interests and work for the betterment of all wounded, injured, and disabled veterans of the Great War of 1917-18; to be 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, injured, or disabled veterans of the Great War of 1917-18.

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 any real estate and personal property as may be necessary for its purposes; to adopt a constitution and by-laws; to regulate its affairs; to adopt a constitution by-laws, and regulations to carry out its purposes to the extent and within the limits of the laws of the United States and any State or other organization of the existing unincorporated national organization known as "The Disabled American Veterans of the World War," to the extent and within the limits of the laws of the United States and the State or States upon whom legal process or demands against it may be served.

Sec. 5. That no person shall be a member of this corporation unless he is a citizen of the United States, and either was a member of the military or naval service of the United States, or is the son or heir of any such person, or is an owner, in the united States, of real estate and personal property as shall be necessary for its purposes, and shall pay such dues as the Board of Directors shall determine.

Sec. 6. That the organization shall be non-profit, 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 satisfying the creditors 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 conduct for the purposes set forth in chapter 4 of the laws of the United States, and 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 upon any member of this organization, shall be a member of the military or naval service of the United States during the Great War of 1917-18, and was wounded, injured, or disabled in the line of duty, or served 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. 11. That the right to repeal, alter, or amend this act at any time hereby expressly reserved.

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

The Clerk read as follows:

Amendment offered by Mr. VOLESTEAD: Page 20, line 15, after the word "bureau," strike out the balance of the sentence and insert in lieu thereof the sentence: "patriotic society of the" in line 17 and insert in lieu thereof the word: "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.

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.

Mr. SMITH of Idaho. Mr. Speaker—

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

Amendment offered by Mr. VOLSTEAD: Page 3, strike out lines 17 and 18 and the words "Health Service," in line 16, and insert in lieu thereof the words "United States Veterans Bureau."

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

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

Amendment offered by Mr. VOLSTEAD: Page 3, strike out lines 17 and 18 and the words "Health Service," in line 16, and insert in lieu thereof the words "United States Veterans Bureau."

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

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

Amendment offered by Mr. VOLSTEAD: Page 3, strike out lines 17 and 18 and the words "Health Service," in line 16, and insert in lieu thereof the words "United States Veterans Bureau."

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

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

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

GRAND ARMY OF THE REPUBLIC.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 2008) for the incorporation of the Grand Army of the Republic.

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 withdraw that objection for a moment? I would say that this bill has been passed over without prejudice.

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. 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.

COINAGE OF GEN. GRANT GOLD DOLLAR.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6199) to provide for the coining of a Grant souvenir dollar in commemoration of the centenary of the birth of Gen. Ulysses S. Grant, late President of the United States.

Mr. BLANTON. Mr. Speaker, 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.

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

Amendment offered by Mr. VOLSTEAD: Page 2, line 13, after the word "United States 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 amount not exceeding $500,000, to be issued 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 cuirres shall be produced for the Secretary of the Treasury, shall be determined by the standard of law relative to the coinage and legal-tender quality of the standard gold dollar shall be applicable to the coin issued under this act and when so coined such dollars shall be delivered in suitable parcels at par, and without cost to the U. S. Grant Memorial Ordinary Association of the United States and the dies shall be, and are, reserved.

The committee amendments were read, as follows:

Page 2, line 11, after "1922," strike out the period and the word "and," and insert in lieu thereof the word "and"—

Page 2, line 13, after the word "a" insert in lieu thereof the word "the"—

Page 2, line 15, after the word "the" insert the words "Director of the Mint"—

Page 2, line 16, after the word "the" insert the word "shall"—

Page 2, line 19, after the word "the" insert the words "United States, to the"—

The SPEAKER. The question 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 President of the United States, and for the further purpose of constructing a memorial to Gen. Grant, late President of the United States, at Richmond, Ohio, the President, in 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 amount not exceeding $500,000, to be issued 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 cuirres shall be produced for the Secretary of the Treasury, shall be determined by the standard of law relative to the coinage and legal-tender quality of the standard gold dollar shall be applicable to the coin issued under this act and when so coined such dollars shall be delivered in suitable parcels at par, and without cost to the U. S. Grant Memorial Ordinary Association of the United States and the dies shall be, and are, reserved.

The committee amendments were read, as follows:

Page 2, line 11, after "1922," strike out the period and the word "and"—

Page 2, line 13, after the word "a" insert in lieu thereof the word "the"—

Page 2, line 15, after the word "the" insert the words "Director of the Mint"—

Page 2, line 16, after the word "the" insert the word "shall"—

Page 2, line 19, after the word "the" insert the words "United States, to the"—
"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 for the coinage of the said currency, or the necessaries of such corporations 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 see to understand, but I 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 coin.

Mr. WINGO. In other words, the idea is that in addition to each dollar charged, 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. 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. 620) 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. 2604) 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 to the gentleman's remarks. 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 620, presenting, 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 will be framed to the direction of the bill, 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. Yes, Mr. Speaker.

Mr. BLANTON. Has the gentleman ever looked into the extent of the expense that our Government has gone to 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 this.

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, the chances are the same. 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 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 persons 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 connected 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 under the Secretary of Agriculture, and it 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 (H. 2456) providing for the readmission of certain midshipmen to the United States Naval Academy.

The Clerk read the title of the bill.

Re. Mr. MADDEN. 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 by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is authorized upon application, to admit to and reenlist in the United States Naval Academy, subject to examination as to physical qualifications, all former midshipmen at the United States Naval Academy for two academic years, 1920-21, whose resignations were accepted for and received by the Superintendent of the Naval Academy; Provided, That such midshipmen may be placed in the class one year behind their former class in each case; Provided further, That said midshipmen affected by this act may 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. 1661), entitled "An act making 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 the same as was held by the admiring academic term, and the Secretary of the Navy shall provide for the special instruction of such midshipmen who failed to pass in the reexamination, thereby raising academic term," be, and the same hereby is repealed, and section 1518 of the revised statutes restored to its full force and effect.

Mr. MADDEN. Mr. Speaker, I would like to ask the gentleman from Ohio [Mr. STEPHENS] a question, if I may. Does this bill place on the Academy 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 that it delegates to this board a power which ought not to be given to any traffic 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 reason, and they or anybody else could take his place 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 the knowledge and without the concurrence 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 one examination between terms at the United States Naval Academy, the term begins the 1st of October and ends the Saturday before the 1st 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. No. I will not. If you like, I will explain the effect of the act.

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. How many years.

Mr. YOUNG. One term ending on a Saturday and the next term beginning 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 failure 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 board of the United States Naval Academy.

Mr. STEPHENS. That provision is the one that this bill repeals.

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 the 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. In other words, the injustice was done to these boys by the academic board or by Congress, in passing an amendment that was not properly drafted and went a thousand times further than anybody understood or expected.

It would, Congress ought now to correct its own wrong. By this bill we shall be dealing 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 to protect 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 last year.

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 of the Navy, without an injury that was done to these boys by the passage of that amendment.

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

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 the bill was first intended that it would simply overrule the discipline of the academy and reestablish 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 these boys in the academy and not charge them to any congressional discretion because we found that could not be worked out. They come in at large and to 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 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, four are third year men, 6 of them two year men, and 25 one year men.

Mr. CHINDIBLOM. 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. PAGGET. No; not where he has appointed. This applies only 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. CHINDELIER. Then Members of Congress who had midshipmen who happen to be under the age limit are in bad luck.

Mr. PAGGET. 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.

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

Mr. WALSH. I object.

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

Mr. WALSH. The Speaker. Will the gentleman from Wisconsin withdraw his motion?

Mr. STAFFORD. I will.

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

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

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

Mr. HAYDEN. Reserving the right to object, I ask unanimous consent for the present consideration of the bill.

Mr. WALSH. I object.

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

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

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

Mr. WALSH. Reserving the right to object, Mr. HAYDEN, at the request of Mr. DOMINICK, for two days, on account of important business.

Mr. HAYDEN. Reserving the right to object, Mr. WHITE, of Maine, indefinitely, on account of illness.

Mr. RALPH. Mr. BLANTON, for the week of October 17, on account of the vacation of the Committee on Rivers and Harbors to New York State.

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:

Mr. BLAND of Indiana, from the Committee on Industrial Arts and Expositions, to which was referred the joint resolution (H. J. Res. 290) 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.

Mr. BLAND. 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. Castle 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. 8736) 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, protection, the regulation of the 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. 8729) 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 Sharritt; Lillian Maybell Sharritt, Alice Inez Sharritt, and Amos L. Sharritt; 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 B. Burnett; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 8739) granting a pension to Eliza J. Vanderghefl; 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.
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. Raza] because it expressed in words what the leader upon the Republican side has so long and so loudly and so persistently said. That leader can 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. Logan], 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 innumerable varieties of the treaty in which the Senate has, on the one hand, as a betrayal of our own people. The League of Nations presumes against ratification because thus it will desert those with whom we sought 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 a very partnership and entanglement which they have constantly 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 I pursue this course. If I believed the ratification of the German treaty would take us into the maelstrom of controversies which were abroad in the world 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 as the odium might attach to this I am perfectly willing to accept. The League of Nations or departure from the policy which this country has ever followed. No less earnestly in the future than in the past I pursue this course. If I believed the ratification of the German treaty would take us into the maelstrom of controversies which were abroad in the world 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 as the odium might attach to this I am perfectly willing to accept.